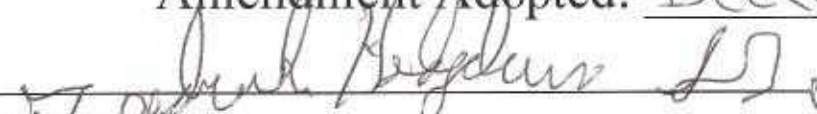


Town of Granby
Zoning By-Law

Originally Adopted: September 8, 1993

Amendment Adopted: December 27, 2011



Frederick Hodgdon

Robert Peters



Reginald Bunnell

Attest:



Nellie Noble, Town Clerk

Note: Even though most buildings will not need a permit, it is recommended that you contact the Zoning Administrator prior to starting construction of any building to ensure it complies with this bylaw.

State and federal government may regulate certain aspects of land use; compliance with this zoning bylaw in no way implies compliance with such state or federal regulations. Such regulations include, but are not limited to: on-lot sewage systems and outdoor furnaces, regulated by the Agency of Natural Resources; underground storage tanks, regulated by the Department of Environmental Conservation; and setback of farm structures, regulated by the Secretary of Agriculture, Food and Markets.

The Town of Granby also requires a driveway permit, which is granted by the Granby Selectboard.

Funding for this amendment adoption was provided by the State of VT Department of Economic, Housing and Community Development.

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Article I: Enactment and Intent

§101: Enactment

In accordance with the Vermont Planning and Development Act hereinafter referred to as “the Act” 24 V.S.A., Chapter 117, §4401, there are hereby established zoning regulations for the Town of Granby of Essex County which are set forth in the text and map that constitutes these regulations. These regulations shall be known and cited as the "Zoning By-Laws for the Town of Granby."

§102: Intent

It is the intent of these zoning bylaws to provide for orderly community growth and to further the purposes established in §4302 of the Act.

Article II: Establishment of Districts and District Regulations

§201: Zoning Map and Districts

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

"V" Village District

"RR" Rural Residential District

"F" Forest District

§202: Copies of the Zoning Map

- 202.01 Regardless of the existence of other printed copies of the zoning map, the official zoning map shall be located in the Granby Town Clerk’s office. The official zoning map shall be the final authority as to the current zoning status of all properties within the Town of Granby.
- 202.02 When the Zoning Administrator cannot definitely determine the location of a district boundary by the scale or dimensions shown on the zoning map, he or she shall refuse action, and the Planning Commission shall interpret the location of the district boundary with reference to the scale of the zoning map and purposes set forth in all relevant portions of this regulation.

§203: District Objectives and Land Use Control

- 203.01 The following table establishes the objectives of the district hereby established and the provisions of these regulations that apply in the district. Any land development designated as a "Permitted Use" in the table may be commenced pursuant to §604 of this regulation. Any land development designated as a "Conditional Use" in the table may be commenced pursuant to §604 and §608 of this regulation.

203.02 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 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. All development in the Special Flood Hazard Area needs review in accordance with §307.

203.03 The application of this bylaw is subject to 24 V.S.A. Subchapter 7.

Table 203.04: "V" Village District

Objective: The Village District provides for residential development and neighborhood type commercial facilities at a high density to create a clustered, compact village center.

Area Definition: The land within 500 feet in any direction is measured from the center of Town Highway #4 and Town Highway #1 and extending from the Town Boundary with Victory to School House Brook to the Roger's Rangers grave site. See zoning map.

Permitted Uses

1. Agriculture
2. Church
3. Dwelling, single-family
4. Dwelling, two-family
5. Forestry, primary
6. Recreation, public

Permitted Upon Issuance of Conditional Use Permit

1. Auto service station
2. Cemetery
3. Clinic
4. Club, private
5. Essential service
6. Forestry, secondary
7. Lodging house
8. Neighborhood commercial
9. Public facility
10. Public assembly
11. Recreation, private
12. Restaurant

Area and Dimensions

Minimum area per family in acres0.5

Minimum Lot Size

Area in acres (1 acre = 43,560 sq ft).....1
Width in feet100

Minimum yard dimensions and building coverage

Front yard in feet.....30
Each side yard in feet.....20
Rear yard in feet.....20

Maximum coverage of a building footprint in square feet:2500

Setback from the seasonal high water mark in feet75

Table 203.05: "RR" Rural Residential District

Objective: The Rural Residential District provides for rural residential development and neighborhood type commercial facilities at a moderate density while allowing for the continuance of agricultural and forestry activities.

Area Definition: All land within 500 feet of any Town owned, public roads except that which is in the Village district. See zoning map.

Permitted Uses

1. Agriculture
2. Church
3. Dwelling, seasonal
4. Dwelling, single family
5. Dwelling, two-family
6. Forestry, primary
7. Recreation, public

Permitted Upon Issuance of Conditional Use Permit

1. Auto service station
2. Cemetery
3. Clinic
4. Club, private
5. Earth Resource extraction
6. Essential service
7. Forestry, secondary
8. Lodging house
9. Neighborhood commercial
10. Overnight Cottages
11. Public assembly
12. Public facility
13. Recreation, private
14. Restaurant
15. Travel trailer camp*

Area and Dimensions

Minimum area per family in acres0.75

Minimum Lot Size

- Area in acres (1 acre = 43,560 sq ft).....1.5
- *Travel Trail Camps must be located on 10 acres or more.*
- Width in feet250

Minimum yard dimensions and building coverage

- Front yard in feet.....50
- Each side yard in feet.....50
- Rear yard in feet.....50

Maximum coverage of a building footprint in square feet:2500

Table 203.06: "F" Forest District

Objective: The Forest District is designed to maintain the traditional land use of long term forest management while allowing traditional seasonal camp development.

Area Definition: All land not in any other district. See zoning map.

Permitted Uses

1. Agriculture
2. Dwelling, seasonal
3. Forestry, primary
4. Open faced shelters

Permitted Upon Issuance of Conditional Use Permit

1. Cemetery
2. Dwelling, single family
3. Earth Resource Extraction
4. Forestry, secondary

Area and Dimensions

Minimum area per family in acres2

Minimum Lot Size

- Area in acres (1 acre = 43,560 sq ft).....5
- Width in feet300

Minimum yard dimensions and building coverage

- Front yard in feet.....100
- Each side yard in feet.....100
- Rear yard in feet.....100

§204: Uses

§204.01 Permitted Uses: Permitted uses are those uses that are allowed, providing the standards established by this bylaw are met. Unless a special action by the Planning Commission or Board of Adjustment is required, the necessary permit may be issued by the Zoning Administrator.

- §204.02 Conditional Uses: Permitted upon issuance of a conditional use permit, are those uses that may allowed by the Board of Adjustment in accordance with §607 of this bylaw.
- §204.03 Prohibited Uses: Any use or structure not specifically mentioned or referenced in this document is prohibited within the Town of Granby.
- §204.04 Uses Exempt from Zoning: This zoning bylaw shall not regulate:
- A. public utility power generating plants and transmission facilities, which are regulated under 30 V.S.A. §248;
 - B. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forest and Parks Acceptable Management Practices;
 - C. Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Accepted Agricultural Practices (AAP). Prior to the construction of farm structures, the farmer must notify the Zoning Administrator in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.
 - D. Hunting, fishing, and trapping as specified under 24 V.S.A. §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these regulations are defined as outdoor recreation facilities;
 - E. Antenna structures, wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high, provided that they are mounted on conforming structures that are located outside of the Special Flood Hazard Area; and
 - F. Accessory structures smaller than 500 square feet, provided that the structure is not located in the Special Flood Hazard Area.
 - G. Residential landings or stairways less than 25 square ft. (excluding decks and porches), handicap access ramps, and walkways which do not extend into or obstruct public rights-of-way, or interfere with corner visibilities or sight distances for vehicular traffic, provided that these structures are located outside of the Special Flood Hazard Area.
 - H. Exterior alterations to structures which do not result in any change to the footprint or height of the structure or a change in use, provided that the structure is located outside of the Special Flood Hazard Area.
 - I. Normal maintenance, repair, or interior alterations of an existing structure that does not result in a change in use, additional sewage flow, or any change to the footprint, height dimensions or expansion in the total floor area of the structure. Examples of normal maintenance include, but are not limited to: roof replacement keeping the same ridgeline, new siding and replacing windows keeping the same

window opening, provided that the structure is located outside of the Special Flood Hazard Area.

- J. Fences not exceeding eight (8) feet in height which do not extend into or obstruct public rights-of-way; interfere with corner visibilities or sight distances for vehicular traffic;
- K. Driveways, provided that the driveway is located outside of the Special Flood Hazard Area.
- L. Yard sales, garage sales, or similar activities that do not exceed more than (3) consecutive days, nor more than twelve (12) calendar days in any calendar year.
- M. Grading involving less than fifty (50) cubic yards, site clearing, excavation for foundations, and installation of utility infrastructure , provided that the grading takes place outside of the Special Flood Hazard Area.
- N. Minor grading and excavation associated with road and driveway maintenance (e.g., including culvert replacement and resurfacing),lawn and yard maintenance (e.g., for gardening or landscaping), or which is otherwise incidental to an approved use, provided that the grading takes place outside of the Special Flood Hazard Area.
- O. Outdoor recreational trails (e.g., walking, hiking, cross-country skiing, mountain biking and snowmobile trails) which do not require paving or the installation of structures or parking areas. This exemption does not apply to trails on commercial properties;
- P. Temporary structures accessory to a residential use erected for no more than seven (7) days.
- Q. The ordinary use of a room of a dwelling for personal office use for business activity carried on elsewhere as long as there are no employees, clients or customers on the premises. (E.g. a graphic designer who works out of his or her home.)

§205: Limitations of this Zoning Bylaw

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

- A. State- or community-owned and operated institutions and facilities.
- B. Public and private schools and other educational institutions certified by the state department of education.
- C. Churches and other places of worship, convents, and parish houses.

- D. Public and private hospitals.
- E. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
- F. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

§206: Application of District Regulations

- 206.01 No building shall hereafter be erected or altered:
- A. To accommodate or house a greater number of families, and/or
 - B. To have narrower or smaller rear yards, front yards, or side yards than is specified herein for the district in which such building is located.
- 206.02 No part of a yard or other open space about any building required for the purpose of conforming with the provisions of this regulation shall be included as a yard or other open space similarly required for another building.

§207: Lots

- 207.01 Lots which abut on more than one street shall provide the required frontage along every street.
- 207.02 All structures, whether attached to the principal structure or not, and, whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front, side, or rear yard.
- 207.03 If two or more adjacent lots are in single or affiliated ownership on the effective date of this regulation, and if all or part of the lots do not meet the requirements for a lot width and area as established by this regulation, 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 width and area requirements established by this regulation, nor shall any division of the lot be made which leaves remaining any lot width or area below the requirements stated in this regulation.
- 207.04 A nonconforming lot that meets the criteria of subsection 206.03 shall not be deemed merged and may be separately conveyed if all of the following apply:
- A. The lot is conveyed in its preexisting, nonconforming configuration.
 - B. On the date that this bylaw was enacted, the lot was developed with both a water supply and wastewater disposal system.
 - C. At the time of transfer, the on-site water supply or wastewater system is functioning normally.

- D. In the case of a nonconforming lot with on-site sewage disposal, the deed of conveyance identifies, through a deed restriction on the nonconforming lot or easement on a contiguous lot, a suitable area for a replacement wastewater system, should the existing system fail, as defined in 10 V.S.A. Chapter 64.

Article III: General Provisions

§301: Equal Treatment of Housing

- 301.01 This bylaw shall not have the effect of excluding low- and moderate-income housing from the municipality.
- 301.02 Pursuant to 24 V.S.A. §4412(1)(B), mobile homes, modular homes, and prefabricated homes shall be considered single-unit dwellings, except when unoccupied and displayed in a mobile home sales establishment or allowed as a temporary structure under this bylaw.
- 301.03 An accessory dwelling unit that is located within or appurtenant to an owner occupied single-unit dwelling shall be a permitted use. An accessory dwelling unit shall be defined as an efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-unit dwelling that is clearly subordinate to a single-unit dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all of the following:
 - A. The property has sufficient wastewater capacity.
 - B. The unit does not exceed either 50% of the total habitable floor area of the single-unit dwelling.
 - C. Applicable setback, coverage, and parking requirements specified in the bylaws are met.
- 301.04 Notwithstanding the provisions above, the creation of an accessory dwelling unit will require conditional use approval when one or more of the following is involved:
 - A. A new accessory structure, constructed after the enactment of these bylaws,
 - B. An increase in the height or floor area of the existing dwelling, or
 - C. An increase in the dimensions of the parking area.

§302: 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.

§303: Required Frontage

Required frontage on, or access to, public roads or public waters. No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the Site Plan approval of the Planning Commission pursuant to §605 of this bylaw, access to such a road or waters by a permanent easement or right-of-way of record at least twenty feet in width.

§304: Protection of Home Occupations

- 304.01 No regulation may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof.
- 304.02 Exterior storage or display, other than that characteristic of a residential use, is specifically prohibited.
- 304.03 The activities associated with the home occupation shall be carried out in an enclosed structure on the premises or shall be screened from public view.
- 304.04 The home occupation shall not generate noise, smoke, vibrations, dust, glare, odor, electrical interference or heat which is detectable at the property line, or which otherwise presents a hazard to public health and safety, or to neighboring properties.

§305: Family Childcare Homes

A family child care home serving six or fewer children shall be considered to constitute a permitted use of a single-unit dwelling. A family child care home serving no more than six full-time children and four part-time children, as defined in 33 V.S.A. § 4902(3)(A), shall be considered to constitute a permitted use of a single-unit dwelling but requires site plan approval from the Planning Commission.

§306 Residential Care and Group Homes

- 306.01 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. §4501, shall be considered to constitute a permitted use of a single-unit dwelling, except that no such home shall be so considered if it locates within 1,000 feet of another existing or permitted such home.
- 306.02 A residential care home or group home, to be operated under state licensing or registration, serving nine or more who have a handicap or disability as defined in 9 V.S.A. §4501, shall be reviewed as a multi-unit dwelling and shall be subject to conditional use review.

§307: Flood Hazard Area Regulations

Any development within areas at risk of flood damage in the Town of Granby, Vermont shall be regulated to provide for the protection of health, safety, and welfare of town residents, in accordance with these provisions set forth in 10 V.S.A. Chapter 32 and 24 V.S.A. Chapter 117

§4424, §4411, and §4414, and shall not in any way impair or remove the necessity of compliance with any other local, state, federal laws or regulations.

307.01 These regulations shall apply in all areas identified as Special Flood Hazard Areas on the most current Flood Insurance Studies and Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA), National Flood Insurance Program, which are hereby adopted by reference and declared to be part of these regulations. These hazard areas overlay any other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district.307.02Base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where applicable, the applicant shall use data provided by FEMA, or State, or Federal Agencies.

307.03 The information presented on any maps, or contained in studies, adopted by reference to this bylaw is presumed accurate. If uncertainty exists with respect to boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Zoning Administrator. If the applicant disagrees with the determination made by the Zoning Administrator, a Letter of Map Amendment from FEMA shall constitute proof.

307.04 Prohibited Development:

- A. Development prohibited from the floodway includes new residential or nonresidential structures (including the placement of mobile homes); and accessory structures.
- B. Development prohibited from the Special Flood Hazard Area includes new residential or non-residential structures (including the placement of mobile homes); storage or junk yards; new fill except as necessary to elevate structures above the base flood elevation; critical facilities; and, all development not exempted, permitted, or conditionally permitted under Section 307 of this bylaw.

307.05 Permitted Development:

- A. Permitted development within the Special Flood Hazard Area requires, at a minimum, Administrative Review by the Zoning Administrator and must meet the Development Standards outlined in Subsection 307.10.
- B. Permitted development in the Special Flood Hazard Area (outside of the floodway) includes non-substantial improvements; accessory structures; development related to on-site septic or water supply systems; building utilities; at-grade parking for existing buildings; and, recreational vehicles.

307.06 Conditional Development:

- A. Conditional development within the Special Flood Hazard Area is subject to Conditional Use Review and approval by the Zoning Board of Adjustment, prior to the issuance of a permit by the Zoning Administrator.
- B. Conditional development must meet the Development Standards outlined in Subsection 307.10.
- C. Conditional development in the Special Flood Hazard Area outside of the floodway includes substantial improvement, elevation, relocation, or flood proofing of existing structures; new or replacement storage tanks for existing structures; improvements to existing structures in the floodway; grading, excavation, or the creation of a pond; improvements to existing roads; bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing; and, public utilities.

307.07 Exempted Activities:

- A. Activities considered exempt from these regulations include the removal of a building or other structure in whole or in part; maintenance of existing roads and storm water drainage; and accepted silvicultural or agricultural activities as defined under Section 204.04 (B) of this bylaw.

307.08 Summary Table: Development Review in Hazard Areas

Activity	Hazard Zone	
	Special Flood Hazard Area	Floodway
P Permitted C Conditional Use X Prohibited A Exempted		
New Structures	X	X
Storage	X	X
Improvements to Existing Structures	P,C	C
Accessory Structures	P	X
At Grade Parking	P	C
Replacement water supply or septic systems	C	C
Fill as needed to elevate existing structures	C	C
Fill	X	X
Grading	C	C
Road Maintenance	A	A
Road Improvements	C	C
Bridges and Culverts	C	C
Channel Management	C	C
Recreational Vehicles	P	P
Open space, recreation	A	A
Forestry	A	A
Agriculture	A	A

307.09 Nonconforming Structures & Uses:

- A. The Zoning Board of Adjustment may after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a flood hazard area provided that:
 - i. The proposed development is in compliance with all Development Standards in Subsection 307.10 of this bylaw;
 - ii. A nonconforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to at least one foot above the base flood elevation, and the structure must otherwise comply with all requirements of the NFIP.

307.10 Development Standards:

- A. The following Standards are considered the minimum standards allowed for development in the Special Flood Hazard Areas:
 - i. All development shall be designed to be (a) reasonably safe from flooding, (b) minimize flood damage to the proposed development and to other public/private facilities and utilities, and (c) to provide adequate drainage to reduce exposure to flood hazards.
 - ii. Structures shall be (a) designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure during the occurrence of a base flood, (b) be constructed with materials resistant to flood damage, (c) be constructed by methods and practices that minimize flood damage, and (d) be 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.
 - iii. Development must maintain flood carrying capacity and be located so as to minimize conflict with changes in the channel location over time.
 - iv. Fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Area) shall be required to locate a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks for existing non-residential purposes may be placed underground, if securely anchored as by a qualified engineer.
 - v. New and replacement water supply and sanitary sewer systems shall be designed to minimize or eliminate the infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - vi. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - vii. Replacement mobile homes shall be elevated such that the top of the fill (the pad) under the entire mobile home is at least one (1) foot above the base flood elevation.

- viii. In Zones AE, AH, and A1-A30 (where base flood elevations and/or floodway limits have not been determined), development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one (1) foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.
- ix. Existing structures (including mobile homes) to be substantially improved for residential purposes in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one (1) foot above base flood elevation; this must be documented, in as-built condition with a FEMA Elevation Certificate. Historic structures in the Special Flood Hazard Area are exempted from such mitigation requirements, provided that their historic designation is maintained.
- x. Structures to be substantially improved for non-residential purposes shall either meet the requirements of Subsection 307.10 (A)(ix), or have the lowest floor, including basement, together with attendant utility and sanitary facilities, be designed to be watertight up to two (2) feet above base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- xi. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
- xii. Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding shall (a) be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and (b) be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every 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.

- xiii. Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.
- xiv. Subdivisions must be accessible by dry land access outside of the Special Flood Hazard Area.
- xv. Recreational vehicles placed on sites within the Special Flood Hazard Area shall either be on the site for fewer than 180 consecutive days and must be fully licensed and ready for highway use; or, meet all the standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” of Section 60.3(c)(6).
- xvi. A small accessory structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria of Subsection 307.10 (A)(xii).

B. The following standards are considered the minimum standards allowed for encroachments or development in the floodway:

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

307.11 Administration:

A. In addition to the application materials required under Section 604.03 and 606.03 of this bylaw, applications for development within the Special Flood Hazard Area shall include:

- i. Where applicable, a site plan (drawn to scale) depicting existing and proposed development, all water bodies, Special Flood Hazard Areas, floodways, the shortest horizontal distance from the proposed development to the top of the bank of any stream, any existing and proposed drainage, any proposed fill, pre and post development grades, and the elevations of the proposed lowest floor and flood proofing (if applicable), as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps; and

- ii. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Zoning Administrator and attached to the permit before work can begin.
- B. Prior to issuing a permit for substantial improvement or new construction in the Special Flood Hazard Area, a copy of the application shall be submitted by the Zoning Administrator to the State National Flood Insurance Program Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
- C. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall be submitted by the Zoning Administrator to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall also be provided to the State National Flood Insurance Program Coordinator. 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.
- D. The Zoning Administrator shall properly file and maintain a record of all permits issued for development in areas covered by these regulations; an Elevation Certificate with the as-built elevation (consistent with the datum elevation on the current Flood Insurance Rate Map) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings in the Special Flood Hazard Area; all flood proofing and other certifications required under this regulation; and, all decisions of the Zoning Board of Adjustment (including variances and violations) and all supporting findings of fact, conclusions and conditions.

307.12 Conditional Use Review:

- A. In addition to the provisions outlined under Section 607 of this bylaw, the Board of Adjustment shall consider the evaluation of the State National Flood Insurance Program Coordinator at the Vermont Agency of Natural Resources.
- B. The Board of Adjustment may also consider the availability of alternative locations not subject to flooding for the proposed use; the susceptibility of the proposed improvement to flood damages; the safety of access to the property in times of flood of ordinary and emergency vehicles; the potential for damage to the property caused by erosion; the danger that materials may be swept onto other lands and cause damage to others; and such other factors as are relevant to the purposes of this ordinance.

307.13 Certificate of Occupancy:

In accordance with Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area until a certificate of occupancy is issued therefore by the Zoning Administrator as outlined under Section 613 of this bylaw.

307.14 Variances:

- A. A variance may be granted in writing by the Board of Adjustment only in accordance with the provisions of Section 609 of this bylaw and the Code of Federal Regulations (44 CFR Section 60.6); and upon a determination that the structure or other development is protected by methods that minimize flood damages during the base flood; create no additional threats to public safety; nor result in increased flood levels during the base flood discharge.
- B. Any variance issued in the Special Flood Hazard Area will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

307.14 Enforcement & Penalties:

- A. If a violation exists, a copy of any notice of violation will be mailed by the Zoning Administrator to the State National Flood Insurance Program Coordinator.
- B. If the violation remains after all appeals have been resolved, the Zoning Administrator shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance for the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.
- C. Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.

307.15 Warning of Disclaimer of Liability:

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

§308: Accessory Uses Allowed

Accessory uses or buildings (those which are customarily incidental and subordinate to the principal use or structure) do not need a permit as long as they do not exceed 500 square feet and

are not located in the Special Flood Hazard Area. Structures larger than 500 square feet need a conditional use permit.

§309: Temporary Uses and Structures

Temporary permits may be issued by the Zoning Administrator for a period not exceeding two 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.

§310: Shoreland Vegetation

310.01 Dwelling Lots: Structures shall be set back at least 75 feet from any surface water (pond, stream, river). The area of trees between the front of the structure and the water are not to be cleared for a view. All natural vegetation greater than 3 inches at mean breast height (6 feet) shall be left. Dead or dangerously leaning or broken trees may be cut in this area.

310.02 Shoreland Buffers: Following the Acceptable Management Practices for Maintaining Water Quality on Longing Jobs in Vermont (August 15, 1987) there will be a protective strip of vegetation left along all shoreland areas.

310.03 Except for necessary construction of stream crossings, a protective strip shall be left along streams and other bodies of water (shoreland) in which only light thinning or selection harvesting can occur so that breaks made in the canopy are minimal and a continuous cover is maintained. Log transport machinery must remain outside a 25 foot margin along the stream or water body. Including this 25 foot margin, the width of the protective strip shall be according to Table 1.

Table 1: Protective Strip Width Guide

Slope of Land Between Roads, Structures or lands and steambanks or shorelands (in percent)**	Width of Strip between Roads or landings and stream (feet along surface of ground)
0-10	50
11-20	70
21-30	90
31-40*	110

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

** See Slope definition for details.

Article IV: Non-Conformities

§401: Construction Approved Prior to Adoption of By-Law

Nothing contained in these regulations shall require any change in plans or construction of a **non-conforming** structure which has been completed within one year from the effective date of these regulations.

§402: Non-Conforming Uses

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

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

- 402.01 Shall not be changed to another non-conforming use without approval by the Zoning Board of Adjustment, and then only to a use which, in the opinion of Zoning Board of Adjustment is of the same or of a more restricted nature.
- 402.02 Shall not be re-established if such use has been discontinued for a period of three years, 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. For example if a house burns down, it may be replaced as long as construction is substantially commenced within three years.
- 402.03 Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within three years of such damage; if the restoration of such building is not substantially commenced within three years, 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..
- 402.04 Such permits may be renewed upon application for an additional period not exceeding one year.

§403: Non-Conforming Structures

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

Section 404: Expansion on Non-Conforming Structures

No permit is required to expand a non-conforming structure as long as it meets the set back requirements and does not increase the amount of non-conformance.

Article V: Definitions:

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

§501: Word Definitions

The word *person* includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

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*.

§502 Term Definitions

Accessory use. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Examples include a two car garage, sheds, dog houses, porches, breezeways, etc.

Acre. A measure of land 43,560 square feet.

Agriculture. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock including beef cattle, sheep, swine, horses, ponies, mules or goats, or any mutations or hybrids thereof; bees and apiary products, fur animals; trees and forest products; maple sugaring; fruits of all kinds; vegetables; nursery, floral and greenhouse products; or lands devoted to a soil conservation or forestry management program.

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.

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

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

Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

Basement. Any area of the building having its floor elevation below ground level on all sides.

Buffer Strip. A screen of natural vegetation greater than 3 inches in diameter at a height of 6 feet which supplies a contiguous protective canopy of vegetation and visual barrier. See Article 3, §310.

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. Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

Cemetery. Property used for the interring of the dead.

Church. A structure which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

Clinic. An office building used by members of the medical professions for the diagnosis and outpatient treatment of human ailments.

Club, Private. Buildings or use catering exclusively to club members and their guests for recreational purposes, and not operated primarily for profit.

Commercial, Neighborhood. See Neighborhood Commercial.

Coverage. That percentage of the lot area covered by the building area.

Critical Facilities. Includes police stations, fire and rescue facilities, hospitals, emergency shelters, schools, nursing homes, water supply and waste handling facilities, and other structures the community identifies as essential to the health and welfare of the population during and following disaster situations.

Depth Lot. See Lot, depth.

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

Driveway. A private right of way providing access from a highway, and serving not more than two (2) lots.”

Dwelling, Accessory. An efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.

Dwelling, Multi-family. A residential building designed for or occupied three or more families, living independently of each other in individual dwelling units, where the number of families in residence does not exceed the number of dwelling units provided.

Dwelling, Seasonal. A dwelling unit intended to be used for a seasonal, recreational and/or second home and not used or intended to be used as the principal place of abode. The dwelling may not be occupied for more than 90 consecutive days or 180 days within a calendar year.

Dwelling, Single Family. A detached residential dwelling unit designed for and occupied by one family only.

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

Earth Resources Extraction. The removal of fill, gravel, stone or loam or similar material for sale in commercial quantities.

Essential Service. 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 or safety or general welfare.

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

FIRM. See Flood Insurance Rate Map.

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

Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Insurance Administrator has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

Flood Insurance Study. An examination, evaluation, and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide and/or flood related erosion hazards.

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

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

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

Floodway, Regulatory in Town of Granby. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

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

Forestry, Secondary. Any facility devoted to the processing of forest products including sawmills and similar facilities.

Front Yard. See Yard, Front.

Frontage. The lot line(s) which abut a public street or public water body.

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

Historic Structure: See Structure, Historic.

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.

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

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

Lodging House. A building in which the rooms are rented with or without meals to twelve (12) or less persons. A boarding house or a rooming house or a furnished room shall be deemed a lodging house.

Lot Depth. Lot depth shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear-most points of the side lot lines in the rear.

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.

Lot Width. of a lot 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 rear of the required front yard, however, that width between the lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of culs-de-sac, where the 80 percent requirement shall not apply.

Lot. A lot is a parcel of land occupied or to be occupied by only one principal building and the accessory buildings or uses customarily incident to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or other means of access approved by the Planning Commission and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or complete lots of record and portions of 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 residual lot or parcel be created which does not meet the requirements of this bylaw.

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

Manufactured home or Mobile home. A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, and is:

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

Neighborhood Commercial. 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. Structures commenced on or after the effective date of this bylaw. For floodplain management purposes, "new construction" means structures commenced on or after

the effective date of the flood hazard area regulations of this bylaw (Section 307) and includes any subsequent improvements to such structures.

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

Nonconforming structure. A structure or part of a structure 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; or a structure improperly authorized as a result of error by the Zoning Administrator.

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

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

Non-Residential Use. All uses of buildings, structures or land except single family dwellings, two family dwellings and multi-family dwellings.

Open-Faced Shelters. A building which has at least one side permanently open to the outside elements, i.e. Adirondack Lean-tos, tent platforms.

Overnight Cottages. Small detached dwellings used for transient accommodations. They may have small kitchens and bathrooms.

Permitted Use. See Use, Permitted. Primary Forestry. See Forestry, Primary.

Principal Building. A building in which is conducted the main or principal use of the lot on which said building is located.

Private Club. See Club, Private.

Private Recreation. See Recreation, Private.

Private Road. One which has not been officially deeded to the Town or Gore and accepted by the Legislative Body.

Public Assembly. Includes auditorium, theatre, public hall, school hall, meeting hall, church and temple.

Public Facility. Usage by agencies and departments of local, county, state and federal government.

Public Recreation. See Recreation, Public.

Rear Yard. See Yard, rear.

Recreation, Private. A land use or recreation buildings operated and open only to bona fide members and their guests.

Recreation, Public. A land use or recreation buildings operated and open to the general public.

Recreational vehicle. A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self propelled or

permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

Residential care home. A place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board and personal care to three or more residents unrelated to the home operator in accordance with 33 V.S.A. §7102(1).

Residential Use. Includes single family dwelling, mobile home dwelling, two family dwelling and multi-family dwelling.

Restaurant. An establishment where food and drink is prepared, served and consumed primarily within the principal building.

Secondary. Forestry. See Forestry, secondary.

Seasonal Dwelling. See Dwelling, seasonal.

Setback. The distance between the road or high water mark and the front line of a building or any projection thereof, except uncovered steps.

Shoreland. The land within 200 feet of any streams, rivers, lakes and ponds.

Side Yard. See Yard, side.

Single Family Dwelling. See Dwelling, Single Family

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

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

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

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

Stream. A watercourse having a source and terminus, banks and channel through which water flows.

Street Line. Right-of-way line of a' street as dedicated by a deed of record. Where the width of the street is not established, the street shall be considered to be twenty-five feet from the center line of the street pavement.

Street. Public way for vehicular traffic which affords the principal means of access to abutting properties.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, swimming pools, mobile homes, billboards, and poster panels. Under this bylaw, in the Special Flood Hazard Area, "structure" means a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

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

Subdivision, Major. The division of a lot, parcel, or tract of land into six or more fewer lots, parcels, or tracts for development, sale, or lease, over a continuous five year period.

Subdivision, Minor. The division of a lot, parcel, or tract of land into five or fewer lots, parcels, or tracts for development, sale, or lease, over a continuous five year period.

Substantial damage. The damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of this bylaw, the cost of which, over three years, or over a period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work to be performed. The term does not, however include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum

necessary to assure safe living conditions or (2) any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a historic structure.

Substantially commenced. Visible signs of activity on new construction of a new structure or repair of a damaged structure, including the commitment of resources and materials to a project, such as the pouring of a foundation, the completion of a frame, or the delivery of all required building materials to the construction site.

Travel Trailer Camp. A plot of ground not less than ten acres on which two or more trailers occupied, for sleeping purposes are located.

Travel Trailer. Any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways and whether licensed or not, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons, and not provided with a toilet and bathtub or shower and cannot readily be connected to a community sewer and water service. A trailer under this local law 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. This definition includes uses to which trailers might be put.

Two Family Dwelling. See Dwelling, Two Family.

Use, Conditional. Use specifically allowed in the district but issuance of a permit by the Board of Zoning Adjustment is required prior to beginning construction or change of use. The Zoning Board of Adjustment may place additional requirements or conditions of the property prior to granting a permit.

Use, Permitted. Use specifically allowed in the district but issuance of a permit by the Zoning Officer is required prior to beginning construction or change of use.

Violation. The commencement or continuation of any land development or use that does not meet the requirements of this bylaw. For purposes of the Flood Hazard Area Regulations: a structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the Code of Federal Regulations (44 CFR 60.3) is presumed to be in violation until such time as that documentation is provided.

Width Lot. See Lot, Width.

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

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

Yard, Front. Yard between the front lot line and the front line of a building extended to the side lot lines of the lot. The depth of the front yard shall be measured from the street line to the front line of the building.

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.

Article VI: Administration and Enforcement

§601: Zoning Administrator

The Zoning Administrator shall be appointed to administer the zoning regulations pursuant to §4448 of the Act. The Zoning Administrator shall literally administer and strictly enforce the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate to carry out the provisions of these regulations. An Acting Administrative may be appointed pursuant to §4448 of the Act.

§602: Planning Commission

- 602.01 There is hereby established a Planning Commission. The Planning Commission shall consist of not fewer than three (3) nor more nine (9) members. Pursuant to §§4321-4323 of the Act, members of the Planning Commission shall be appointed by the Legislative Body. At least a majority of members shall be residents of the municipality.
- 602.02 The Planning Commission shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 V.S.A. §4461(a) and Vermont's Open Meeting Law.
- 602.03 The Planning Commission shall have all powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to the power to hear and act upon:
- A. to prepare proposed amendments to this bylaw, and consider proposed amendments submitted by others, including amendments supported by a petition signed by at least five percent of the voters of the Town of Granby;
 - B. to prepare and approve written reports on any proposed amendment to this bylaw; and
 - C. to hold one or more warned public hearings on proposed amendments to these regulations, prior to submission of a proposed amendment and written report to these regulations.
 - D. to approve the development of non-frontage lots as provided for in §303 of these regulations.
 - E. to approve major subdivisions.

§603: Board of Adjustment

- 603.01 There is hereby established a Board of Adjustment. The Board of Adjustment shall consist of not fewer than three (3) nor more than nine (9) persons. Pursuant to

§4460(b) of the Act, the Board of Adjustment shall be appointed by the Legislative Body and may consist of the members of the Planning Commission.

- 603.02 The Board of Adjustment shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 V.S.A. §4461(a) and Vermont's Open Meeting Law.
- 603.03 The Board of Adjustment shall have all powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to the power to hear and act upon:
- A. appeals from any decision, act or failure to act by the Zoning Administrator, as described in §608 of this bylaw, and any associated variance requests, as described in §609 of this bylaw; and
 - B. applications for conditional use approval, as described in §607 of this bylaw.

§604 Zoning Permit

- 604.01 No land development as defined in 24 V.S.A. §4303(10) may be commenced without a permit issued by the Zoning Administrator. No zoning permit may be issued by the Zoning Administrator unless the proposed development complies with all applicable sections of this bylaw.
- 604.02 No zoning permit shall be required for the accepted agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with 24 V.S.A. §4413(d). Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the Zoning Administrator prior to any construction, as required for accepted agricultural practices.
- 604.03 No zoning permit shall be required for the uses listed in §204.04.
- 604.04 Applications for zoning permits shall be made to the Zoning Administrator on forms provided by him or her for that purpose.
- 604.05 Prior to the issue of any zoning permit, the Zoning Administrator shall first satisfy himself that the subject of the application is in conformance with these regulations. He may request from an applicant any information deemed necessary for this purpose. No such permit shall be issued unless an application, fee, plot plan 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.
- 604.06 Within thirty (30) days of receipt of a complete application, including all application materials and fees, the Zoning Administrator shall act to either issue or deny a zoning permit in writing, or to refer the application to the Planning Commission or Board of Adjustment for consideration. In accordance with 24 V.S.A. §§4448 and 4449, if the

Zoning Administrator fails to act within the 30-day period, a permit shall be deemed issued on the 31st day.

- 604.07 The fee for a zoning permit shall be established by the Legislative Body. It may be a sliding scale depending on the cost of the land development. Said fee shall accompany each application for a permit.
- 604.08 Zoning permits and letters of denial shall include a statement of the time within which appeals may be taken under §608 of this regulation; and shall require posting of a notice of permit, on a form prescribed by the Town of Granby. The applicant shall post this notice of permit within view from the public right-of-way nearest the subject property until the time for appeal has expired.
- 604.09 The Zoning Administrator, within three (3) days of the date of issuance, shall deliver a copy of the zoning permit to the Town of Granby Listers; and shall post a copy of the permit in the Town of Granby municipal offices for a period of fifteen (15) days from the date of issuance.
- 604.10 No zoning permit shall take effect until the time for appeal under §608 of this bylaw has passed, or in the event that a notice of appeal is properly filed, until final adjudication of the appeal.
- 604.11 Zoning permits shall remain in effect for two years from the date of issuance. All development authorized by the permit shall be substantially commenced within this two-year period or reapplication shall be required to continue development.
- 604.12 Within 30 days of the issuance of a zoning permit, the Zoning Administrator shall deliver the original, a legible copy, or a notice of the permit to the Granby Town Clerk for recording in the Town of Granby land records.

§605: Site Plan Review

After public notice and hearing, the Planning Commission shall grant site plan approval in accordance with 24 V.S.A. §4416. In reviewing site plans, the Planning Commission may impose appropriate safeguards with respect to the following:

- A. The adequacy of parking
- B. Traffic access and circulation for pedestrians and vehicles
- C. Landscaping and screening
- D. The protection of the utilization of renewable energy resources

§606: Subdivisions of Land

- 606.01 Applications for minor subdivisions of land shall be reviewed by the Zoning Administrator under the Administrative Review process.

- 606.02 Applications for major subdivisions of land (six or more lots to be created over a continuous five year period) shall also be subject to Site Plan Review by the Board of Adjustment after public notice and hearing in accordance with §610 of this bylaw.
- 606.03 Any application for subdivision of land shall be accompanied by a plat of sufficient scale and clarity to portray existing conditions and proposed development. The plat shall include all lot lines and boundary dimensions, names of roads abutting the property, location and size of existing improvements identified as “existing,” location and size of proposed improvements identified as “proposed,” setback dimensions of proposed and existing structures, location of existing and proposed driveways and culverts, location of existing and proposed wells and/or septic systems and location of waterways, wetlands, and flood plains. In addition, a topographic survey may be required.
- 606.04 Subdivision Standards:
- C. No lot that is created as the result of subdivision of land shall have more than 50% of its buildable area in slopes greater than 20%.
 - D. The dimensions of lots to be created by subdivision shall conform to the requirements of the district in which the lot is located.
 - E. Irregularly shaped lots are to be avoided, unless necessary to protect historic resources. Side lot lines should generally be at right angles to roads in order to ensure adequate frontage.
 - F. Subdivision boundaries, lot lines, and building envelopes shall be located and configured to avoid undue adverse impacts to historic features identified in the Granby Town Plan.
 - G. Roads to be created by the subdivision shall be designed, to the fullest extent feasible, to allow future extensions to adjacent parcels or nearby roads.
 - H. Roads to be created by the subdivision shall allow for access by emergency vehicles.
 - I. The subdivider may be required to install culverts and other drainage and erosion control techniques as may be necessary.
- 606.05 The Planning Commission may waive any or all standards that are:
- A. not necessary in the interest of public health, safety, and general welfare;
 - B. inappropriate due to the inadequacy or lack of connecting facilities adjacent to or in proximity of the subdivision.
- 606.06 The approved subdivision may not be officially filed until all appeal periods have expired and/or all appeals are concluded.

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

§607: Conditional Use Review

- 607.01 After public notice and hearing, the Board of Adjustment, in accordance with §4414(3), shall determine if a proposed use shall not have an undue adverse effect on the following:
- A. The capacity of existing or planned community facilities;
 - B. The character of the area affected; as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan;
 - C. Traffic on roads and highways in the vicinity;
 - D. Bylaws in effect with special reference to these zoning regulations, and
 - E. The utilization of renewable energy resources.
- 607.02 In permitting a conditional use, the Board of Adjustment may impose, in addition to the regulations and standards expressly specified by this regulation, other conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the municipality as a whole. These conditions may include the following:
- A. Increasing the required lot size or yard dimensions in order to protect adjacent properties;
 - B. Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property;
 - C. Controlling the location and number of vehicular access points to the property;
 - D. Increasing the street width;
 - E. Increasing the number of off-street parking or loading spaces required;
 - F. Limiting the number, location, and size of signs;
 - G. Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;
 - H. Specifying a specific time limit for construction, alteration, or enlargement to begin for a structure to house a conditional use;
 - I. Requiring that any future enlargement or alteration of the use be reviewed by the Board of Adjustment to permit the specifying of new conditions;

- 607.03 As a condition of the grant of a conditional use, the Board of Adjustment may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Act and these zoning regulations.
- 607.04 A change in use, expansion or contraction of land, area, or alteration of structures or uses which are designated as conditional uses within the district in which they are located and are existing therein, prior to the effective date of this regulation, shall conform to all regulations herein, pertaining to conditional uses.

§608: Appeals of Zoning Administrator Decisions

- 608.01 Any interested person may appeal a decision or act of the Zoning Administrator within 15 days of the date of the decision or act by filing a notice of appeal with the Town Clerk. A notice of appeal filed under this section shall be in writing and include the following information:
- A. the name and address of the appellant,
 - B. a brief description of the property with respect to which the appeal is taken,
 - C. a reference to applicable provisions of these regulations,
 - D. the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations, and
 - E. the alleged grounds why such relief is believed proper under the circumstances.
- 608.02 The Board of Adjustment shall hold a public hearing on a notice of appeal within 60 days of its filing, as required in 24 V.S.A. §4468.
- 608.03 The Board of Adjustment may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts presented by or on behalf of the appellant.
- 608.04 All appeal hearings shall be open to the public and shall be conducted in accordance with the Board of Adjustment's rules of procedures, as required by 24 V.S.A. §4461. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing.
- 608.05 A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing. The decision shall be sent by certified mail to the appellant within the 45 day period. Copies of the decision shall be mailed to every person appearing and having been heard at the hearing, and filed with the Zoning Administrator and the Municipal Clerk as part of the public records of the municipality, in accordance with these regulations. If the Board of Adjustment fails to issue a decision within this 45-

day period, the appeal will be deemed approved and shall be effective on the 46th day.

§609: Variances

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

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

§610: Public Notice and Hearing

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

610.02 Warning of all development review hearings shall be issued accordingly:

- A. by publishing the date, place and purpose of the hearing in a local newspaper of general circulation; and
- B. by posting the same information in three (3) or more public places within the municipality, including posting of a notice within view from the public right-of-way nearest to the property for which the application is being made; and

- C. by written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way. This written notice shall include a description of the proposed project, clearly identify how and where additional information may be obtained, and state that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
- 610.03 All hearings of the Planning Commission and Board of Adjustment, except for deliberative sessions, shall be open to the public and conducted in accordance with duly adopted Rules of Procedure and Vermont's Open Meeting Law.
 - 610.04 In any public hearing, there shall be an opportunity for each person to attempt to demonstrate interested party status. The Secretary of the Planning Commission or Board of Adjustment shall keep a record of the name, address, and participation of these persons.
 - 610.05 In accordance with 24 V.S.A. §4464(b), the Planning Commission or Board of Adjustment shall issue all decisions within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46th day.
 - 610.06 All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken. The minutes of a meeting may suffice, provided that the factual basis and conclusions relating to the review standards are provided in accordance with these requirements.
 - 610.07 In rendering a decision in favor of the applicant, the Planning Commission or Board of Adjustment may attach additional reasonable conditions and safeguards as it deems necessary to implement these regulations and the town plan currently in effect.
 - 610.08 All decisions shall be sent by certified mail, within the required 45-day period, to the applicant or the appellant on matters of appeal. Copies of the decision also shall be mailed to every person appearing and having been heard at the hearing, and filed with the Zoning Administrator and Clerk as part of the public record of the municipality.

§611: Appeals to Environmental Court

- 611.01 In accordance with 24 V.S.A. §4471, an interested person who has offered oral or written testimony in a hearing of the Planning Commission or Board of Adjustment may appeal a decision within 30 days of such decision, to the Vermont Environmental Court.
- 611.02 The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Zoning Administrator of the Town of Granby, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days.

611.03 Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

§612: Interested Persons

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

- A. A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case;
- B. The Town of Granby or any adjoining municipality;
- C. A person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the town plan or bylaw of Granby;
- D. Any ten (10) voters or property owners within the Town of Granby who, by signed petition to the Board of Adjustment, allege that any relief requested by a person under this section, if granted, will not be in compliance with the policies, purposes or terms of the town plan or bylaw of Granby; and
- E. Any department or administrative subdivision of the state owning property or any interest therein within the municipality, and the Vermont Agency of Commerce and Community Development.

§613: Certificate of Occupancy

- 613.01 No use or occupancy of any land or structure may commence until the Zoning Administrator has issued a Certificate of Occupancy in accordance with 24 V.S.A. §4449(2).
- 613.02 When the Zoning Administrator issues a zoning permit, he or she shall also issue an application for a Certificate of Occupancy. Prior to the use or occupancy of the land or structure, the applicant shall submit a completed Certificate of Occupancy application to the Zoning Administrator.
- 613.03 At the time the application for a Certificate of Occupancy is submitted, the applicant shall also submit a copy of the septic permit from the State of Vermont, or a letter of determination stating that no such permit is required.
- 613.04 A Certificate of Occupancy shall not be issued until all necessary approvals and permits required by these regulations have been obtained for the project, and the Zoning Administrator determines that the project has been fully completed in conformance with all such approvals and permits.

613.05 Within 30 days of receipt of the application for a certificate of occupancy, the Zoning Administrator may inspect the premises to ensure that all work has been completed in conformance with the zoning permit and associated approvals, including all applicable permit conditions. If the Zoning Administrator fails to either grant or deny the Certificate of Occupancy within 30 days of the submission of an application, the certificate shall be deemed issued on the 31st day.

§614: Penalties

Any violation of these regulations after the effective date thereof shall be punished as provided for in §§4451 and 4452 of the Act.

Article VII: Amendments, Interpretations, Effective Date

§701: Amendments

These regulations may be amended according to the requirements and procedures, established in §§4441 and 4442 of the Act.

§702: Interpretation

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

702.02 Except for §4413 of the Act and where, in these regulations, specifically provided to the contrary, it is not intended by these regulations to repeal, annul or in any way to impair any regulations or permits previously adopted or issued, provided, however, that where these regulations impose 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 these regulations shall control.

§703: Effective Date

These regulations shall take effect in accordance with the procedures contained in §4442 of the Act.

§704: Separability

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

§705: Repeal

Upon the adoption of this Zoning By-Law, the former Town of Granby Zoning By-Law, adopted September 8, 1993, is hereby declared repealed and shall have no further force or effect.