

TOWN OF GUILDHALL, VERMONT

ZONING BYLAW

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ZONING BYLAW  
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ARTICLE 1: \_\_\_\_\_ ENACTMENT & INTENT

## Sec 101:           Enactment

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

## Sec 102:           Intent

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

ARTICLE II:           ESTABLISHMENT OF DISTRICTS & DISTRICT REGULATIONSSec 201:    Zoning Map & Districts

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

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

Sec 202:    Copies of Zoning Maps

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

Sec 203: District Boundaries

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

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

Sec 204: Lot Classification

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

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

Sec 205: District Objectives & Land Use Control

Tables 205.01 - 205.08 set forth the objectives and provisions that apply respectively in each district established in this bylaw. Any use designated as a "Permitted Use" may be commenced pursuant to Section 206 of this bylaw. Any use designated as a "Conditional Use" may be commenced pursuant to Section 207 of this bylaw. Any use not designated by this bylaw, as a "Permitted Use" or a "Conditional Use" shall be deemed to be prohibited. Regulations establishing a classification of lots in certain districts for the purpose of establishing the minimum area per family and the minimum lot size of such lots are set forth in Section 204 of this bylaw.

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

The application of this bylaw is subject to 24 V.S.A. Chapter 117.

Table 205.01: "Vil" Village District

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

Permitted Uses

1. Dwelling, single family
2. Dwelling, two family
3. Home Occupation
4. Accessory use
5. Accessory Dwelling
6. Agricultural use (Agricultural Practices are legally exempt from zoning)
7. Forestry use (Forestry Practices are legally exempt from zoning)

Conditional Uses

1. Business or professional office
2. Dwelling, multi family
3. Essential service
4. Lodging House
5. Neighborhood commercial facility
6. Health and Beauty Services/Personal Service
7. Private club
8. Public Assembly Use
9. Public/non-profit-Recreational facility
10. Residential Care Home or Group Home
11. Family/Home Day Care Center

Lot Area and Dimensions

Lot Classifications	1	2
Minimum lot area (sq. ft.):	40,000	50,000
Minimum area per family (sq. ft.):	12,000	15,000
Road frontage (ft.):	200	200
Side, and rear setbacks*:	10	10
Front setbacks**	33	33

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

\*\*Setback is the distance from the center of Route 102.

## Rural Lands Districts

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

Table 205.02:            "RL-1"            Rural Lands One

### Permitted Uses

1. Agricultural use
2. Dwelling, single family
3. Dwelling, two family
4. Forestry use
5. Home Occupation
6. Accessory use including Accessory Dwelling

### Conditional Uses

1. Auto Service station
2. Business or professional office
3. Public/non-profit recreational facility
4. Contractor's yard
5. Dwelling, multi family
6. Essential Service
7. Earth Resource Extraction
8. Industrial accessory use
9. Lodging House
10. Manufacturing use
11. Neighborhood commercial facility
12. Health and Beauty services/Personal Service
13. Private club
14. Public Assembly use
15. Public facility
16. Public or non-profit recreational facility
17. Retail sales and service
18. Residential Care Home or Group Home
19. Family/Home Day Care Center
20. Travel trailer camp
21. Warehouse/ trucking terminal facilities
22. Wholesale business



Lot Area And Dimensions

<u>Lot classification:</u>	<u>1</u>	<u>2</u>
Minimum lot area (acres)	1	2
Minimum area per family (acres)	1	2
Road frontage (ft.)	200	200
Rear, and side setbacks ft.* :	25	25
Front setbacks ft.**	25	33

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

\*\*Setback is the distance from the center of the road Rt. 102 would be 33 ft., side road would be 25 ft. (Class 2, 3, or 4 roads)

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Table 205.03:                    "RL-2"                    Rural Lands Two

Permitted Uses

1. Agricultural use
2. Dwelling, single family
3. Dwelling, two family
4. Forestry use
5. Home Occupation
6. Accessory use including Accessory Dwelling

Conditional Uses

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

Lot Area and Dimensions

Minimum lot area (acres):	2
Minimum area per family (acres):	1
Road frontage (ft.):	300
Rear, and side setbacks (ft.):*	25
Front setback (ft.) **(Route 102):	33
Front setback (ft.) **(Class 2, 3, 4 roads)	25

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

\*\* Setback is from the center of the road

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Table 205.04: "RL-3" Rural Lands Three

Permitted Uses:

1. Agricultural use
2. Dwelling, single family
3. Dwelling, two family
4. Forestry use
5. Home Occupation
6. Accessory use including Accessory Dwelling

Conditional Uses

1. Commercial recreational facility
2. Essential Service
3. Lodging house
4. Public Facility
5. Public or non-profit recreational facility
6. Travel trailer campground
7. Home Occupation
8. Residential Care Home or Group Home
9. Family/Home Day Care Center
10. Day Care Center

Lot Area And Dimensions

Minimum lot area (acres):	5
Minimum area per family (acres):	5
Road frontage (ft.):	300
Rear, and side setbacks (ft.):*	25
Front setback (ft.) **(Route 102)	33
Front setback (ft.) **(Class 2, 3, 4 roads)	25

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

\*\* Setback is the distance from the center of the road.

Table 205.05: "FC"                      Forestry Conservation District

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

Permitted Uses:

1. Forestry use
2. Dwelling, single family
3. Agricultural use
4. Accessory use including Accessory Dwelling
5. Home occupation

Conditional Uses:

1. Private club

Lot Area And Dimensions:

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

\*Setback is the distance from the property line to the structure. Front setback is distance from the center of the road.

Table 205.06: "AGR" Agricultural District

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

Permitted Uses

1. Agricultural use
2. Forestry use
3. Dwelling, single-family
4. Accessory use including Accessory dwelling

Lot Area and Dimensions

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

\*Setback is the distance from the property line to the structure.  
Front setback is distance from the center of the road.

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

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

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

Heights of renewable energy resource structures. The height of wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high, any of which are mounted on complying structures, shall not be regulated unless the bylaws provide specific standards for regulation. In addition, the regulation of antennae that are part of a telecommunications facility, as defined in 30 V.S.A. § 248a, may be exempt from review under this chapter according to the provisions of that section.

Permitted Uses

1. Forestry use
2. Dwelling, single family
3. Agricultural use
4. Accessory use including Accessory Dwelling
5. Home Occupation

Conditional Use

1. Private recreational facility

Lot Area and Dimensions

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

\*Setback is the distance from the property line to the structure. Front setback is distance from the center of the road.

Table 205.08 "Ind" Industrial District

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

Performance standards. In accordance with § 4414(5) of the Act, in all districts the following performance standards together with all applicable State standards must be met. The Planning Commission shall decide whether proposed uses meet these standards. In all districts uses are not permitted which exceed any of the following standards measured at the property line:

- (1) Emit noise in excess of 70 decibels.
- (2) Emit any smoke, in excess of Ringlemann Chart No. 2.
- (3) Emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause injury or damage to property, business or vegetation.
- (4) Cause, as a result of normal operations, a vibration which creates displacement of 0.002 of one inch.
- (5) Lighting or signs which create glare, which could impair the vision of a driver of any motor vehicle.
- (6) Cause a fire, explosion or safety hazard.
- (7) Cause harmful wastes to be discharged into the sewer system, streams or other bodies of water. Effluent disposal shall comply with the most current State wastewater regulations (*Wastewater System and Potable Water Supply Rules*, Vermont Department of Environmental Conservation, Wastewater Management Division).

Permitted Uses

1. Manufacturing
2. Light Industry
3. Warehouse
4. Office
5. Recreational Facility
6. Retail Sales
7. Essential Services
8. Agricultural Use
9. Forestry Use

Conditional Uses

1. Earth Resources Extraction
2. Recycling Center
3. Transfer Station
4. Animal Shelter

Lot Area and Dimensions

Minimum lot area (acres):	2
Minimum area per family (acres):	2
Road frontage (ft.):	200
Front, side, and rear setbacks (ft.):*	50

\*Setback is the distance from the property line to the structure. Front setback is distance from the center of the road.

Sec 206: Permitted Uses

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

Sec 207: Conditional Uses

- 207.01 Conditional uses are those uses that may be allowed by the Board of Adjustment as provided for in Section 4414(3) of the Act after public notice and hearing. In order for the permit to be granted the proposed use shall not have an undue adverse impact on any of the following:
- A. The capacity of existing or planned community facilities;
  - B. The character of the area affected, as defined by purpose or purposes of the zoning district in which the project is located, and specifically stated policies and standards of the municipal plan.
  - C. Traffic on roads and highways in the vicinity;
  - D. Bylaws then in effect, and;
  - E. The utilization of renewable energy resources.
- 207.02 In addition to the provisions of 207.01, the proposed use must be found to be in conformance with the specific standards for the district in which it is located.
- 207.03 As a condition of approval, the Board of Adjustment may attach such additional reasonable conditions and safeguards, as it deems necessary to implement the purposes of the Act, the goals of the Town Plan, and these zoning regulations.
- 207.04 Submission of Conditional Use Permit Application. Along with a completed zoning permit application, the applicant shall submit one set of site plans, drawn to scale, along with supporting data to the Board of Adjustment. Such application shall include the following information presented in drawn form and accompanied by written text:
- A. Name and address of the owner of record of the land in question and of adjoining lands. Name and address of the person or firm preparing the map, scale of map, north point and date;

- B. Site plan showing existing and proposed structure locations and land use areas, streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks.

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

Sec. 208 Other Land Use and Relevant Regulations

State and Federal Government may regulate certain aspects of land use; compliance with the zoning bylaw in no way implies compliance with such state and federal regulations. It is the applicant's responsibility to obtain any state and/or federal permits prior to initiating construction.

ARTICLE III: GENERAL PROVISIONS

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

Section 301: Limitations on Municipal Bylaws.

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:

- (1) State-or community-owned and operated institutions and facilities.
- (2) Public and private schools and other educational institutions certified by the state Department of Education.
- (3) Churches and other places of worship, convents, and parish houses. (4) Public and private hospitals.
- (4) Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
- (5) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.5.A. §6606a.



### Sec 302: Uses Exempt from Zoning

(1) This zoning bylaw shall not regulate public power generating plants and transmission facilities regulated under 30 V.S.A, §248.

(2) *Except in the Special Flood Hazard Area as regulated under Section 320 of this Bylaw*, and in accordance with 24 V.5.A. §4413( d) this zoning bylaw shall not regulate accepted agricultural and silvicultural practices, including the construction of farm structures, as defined by the Secretary of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation respectively. However, any person intending to build a farm structure shall notify the Town Zoning Administrator and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets.

### Sec 303: Accessory Dwelling Units

*Except in the Special Flood Hazard Area as regulated under Section 320 of this Bylaw*, an accessory dwelling unit that is located within or appurtenant to an owner occupied single-family dwelling shall be a permitted use. An accessory dwelling unit shall be defined as efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

(1) The property has sufficient wastewater capacity.

(2) The unit does not exceed 50 percent of the total habitable floor area of the single- family dwelling, up to 1,500 sq. ft.

(3) Applicable setback, coverage, and parking requirements specified in the bylaws are met.

### Sec 304 Existing Small Lots

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

the requirements stated in this bylaw.

304.2 Existing small lots. Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of any zoning regulation, including an interim zoning regulation, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lots is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet.

304.3 If such lot subsequently comes under common ownership with one or more contiguous lots, the lot shall be deemed merged with the contiguous lot for purposes of this chapter. However, such lot shall not be deemed merged and may be separately conveyed, if:

- (i) the lots are conveyed in their preexisting, nonconforming configuration; and
- (ii) on the effective date of any zoning regulations, each lot had been developed with a water supply and wastewater disposal system; and
- (iii) at the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and
- (iv) the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems in case a wastewater system fails, which means the system functions in a manner:
  - (I) that allows wastewater to be exposed to the open air, pool on the surface of the ground, discharge directly to surface water, or back up into a building or structure unless the approved design of the system specifically requires the system to function in such a manner;
  - (II) so that a potable water supply is contaminated or rendered not potable; (III) that presents a threat to human health; or (1V) that presents a serious threat to the environment.

304.04 If, subsequent to separate conveyance, as authorized under subdivision B of this section, a wastewater system fails, the owner shall be required to obtain from the secretary of natural resources a wastewater permit as required under the subdivision regulations or a certification that the wastewater system has been modified or replaced, with the result that it no longer constitutes a failed system.

Sec 305: Frontage on, or Access to, Public Roads or Waters

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

Land development may be permitted on land that does not have frontage either on a public road or public waters, provided that access through a permanent deeded easement or deeded right-of-way has been approved in accordance with standards and process specified in the bylaws. This approval shall be pursuant to subdivision bylaws adopted in accordance with section 4418 of this title, or where subdivision bylaws have not been adopted or do not apply, through a process and pursuant to standards defined in bylaws adopted for the purpose of assuring safe and adequate access. Any permanent easement or right-of-way providing access to such a road or waters shall be at least 20 feet in width.

Sec 306: Protection of Home Occupations

No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof. A home occupation shall conform to the following standards:

306.01 The home occupation shall be carried on by members of the family. Two employees who are not members of the family are permitted;

306.02 The home occupation shall be carried on within the principal or accessory structures;

306.03 Exterior storage of material shall be screened from view;

306.04 Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable shall be confined to the boundaries of the business property line;

306.05 Parking shall be provided off-street *and* shall *not* be located in front yards except for the first two cars;

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

Sec 307: Lots in Two Zoning Districts

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

Sec 308: Reduction of Lot Area

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

Sec 309: Required Area or Setbacks

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

Sec 310: Projections Into Required Setbacks

All structures, whether attached to the principal structure or not, and, whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum setback, setback being defined as the distance from the structure to the property line.

Sec 311: Lots Abutting More Than One Public Road

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

Sec 312: Location of Driveways

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

Sec 313: Temporary Uses and Structures

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

Sec 314: Collapsed or Burned Buildings and Structures

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

Sec 315: Off Street Parking

Off street parking shall be provided as follows:

- 315.01 Two spaces per dwelling unit for residential uses.
- 315.02 One space per one hundred square feet of floor area for commercial/industrial uses open to the general public.
- 315.03 One and one-half spaces per employee for commercial and/or industrial uses not open to the general public.
- 315.04 No parking is allowed within the town right of way or on the traveled portion of the road or highway.

Sec 316: Signs

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

316.01 A sign not exceeding twenty-four square feet which announces the name, address, profession, or home occupation of the occupant of the premises on which said sign is located.

316.02 A bulletin board not exceeding twenty-four square feet, in connection with any church, school or similar public structure.

316.03 A temporary sign, not exceeding twenty-four square feet does not require a permit. Such sign shall be removed promptly when it has fulfilled its function. The following signs are included but not limited to:

- Sandwich Boards
- Real Estate Signs
- Construction Signs
- Event Signs
- Signs required for public health and safety
- Political Signs

316.04 A business sign in connection with any legal business or industry located on the same premises and meeting the following requirements:

- A. Two signs are permitted for any legally established business, one free standing, the other attached to the building. The height of a freestanding sign shall not exceed 20 feet.
- B. Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic.

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

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

316.05 A portable temporary on-site display sign not exceeding a time period of 7 days will be permitted. (i.e.: flea market, non-profit event) No permit required.

316.06 Setbacks for signs: Signs shall not obstruct view and be set back out of right of way.

Sec 317: Auto Service Stations

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

317.01 Pumps, lubricating and other service devices shall be located at least 50 feet from the front lot line and 35 feet from side and rear lot lines.

317.02 There shall be no more than two access driveways from the road. The maximum width of each access driveway shall be 40 feet.

317.03 A suitably curbed and landscaped area shall be maintained at least 5 feet in depth along all road frontages not used as driveway.

Sec 318: Earth Resource Extraction

The extraction of earth resources for sale, except when incidental to construction of a building or lot improvement on the same premises, shall be considered a conditional use and permitted only upon approval by the Board of Adjustment after a public hearing. The following provisions shall apply:

318.01 Before the approval of any earth resource extraction operation the applicant shall agree to leave the site in a safe, attractive, and useful condition upon completion of the extraction operations. The Board of Adjustment may require a performance bond or other means of security to ensure rehabilitation of the site.

318.02 Cut slopes, soil banks, and deep pits created by extraction operations shall not be allowed to remain but shall be graded smooth and left in a neat condition.

318.03 No excavation, blasting, or stock piling of materials shall be located within two hundred (200) feet of any public road or neighboring property line.

318.04 No power-activated sorting machinery or equipment shall be located within three hundred (300) feet of any public road or neighboring property line.

318.05 Steep slopes created by excavating which constitutes a safety hazard shall be fenced and appropriately screened as determined by the Board of Adjustment.

318.06 The Board of Adjustment may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

Sec 319:                   Setback from Streams/Brook/Creek/Flowing Body of Water

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

**Sec 320:                   Flood Hazard Regulations**

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

**320.01                   Statutory Authorization**

To effect the purposes of 10 V.S.A. Chapter 32, and in accordance with 24 V.S.A. § 4424, there is hereby established a regulation for areas of special flood hazard in the Town of Guildhall, Vermont.

It is the purpose of this regulation to:

- (A) Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards;
- (B) Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property;
- (C) Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753;
- (D) Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

## **320.02                    *Lands to Which These Regulations Apply***

### **A. Regulated Flood Hazard Areas**

These regulations shall apply to the Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations. The location of the boundary shall be determined by the Zoning Administrator (ZA). If the applicant disagrees with the determination made by the ZA, a Letter of Map Amendment from FEMA shall constitute proof.

### **B. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas**

Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program 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 available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

## **320.03                    *Development Permit Required***

### **A. Permit**

A permit is required from the Administrative Officer for all development in all areas defined in Section IV. Development that requires conditional use approval, non-conforming use approval, or a variance from the Zoning Board of Adjustment (ZBA) under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the ZA. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in this section and Section 320.06. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

### **B. Permitted Development**

For the purposes of review under these regulations, the following development activities in the Special Flood Hazard area where outside of the floodway and outside of the Fluvial

Erosion Hazard Zone, and meeting the Development Standards in Section 320.06, require only an administrative permit from the ZA:

1. Non-substantial improvements;
2. Accessory structures;
3. Development related to on-site septic or water supply systems;
4. Building utilities;
5. At-grade parking for existing buildings; and,
6. Recreational vehicles.



### C. Prohibited Development in Special Flood Hazard Area and Fluvial Erosion Hazard Zone

1. New residential or non-residential structures (including the placement of manufactured homes);
2. Storage or junk yards;
3. New fill except as necessary to elevate structures above the base flood elevation;
4. Accessory structures in the floodway;
5. Critical facilities are prohibited in all areas affected by mapped flood hazards; and,
6. All development not exempted, permitted, or conditionally permitted.

### D. Conditional Use Review

Conditional use review and approval by the ZBA, is required prior to the issuance of a permit by the ZA for proposed development within the following:

1. Substantial improvement, elevation, relocation, or flood proofing of existing structures;
2. New or replacement storage tanks for existing structures;
3. Improvements to existing structures in the floodway;
4. Grading, excavation; or the creation of a pond;
5. Improvements to existing roads;
6. Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
7. Public utilities;
8. Improvements to existing primary structures in the Fluvial Erosion Hazard Zone that do not expand the footprint of the existing structure more than 500 square feet;
9. Accessory structures in the Fluvial Erosion Hazard Zone, of 500 square feet or less, that represents a minimal investment
10. Building utilities in the Fluvial Erosion Hazard Zone; and,
11. At-grade parking for existing buildings in the Fluvial Erosion Hazard Zone

### E. Exempted Activities

The following are exempt from regulation under this bylaw:

1. The removal of a building or other structure in whole or in part;
2. Maintenance of existing roads and storm water drainage;
3. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,
4. Agricultural activities conducted in accordance with the Vermont

Department of

Agriculture's Accepted Agricultural Practices (AAP). Prior to the construction of farm structures the farmer must notify the ZA in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks

### F. Certificate of Occupancy (*Note – Certificates of Occupancy apply only to properties within the Special Flood Hazard Area*)

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 by the Zoning Administrator, stating that the proposed use of the structure or land conforms to the requirements of these bylaws.

A Certificate of Occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw. Within 14 days of the receipt of the application for a Certificate of Occupancy, the ZA shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and all that all work has been completed in conformance with the zoning permit and associated approvals. If the ZA fails to grant or deny the Certificate of Occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15<sup>th</sup> day. If a Certificate of Occupancy cannot be issued, notice will be sent to the owner *and filed with the Town Clerk*.

#### G. Variances

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

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

#### H. Nonconforming Structures and Uses

The ZBA may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a flood hazard area provided that:

1. The proposed development is in compliance with all the Development Standards in Section VII of this bylaw;
2. 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 one foot or more above the base flood elevation and the structure must otherwise comply with all requirements of the National Flood Insurance Program;
3. Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months; and
4. An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or

abandonment of nonconformity. Replacement manufactured homes must be placed so as to meet the development standards in this bylaw (320.06).

### **320.04 Procedures**

A. Application Submission Requirements. Applications for development shall include:

1. Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, Fluvial Erosion Hazard Zone, the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
2. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the ZA and attached to the permit before work can begin;

B. Referrals.

1. Upon receipt of a complete application for a substantial improvement or new construction the ZA shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424 18. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

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

C. Decisions. The ZBA shall consider comments from the NFIP Coordinator at ANR. The ZBA may recess the proceedings on any application pending submission of additional information.

### **320.05                    *Base Flood Elevations and Floodway Limits***

- (A) The “Regulatory Floodway” in Town of Guildhall means 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. Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.
  
- (B) Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program 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 available, the applicant shall use data provided by FEMA, or State, or Federal agencies
  
- (C) Until a regulatory floodway has been designated, no new construction, substantial improvements, or other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

### **320.06                    *Development Standards***

#### **(A) Floodway Areas**

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

(B) All Special Flood Hazard Areas (within mapped Floodway Areas, the following Section B provisions are additive to the Section A provisions above).

1. Improvements - All improvements shall be reasonably safe from flooding and:
  - (a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
  - (b) constructed with materials resistant to flood damage,
  - (c) constructed by methods and practices that minimize flood damage, and
  - (d) 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.
  
2. Substantial Improvements
  - (a) Existing buildings and manufactured homes to be substantially improved or replaced and are located in Zones A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation. This must be documented, in as-built condition, with a FEMA Elevation Certificate.
  
  - (b) Non-residential structures to be substantially improved must meet the standards 2(a), or may have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; A permit for flood proofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection. A permit for an improvement 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.
  
4. Subdivisions:
  - (a) New subdivision of land proposals and other proposed improvements that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data.
  - (b) Subdivisions of land shall be designed to assure:

- i. such proposals minimize flood damage within the flood-prone area,
  - ii. public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
  - iii. adequate drainage is provided to reduce exposure to flood hazards.
5. Enclosed Areas Below the Lowest Floor:
  - (a) Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
  - (b) Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding, shall:
    - (1) Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
    - (2) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
6. Recreational Vehicles (RVs): *RVs must be fully licensed and ready for highway use.*
7. Water Supply Systems: Replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
8. Sanitary Sewage Systems: Replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
9. On-Site Waste Disposal Systems: On-site wastewater disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Wastewater disposal systems shall not be located in a floodway area.
10. Watercourse Carrying Capacity: The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

### **320.07 Duties and Responsibilities of the Administrative Officer**

Records. The Administrative Officer shall properly file and maintain a record of:

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

### **320.09      *Warning of Disclaimer of Liability***

This regulation does not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This regulation shall not create liability on the part of the Town of Guildhall or any town official or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made hereunder.

### **320.10      *Validity and Severability***

If any portion of this regulation is held unconstitutional or invalid by a competent court, the remainder of this regulation shall not be affected.

### **320.11      *Precedence of Regulation***

The provisions of this regulation shall not in any way impair or remove the necessity of compliance with any other applicable regulations. Where this regulation imposes a greater restriction, the provisions of this regulation shall take precedence.

### **320.12      *Enforcement and Penalties***

- (A) It shall be the duty of the Administrative Officer to enforce the provisions of this regulation. Whenever any improvements or subdivision occur contrary to these flood hazard area regulations, the Administrative Officer, in his/her discretion, shall institute appropriate action in accordance with the provisions of 24 V.S.A. §1974a or pursuant to 24 V.S.A. § 4451 or 24 V.S.A. § 4452 to correct the violation. No action may be brought unless the alleged offender has had at least a seven-day warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period and within the next succeeding twelve months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be

entitled to an additional warning notice for a violation occurring after the seven days.

If the structure is still non-compliant after the opportunity to cure has passed, the Administrator Officer shall submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations.

The declaration shall consist of: (a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance, (c) a clear statement that the public body making the declaration has authority to do so and a citation to that authority, (d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

Sec 321: Structures

- 321.01 Structure. Anything constructed or erected that requires location on the ground or attached to something having location on the ground.
- 321.02 Movable Structure. A structure designed to be moved. These structures must conform to applicable setbacks, permits, and other conditions.
- 321.03 Temporary Structure. A structure removed when the activity or use for which the temporary structure was erected has ceased.
- 321.04 Micro Structure. A freestanding structure of 24 square feet or less in size. A permit is not required. Ex.: Springhouse cover, tree house, doghouse.
- 321.05 Green houses are exempt from requiring a permit as it is an agricultural building.
- 321.06 *Any structures located within a Special Flood Hazard Area are regulated under Section 320 of this Bylaw, including movable, temporary, micro-structures, and greenhouses.*

Sec 322: Planned Unit Development

In accordance with the provisions set forth in Section 4417 of the Act, the modification of district regulations is permitted subject to the requirements of this



section. No zoning permit shall be issued by the Zoning Administrative Officer for a planned unit development until the Planning Commission grants such approval in accordance with the following procedures:

- 322.01 The purpose of the planned unit development provision is to encourage compact, pedestrian oriented, affordable housing, innovation in design and layout, and more efficient use of land.
- A. To provide for the conservation of open space features recognized as worthy of conservation in the municipal plan and bylaws, such as the preservation of agricultural land, forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.
  - B. To encourage and preserve opportunities for energyefficient development and redevelopment.
- 322.02 Proposals for planned unit developments shall be submitted to the Planning Commission in duplicate and shall include a site plan map and supporting data as required by this section.
- 322.03 Supporting Data Required. The following data is required and must be submitted in a written text:
- A. Name and address of the owner of record of the land in question.
  - B. Names and addresses of the owners of all abutting properties.
  - C. Name and address of the person or firm preparing the site plan map.
  - D. Construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.
  - E. Any land use and/or deed restrictions.
- 322.04 Site Plan Map Required. A site plan map is required and must show the following features:
- A. Existing features, including contours, structures, large trees, streets, utility easements, and rights-of-way.
  - B. Proposed structure locations and land use areas, streets, driveways, traffic circulation, parking and loading spaces, pedestrian walks, landscaping plans, including site grading, landscape design and screening.
- 322.05 Uses shall be limited to those permitted and conditional uses within the district in which the planned unit development is

proposed.

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

The Planning Commission shall hold a public hearing after public notice, as required by Section 4464 of the Act, prior to the establishment of any supplementary rules and regulations for planned unit development.

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

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

Sec 323: \_\_\_\_\_ Historical District

As provided for in Section 4414(F) of the Act, provision is hereby made for establishment of Historical Districts.

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

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

323.01 Any application for a zoning permit for construction, reconstruction, or alteration of any structure shall be made to the Zoning Administrative Officer with two copies of proposed plans and elevations, and a description of materials to be used on the exterior of any structure, and any proposed landscaping.

323.02 The Zoning Administrative Officer shall, within 15 days of receiving such plans, submit them to the Planning Commission for review and schedule hearing within 45 day of receiving such plans

323.03 The Planning Commission shall, within 45 days of the public hearing, render a decision as to the acceptability of the plans based on the following considerations:

- A. Harmony of exterior design with other properties.
- B. Compatibility of exterior materials to be used with other properties.
- C. Compatibility of the proposed landscaping.
- D. Prevention of the use of incompatible designs of buildings, color schemes or exterior materials.

323.04 The Planning Commission shall review and either accept or reject the proposed plans. If the plans are rejected, the Planning Commission shall state in a report to the Zoning Administrative Officer reasons for such rejection.

323.05 No zoning permit shall be issued by the Zoning Administrative Officer for any structure in the Historical District unless the Planning Commission fails to render a written decision within 45 days.

Sec 324: \_\_\_\_\_ Travel Trailers & Travel Trailer Camps

324.01 Travel Trailers. It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up coach and/or motor home on any public or private property, except in accordance with the

regulations as follows:

- A. In an approved travel trailer camp.
- B. In an approved travel trailer sales lot.
- C. Any property owner may park his travel trailer, or that of a visitor, on his own property, provided the trailer is parked no closer than six feet to any lot line.
- D. A parked travel trailer shall not be used as living quarters for more than six months in any calendar year.

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

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

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

Sec 325: Telecommunications

### **325.01 Authority**

- (A) Under authority granted by 24 V.S.A. Chapter 117, the Town of Guildhall adopts this Wireless Telecommunication Facility (WTF) Zoning Bylaw.
- (B) Pursuant to 24 V.S.A. §4414(12), the Planning Commission (PC) shall have the authority to regulate construction, alteration, and development, decommissioning and dismantling of WTFs in the Town of Guildhall.

### **325.02 Purpose**

The purpose of these regulations is to promote the public health, safety, and welfare of the residents of the Town of Guildhall, and preservation of the environment, while accommodating the telecommunication needs of the Town's residents.

### **325.03 Consistency with Federal and State Law; Severability**

This Bylaw is intended to be consistent with the Telecommunications Act of 1996 and Title 24, Chapter 117 of Vermont Statutes Annotated (V.S.A.). If any section of this Bylaw is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this regulation.

### **325.04 Permit Required; Exemptions**

- (A) WTFs may be permitted as conditional uses upon compliance with the provisions of this Bylaw in the following zoning districts: Guildhall Village District, Guildhall Village District, Rural Lands District, and Conservation District. No installation or construction of, or significant addition or modification to, any WTF shall commence until a permit has been issued by the PC. However, in accordance with 24 V.S.A. § 4412(9), a permit shall be issued for a WTF that in, the determination of the PC will impose no impact or merely a de minimis impact upon any criteria established in (I) below. The PC's determination regarding no impact or de minimis impact shall be in writing and shall be subject to appeal under 24 V.S.A. § 4471.
- (B) No permit shall be required for a WTF that is used exclusively for municipal radio dispatch service or emergency radio dispatch service and which does not exceed 50 feet in elevation.
- (C) This Bylaw shall not apply to amateur radio, citizens band radio, AM or FM radio, or broadcast television service.
- (D) No permit shall be required for a WTF that has received a certificate of public good pursuant to 30 V.S.A. § 248a.
- (E) This Bylaw shall not prohibit a property owner's ability to place or allow placement of antennae used to transmit, receive, or transmit and receive communications signals on the property owner's premises if the aggregate area of the largest face of the antennae is not more than eight square feet, and if the antennae and the mast to which they are attached do not extend more than 12 feet above the roof of that portion of the building to which they are attached.

### **325.05                    *Permit Application Requirements***

In addition to information otherwise required in the Town of Guildhall's Zoning Bylaw, applicants shall include the following supplemental information:

- (A) The applicant's legal name, address, telephone number, and e-mail. If the applicant is not a natural person, the applicant shall provide the state in which it is incorporated and the name and address of its resident agent.
- (B) The name, title, address, telephone number, and e-mail of the person to whom correspondence concerning the application should be sent.
- (C) The name, address, telephone number, and e-mail of the owner or lessee of the property on which the WTF will be located.
- (D) The names and addresses of all adjoining property owners. Adjoining property owners shall be determined without regard to any public right-of-way.
- (E) A vicinity map showing the entire vicinity within a 1,000 foot radius of the Facility, including the location of any tower, topography, public and private roads and driveways, buildings and structures, utilities, water bodies, wetlands, landscape features, historic sites and necessary wildlife habitats. It shall indicate the property lines of the proposed Facility site parcel and all easements or rights-of-way needed for access from a public way to the Facility.
- (F) The location of the Facility on a U.S. Geological Survey (USGS) Topographic Map or a Geographic Information Systems (GIS) -generated map compatible with Vermont Center for Geographic Information (VCGI) standards and encompassing the area within at least a two-mile radius of the proposed tower site.
- (G) Elevations and proposed site plans of the Facility showing all facades and indicating all exterior materials and colors of towers, buildings and equipment, as well as all landscaping, utility wires, guy wires and screening. (All plans shall be drawn at a minimum scale of 1 inch = 50 feet.)
- (H) In the case of a site that is forested, the approximate average elevation of the existing vegetation within 50 feet of any tower base.
- (I) Construction sequence and time schedule for completion of each phase of the entire project.
- (J) A report from a qualified engineer that:
  - 1. Describes any tower's design and elevation,

2. Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas.
3. Describes a tower's capacity, including the number, elevation, and types of antennas that the tower is proposed to accommodate.
4. In the case of new Facilities, demonstrates that existing towers and structures within five miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community.
5. Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage.
6. Describes the output frequency, number of channels and the power output per channel for each antenna. In the alternative, a coverage map may be provided.
7. Demonstrates the Facility's compliance with the standards set forth in this Bylaw or other applicable standards.
8. Provides proof that at the proposed Facility site the applicant will be in compliance with all Federal Communications Commission (FCC) regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards and requirements for Radio Frequency Radiation (RFR).
9. Includes such other information as determined by the PC to evaluate the application.
10. A letter of intent committing the Facility owner and its successors to permit shared use of any tower if the additional users agree to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards, and requirements and the provisions of this Bylaw and all other applicable laws.
11. In the case of an application for additional antennas or other equipment to be installed on an existing Facility, a copy of the executed contract with the owner of the existing structure.
12. To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the Facility, or a written statement by the applicant that an EA is not required for the facility.

## **325.06**

### ***Independent Consultants***

Upon submission of an application for a WTF permit, the PC may retain

independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals in telecommunications engineering, structural engineering, monitoring of electromagnetic fields and such other fields as determined by the PC. The consultant(s) shall work at the PC's discretion and shall provide the PC such reports and assistance as the PC deems necessary to review an application.

### **325.07                    *Balloon Test***

The PC may require the applicant to fly a four-foot diameter brightly colored balloon at the location and maximum elevation of any proposed tower. If a balloon test is required, the applicant shall advertise the date, time, and location of this balloon test at least 14 days in advance of the test in a newspaper with a general circulation in the Town. The applicant shall also inform the PC, in writing, of the date, time, and location of the test, at least 15 days in advance of the test.

The balloon shall be flown for at least eight consecutive daylight hours on four days. If visibility and weather conditions are inadequate for observers to clearly see the balloon test, further tests may be required by the PC.

### **325.08                    *Criteria for Approval and Conditions.***

An application for a WTF permit shall be approved when the PC finds all the following criteria have been met:

- (A) The Facility will not be built on speculation. If the applicant is not a WTSP, the PC may require the applicant to provide a copy of a contract or letter of intent showing that a WTSP is legally obligated to locate a WTF on lands owned or leased by the applicant.
- (B) The Facility will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the WTF, unless the proposed elevation is necessary to provide adequate Wireless Telecommunication Service capacity or coverage or to facilitate collocation of facilities.
- (C) The minimum distance from the base of any tower to any property line is not less than 100% the total elevation of the tower, including antenna or equipment.
- (D) The Facility will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by the FAA, federal or state law, or this Bylaw.
- (E) The applicant will remove the Facility, should the Facility be abandoned or cease to operate. The PC may require the applicant to provide a bond, or other form of financial guarantee acceptable to the PC, to cover the cost of removal of the Facility, should the Facility be abandoned or cease to operate.



- (F) The applicant demonstrates that the facility will be in compliance with all FCC standards and requirements regarding RFR.
- (G) The applicant will maintain adequate insurance on the Facility.
- (H) The Facility will be properly identified with appropriate warnings indicating the presence of RFR. The PC may condition a permit on the provision of appropriate fencing.
- (I) The proposed equipment cannot be reasonably collocated at an existing WTF. In determining this, the PC shall consider the following factors:
1. The proposed equipment would exceed the structural or spatial capacity of the existing facility and the existing facility cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost.
  2. The proposed equipment would materially impact the usefulness of other equipment at the existing facility and such impact cannot be mitigated or prevented at a reasonable cost.
  3. The proposed equipment, alone or together with existing equipment, would create radio frequency interference and/or RFR in violation of federal standards.
  4. Existing towers and structures cannot accommodate the proposed equipment at an elevation necessary to function reasonably or are too far from the area of needed coverage to function adequately.
  5. Collocation of the equipment upon an existing tower would cause an undue aesthetic impact.
- (J) The Facility provides reasonable opportunity for collocation of other equipment.
- (K) The Facility will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
- (L) The Facility will not have an undue adverse aesthetic impact. In determining this, the PC shall consider the following factors:
1. The results of the balloon test, if conducted.
  2. The extent to which the proposed towers and equipment have been designed to blend into the surrounding environment through the use of screening, camouflage, architectural design, and/or imitation of natural features.
  3. The extent to which access roads have been designed to follow the contour of the land and will be constructed within forest or forest fringe areas and not open fields.

4. The duration and frequency with which the Facility will be viewed on a public highway or from public property.
5. The degree to which the Facility will be screened by existing vegetation, topography, or existing structures.
6. Background features in the line of sight to the Facility that obscure or make the Facility more conspicuous.
7. The distance of the Facility from the point of view and the proportion of the Facility that is above the skyline.
8. The sensitivity or unique value of a particular view affected by the Facility.
9. Any significant disruption of a viewshed that provides context to an important historic or scenic resource.

(M) The Facility will not destroy or significantly imperil necessary wildlife habitat or that all reasonable means of minimizing the destruction or imperilment of such habitat or species will be utilized.

(N) The Facility will not generate undue noise.

### **325.09      *Continuing Obligations for Wireless Telecommunication Facilities***

The Owner of a WTF shall, at such times as requested by the PC, file a certificate showing that it is in compliance with all FCC standards and requirements regarding RFR, and that adequate insurance has been obtained for the Facility. Failure to file a certificate within the timeframe requested by the PC shall mean that the Facility has been abandoned.

### **325.10      *Removal of Abandoned or Unused Facilities***

Unless otherwise approved by the PC, an abandoned or unused WTF or Small Scale Facility shall be removed within 90 days of abandonment or cessation of use. If the Facility is not removed within 90 days of abandonment or cessation of use, the PC may cause the Facility to be removed. The costs of removal shall be assessed against the Facility owner.

Unused portions of a WTF or Small Scale Facility shall be removed within 180 days of the time that such portion is no longer used. Replacement of portions of a Facility previously removed shall require a new permit, pursuant to Section E.

#### **Sec 326:                      Agricultural and Forestry Uses**

Nothing contained herein shall restrict accepted agricultural farming practices, or accepted silvicultural practices, including the construction or farm structures, as such practices are defined by the Commissioner of agriculture, food and markets

or the Commissioner of forests, parks and recreation, respectively, under 10 VSA, §§1021(f) and 1259(f) and 6 VSA, §4810. Also see §323.

- A Zoning permits need not be obtained for farm structures. However, any landowner proposing to erect a farm structure shall notify the Zoning Administrative Officer of such intent prior to the erection of such structure. No permit is required.
- B Farm structures shall comply with setbacks approved by the Commissioner of agriculture, food, and markets.
- C A person proposing to construct a farm structure with setbacks less restrictive than those contained herein shall submit, in writing, a request for a variance to the Commissioner of agriculture, food, and markets. Such request must include the following information:
  - 1 A statement of the reason or reasons less restrictive setbacks are necessary; A copy of this zoning bylaw
  - 3 A sketch plan of the proposed structure(s) showing the distance from all property lines, and
  - 4 A description of the adjoining land uses.
- D A person may notify the Zoning Administrator regarding forest management practices resulting in a change in a forest management plan for land enrolled in the use value appraisal program pursuant to 32 V.S.A. Chapter 124 only to the extent that those changes are silviculturally sound, as determined by the commissioner of forests, parks and recreation, and protect specific natural, conservation, aesthetic, or wildlife features in properly designated zoning districts. These changes also must be compatible with 32 V.S.A. Section 3755.

Sec. 328: Residential Care or Group Homes

A residential care home or group home to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. Section 4501, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home. This is treated as a conditional use in all land zones.

Sec 329: Child Care

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

Sec. 330                      Private Swimming Pool

Private swimming pools installed below ground level require a zoning permit.

Sec. 331                      Outdoor Wood Furnace/Boilers

Vermont law regulates outdoor wood furnace/boilers. Applicants should check with the State Permit Specialist.

ARTICLE IV:                      NON-CONFORMING USES and STRUCTURES

Sec 401:                      Construction Approved Prior to Amendment of Bylaw

Nothing contained in this bylaw shall require any change in plans for the construction of a non-conforming structure or the establishment of a non-conforming use for which a zoning permit has been issued prior to the effective date of this bylaw or which is completed, or suitable for occupancy or use within two (2) years from the effective date of this bylaw. Applications to renew expired permits issued under the prior bylaw will not be approved unless the structure or use for which the original permit was issued conforms to the requirements of this bylaw.

Sec 402:                      Non-Conforming Uses

In accordance with Title 24 VSA 4412(7), the following provisions shall apply to all non-conforming uses existing on the effective date of this bylaw:

402.01                      Shall not be expanded, enlarged, or extended (except-as specifically provided), nor shall any external evidence of such use be increased by any means whatsoever.

402.02                      Shall not be changed to another non-conforming use.

402.03                      Shall not be re-established if such use has been discontinued for a period of six months, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.

- 402.04 Shall not be restored for other than a conforming use after *damage from any cause*, unless *the non-conforming use* is reinstated within one year of such damage. If the restoration of such building is not completed within one year, the non-conforming use of such building shall be deemed to have been discontinued, unless carried on without interruption in the undamaged part of the building.

Sec 403: Expansion of a Non-Conforming Use

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

Sec 404: Non-Conforming Structures

In accordance with Title 24 VSA 4412(7), the following provisions shall apply to all non-conforming structures:

- 404.01 A non-conforming structure may be continued indefinitely and may be expanded, subject to approval by the Zoning Board of Adjustment, provided the expansion is in accordance with any applicable requirements of this bylaw, does not increase the degree of non-conformance and meets the requirements of Section 403 regarding expansion of a non-conforming use.
- 404.02 Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-conforming structure provided that such action does not increase the degree of non-compliance.

ARTICLE V: DEFINITIONS

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

Sec 501: Word Definitions

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

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

The word SHALL is mandatory, the word MAY is permissive. The words USED or OCCUPIED include the words INTENDED, DESIGNED, or ARRANGED TO BE USED or OCCUPIED. The word LOT includes the words PLOT or PARCEL.

Sec 502: Term Definitions

**ACCESSORY DWELLING:** An efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

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

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

**Affordable housing (Statutory Definition):** means either of the following:

- *Housing that is owned by its inhabitants, whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than 30 percent of the household's gross annual income, or*
- *Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income. 24 V.S.A. § 4303(1)(A).*

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

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

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

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

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

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

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

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

**BUILDING:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods; or materials of any kind or nature.

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

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

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

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

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

**DAY CARE CENTER:** Any use or structure registered or licensed by the State of Vermont in which are cared for 7 or more children but under no circumstances

more than 12.

**DAY CARE CENTER FAMILY/HOME:** Any state registered or licensed day care serving no more than 6 children shall be considered by right to be a single-family dwelling. Please see my notes about defining a family daycare separately.

**DEVELOPMENT:** Means the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land. (24VSA, Ch.117)

***“Development” (for use in review of proposals under Section 320 Flood Hazard Regulations):*** means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

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

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

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

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

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

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

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

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

**ENLARGEMENT:** Expanding or increasing a building in size or volume or quantity



of scope.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission, or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories in connection therewith, and including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare.

**EXCAVATION:** The act of digging.

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

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

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

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

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

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

**“Floodplain or flood-prone area”** means any land area susceptible to being inundated by water from any source.

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

**FLOODWAY:** Means 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. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

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

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

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

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

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

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

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

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

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

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

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

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

LOT:

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

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

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

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

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

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

"Manufactured Home (or Mobile Home)" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include "recreational vehicle" or "travel trailer".

MANUFACTURING USE: Establishments engaged in the mechanical or chemical

transformation of materials or substances into new products including, but not limited to, the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

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

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

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

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

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

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

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

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

PARKING SPACE, OFF-STREET: Off-street space used for the temporary location of one licensed motor vehicle, which is at least nine feet wide and twenty-two feet long, not including access driveway, and having direct access to a street or alley.

PERSONAL SERVICE: Includes barber, hairdresser, beauty parlor, shoe

repair, shoeshine, laundry, Laundromat, dry cleaner, photographic studio, animal grooming, and businesses providing similar services of a personal nature.

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

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

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

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

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

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

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

**RECONSTRUCTION:** The activity of constructing something again.

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

**“Recreational vehicle”** means 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.

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

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

**RENEWABLE ENERGY RESOURCES:** Energy available for collection or

conversion from direct sunlight, wind, running water, organically derived fuels, including wood and agricultural sources, waste heat, and geothermal sources.

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

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

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

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

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

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

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

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

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

been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

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

STREET 1 ROAD: Public way for vehicular traffic that affords the principal means of access to adjacent properties.

STREET 1 ROAD LINE: Right-of-way line of a street 1 road as dedicated by a deed of record. Where the width of the street / road *right-of-way has not been* established, the street / road *line* shall be considered to be twenty-five feet from the center of the traveled portion of the right-of-way for class II, III, IV roads. For Route 102 thirty-three feet from the center of the traveled portion of the right of way. For more information refer to town highway plan.

STRUCTURE: An assembly of materials for occupancy or use, including a building, mobile home or trailer, sign, wall or fence, and any related built systems, including gas or liquid storage tanks.

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

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.

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

SUBSTANTIAL IMPROVEMENT: Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the

market value of the structure either before the improvement or repair is started or, if the structure has been damaged, and is being restored, before the damage occurred. However, the term does not, however, include either:

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

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

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

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

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

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

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

“Violation” means the failure of a structure or other development to be fully compliant with this bylaw. For purposes of “floodplain management”, a structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

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

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



areas as grow food or crops in connection with farming activities.

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

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

## ARTICLE VI: ADMINISTRATION & ENFORCEMENT

### Sec 600: Zoning Administrative Officer

- 600.01 The Administrative Officer 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.
- 600.02 The Zoning Administrative Officer or an acting Zoning Administrative Officer shall be appointed for a three year term by the Selectboard after nomination by the Planning Commission. Said officer shall literally enforce this bylaw.

### Sec 601: Zoning Permits

- 601.01 No land development may be commenced without a permit therefore issued by the Administrative Officer. No zoning permit may be issued by the Zoning Administrative Officer except in conformance with this bylaw.
- 601.02 Applications for zoning permits shall be made to the Zoning Administrative Officer on forms provided by him/her for that purpose.
- 601.03 Prior to the issuance of any zoning permit the Zoning Administrative Officer shall first satisfy himself/herself that the subject of the application is in conformance with this bylaw. He/she may request from an applicant any information he/she deems necessary for this purpose. No such permit shall be issued unless an application, fee, plot plan, and any other approvals of the Planning Commission or the Board of Adjustment required by this regulation have been

properly obtained and are submitted in connection with the application. The Zoning Administrative Officer shall, within 30 days of submission of the application, data and approvals, either issue or deny a zoning permit. If denied, the Zoning Administrative Officer shall so notify the applicant in writing, stating his reasons therefore. If the zoning permit is approved, all activities authorized by its issuance shall not commence before 15 days from the date of approval, and actions authorized by its issuance shall substantially commence within two years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required.

- 601.04 No zoning permit issued pursuant to Section 4449 of the Act shall take effect until the time for Appeal in Section 4465 of the Act has passed, or in the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.
- 601.05 In the issuance of zoning permits, the Zoning Administrative Officer shall comply with all of the provisions of Section 4449 of the Act.
- 601.06 Failure of the ZA to act on an application within 30 days deems approval.
- 601.07 The fee for a zoning permit shall be established by the Board of Selectmen. Said fee shall accompany each application for a permit.
- 601.08 The zoning bylaw fee schedule shall be posted in the Guildhall Town Office.

Sec 602      Zoning Appeals

- 602.01 Appeals of the actions of the Zoning Administrative Officer must be submitted to the Board of Adjustment within 15 days of the Zoning Administrative Officer's action.
- 602.01 Any interested person as defined under 24 V.S.A. §4465 may appeal a decision or act of the Zoning Administrator within 15 days of the date of the decision or act by filing a notice of appeal with the Town Clerk, and by filing a copy of the notice with the Zoning Administrator. A notice of appeal filed under this section shall be in writing and include the following information:
- A. the name and address of the appellant,
  - B. a brief description of the property with respect to which the appeal is taken,
  - C. a reference to applicable provisions of these regulations,

- D. the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations, and
- E. the alleged grounds why such relief is believed proper under the circumstances.

The Zoning Board of Adjustment shall hold a public hearing on a notice of appeal within 60 days of its filing, as required in 24 V.S.A. §4468. The Zoning Board of Adjustment shall give public notice of the hearing under §510 of this bylaw, and shall mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.

The Zoning Board of Adjustment may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts presented by or on behalf of the appellant.

All appeal hearings shall be open to the public and shall be conducted in accordance with the Zoning Board of Adjustment's rules of procedures, as required by 24 V.S.A. §4461. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the Board from time to time, provided that the date, time, and place of the continuation of the hearing are announced at the hearing.

A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing. The decision shall be sent by certified mail to the appellant within the 45 day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and the Town Clerk as part of the public records of the Town, in accordance with §510 of this bylaw. If the Zoning Board of Adjustment fails to issue a decision within this 45day period, the appeal will be deemed approved and shall be effective on the 46th day.

Sec. 603:           Variances

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

- (1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular

property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;

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

#### Sec 604: Appeals to Environmental Court

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 Zoning Board of Adjustment may appeal a decision within 30 days of such decision, to the Vermont Environmental Court.

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, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days.

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

#### Sec 605: Waivers

- (1) The Board of Adjustment shall hear and decide requests for waivers on dimensional requirements (including signage) as needed to allow for disability accessibility, fire safety, energy conservation, transportation access, and renewable energy structures, and other requirements of the law.
- (2) The waiver, if authorized, shall not result in an undue adverse affect on 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, including the safety and maintenance of the Town's roadways.

- (3) Waivers may not be issued for any of the development standards outlined in Section 320 (9) of this bylaw.
- (4) Approval or denial of a waiver may be appealed to the Environmental Court as specified in Section 510 of this bylaw.

Sec 606: Enforcement

606.01 Penalties.

- A. Any person who violates any bylaw after it has been adopted under chapter 24 V.S.A. Chapter 117 or who violates a comparable ordinance or regulation adopted under prior enabling laws shall be fined not more than \$100.00 for each offense. No action may be brought under this section unless the alleged offender has had at least seven days' warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation of the bylaw or ordinance after the seven-day notice period and within the next succeeding 12 months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violations within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. In default of payment of the fine, the person, the members of any partnership, or the principal officers of the corporation shall each pay double the amount of fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of bylaws shall be paid to the Town of Guildhall.
- B. Any person who, being the owner or agent of the owner of any lot, tract, or parcel of land, lays out, constructs, opens, or dedicates any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or sells, transfers, or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of that subdivision or land development or otherwise, or erects any structure on that land, unless a final plat has been prepared in full compliance with 24 V.S.A. chapter 117 and has been recorded as provided in 24 V.S.A. chapter 117, shall be fined not more than \$100.00, and each lot or parcel so transferred or sold or agreed or included in a contract to be sold shall be deemed a separate violation. All fines collected for these violations shall be paid to the Town of Guildhall. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from these penalties or from the remedies provided in 24 V.S.A. chapter 117.

The above provision for creation of plats is it done in site plan review

606.02 Remedies.

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

606.03 Limitations.

- A. An action, injunction, or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required municipal land use permit may be instituted under 24 V.S.A. chapter 117 Sections 1974a, 4451, or 4452 against the alleged offender if the action, injunction, or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred and not thereafter. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.
- B. No action, injunction, or other enforcement proceeding may be instituted to enforce an alleged violation of a Town of Guildhall land use permit that received final approval from the applicable board, commissioner, or officer of the Town of Guildhall after July 1, 1998, unless the municipal land use permit or a notice of the permit generally in the form provided for in 24 V.S.A. chapter 117 subsection 1154(c) was recorded in the land records of the Town of Guildhall as required by 24 V.S.A. chapter 117 subsection 4454.
- C. Nothing in this section shall prevent any action, injunction, or other enforcement proceeding by a municipality under any other authority it may have, including a municipality's authority under Title 18, relating to the authority to abate or remove public health risks or hazards.

Sec 607: Zoning Board of Adjustment

- 607.01 There is hereby established a Zoning Board of Adjustment, whose five members are appointed by the Board of Selectmen.

- 607.02 Rules of procedure applicable to the Board of Adjustment, the nature of appeals to the Board from actions of the Administrative Officer, notice requirements, public notice, conditions for variance relief, and all other matters governing the action of said Board Boards are now required to adopt their own Rules of Procedure and Conflicts of Interest Policies.
- 607.03 For Variance Decision format refer to see flow chart available at the town office as a bylaw attachment.
- 607.04 All decisions shall be in compliance with 24 V.S.A. Sec. 4464 and the Town of Guildhall zoning bylaws. Decisions shall be based on objective analysis of the facts and evidence to assure an impartial process.
- 607.05 The Zoning Administrator issues the zoning permit once the conditional use application is approved.

Sec 608: Public Notice

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

ARTICLE VII: AMENDMENTS, INTERPRETATION EFFECTIVE DATE

Sec 701: Amendments

This bylaw may be amended according to the requirements and procedures established in Sec's. 4441 and 4442 of the Act.

Sec 702: Interpretation

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

*It is not* intended by *this* bylaw to repeal, annul or in any way to impair any regulations or permits previously adopted or issued, provided, however, that where this bylaw imposes a greater restriction upon use of a structure or land than are required by any other statute, ordinance, rule, regulation, permit,

easement, or agreement, the provisions of this bylaw shall control.

Regulations beyond town jurisdiction shall not be superseded. Compliance with these regulations in no way implies complies with state and federal regulations beyond Guildhall's jurisdiction.

Sec 703: Effective Date

This regulation shall take effect in accordance with the voting and other procedures contained in Section 4442 of the Act.

Sec 704: Separability

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

Sec 705: Repeal

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