



DEVELOPMENT AND LAND USE
REGULATIONS
FOR
THE TOWN OF JAY, VERMONT
ADOPTED: MARCH 4, 2003

**DEVELOPMENT AND LAND USE REGULATIONS
FOR THE TOWN OF JAY, VERMONT**
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~ 1004 Severability

These Regulations and their various parts, sentences, paragraphs, elements, clauses and sections are hereby declared to be severable. If any part, sentence, paragraph, element, clause or section is adjudged invalid or unenforceable, the remainder of these Regulations shall not be affected thereby.

~ 1005 Repeal

The Zoning Bylaw adopted by the Town of Jay on March 3, 1992 is hereby repealed.

APPENDIX TO DEVELOPMENT AND LAND USE REGULATIONS

Summary of certain sections of Title 24, V.S.A., Chapter 117 referred to in the Regulations.

~ 4302. This section sets out the Purposes and Objectives of Town planning and land use regulation under the Act; the Regulations incorporate these Purposes by reference.

~ 4303. This section contains the definitions of important terms, like "land development", and "structure", which are used in the Regulations.

~ 4401. This section authorizes Towns to adopt zoning regulations which can govern the uses of land, the dimensions of land to be used, the intensity and location of uses, and the dimensions of structures. (~4401(b)(1)), subdivision regulations which can govern the review and approval of subdivision proposals (~ 4401(b)(2)), shoreline regulations (~ 4401(b)(4)), and flood hazard area regulations (~ 4401(b)(5)).

~ 4406(1). This section specifies that any lot that is in existence on the date of adoption of a Regulation, and which is more than one-eighth of an acre in size and at least forty feet wide or deep, may be used for uses allowed in the District even though the lot is smaller than the minimum lot sizes specified in the Regulation.

~ 4407(3). This section describes the procedures for reviewing planned residential developments and authorizes the density adjustment which the Regulations provide for in ARTICLE 5 of this Regulation.

~ 4411 & 4412. These sections authorize the regulation by Towns of uses along shorelines and in flood hazard areas, and specify the procedure to be followed by Towns in so doing. The Town adopted Flood Hazard Regulations on July 9, 1990; a copy is on file in the Town Clerk's office and should be reviewed by anyone wishing to develop land in areas near shorelines. These flood hazard area regulations have been incorporated into this bylaw.

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DEVELOPMENT & LAND USE REGULATIONS

FOR

THE TOWN OF JAY, VERMONT

Whereas the Town of Jay has created a Planning Commission and has adopted and has in effect a municipal plan, herein referred to as the Town Plan, under Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, herein referred to as the Act, there are hereby established regulations for the Town of Jay, which shall constitute those bylaws defined in --- 4401 (b) (1), (2), (4), and (5) of the Act, (see Appendix). These regulations shall be known as the "Town of Jay Development and Land Use Regulations".

NOTE: The sections of Vermont statutes which authorize and explain these Regulations are found in the Act, in Title 24 of Vermont Statutes Annotated at Chapter 117.

ARTICLE 1: PURPOSES

- 101: Location of Future Growth

The Town wishes to encourage future land development where it will provide a balanced community, that is, having the greatest benefits to the citizens of Jay, without increasing tax burdens to pay for additional town services, while providing for the future growth and orderly development of the Town.

- 102: Rate of Future Growth

The Town wishes to encourage a rate and character of land development which will preserve scenic, rural and recreational values which are and will be important to the future economic health of the Town, while providing a sound and environmentally responsible economic base for the Town's future, facilitating the orderly growth of the existing village center and the recreation area at Jay Peak.

- 103: The Natural Environment

The Town wishes to conserve its rural character, its air and water quality, and its productive lands in a manner consistent with these purposes and the Town Plan.

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902.27 SUBSTANTIAL IMPROVEMENT: Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either,

- A. Before the improvement or repair is started, or
- B. If the structure has been damaged, and is being restored, before the damage occurred. The term does not, however include either,
 - 1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or
 - 2. Any alteration of a structure listed on the National Register of Historic places or a State Inventory of Historic Sites.

902.25 TRAVEL TRAILER: A recreational vehicle, travel trailer, camping trailer, travel coach, motor home, mobile home or similar vehicle designed for residential uses which is not permanently connected to a water supply and an adequate sewage treatment and disposal facility.

ARTICLE 10: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE, and SEVERABILITY

- 1001: Amendments

These Regulations may be amended according to the requirements and procedures established in --- 4403 and 4404 of the Act.

- 1002: Interpretation

In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Except for --- 4409 (b) of the Act and where, in these Regulations, specifically provided to the contrary, it is not the intention of these Regulations to repeal, amend or in any way to impair any regulations or permits previously adopted or issued, provided, however, that where these Regulations impose a greater restriction upon use of a structure or land than are required by any other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of these Regulations shall control.

- 1003: Effective Date

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

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902.21 **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 of -- 60.3.

902.22 **MANUFACTURED HOME:** Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

902.23 **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 communities Flood Insurance Rate Map are referenced.

902.24 **SIGN:** Any device designed to inform or attract the attention of persons not on the premises on which the device is located. A sign is a single display surface or device containing elements organized, related, and composed to form a unit. Where matter or information is displayed in a random manner or where the Board of Adjustment finds there is a reasonable doubt concerning the relationship of elements, each element shall be considered a single sign.

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

902.26 **SUBDIVISION:** A transfer, including by deed, lease or otherwise, of an interest in less than all of a lot, except for a bona fide mortgage, easement, or boundary adjustment. A resubdivision is also a subdivision. A transfer of the right to use part of a lot for agriculture or forestry uses is not a subdivision, however, any change of these uses to any other use is a subdivision. The creation of a condominium or townhouse regime, or similar transfers of less than all interests in an existing lot or structure, or the continuous rental of a building or portion thereof for short-term occupancy, is a subdivision for the purposes of these Regulations.

-- 104: General Purpose

It is a purpose of these Regulations to implement the Town Plan, which is incorporated, herein by this reference. In addition, these Regulations are intended to achieve those purposes set forth in -- 4302 and 4412 of the Act, which is hereby incorporated by this reference (see Appendix), accordingly, in order to implement the foregoing purposes, these Regulations provide for the review by the Town Planning Commission or Board of Adjustment of the potential impacts of most development upon the natural, scenic and economic resources of the Town, in accordance with, and to implement the purposes of the Act, in order to secure for the Town a future which is fiscally stable and economically productive, while conserving its valuable scenic and natural resources for the generations yet to come.

-- 105: Authorization

The Board of Adjustment and Planning Commission of the Town are authorized to carry out the provisions of these Regulations, pursuant to -- 4401 (b) (1) and (2) of the Act.

ARTICLE 2: EXISTING USES & LOTS. ARTICLE 2A: USES NOT REQUIRING A PERMIT

-- 201: Present Uses

Any use of land which is in effect at the date of these Regulations may continue even though it does not conform to the requirements of this Regulation; however, these non-conforming uses may not be extended, enlarged or changed to another non-conforming use, or discontinued for more than twelve months unless because of illness or the seasonal nature of the use, without the owner obtaining a permit under these Regulations.

-- 201: Existing small Lots

Existing lots which are smaller than the dimensions required by these Regulations may be developed under the conditions specified by -- 4006 (1) of the Act (see Appendix).

ARTICLE 2A:

-- 203: Uses Not Requiring a Permit

The following uses or developments may be commenced and maintained without a permit under these Regulations, provided, however that the structures as constructed, reconstructed or altered shall then comply with the requirements of these Regulations:

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- 203.01 The construction and maintenance or accessory uses or structures not exceeding 64 square feet in floor area that will be used as a dwelling or home occupation or commercial or industrial use.
- 203.02 The reconstruction or an existing structure for the same use and of the same or smaller dimensions as existed immediately prior to reconstruction.
- 203.03 The interior alteration of an existing structure, which alteration will be used only for the same use as the existing structure.

ARTICLE 3: LOCATION OF & DEVELOPMENT WITHIN ZONING DISTRICTS

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

- "VC" Village Center District
- "RQI" Rural District I
- "RDII" Rural District II
- "REC" Recreation District
- "HD" High Density District

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

301.03. District Boundaries: District boundaries shown within the lines of roads, streams and transportation rights-of-ways shall be deemed to follow the centerlines. The abandonment or roads shall not effect the location or district boundaries. When the Zoning Administrator 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 shall refuse action, and the Planning Commission or Zoning 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 bylaw.

301.04. District Objectives and Land Use Controls: The following tables establish the objectives of each of the districts hereby established and the provisions of this bylaw that apply respectively in each district. Any use designated as a "Permitted Use" in the table relating to a particular district may be commenced in such district pursuant to --704 of this bylaw. Any use designated as a "Conditional Use" in the table relating to a particular district may be commenced in such a district pursuant to --706 of this bylaw.

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

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

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

902.15 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 a designated height.

902.16 HE, HS, and HIM: These pronouns shall refer to any person regardless of sex.

902.17 HOME OCCUPATION: Any non-residential use by the owner of his dwelling residence, involving no more than two employees who are members of the owner's immediate family, which does not result in levels of noise, odor, or traffic which would disturb the reasonable enjoyment of properties in the area, which provides adequate off-street parking for all customers, clients and employees, and which does not involve the storage or display of goods or equipment visible from the public highway.

902.18 JUNK: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, disposal, or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, metal, glass, building materials, household appliances, wood and lumber. This definition shall not include normal household garbage.

902.19 JUNKYARD: An area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of scrap metal or other scrap or discarded goods, materials, machinery or four or more unregistered, inoperable motor vehicles or other type of junk. This definition shall not include a landfill designed and intended for the disposal of normal household garbage.

902.20 LOT: Any parcel of land the boundaries of which are described in a recorded deed or plat. Parcels of land, which are adjoining in whole or in part and are in common or affiliated ownership, shall be considered a single lot.

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902.03 AREA OF SPECIAL FLOOD HAZARD: Is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FFBM. After detailed ratemaking has been completed in preparation for publication of the FRM, Zone A usually is refined into Zones A, AO, AH, AT-A30, AE, of A99.

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

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

902.06 BUILDING: Means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

902.07 BUILDING HEIGHT: Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof. The distance measured is exclusive of chimneys, lightning rods and antennae.

902.08 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 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.

902.09 DWELLING UNIT OF DWELLING: One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure. A dwelling includes a mobile home, which is permanently connected to a water supply and an adequate sewage treatment and disposal facility. A dwelling does not include boarding houses, bed & breakfast establishments, hotels, motels, clubs, dormitories or any structures, whether or not also used for residence purposes, which offer housing and/or feeding to transients.

902.10 FAMILY: One or more persons occupying a single family dwelling unit, provided that unless these persons are legally related, no such family shall exceed 5 in number, and provided further that agricultural employees employed on the premises shall not be counted for the purposes of this - 902.10.

902.11 FLOOD HAZARD BOUNDARY MAP (FHB): Means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

302: Village Center District

302:01 This District will provide the higher density residential and commercial growth center for the Town, concentrating those intense uses of land and facilities where public utilities are provided efficiently and cost effectively.

Permitted Uses

1. Accessory use structure
2. Agriculture
3. Dwelling, one family
4. Dwelling, two family
5. Home occupation
6. Signs

Conditional Uses

1. Essential services
2. Public and semi-public recreational facility
3. Bed & Breakfast/Hotel; Dormitory; Motel;
4. Lodging Facility
5. Restaurant and/or Bar
6. Public facility
7. Planned residential development
8. Planned unit development
9. Outdoor recreational facility
10. Commercial/retail facility
11. Light industrial facility
12. Private recreational facility
13. Church
14. Cemetery
14. Clinic services

302:2 Area and dimensional requirements:

1. Minimum lot size
2. Frontage
3. Front yard setback
4. Side yard setback
5. Rear yard setback

- 1 acre
- 150 feet
- 50 feet
- 25 feet
- 50 feet

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303: Rural District

303:1 This District will provide most of the non-commercial residential uses in the Town, and will, consistent with its year round residential use, include those commercial and light industrial uses which can be designed and located to preserve and not adversely affect the low density, scenic, natural, and rural character of the District. In addition, that portion of the Town within the rural District adjacent to route 242, which provides access to Jay Peak Ski Area, will provide those tourist oriented uses which will be designed, screened and located so as to preserve, enhance, and not adversely affect scenic and natural values, and the enjoyment and safety of vehicles and persons on and using Route 242.

Permitted Uses	Conditional Uses
1. Accessory use structure	1. Essential services
2. Agriculture	2. Public and semi-public recreational facility
3. Dwelling, one family	3. Bed & Breakfast/Hotel; Dormitory; Motel;
4. Dwelling, two family	4. Lodging Facility
5. Forestry	5. Restaurant and/or Bar
6. Home Occupation	6. Public facility
7. Signs	7. Planned residential development
	8. Planned unit development
	9. Outdoor recreational facility
	10. Commercial/retail facility
	11. Light industrial facility
	12. Private recreational facility
	Cemetery

303.2 Area and dimensional requirements:

1. Minimum lot size
2. Frontage
3. Front yard setback
4. Side yard setback
5. Rear yard setback

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DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

- 709: Appeals

Appeals may be taken from actions taken pursuant to these Regulations by those persons, and under those terms and conditions, as are specified in --- 4462 through 4475 of the Act (see Appendix).

- 710: Fees

The Board of Selectmen of the Town is hereby authorized to adopt fees and charges to be payable by applicants hereunder.

ARTICLE 8: APPLICABLE LAW

- 801: Reference

Vermont Statutes Annotated for the applicable laws relating to the listed subjects, and to Chapter 117 of Title 24 V.S.A. generally, which laws govern the administration and enforcement of these Regulations.

- 801.01 Public Notice, 24 V.S.A. 4447
- 801.02 Variances, 24 V.S.A. 4468 and 4412 (b)
- 801.03 Fees, 24 V.S.A. 4420
- 801.04 Performance Bonds, 24 V.S.A. 4418 and 4419
- 801.05 Amendments, 24 V.S.A. 4404
- 801.06 Severability, 24 V.S.A. 4492
- 801.07 Appeals, 24 V.S.A. 4461 through 4476

ARTICLE 9: DEFINITIONS

- 901: General Definitions

The definitions of the terms specified in --- 4303 and 4408 of the Act, and in 10 V.S.A. ~ 753 are included herein by this reference, except as set forth in ~ 902 below.

- 902: Specific Definitions

902.01 ACCESSORY USES AND STRUCTURES: Any use or structure, not for commercial, industrial or dwelling purposes, proposed in connection with a residential use, commonly and traditionally associated with the use of dwellings in the Town.

902.02 AREA OF SHALLOW FLOODING: Means a designated AO and AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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~ 707: Authorization of Conditions

The Board of Adjustment or Planning Commission, as the case may be, may impose reasonable conditions upon the applicant and his successors and assigns in order to assure the compliance with terms and the achievement of the purposes of these Regulations and the Town Plan. Such conditions may include, without limitation:

- 707.01 A maximum number of new lots or dwelling units to be created by the developer per year, in order to meet the provisions of ~ 402.01 of this Regulation, and, if the development is of part of a parcel, provisions affecting the development of the rest of the parcel (provided, however, that if no such condition is imposed, it is understood that the owner may develop and subdivide the balance of the parcel to the density and for the uses prescribed by this Regulation for the District in which the balance of the parcel is located).
- 707.02 Performance bonds to ensure performance of the conditions of a permit.
- 707.03 The payment of a portion of the public costs found by the Board or Commission to be caused by the proposed development.
- 707.04 Provision of "shuttle bus" or comparable methods for alleviation of traffic impact.
- 707.05 The payment for reasonable analyses and reports required for an adequate review of a development under these Regulations, and
- 707.06 In areas identified by the Board or Commission to have a potential for erosion, runoff, pollution, flooding, increased traffic, adverse impact on scenic quality, degradation of unique natural areas, impact on other properties or on the use of public facilities, or reduction of agricultural potential, methods to limit or locate or landscape or screen development in order to meet the provisions of ARTICLE 4 of these Regulations.

~ 708: Enforcement

The Zoning Administrator may inspect any development, and shall, take such steps of enforcement as are authorized by ~4444 and 4445 of the Act (see Appendix) if he finds default, violation, or non-compliance with the applicable law, the terms of a permit, the description or undertakings in the application, or the Standards provided herein.

DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

304: Rural District II

304.01 This District comprises those lands which lie above 2,500 feet in elevation and which consequently constitute an area whose resources are more susceptible to adverse effects of land development; those lands are also subject to special regulation under 10 V.S.A. Chapter 151 ("Act 250").

Permitted Uses	Conditional Uses
1. Accessory use structure	1. Essential services
2. Agriculture	2. Public and semi-public recreational facility
3. Dwelling, one family	3. Private recreational facility
4. Dwelling, two family	
5. Forestry	
6. Home Occupation	
7. Signs	

304.2 Area and dimensional requirements:

- 1. Minimum lot size 10 acres
- 2. Frontage 250 feet
- 3. Front yard setback 75 feet
- 4. Side yard setback 50 feet
- 5. Rear yard setback 50 feet

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305. Recreation District

305:01 This District will provide a high-density recreation, vacation residential, and commercial growth center currently oriented around and supported by the Jay Peak Ski Area and its facilities.

Permitted Uses

1. Signs

Conditional Uses

1. Essential services
2. Public and semi-public recreational facility
3. Outdoor recreational facility
4. Private recreational facility
5. Planned residential development
6. Planned unit development
7. Commercial/retail facility
8. Restaurant and/or Bar
9. Bed & Breakfast; Hotel; Dormitory; Motel; Lodging Facility
10. Dwelling, one family
11. Dwelling, two family

305.2 Area and dimensional requirements:

1. Minimum lot size
2. Frontage
3. Front yard setback
4. Side yard setback
5. Rear yard setback

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705.07 Information regarding the soils intended for the disposal of sewage effluent, diversion of surface water drainage, and water supply.

705.08 Measures to be taken during construction to minimize erosion, sedimentation, dust, etc.

705.09 A topographical map of the proposed development, on 5 foot contours.

705.10 Information regarding the impact of the proposed development on traffic, parking, school, police and fire, and other public services, information regarding the anticipated public revenue from and other public benefits of the proposed development, and the proposed construction sequence and time schedule for completion of the proposed development, and projected uses for other adjacent lands of the applicant.

705.11 Provision for useable parking spaces.

705.12 Ownership and location of abutting properties and the location of structures, roads and other improvements, and water supply, sewage treatment and disposal, and natural and improved surface water drainage systems on those properties if within 500 feet of the boundary of the development.

When the above information is furnished to the Zoning Administrator for the Planning Commission or the Board of Adjustment, as the case may be, by the applicant in form and detail sufficient for that body to make the necessary findings under ~ 706, together with the fee set by the Board of Selection, the application shall be complete for public hearing, and action by the Commission or Board. The Board of Adjustment or Planning Commission may at its election hold one or more preliminary hearings in order to facilitate the collection of the above information; however, a permit may only be issued after consideration of all of the information described in this section, and upon the findings required by ~ 706.

~ 706. Finding to be Made for any Permit

706.01 A permit for a permitted use shall be issued only if the Zoning Administrator finds, and files in the public records of the Town his written findings, that the development will meet the Specific Standards of ~ 403.01 through 403.08 of these Regulations.

706.02 A permit for a subdivision or conditional use shall be issued only if the Planning Commission or Board of Adjustment, as the case may be, finds and files in the public records of the Town its written findings, that the development will meet the General and Specific Standards of ARTICLE 4 of these Regulations and of Article 5 of these Regulations in respect to subdivisions.

DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

704.04 Location and design of existing and proposed water supply, sewage treatment and disposal, and surface water drainage systems, certified by the applicant.

When the above information is furnished to the Zoning Administrator by the applicant in form and detail complying with this ~ 704, and sufficient for the Zoning Administrator to make the necessary findings under ~ 705, together with the fee set by the Board of Selectmen, the application shall be complete for action by the administrator.

~ 705: Information to be Furnished by an Applicant for a Conditional Use or Subdivision

An applicant for a conditional use or subdivision shall, with his application, furnish the following information in duplicate to the Zoning Administrator for the Planning Commission or Board of Adjustment as the case may be, shown where applicable on a site plan at a uniform specified scale and showing compass direction, to the fullest extent applicable to the particular development applied for:

- 705.01 Name and address of the owner of record of the land for which the application is made, and of all adjoining lands.
- 705.02 Description of existing and proposed uses.
- 705.03 Exterior and interior boundaries and lot lines and locations, dimensions and elevations of existing and proposed uses and structures (including description of exterior and architect details), roads, driveways, parking areas, landscaping and site improvements, utilities, and other improvements, in recordable form, certified by the applicant and by a registered surveyor.
- 705.04 Location of existing and proposed easements, deed restrictions and the like.
- 705.05 Location and design of existing and proposed water supply, sewage treatment and disposal, and surface water drainage systems, certified by the applicant and by a registered engineer or registered or qualified land surveyor.
- 705.06 Location and elevation of all physical features such as streams, ponds, wet areas, forested areas, agricultural and forestry areas, including areas of primary agricultural soils as defined in 10 VSA--6001.

DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

306: High Density District

306.01 This District includes lands that have already been subdivided into relatively small lots.

Permitted Uses

Conditional Uses

- | | |
|---|---|
| <ul style="list-style-type: none"> 1. Accessory use structure 2. Dwelling, one family 3. Home Occupation 4. Signs | <ul style="list-style-type: none"> 1. Essential services |
|---|---|

306.2 Area and dimensional requirements:

- | | |
|---|--|
| <ul style="list-style-type: none"> 1. Minimum lot size 2. Frontage 3. Front yard setback 4. Side yard setback 5. Rear yard setback | <ul style="list-style-type: none"> 1/2 acres 100 feet 50 feet 25 feet 25 feet |
|---|--|

DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

ARTICLE 4 - STANDARDS FOR FUTURE GROWTH AND LAND DEVELOPMENT

- 401: Purpose of Standards

It is the purpose of ARTICLE 4 of these Regulations to Provide a uniform set of standards for the Zoning Administrator, the Board of Adjustment and the Planning Commission in evaluating proposals for future land development in accordance with these Regulations and the Town Plan.

- 402: General Standards

if the Board of Adjustment or Planning Commission, as the case may be, finds that the applicant has demonstrated by sufficient evidence, given to the Board or Commission that a proposed development, subject to any conditions authorized under - 706, will meet all of the following General Standards, it shall issue a permit to the applicant for the development:

402.01 The additional costs for public services or facilities caused directly or indirectly by the development do not outweigh the property tax revenues from that development available to meet those costs plus any additional public benefits of that development such as increased employment opportunities, provisions of needed affordable housing or desirable open space, etc.

402.02 The development will not result in the pollution of air or of ground or surface waters or an unreasonable reduction of the supply of groundwater. Any applicable criteria adopted or used by the State of Vermont may be used in making a determination under this - 402.02.

402.03 The proposed development will not result in increased traffic volume, speed or intensity adverse to public safety, to the adequate maintenance within duly adopted budgets or existing roads, and to the reasonable use and enjoyment of the public highways. No development may cause another property to be without highway access of at least 50 feet in width.

402.04 The proposed development will not result in increased demand for parking space on public highways, or provide less than the number of useable off-road parking spaces adequate to the proposed use or development. Any expansion of service or function beyond that specified in the initial application will require a new permit specifying an additional parking capacity to be furnished to comply with this - 402.04.

402.05 The proposed development will not result in increased levels of noise, or light, or odor, any of which would disturb or diminish the reasonable enjoyment of the current and anticipated uses of other properties or be adverse to the public health and safety, or adversely affect the utilization of renewable energy resources.

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DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

The permit application form adopted by the Commission and Board shall be obtained from the Zoning Administrator. A notice of the filing of an application for a permitted use shall be publicly posted, as provided by law. A permit application shall be accompanied by the fee therefor determined by the Board of Selectmen under - 710 of these Regulations.

- 702: Notice of Filing of Application

A notice of the filing of an application for a permitted use, as defined in - 301.04 of these Regulations, and of the filing of an application for a subdivision or a conditional use, and the date, time and place of the hearing thereon, shall be posted by the Zoning Administrator in the Town Clerk's office and in addition as required by - 4447 of the Act (see Appendix).

- 703: Notice of Hearing

A notice of the filing of an application for a permit for a conditional use, or subdivision, and notices of times, dates and places of hearings on the application shall be delivered by the applicant, not less than five days after the applicant's filing of the application, to abutting property owners, those owners of the property directly across any town or state highway from the proposed development, and those owners who have annually informed the Zoning Administrator in writing that they wish to receive copies of such notice.

- 704: Information to be furnished by an Applicant for permitted Use as Defined in -301.04 of These Regulations

An applicant for a permitted use shall, with his application furnish the following information in duplicate to the Zoning Administrator, shown where applicable on a site plan at a uniform specified scale and showing compass direction, to the fullest extent applicable to the particular development applied for.

704.01 Name and address of the owner of record of the land for which the application is made, and of all adjoining lands.

704.02 Description of all existing and proposed uses.

704.03 Exterior boundaries and lot lines and location of existing and proposed topographical features, elevations, uses, structures, roads, driveways, parking areas, landscaping and site improvements, utilities, and other improvements, together with dimensions of any proposed structure, all certified by the applicant.

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DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

~ 606: Duties/Responsibilities of Administrative Officer

The Administrative officer shall maintain a record of:

- 606.01 All permits issued for development in areas of special flood hazard.
- 606.02 The elevation, in relation to mean sea level, or the lowest floor, including basement, of all new or substantially improved buildings.
- 606.03 The elevation, in relation to mean sea level, to which buildings have been floodproofed.
- 606.04 All floodproofing certifications required under this regulation.
- 606.5 All variance actions, including justification for their issuance.

~ 607: Variances to the Development Standards

Variances shall be granted by the Board of Adjustment only:

- 607.01 In accordance with the provisions of 24 VSA - 4468 and - 4412 (h) and in accordance with the criteria for granting variances found in 44 CFR, - 60.6 of the National Flood Insurance Program regulations.
- 607.02 Upon a determination that during the base flood discharge the variance will not result in increased flood levels.
- 607.03 Upon a determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

~ 608: Warning of Disclaimer of Liability

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

ARTICLE 7: ADMINISTRATION

~ 701: Application for Permit

Except as otherwise provided in - ARTICLE 2A of these Regulations, no development may be commenced without a permit thereto issued by the Zoning Administrator or, in the case of a subdivision or conditional use, by the Planning Commission or the Board of Adjustment respectively.

DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

402.06

The proposed development minimizes, to the extent found by the Board or Commission reasonable and practicable under the circumstances, the reduction of the productive potential of agricultural and forestry soils through the use of cluster planning and the provision of minimal coverage of land by impermeable surfaces, and preserves existing natural features including wetlands, ponds, streams, and groundwater supplies.

402.07

The proposed development and its location, size, and character are consistent with the characteristics as designated in these Regulations of the District in which the development will be located, and are also consistent with the Town Plan.

402.08

The proposed development conforms to the Specific Standards found in - 403 of these Regulations.

~ 403: Specific Standards

403.01

Roads: All roads and vehicle ways to be constructed or maintained within and for a proposed development shall conform to any specifications for such roads and ways adopted as an ordinance by the Board of Selectmen of the Town. To the extent practicable, existing trees and stone walls within 50 feet of the edge of the right-of-way shall not be affected by adjacent development.

403.02

Sewage Treatment and Disposal Facilities: All development shall conform to any specifications for sewage treatment and disposal facilities, and for water conservation techniques, adopted as an ordinance by the Board of Selectmen of the Town.

403.03

Minimum Lot Sizes: No lot shall be created having less than the minimum required lot area in the respective District.

Provided, however, that the lot must be large enough to provide availability of access and connection to adequate sewage treatment and disposal facilities, and providing further that the Planning Commission may increase the density, and allow smaller lot sizes, under the conditions provided in ARTICLE 5 of these Regulations.

403.04

Frontage and Setback: Any lot created shall have no less than the minimum required frontage for the district in which such lot is located on all adjoining public highways or, with the approval of the Planning Commission, access to a public road or waters by way of a right of way or not less than 30 feet in width, and any structure (including all projections) on a lot shall comply with the minimum setback requirements in the respective districts. For those lots fronting on a public right-of-way, the front yard setback shall be measured from the centerline of the traveled portion of the public right-of-way.

DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

For those lots that have approved access to a public right-of-way, the front yard setback shall be measured from the property boundary closest and most parallel to the public right-of-way. Side and rear yard setbacks shall be measured at the points of least distance between the structure and the nearest respective side or rear boundary of the lot (see Appendix).

Provided, however, that the minimum requirements may be reduced by the Commission under the conditions set forth in ARTICLE 5 of these Regulations. Areas required under this - 403.04 to satisfy setback requirements for one structure shall not be used to satisfy the same requirements for another structure.

403.05 Height of Buildings. No building may be constructed such that its building height exceeds 35 feet, except as otherwise allowed by the Board of Adjustment in a permit for a conditional use issued under these Regulations.

403.06 Shorelines. No structure or use may be created or maintained within 50 feet of the high water's edge of any stream, pond or river, except as otherwise allowed by the Board of Adjustment in a permit for a conditional use issued under these Regulations.

403.07 Location of Driveways. All driveways are to be located at least 75 feet from a street line intersection for all users. The Road Commissioner will have to be contacted prior to development of any driveway.

403.08 Reclamation after Mining. Any development involving extraction of earth resources, including sand and gravel, shall not be permitted unless the Board of Adjustment approves a plan for the reclamation of the land affected which plan is made a part of any permit for the development.

403.09 Temporary Uses and Structures. Temporary permits may be issued by the Board of Adjustment for a period not exceeding one year, for 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.

403.10 Abandonment of Structures. Within one year after any building or structure has been destroyed, demolished, or abandoned, all structural materials shall be removed from the site and the excavation thus remaining shall be covered or filled to the normal grade by the owner. If an owner wishes to propose an alternative disposition, application shall be made to the Board of Adjustment, and with recommendation by the fire department and approval by Select Board.

DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

F. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.

G. The lowest floor, including the basement, of all new buildings shall be at or above the base flood elevation.

H. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet requirements of subsection 605.02(G).

I. Existing buildings to be substantially improved for non-residential purposes shall either:

1. Meet the requirements of subsection 605.02 (H), or;
2. Be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be floodproofed 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.

J. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
2. The bottom of all openings shall be no higher than one foot above grade;
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

K. Areas to be used for junkyards or for storage of floatable, hazardous or toxic materials shall be filled and graded to a least one foot above the base flood elevation.

DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

- 605: Development Standards

605.01 Floodway Areas:

- A. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.
 - B. Junkyards and storage areas or facilities for flammable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.
- 605.02 Fringe Areas:
- A. All development shall be designed:
 - 1. To minimize flood damage to the proposed development and to public facilities and utilities, and;
 - 2. To provide adequate drainage to reduce exposure to flood hazards;
 - B. Structures shall be:
 - 1. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;
 - 2. Be constructed with material resistant to flood damage;
 - 3. Be constructed by methods and practices that minimize flood damage, and;
 - 4. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - C. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
 - D. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - E. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

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DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

403.11

Burned Buildings. No owner or occupant of land in any District shall permit fire or other ruins to be left, but within one year shall remove or refill the same to clear ground level or shall repair, rebuild or replace the structure.

403.12

Public Utility Substations. Public utility substations or similar utility structures, where permitted, shall comply with the following:

- A. The facility shall be surrounded by a fence setback from the property lines in conformance with the District regulations for front, side and rear yards.
- B. A landscaped area including evergreen screening at least 25 feet wide shall be maintained in front, side and rear yards.

403.13

Off-Street Parking. Off-street parking shall be provided as follows:

- A. Residential use - three spaces per dwelling.
- B. Other uses - as required by the Planning Commission or Board of Adjustment pursuant to -402.04, but in no case less than three spaces.
- C. For purposes of computation the area of an off-street parking space shall be at least 300 square feet, having dimensions which provide adequate access from the public highway, adequate area for entry and exit from the parking space, and adequate room for approach to any vehicle.

403.14

Signs. Signs in all Districts shall be permitted as a permitted use when meeting the following minimum requirements:

A. General Requirements:

- 1. Signs affixed to a building may not extend above the roof or parapet of the building.
- 2. Maximum height of a freestanding sign, including its support structure may not exceed 20 feet above finished grade.
- 3. Signs may be illuminated by external spot/flood lights shielding 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 focussed upon the sign only. Animated, flashing or intermittently lighted signs are prohibited. Signs illuminated with internally or externally with neon, argon, krypton or other gaseous substances excited by high voltage current are prohibited.
- 4. Signs shall not project over public right-of-ways.

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DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

5. All signs shall be constructed or durable materials and must be maintained in good condition and repair at all times. Any sign destroyed or severely damaged by wind, weather, rot, vandalism or other causes must be removed or repair within 120 days. Any replacement sign must conform to this -403.14.
6. Additional on-site directional signs in residential or commercial districts, signs for parking, entrance and exit, deliveries, etc., will be considered by the Zoning Administrator upon application for a use permit.
7. No owner or occupant of property may display any sign for a business, home business or activity, which is not actively being conducted on the site.
8. All signs must either be attached to a building or freestanding having its own structure, and in particular may not be attached or connected to a vehicle.
9. All signs must be approved by the Zoning Administrator before being erected or affixed to the building.

B. Home Occupations: one sign not exceeding 12 square feet is permitted to announce the name, address, profession or home occupation of the occupant of the premises on which said sign is located. The sign may be freestanding or attached to the structure, but only one sign is permitted.

C. School, Church, Public Buildings: a bulletin board not exceeding 24 square feet is permitted in connection with a church, school, or similar public structure. The sign may be freestanding or attached to the structure but only one sign is permitted.

D. Commercial Properties:

1. A temporary sign not exceeding 24 square feet is permitted on property being developed, leased and/or sold. One such freestanding sign is permitted per plot and may be used to advertise and/or list the construction company or developer. Such sign shall be removed promptly when it has served its function.
2. Two signs are permitted per business or industrial site, i.e., one freestanding and one attached to the building may be either projecting or affixed flat to the face of the building. Maximum square footage of any freestanding sign shall be 50 square feet per face or, in the case of single faced freestanding signs, 50 square feet.
- 3.

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DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

- A. Obtain from the applicant:
 1. The elevation (relation to mean sea level) of the lowest floor, including basement, of new buildings or buildings to be substantially improved;
 2. Where flood proofing is proposed, the elevation (in relation to mean sea level) to which the building will be floodproofed;
 3. Plans drawn to scale showing the existing and proposed land contours, buildings, structures, streams, roads and other pertinent physical features;
 4. Base flood elevation date for subdivisions and other proposed development which contain at least 50 lots or 5 acres (whichever is the smaller);
 5. Such other information deemed necessary by the Board of Adjustment for determining the suitability of the site for the proposed development.
- B. Obtain from the Vermont Department of Water Resources or other state or federal agencies any available base flood elevation data.

604.02 In reviewing each application, the Board of Adjustment shall consider:

- A. The evaluation of the Vermont Department of Water Resources.
- B. The availability of alternative locations not subject to flooding for the proposed use.
- C. The susceptibility of the proposed improvement to flood damage.
- D. The safety of access to the property in times of flood or ordinary and emergency vehicles.
- E. The potential for damage to the property caused by erosion.
- F. The danger that materials may be swept onto other lands and cause damage to others.
- G. Such other factors as are relevant to the purposes of this regulation.

604.03 The Board of Adjustment may grant a conditional use permit for development provided the development standards of - 605 are met or exceeded.

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DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

~ 602: Conditional Use Permit Required

602.01 All development including fill, excavation, grading, erection or placement of structures, substantial improvement of existing structures and storage of equipment and material prescribed by the Town of Jay zoning bylaw are permitted within an area of special flood hazard only upon the granting of a conditional use permit by the Board of Adjustment.

602.02 Prior to issuing a permit for the construction of new buildings, the substantial improvement of existing buildings, or for development in the floodway, a copy of the application shall be submitted to the Vermont Department of Environmental Conservation in accordance with 24VSA 4409. A permit may be issued only following receipt of comments from the Department or the expiration of 30 days from the date the application was mailed to the Department, whichever is sooner.

602.03 Adjacent communities and the Vermont Department of Environmental Conservation shall be notified at least 15 days prior to issuing a permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.

~ 603: Base Flood Elevations & Floodway Limits

603.01 Where available, i.e., zones A1-A30, AE, and AH, the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer the provisions of these regulations.

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

~ 604 Conditional Use Review Procedures

604.01 Upon receiving an application for a conditional use permit under the regulations, the Board of Adjustment shall, prior to rendering a decision thereon:

DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

Non-projecting signs attached to buildings shall not exceed 50 square feet. Projecting signs attached to buildings shall not exceed 25 square feet per face if double sided or 25 square feet if single sided. The square surface of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all elements of the matter displayed. Frames and structural members bearing advertising matter shall be included in computation of surface area.

403.15 Travel Trailers. Travel trailers shall be parked or stored in such a manner so as not to create a traffic hazard. No travel trailer may be used on any property for residential purposes for more than one period of 30 days unless such travel trailer is connected to an appropriately designed sewage system. That means they can be used indefinitely if they are hooked up appropriately.

403.16 Development on Lands with Frontage on Route 242. Any development on lands with frontage on Route 242 outside of the Village Center District such as might be reasonably visible from the "highway" shall be screened, located, and designed such as to minimize any adverse impact on the now existing scenic appearance of or scenic views from Route 242 in the location of that development, in particular as described in the Town Plan at the section entitled "Mountain Road Corridor Study", to which specific reference is hereby made, and by which reference the criteria contained therein are included in the ~ 403.16.

403.17 Development in Village Center District. The applicant for development on lands located within the Village Center District shall plan the development such as to conform to and achieve the purposes of that District described in the Town Plan at the section entitled "Opportunities and Actions For Development and Development Control, "Jay Village", to which specific reference is hereby made, and by which reference the criteria contained therein are included in this ~ 403.17, through the use of cluster planning and compact development, traditional building and structure design, landscaping and screening, and separation of pedestrian and vehicular traffic patterns.

403.18 Jankyards. Jankyards shall be screened from view by means of either a solid fence at least 8 feet in height or a natural vegetative buffer no less than 50 feet in width. Junk shall be stored in such a manner as to prevent hazardous liquids, such as, but not limited to, battery acid, used motor oil and gasoline, and other hazardous materials from leaching into the soil and ground water.

DEVELOPMENT & LAND USE REGULATIONS FOR THE TOWN OF JAY

ARTICLE 5: PLANNED UNIT DEVELOPMENT

~ 501: Purpose

It is the purpose of this ARTICLE 5 to enable and to encourage flexibility and innovation in the design and development of land in such a manner as to promote the most appropriate and efficient use of land, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of the Town, all pursuant to ~ 4407 (12) of the Act.

~ 502: Application and Procedure

An application for a permit for a subdivision to be reviewed by the Planning Commission under ARTICLE 3 of these Regulations shall include a proposed plat of the subdivision meeting the requirements of ~ 705 of these Regulations, and the review and approval of the plat for the subdivision shall be by the Standards in ARTICLE 3 and ~ 504 of these Regulations.

~ 503: Modification of Requirements

The Planning Commission is hereby authorized under ~ 4407 (12) of the Act to modify under this ARTICLE 5 the requirements on any subdivision which are imposed by ~ 403.03 and ~ 403.04 of these Regulations, to the effect that the density of the dwelling units on the lot may be increased to an amount in excess of the number otherwise permitted under these Regulations, if the Planning Commission finds that such modifications will achieve the purposes of these Regulations and those purposes set forth in ~ 4407 (12) of the Act by clustering the development, and will comply with all other applicable Standards in ARTICLE 4 of these Regulations.

~ 504: Additional Specific Standards

In addition to the General and Specific Standards provided by ARTICLE 4 of these Regulations, the following Specific Standards shall be compiled with by any subdivision unless the applicant demonstrates to the Planning Commission that one or more of the standards do not apply to the applicant's proposal, and the Commission so finds:

504.01 Streets

- A. Topography: Streets shall be logically related to the topography so as to produce useable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets.

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- B. Access: Year round access shall be available for fire, ambulance and police vehicles to within 50 feet of the principal entrances to dwellings, commercial or industrial establishments, and institutions. All new streets shall comply with the Town highway specifications.

- C. Access Roads: If the access road to the subdivision is a private road, the Commission may require the subdivider to improve the access road to municipal highway construction standards in accordance with the Town Highway Ordinance. Such improvement shall provide no implied obligation on the municipality to accept ownership and the responsibility for future maintenance of said road. If the access road to the subdivision is a Class 4 Town road, the Commission may require its upgrading at the developer's expense and subdivision approval may be conditional upon approval of the road class change by the legislative body.

- D. Curbs and Sidewalks: Curbs and sidewalks shall be required on at least one side of all streets by the Commission in any subdivision where the density is greater than on residential lot unit for each acre unless waived by the Commission. If sidewalks are required by the Commission, construction must conform to the specifications provided by the Highway Superintendent.

504.02 Shade Trees: Selected shade trees in the right-of-way will be preserved when so indicated by the Road Commissioner.

504.03 Stone Walls: Stonewalls within the right-of-way will be retained if practicable.

504.04 Open space and Recreation Areas: The Planning Commission will require as one of the criteria for approval that each subdivision contain adequate provision for the recreation needs of its residents not otherwise provided for. The reservation of open space for common use may be considered by the Planning Commission as adequate fulfillment of this obligation.

ARTICLE 6: FLOOD HAZARD AREA REGULATIONS

~ 601: Lands to Which These Regulations Apply

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

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