

Town of Weybridge Zoning Regulations



Weybridge, Vermont

Adopted by Selectboard on January 3, 2017

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Acknowledgements

The 2016 update of these bylaws was made possible through the countless hours invested by the Weybridge Planning Commission and Weybridge’s Zoning Administrator, Carl Eickenberg, and with some assistance by Addison County Regional Planning Commission.

These regulations were substantially revised in 2014 and the 2017 updates are minor in nature and made to better implement the new town plan developed by the current Planning Commission.

The 2016 Planning Commission members include:

- Jeff Olson- *PC Chair*
- William Roper
- Steve Davis
- Gale Hurd
- Abe Miller

After public hearing, the Planning Commission approved this version of the regulations on November 29, 2016. After public hearing the Selectboard approved this version of the regulations on January 3, 2017.

Preface

Zoning regulations are among the municipal bylaws authorized by the Vermont Planning and Development Act. According to this Act, a town that has adopted and has in effect a Town Plan, and has established a Planning Commission, may adopt, amend and enforce certain bylaws for the purpose of implementing the Plan. Preparation of bylaws is one of the responsibilities of the Planning Commission, while their adoption requires a vote of the Selectboard after public hearings by both the Planning Commission and the Selectboard.

The functions of Zoning Regulations are to permit and regulate land development, including the specific uses of land and bodies of water, the location, construction and use of structures, the areas of land and water to be occupied by uses and structures, open spaces to be left unoccupied, and the density of population and intensity of use.

The provisions of Zoning Regulations may be grouped into two general topics: one is the establishment of zoning districts -- regions of the town where specified uses and structures are allowed. The districts are designated on a zoning map, and the uses permitted in the different districts are spelled out in the Regulations. The other broad topic is the administration of the Regulations. A zoning permit is required for any "land development" as defined by the Vermont Planning and Development Act. The Regulations enumerate the activities requiring zoning permits and describe the procedures involved in applying for, approving, issuing, and enforcing these permits. The roles and responsibilities of the Zoning Administrator, the Zoning Board, and the Planning Commission in administering the Regulations are also described therein, as are procedures to appeal the decisions of these bodies.

A brief description of the scope and organization of these Regulations is provided here to assist users in understanding their content and locating sections pertinent to particular needs:

Article I states the statutory authority behind the Regulations, their enactment, their effective date, and other necessary legal formalities.

Article II defines the types of zoning districts established in Weybridge and their locations indicated by the accompanying Zoning Map. Also covered in Article II are the uses allowed and the specific standards for each of the zoning districts. Zoning based on housing density, rather than lot size, is employed as the basis for flexible land development.

Article III describes the application requirements and review procedures for development permits, including conditional uses, site plan reviews and planned residential developments.

Article IV covers general regulations applying to all districts, including accessory structures, frontage, access and height requirements, home occupations, non-complying structures and uses, parking, signs, telecommunications facilities, etc.

Article V describes the standards for development in fluvial erosion hazard and flood hazard areas.

Article VI addresses administration and enforcement of these regulations and the responsibilities and authorities of the Zoning Administrator, Zoning Board and Planning Commission. Article VI also discusses zoning permits, exemptions, certificate of occupancy, public hearings, procedures for appeals and violations and enforcement.

Article VII provides definitions.

Article I Introduction

Section 100 -- Enactment

These regulations are established in accordance with the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A., Chapter 117 (“the Act”).

Section 101 -- Purpose

The general purposes and goals set forth in 24 V.S.A. § 4302 (“...to encourage appropriate development of all lands in this state...” etc.) are hereby adopted by reference.

The specific purpose of these regulations is the implementation of the Weybridge Town Plan by providing for the preservation of the Town’s rural character, agricultural economy, and significant natural areas, while encouraging flexibility and creativity in the design of desirable, diversified, primarily residential development in ways that protect and preserve open space and agricultural potential. These regulations seek to guide the development of Weybridge for the protection of community health, safety, welfare, and quality of life.

Section 102 -- Application of Regulations

A permit shall be required for any land development as defined in 24 V.S.A. § 4303:

“Land 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.”

A zoning permit issued by the Zoning Administrator is required for any land or building development. Such permit may be issued only in conformance with these Zoning Regulations and other Town ordinances.

Section 103 -- Interpretation

The adoption of these regulations shall not repeal any permit previously issued. Where these regulations impose a greater restraint or restriction than is provided under any other statute, bylaw, ordinance, rule or regulation, then these regulations shall govern.

Section 104 -- Effective Date

These amended regulations shall take effect immediately after adoption by the Selectboard. The zoning regulations heretofore in effect (“Town of Weybridge Zoning Regulations adopted August 19, 2014”) shall be deemed amended and replaced by these regulations.

Section 105 -- Amendments

Any provision of these regulations, and all the maps incorporated in it, may be amended as provided in the Act.

Section 106 -- Severability

The invalidity of any provision of these regulations shall not invalidate any other part.

Article II Zoning Districts and District Standards

Section 200 -- Establishment of Zoning Districts and Map

- A) The purpose of zoning districts is to ensure that development in Weybridge is consistent with the goals of the Town Plan, as summarized in Section 101 of these regulations.
- B) Weybridge is hereby divided into the following zoning districts: **Neighborhood Commercial (NC), High Density Residential (HDR), Medium Density Residential (MDR), Planned Agricultural Residential (PAR), Conservation (CON), and Flood Hazard Area (FHA).**
- C) The location and boundaries of Zoning Districts are established as shown on the official "Town of Weybridge Zoning Map" which is hereby made a part of these regulations. The official zoning map shall be located in the Town Clerk's office and shall be the final authority as to the current zoning status of land in the town. A non-official reproduction of the zoning map is included with each set of regulations for convenience only.
- D) The official zoning map shall be identified by the signatures of the Selectboard, as attested to by the Town Clerk. No changes shall be made on the official zoning map except in conformance with zoning amendment procedures and requirements set forth in Vermont Statute.

Section 201 -- Zoning District Descriptions

- A) **Neighborhood Commercial District (NC).** The Neighborhood Commercial District shall include two separate parcels of land located in close proximity to each other at Weybridge Hill, one of Weybridge's two traditional village centers, depicted as "Neighborhood Commercial District" on the official zoning map. Weybridge Hill is the area surrounding the junction of Weybridge Road, James Road and Quaker Village Road.
- B) **High Density Residential District (HDR).** The High Density Residential District shall include lands where central sewage or water facilities are available or where on-site sewage and water is available, and where historic clustered village and residential areas can be expanded. The district is depicted as "High Density Residential District" on the official zoning map, and found in the Weybridge Hill area, sections of Quaker Village Road, one section of Morgan Horse Farm Road one section of Sheep Farm Road.
- C) **Medium Density Residential District (MDR).** The Medium Density Residential District shall include land that, because of its sewage disposal capability, low agriculture potential and existing development patterns, is suitable for medium density development. The district is located in several areas of town including Cave Road, along James Road, Perkins Road, Quaker Village Road, and the north end of Morgan Horse Farm Road. These areas are depicted as "Medium Density Residential District" on the official zoning map.
- D) **Planned Agricultural Residential District (PAR).** The Planned Agricultural Residential District comprises the majority of Weybridge's land, including most agricultural land and much forest land. The district is depicted as the "Planned Agricultural Residential District" on the official zoning map, and found throughout the town boundaries.
- E) **Conservation District (CON).** The Conservation District includes important natural areas with significant scenic and recreational value. Development of this land may be precluded by steep slopes, lack of road access or public ownership, among other factors. The district includes a large portion of

Snake Mountain, the Town Forest and one other parcel near Weybridge Road. This area is depicted as the "Conservation District" on the official zoning map.

- F) **Flood Hazard Area (FHA).** The Flood Hazard Area is located throughout the Town on land designated by either the Federal Flood Insurance Administration's most current set of Flood Insurance Rate Maps (FIRMs) or the State of Vermont's Agency of Natural Resources river corridor maps for the Town of Weybridge which are adopted by reference and declared to be part of these regulations. *Note:* This designation does not ensure that lands outside of depicted Flood Hazard Areas or land uses permitted in such areas will be free from flooding or flood damage.

Section 202 -- Interpretation of Zoning District Boundaries

Where uncertainty exists with respect to the boundary of any zoning district on the official zoning map, the following rules shall apply:

- A) Boundaries indicated as approximately following property lines, roads, or other map features shall be construed as following such features. The map has been drawn in the most part to reflect existing property boundaries.
- B) Where distances are not explicitly indicated on the official zoning map, they shall be determined from the map scale.
- C) When the Zoning Administrator cannot definitely determine the location of a district boundary by the scale or dimensions given on the official zoning map or by the above rules, the Zoning Board shall make the final determination. In these cases of lack of clarity and where two districts may apply to a particular piece of property, the less restrictive district classification shall be applied.

Section 203 -- Application of District Standards

- A) All uses and structures must hereafter comply with all standards for the district in which they are located as set forth in the following tables under Section 206 and as defined in Article IV, unless otherwise permitted under Planned Unit Development (PUD) provisions under Section 305. Non-conforming uses and structures shall be regulated in accordance with Section 412.
- B) Uses for each district are classified as "**permitted**" to be reviewed in accordance with Section 603, or "**conditional**" to be reviewed in accordance with Section 302. Both permitted and conditional uses may be subject to site plan review under Section 303, and to additional standards contained in Article IV.
- C) Pursuant to State statute, 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.
 5. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
 6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 VSA § 6606a.

- D) In addition to the uses permitted in each district, certain uses are allowed within each district and are exempt from these Regulations, either by design of the Town of Weybridge, Planning Commission (the “Planning Commission”), like small sheds, or by state statute, like hunting, agricultural and forestry uses. Exempt uses are covered in Section 604 of these Regulations. Even though exempt, certain uses, like farm structures, may require that a permit application be filed with the Zoning Administrator to ensure that they qualify for an exemption. Also, other “governmental and community” uses, by statute, may only be regulated as to certain design or site planning elements. Those uses are found in Section 604H.
- E) **Any use not permitted by these regulations, unless specifically exempted under Section 604, shall be deemed prohibited.**

Section 204 -- Zoning District Land Use Index

No Zoning Permit shall be issued for Land Development on any lot in any Zoning District unless such Land Development is permitted in that Zoning District and complies with the requirements and standards set forth for that Zoning District and all other rules and regulations applicable to such Land Development.

The following chart provides a summary of the types of land uses allowed as a use by right or as a conditional use in each zoning district.

- P = Permit application review by Zoning Administrator
- C = Conditional use review by Zoning Board
- E = Exempt per 203 (D)

If blank, the use is not allowed in that district. Only one use is permitted on one lot unless multiple uses are provided for by these regulations. Any use not expressly permitted is prohibited.

- NC: Neighborhood Commercial;**
- HDR: High Density Residential;**
- MDR: Medium Density Residential;**
- PAR: Planned Agricultural Residential;**
- CON: Conservation;**
- FHA: Flood Hazard Area**

Table 204
Summary of Land Uses by Zoning District

ALLOWED USES	NC	HDR	MDR	PAR	CON	FHA
Residential Uses:						
Accessory Structure (gazebos, etc.)	P	P	P	P	C	
Accessory Dwelling Unit	P	P	P	P	C	
Seasonal Camp				C	C	
Home Occupation	P	P	P	P		
Mobile Home Park			C			
Single Family Dwelling	P	P	P	P	C	
Professional Residence-Office	P	P	P	P		
Accessory Structure for Home based business	C	C	C	C	C	
Multi-family or Multi-Unit Dwelling	P	C	C	C		
Substantial improvement of pre-existing structures/FHA only						C
Repair following substantial damage to a pre-existing structure/FHA only						C
Public Uses:						
Community Center	C	C	C			
Day Care (6 or less children)	P	P	P	P	C	
Day Care (greater than 6 children)	C	C	C	C		
Hospital (See Section 203(c))						
Post Office						
Public Outdoor Recreation	C	C	C	C	C	C
Nature Center	C	C	C	C	C	C
Public Utility Substation (See Section 203(c))						
Publicly-owned Institution or Facility (See Section 203(c))						
Religious Institution (See Section 203(c))						
School (See Section 203(c))						
Residential Care or Group Home 8 or fewer residents	P	P	P	P	C	
Business Uses:						
Bed and Breakfast	C	C	C	C		
Commercial Forestry/Related Uses				C	C	
Dairy	C					
Home-Based Business	C	C	C	C		
Mixed Use	C	C				

Personal Services	C					
Professional Office	C					
Retail Use	C					
Telecommunications Facility			C	C		
Restaurant, café or micro-pub	C					
Other Uses:						
Agricultural Uses	P	P	P	P	P	P
Forest Uses			P	P	P	P
State-certified Waste Management Facility or Hazardous Waste Management Facility (See Section 203(c))	C	C	C	C	C	C
Wildlife Refuge	C	C	C	P	P	P

Section 205 -- Density-Based Zoning

Development consistent with the Town Plan may best be achieved through a flexible land use policy based on density of housing rather than the rigid specification of minimum lot size. Consequently, these zoning regulations specify a maximum housing density in each zoning district, rather than a minimum lot size. Density-based zoning is intended to ensure that development in Weybridge makes the most appropriate and efficient use of land, preserves open space, and proceeds in accordance with the goals of the Town Plan.

Density-based zoning specifies the number of dwelling units allowed per given land area. For example, in the PAR district, one dwelling is allowed per five acres of land. The conventional, five-acre minimum zoning would require that a 20-acre parcel be divided into four equal 5-acre lots. Density-based zoning also allows four dwellings on a 20-acre parcel, but allows the individual lots to be of varied size -- to take best advantage of the terrain or the water-supply or septic possibilities, for example. Furthermore, under density-based zoning, the building lots need not consume all of the land in the available parcel, provided that the remainder of the land is protected from development. Thus, a 20-acre parcel could, for example, be divided into four one-acre building lots and leave a protected 16-acre piece that might continue in productive farm or forest use.

Flexible land development under density-based zoning regulations is best accomplished using the provisions of the Planned Unit Development, as described in Article III, Section 305. Where development (under the density-based criteria) calls for the protection of open space from future development, protection may be accomplished by appropriate covenants, by sale of development rights to a land trust, or by other legal means. The means of protection shall be made a part of the Town land records of the land in question.

Section 206 -- District Objectives, Uses and Standards

The following tables set forth the stated purpose, allowable uses and specific standards for each zoning district. In any case of inconsistency with the summary table in Section 204, the following tables shall govern.

Table 206.1
Neighborhood Commercial District (NC)

(A) Purpose: The purpose of the Neighborhood Commercial District is to preserve the traditional village center, with a mix of residential, commercial, and public uses. Non-residential uses are subject to special regulations as described in Article III.

(B) Permitted Uses:

Day Care (6 or less children)
Home Occupation (see Section 407)
Professional Residence-Office
Single Family Dwelling
Multi-Family or Multi-Unit Dwelling
Residential Care/ Group Home
Accessory Dwelling Unit
Accessory Structure (see Section 401)

(C) Conditional Uses

Accessory Structure for Home based business (see Sect. 401)
Bed and Breakfast
Community Center
Dairy
Day Care (greater than 6 children)
Home-based Business (see Section 408)
Mixed Use
Personal Services
Professional Office
Public Outdoor Recreation
Retail Use
Restaurant, café, or micro-pub
Wildlife Refuge
Nature Center

(D) Dimensional Standards (unless otherwise specified by use type):

Maximum Development Density	1 use per 1 acre
Maximum Building Envelope	20,000 S.F or the minimum amount of land necessary to site a septic system and water system whichever is greater.
Minimum Lot Depth	150 feet
Minimum Lot Frontage	75 feet
Minimum Front Yard Setback	15 feet
Minimum Side Yard Setback	15 feet
Accessory Structure	5 feet
Minimum Rear Yard Setback	30 feet
Accessory Structure	10 feet
Maximum Lot Coverage	40%
Maximum Building Height	35 feet
Accessory Structure	Not to exceed the height of the primary house or 35 feet, whichever is less.

(E) Other District Standards

(1) To the extent possible in this one acre district, all subdivision and land development permits shall include measures to ensure preservation of open space or important visual corridors. The development shall be designed to minimize: loss of agricultural land, natural habitat and other existing, natural screening; impact on water quality; and diminishment of the scenic and rural qualities of the site as experienced both on-site and from other vantage points in the Town.

(2) Conditional use review standards under Section 302 for conditional uses, or as otherwise specified under Article IV.

(3) Site plan review standards under Section 303 for all but agriculture, single and two family dwellings, and associated structures and uses, unless otherwise specified under Article IV.

(4) Exempt Uses pursuant §604 include: AAP Agricultural practices and BMP Forestry Uses.

**Table 206.2
High Density Residential District (HDR)**

(A)Purpose: The purpose of the High Density Residential District is to permit higher concentrations of population in areas supported by soil capabilities and other utilities and in regions that do not have significant agricultural potential.

(B) Permitted Uses:

Day Care (6 or less children)
Home Occupation (see Section 407)
Professional Residence-Office
Single Family Dwelling
Residential Care or Group Home (8 or less res.)
Accessory Dwelling Unit
Accessory Structure (see Section 401)

(C)Conditional Uses

Accessory Structure for Home based business
Bed and Breakfast
Community Center
Day Care (greater than 6 children)
Home-based Business (see Section 408)
Mixed Use
Public Outdoor Recreation
Multi-Family or Multi-Unit Dwelling
Wildlife Refuge
Nature Center

(D)Dimensional Standards (unless otherwise specified by use type):

Maximum Development Density	1 use per 1 acre
Maximum Building Envelope	20,000 S.F. or the minimum amount of land necessary to site a septic system and water system whichever is greater
Minimum Lot Frontage	100 feet
Minimum Lot depth	150 feet
Minimum Front Yard Setback	25feet
Minimum Side Yard Setback	15 feet
Accessory Structure	5 feet
Minimum Rear Yard Setback	30 feet
Accessory Structure	10 feet
Maximum Lot Coverage	30%
Maximum Building Height	35 feet
Accessory Structure	Not to exceed the height of the primary house or 35 feet, whichever is less.

(E) Other District Standards

(1)To the extent possible in this one acre district, all subdivision and land development permits shall include measures to ensure preservation of open space or important visual corridors. The development shall be designed to minimize: loss of agricultural land, natural habitat and other existing, natural screening; impact on water quality; and diminishment of the scenic and rural qualities of the site as experienced both on-site and from other vantage points in the Town.

(2)Conditional use review standards under Section 302 for conditional uses, or as otherwise specified under Article IV.

(3) Site plan review standards under Section 303 for all but agriculture, single and two family dwellings, and associated structures and uses, unless otherwise specified under Article IV.

(4) Exempt Uses pursuant §604 include: AAP Agricultural practices and BMP Forestry Uses.

**Table 206.3
Medium Density Residential District (MDR)**

(A)Purpose: The purpose of the Medium Density Residential District is to provide for housing development at a moderate density outside the traditional village centers with minimum impact on the Town's agricultural economy and rural character, to promote development consistent with existing residential patterns and to retain areas for open space.

(B) Permitted Uses:

Day Care (6 or less children)
 Forest Uses (see Section 604)
 Home Occupation (see Section 407)
 Professional Residence-Office
 Single Family Dwelling
 Residential Care or Group Home (8 or less res.)
 Accessory Dwelling Unit
 Accessory Structure (see Section 401)

(C)Conditional Uses

Accessory Structure for Home based business (see Sect. 401)
 Bed and Breakfast
 Community Center
 Day Care (greater than 6 children)
 Home-based Business (see Section 408)
 Mobile Home Park
 Public Outdoor Recreation
 Telecommunication Facility
 Multi-Family or Multi-Unit Dwelling
 Wildlife Refuge
 Nature Center

(D)Dimensional Standards (unless otherwise specified by use type):

Maximum Development Density	1 use per 2 acres
Maximum Building Envelope	30,000 S.F. or the minimum amount of land necessary to site a septic system and water system whichever is greater.
Minimum Lot Frontage	100 feet
Minimum Lot Depth	150 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	15 feet
Accessory Structure	10 feet
Minimum Rear Yard Setback	25 feet
Accessory Structure	10 feet
Maximum Lot Coverage	20%
Maximum Building Height	35 feet
Accessory Structure	Not to exceed the height of the primary house or 35 feet, whichever is less.

(E) Other District Standards

(1)All subdivision and land development permits shall include measures to ensure preservation of open space or important visual corridors. The development shall be designed to minimize: loss of agricultural land, natural habitat and other existing, natural screening; impact on water quality; and diminishment of the scenic and rural qualities of the site as experienced both on-site and from other vantage points in the Town.

(2)Conditional use review standards under Section 302 for conditional uses, or as otherwise specified under Article IV.

(3)Site plan review standards under Section 303 for all but agriculture, single and two family dwellings, and associated structures and uses, unless otherwise specified under Article IV.

(4)Exempt Uses pursuant §604 include: AAP Agricultural practices and BMP Forestry Uses.

**Table 206.4
Planned Agricultural Residential District (PAR)**

(A) Purpose: The Planned Agricultural Residential District's purpose is to support Weybridge's agricultural economy, open space, rural character and scenic qualities while permitting development consistent with these qualities.

(B) Permitted Uses:

Day Care (6 or less children)
Home Occupation (see Section 407)
Professional Residence-Office
Recreation Uses
Single Family Dwelling
Wildlife Refuge
Residential Care or Group Home (8 or less res.)
Accessory Dwelling Unit
Accessory Structure (see Section 401)

(C) Conditional Uses

Accessory Structure for Home based business (see Sect. 401)
Bed and Breakfast
Camps
Commercial Forestry/Related Uses
Day Care (greater than 6 Children)
Home-Based Business (see Section 408)
Public Outdoor Recreation
Telecommunication Facility
Nature Center
Multi-Family or Multi-unit Dwelling

(D) Dimensional Standards (unless otherwise specified by use type):

Maximum Development Density	1 use per 5 acres
Maximum Building Envelope	30,000 S.F or the minimum amount of land necessary to site a septic system and water system whichever is greater
Minimum Lot Frontage	125 feet
Minimum Lot Depth	200 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	25 feet
Accessory Structure	10 feet
Minimum Rear Yard Setback	25 feet
Accessory Structure	10 feet
Maximum Lot Coverage	15%
Maximum Building Height	35 feet
Accessory Structure	Not to exceed the height of the primary house or 35 feet, whichever is less.

(E) Other District Standards

(1) Non-agricultural site improvements, including principal and accessory structures and parking areas, shall be located within a designated building envelope (if one exists) subject to subdivision and/or conditional use review. In order to minimize: the loss of productive agricultural land; impacts to existing farm operations; and disruption to the scenic quality, natural habitats and water quality attributes of the site, the building envelope shall be located in wooded areas, at field edges, or on the least fertile soils available for development with all these possible impacts in mind. Vegetated buffer zones between residential and agricultural uses may be required under site plan, conditional use or subdivision review.

(2) Access roads, driveways and utility corridors shall be shared to the extent feasible; and where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these features in order to minimize the loss of productive agricultural land and avoid physical and visual impacts. Development shall not conflict with accepted agricultural practices in this District. All permits issued for non-agricultural development in this District shall contain the following language: "This permit is being issued for development within an agricultural district. As such, it shall be understood as a condition of this permit that agricultural activities, if consistent with Accepted Agricultural Practices as defined by the Commissioner of Agriculture, Food and Markets and established prior to non-agricultural

activities within this District, shall be entitled to a rebuttable presumption that the activity is reasonable and does not constitute a nuisance. The presumption may be rebutted by showing that the activity has a substantial adverse effect on the public."

(3) All subdivision and land development permits shall include measures to ensure preservation of open space. The development shall be designed to minimize loss of agricultural land and natural habitat, impact on water quality, and diminishment of the scenic and rural qualities of the site as experienced both on-site and from other vantage points in the Town.

(4) Conditional use review standards under Section 302.

(5) Site plan review standards under Section 303 for all but agriculture, single and two family dwellings, and associated structures and uses, unless otherwise specified under Article IV.

(6) Exempt Uses pursuant §604 include: AAP Agricultural practices and BMP Forestry Uses.

**Table 206.5
Conservation District (CON)**

(A) Purpose: The purpose of the Conservation District is to preserve the existing open, undeveloped lands and their uses, which play significant roles in defining and maintaining Weybridge’s character. These uses include agriculture and forest use, public outdoor recreation, wildlife refuges and reservoirs.

(B) Permitted Uses

Wildlife Refuge

(C) Conditional Uses

Seasonal Camp
 Nature Center
 Single Family Dwelling
 Accessory Structure/Accessory Dwelling Unit
 Residential care or Group Home
 Day Care
 Public Outdoor Recreation

(E) Dimensional Standards (unless otherwise specified by use type):

Maximum Development Density	1 use per 25 acres
Maximum Building Envelope	30,000 S.F or the minimum amount of land necessary to site a septic system and water system whichever is less
Minimum Lot Frontage	200 feet
Minimum Lot Depth	300 feet
Minimum Front Yard Setback	75 feet
Minimum Side Yard Setback	50 feet
Minimum Rear Yard Setback	50 feet
Maximum Lot Coverage	10%
Maximum Building Height	35 feet
Accessory Structure	Not to exceed the height of the primary house or 35 feet, whichever is less.

(E) Other District Standards

(1) Non-agricultural site improvements, including principal and accessory structures and parking areas, shall be located within a designated building envelope (if one exists) subject to subdivision and/or conditional use review. In order to minimize the loss of productive agricultural land, impacts to existing farm operations, and disruption to the scenic quality of the site, the building envelope shall be located in wooded areas, at field edges, or on the least fertile soils available for development. Vegetated buffer zones between residential and agricultural uses may be required under site plan, conditional use or subdivision review.

(2) Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these features to the extent feasible in order to minimize the loss of productive agricultural land and avoid physical and visual impacts.

(3) Development shall not conflict with accepted agricultural practices in this District. All permits issued for non-agricultural development in this District shall contain the following language: "This permit is being issued for development within an agricultural district. As such, it shall be understood as a condition of this permit that agricultural activities, if consistent with Accepted Agricultural Practices as defined by

the Commissioner of Agriculture, Food and Markets and established prior to non-agricultural activities within this District, shall be entitled to a rebuttable presumption that the activity is reasonable and does not constitute a nuisance. The presumption may be rebutted by showing that the activity has a substantial adverse effect on the public."

(4) All subdivision and land development permits shall include measures to ensure preservation of open space. The development shall be designed to minimize loss of agricultural land and natural habitat, impact on water quality, and diminishment of the scenic and rural qualities of the site as experienced both on-site and from other vantage points in the Town. Development in this District could result in severe visual impacts when viewed from other points within the Town and could result in serious impacts on wildlife and water quality. Such impacts would be directly contrary to the intent of the Town Plan and these Zoning Regulations. The Zoning Board shall impose reasonable mitigating measures upon issuance of a permit. Mitigating factors, in addition to any other required or suggested in these regulations, shall include minimizing the area of forest cleared for the house site, protection of any Vermont natural heritage sites, requirement of a significant visual buffer to the east, north, south and west where applicable of any single-family dwelling or camp, use of a non-reflective roof material, and use of external materials that exhibit dark colors of similar hues to the surrounding vegetation. Other protective mitigation may include protection of cover, food sources, ground and surface waters, nesting and denning sites, vernal pools, and wildlife.

(5) Conditional use review standards under Section 302.

(6) Site plan review standards under Section 303 for all but agriculture, single family dwellings, and associated structures and uses, unless otherwise specified under Article IV.

(7) Exempt Uses pursuant Section 604 include: AAP Agricultural practices and BMP Forestry Uses.

Table 206.6
Flood Hazard Area District (FHA)

(A) Purpose: The purpose of the Flood Hazard Area District is to promote public health, safety and welfare by preventing or minimizing hazards to life or property due to flooding.

(B) Permitted Uses:

Wildlife Refuge

(C) Conditional Uses

Public Outdoor Recreation

Nature Center

Substantial improvements to pre-existing structures

Repair following substantial damage to a pre-existing structure

(D) Dimensional Standards (unless otherwise specified by use type):

Standards set forth in Article V.

(E) Other District Standards

Standards set forth in Article V.

Exempt Uses pursuant §604 include: AAP Agricultural practices and BMP Forestry Uses, *unless changes in State statutes associated with FHA's declare otherwise.*

Article III Development Review

Section 300 – Reviews Required

For all land developments, as defined in Section 102, an approved zoning permit is required. The procedures for approval depend upon the particular use proposed. For uses listed as “conditional” in Tables 206.1 –206.6, review and approval by the Zoning Board is required. For any use listed as permitted other than one- or two-family dwellings, Residential Care/Group Homes, or Child Care, the approval of site plans by the Planning Commission may be required. The Conservation Commission may assist the Planning Commission or Zoning Board by providing advisory environmental evaluations. Permits for the construction, addition or alteration of one- or two-family dwellings may be approved by the Zoning Administrator without review by the Zoning Board or Planning Commission, provided that all requirements of these Regulations are obeyed. Applicants are encouraged to consult the Planning Commission, Zoning Board and any existing Conservation Commission, prior to submitting applications.

Section 301 – Applications for Review

- A) An applicant for conditional use and/or site plan approval shall submit to the Zoning Administrator two copies of a preliminary application, to include the following and any applicable fees:
1. The name and address of owner(s) of record of the property; name, address and interest of the applicant, if different than the owner(s) of record; the lot, block, and section number of the property taken from the latest tax records; name and address of person or firm preparing the application and related plans; date of the application; name and address of all adjoining land owners.
 2. A site location map showing the location of the project in relation to nearby town highways, and adjoining parcels and uses.
 3. An estimate of the traffic to be generated by the project and the impact of such traffic on area roads
- B) The Zoning Administrator shall promptly forward the preliminary application to the Zoning Board (for conditional uses) and/or Planning Commission (for all uses other than one- or two-family dwellings) and the Conservation Commission. The Board or Commission shall consider the preliminary application within thirty days and may then require the submission of a site development plan including any or all of the following:
1. A plan drawn to scale prepared by a licensed engineer, surveyor, land planner, or as otherwise approved by the Zoning Board and/or Planning Commission showing the following:
 - a) north point and scale;
 - b) legal property boundaries for the property;
 - c) existing and proposed features including contours, land use, vegetation, natural and critical habitat areas, floodplains and wetlands; zoning district boundaries; structures (building footprint), fences and historic sites; parking areas, roads, easements, and rights of way;
 - d) traffic circulation within the site; location of loading areas; access to neighboring properties and public roads, pathways and trails in the vicinity; and
 - e) proposed screening, landscaping, grading, drainage, sign and lighting details.
 2. Water supply and wastewater disposal design details.

3. Building elevations for new or altered structures, including an indication of exterior façade design, window treatment and roof and siding materials.
4. Construction sequence and time schedule for completion of all proposed development and site improvements.
5. A description of energy utilization and conservation measures for each structure.
6. Any other supporting information that the Zoning Board and/or Planning Commission deems necessary to determine whether the proposed use or structure meets the applicable standards. Examples of additional information might include photographs of the site, visual impact analysis, community service impact assessments, traffic impact studies, or storm water management and erosions control plans.

The application shall be complete when all of the materials listed above have been submitted and deemed complete by the Planning Commission and/or Zoning Board.

Section 302 - Coordination of Conditional Use and Site Plan Review

The Vermont Statutes governing municipal land use review dictate that Planning Commissions are responsible for Site Plan review and Zoning Boards are responsible for Conditional Use Review.

For the purpose of an efficient and fair process for commercial or other structures requiring conditional use review, the ZBA shall perform a site plan review in accordance with the conditions contained in the *specific standards* of section 304D. The ZBA will notify the Planning Commission of applications for conditional review so that the Planning Commission may provide comments to the ZBA for its consideration.

- A) Conditional use review requires compliance with standards addressing the impact of proposed land use on adjacent properties, the neighborhood or district, and the community at large. Standards and conditions should emphasize those considerations in which off-site impacts of a proposed project can be identified, avoided and/or mitigated. Once an applicant satisfies this first set of requirements, conditional use review will proceed to include a site plan review, using the specific standards in 304(D).
- B) Site plan review requires that a project be attractive and functional, and that overall building and site design be consistent with the purpose and character of the district. Standards and conditions should emphasize those considerations related to internal layout to the site, its physical design and appearance as viewed from off-site, and the functional integration of the site with surrounding properties and use. For permitted uses, the PC will conduct the site plan review, using the specific standards in 304(D).

Section 303 -- Site Plan Review

A) Applicability

No Zoning Permit shall be issued by the Zoning Administrator for any use or structure that requires site plan approval under these regulations until the Planning Commission or Zoning Board grants such approval. The Planning Commission shall require site plan approval for any permitted use or structure other than single or two family dwellings, residential care/group homes, accessory dwelling units, home occupations within a single or two family dwelling, agriculture and/or forestry.

B) Review Procedure

In the event that the Planning Commission or Zoning Board requires additional information not submitted with the initial application, the Planning Commission will notify the applicant of the material required and the application will not be deemed complete until such time as all supplementary submittals have been accepted. Public notice for hearings will be given not less than 7 days prior to the date of the public hearing and will include:

1. Posting of the date, place and purpose of the hearing in three or more public places.
2. Written notice to the applicant and to the owners of all properties adjoining the property without regard to right-of-way. The notice will include a description of the project and will be accompanied by a clear description of where additional information can be obtained and that participation in the local proceeding is a prerequisite to the right to make an appeal.
3. Within 45 days after the Planning Commission has adjourned the hearing, it shall act to approve, approve with conditions, or disapprove the application. The Commission shall issue a written decision, to include any conditions, and provisions for appeal. This decision shall be sent by certified mail to the applicant. Copies shall be sent to every person or body having been heard at the hearing and a copy of the decision will be filed with the zoning administrator and municipal clerk to be filed as a public record. Failure to act within 45 days shall be deemed approval. In approving a project with conditions, the Planning Commission may require specific modifications to the design, scale, layout and/or design or configuration of the project.

C) Site Plan Standards

The site plan review requires the applicant meet the site plan standards described in **Section 304 (D)**.

Section 304 - Conditional Use Review

A) Applicability

No Zoning Permit shall be issued by the Zoning Administrator for any use or structure that requires conditional use approval under these regulations until the Zoning Board grants such approval.

B) Review Procedure

Once the Zoning Board deems the application complete, it shall schedule a public hearing warned in accordance with Section 605. At the hearing, the Board shall determine whether the proposed use or structure conforms to the conditional use standards set forth below. The Board shall act to approve, approve with conditions, or disapprove any application for conditional use within 45 days after the adjournment of the final public hearing.

The ZBA shall issue a written decision, to include findings, any conditions, and provisions for appeal. This decision shall be sent by certified mail to the applicant. Copies shall be sent to every person or body having been heard at the hearing and a copy of the decision will be filed with the zoning administrator and municipal clerk to be filed as a public record.

Failure to act within 45 days shall be deemed approval. In approving a project with conditions, the Zoning Board may require specific modifications to the scale, layout and/or design of the project, or place restrictions on its operation and/or intensity to ensure compliance with this section.

C) General Standards

The Zoning Board shall grant approval for a conditional use after the applicant presents information to demonstrate that the proposal will not have an undue adverse effect on the following:

1. The capacity of existing or planned community facilities or services.
2. The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
3. Traffic on roads and highways in the vicinity.
4. The Town Plan and all Town bylaws and ordinances then in effect.
5. The utilization of renewable energy resources.
6. Existing water supplies and aquifers.
7. Views and vistas, natural areas, wildlife habitat, productive woodlands, historic sites, and agricultural land, as designated in the Town Plan.
8. The Zoning Board may limit the location, scale, layout and design of the proposed development to ensure the protection of natural areas, historic features and scenic views including agricultural lands and ridgelines.
9. In determining the appropriateness of the use in the district, the Board shall consider the scale of the proposal in relation to the scale of existing uses and buildings and the effect of the use on the continued enjoyment and access to existing and approved uses in the vicinity of the proposed use.

D) Site Plan Standards

In addition to the applicable district standards in Article II and the General Standards set forth in Section 304 (C) above, the appropriate municipal panel (ZBA for conditional use review or PC for site plan review) may require specific conditions or modifications to the project to ensure the following:

1. The proposed development conforms to all performance standards set forth in Section 414 of these regulations.
2. Outside storage or display of goods, parts, supplies, vehicles, machinery or other materials shall be prohibited unless specifically approved by the appropriate municipal panel reviewing the application. In approving such outdoor display or storage, the conditions may be placed on the area and location of such storage or display, and may require appropriate screening.
3. Exterior lighting shall be designed so as not to cause glare on adjacent roadways, cause excessive levels of illumination, or result in direct illumination on neighboring properties. The appropriate municipal board may restrict the maximum level of illumination on all or a portion of the property.
4. Parking and loading facilities shall include landscaping and screening to mitigate impacts on neighboring properties and break the mass of proposed structures and parking areas.
5. Landscaping, screening and setbacks shall be designed to achieve maximum compatibility and protection to adjacent properties.

That the size, scale, arrangement, and appearance of the proposed development shall not result in any undue adverse impact to any natural area, historic site or scenic view identified through site investigation.

6. The conditional use, 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 resources or be detrimental to the public welfare.
7. The design shall include other conditions, safeguards and/or modifications may be specified in the permit to ensure that the approved project is in full compliance with the general and specific standards set forth above or contained elsewhere in these regulations.
8. Site designs shall control stormwater runoff to prevent flooding and ponding.
9. To the extent feasible, the designs shall use existing historic structures. The exterior appearance of historic structures shall be protected, and the visual context of historic structures shall be maintained.
10. The design shall limit new development, including new structures, additions, landscaping, fencing and screening, shall not be located in a manner that obstructs solar or wind access to existing renewable energy installations on adjoining properties.
11. The design shall ensure access to and from the site to the street and the interior circulation of traffic on the site shall be designed to maximize the safe and efficient operation of vehicles, and will provide for convenient and safe access to or passage by for bicycles and pedestrians.
12. Signs shall conform to the design and size criteria contained in section of these regulations.
13. The design shall include proposed hours of operation which do not interfere with the use and enjoyment of neighboring properties.

E) Specific Conservation District Standards

In addition to meeting the aforementioned standards, proposals for conditional uses in the Conservation District must demonstrate that the proposed use or structure:

1. Will have no adverse effect on groundwater quality, in particular through the possible contamination of groundwater aquifers by development on exposed or near-surface ledges or by the use of explosives for access and site preparation; and
2. Will have no adverse effect on wildlife habitat or access. Where access is at issue, this standard may be met by the designation of wildlife corridors on the land under consideration as well as on adjacent lands if the latter is necessary to insure integrity of the corridor.

F) Specific Flood/Erosion Hazard Zone Standards

Standards relating to review of development proposals in the SFEH zone are contained in Article V of these regulations.

Section 305 -- Planned Unit Development (PUDs)

A) Purpose

Planned Unit Developments (PUDs) are hereby permitted in all zoning districts, except flood hazard areas, to encourage flexibility of design and the development of lands in such a manner as to promote

the most appropriate use of land, to facilitate adequate and economic provision of roads and utilities, to encourage energy efficient construction, to promote the concentration of development to preserve and maintain agricultural land and open space, and to protect natural, cultural and scenic features of the town as identified in the Weybridge Town Plan. Accordingly, the Planning Commission may modify applicable area and dimensional requirements under these zoning regulations simultaneously with the approval of a subdivision plat.

B) Applicability

PUD provisions may be applied, at the request of the applicant or Planning Commission, to any sized parcel to be subdivided, but they are strongly recommended for any subdivision creating more than three building lots.

C) Review Procedures

PUDs shall be reviewed as major subdivisions under the Weybridge Subdivision Regulations; and shall also be subject to site plan approval under the provisions of Section 303 of these regulations. Site plan review may occur concurrently with subdivision review, the procedures and timetable for which are set forth in Article II of the Subdivision Regulations. Upon approval of the PUD, approved modifications of these regulations shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be required, and these shall be noted or appended to the plat. All other provisions of these regulations not specifically modified shall remain in force and be applicable to the project.

D) Application Requirements

In addition to preliminary plat submission requirements under the Subdivision Regulations, PUD applications shall include the following:

1. Additional site development plan information under Section 301 of these regulations as required for site plan review.
2. A statement describing the nature of all proposed modifications, changes or additions from the existing zoning regulations, and the proposed standards and criteria for the development, including standards for the design, dimensions and spacing of buildings and sizes of lots and open spaces.
3. Any other supporting information that the Planning Commission deems necessary to determine whether the proposed PRD or PUD meets applicable standards.

E) General Standards

PUDs, including any modifications of the zoning regulations to be approved by the Planning Commission, shall be subject to the following general conditions and standards:

1. The PUD will meet site plan approval standards under Section 303 of these regulations and all applicable standards set forth in the existing Weybridge Subdivision Regulations.
2. The PUD shall be consistent with the Weybridge Town Plan.
3. The overall density of the project shall not exceed the number of units which could be permitted in the Planning Commission's judgment, if the land (excluding the area within the boundaries of any proposed road) were subdivided into lots in accordance with the district regulations, except for mobile home parks under Section 411.

4. The PUD shall be an effective and unified treatment of the development possibilities of the project site, and the development plan shall make appropriate provision for preservation of streams, and stream banks, steep slopes, wet areas, and unique natural and man-made features.
5. The development plan shall be implemented over a reasonable period of time in order that adequate municipal facilities and services may be provided.
6. Where possible, buildings shall be sited so as to take advantage of southeast, south, or southwest orientations. No building in the development shall cast shadows that will preclude the proposed or potential use of solar energy collectors, which are located upon, and/or within the most southerly facing wall or roof of any other dwelling unit within the development, except where topographical conditions make compliance unreasonable.
7. The PUD shall meet all local and state regulations for sewage disposal and the protection of water quality.
8. Any modification of the zoning regulations approved under this section shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be noted on or appended to the application.
9. Provision shall be made for the preservation of open space. The location, size and shape of lands set aside to be preserved for open space shall be approved by the Planning Commission in accordance with the Weybridge Subdivision Regulations.

F) **Specific Standards for Planned Unit Developments.** PUDs shall meet the following specific standards:

1. The total number of allowable residential units and/or commercial space within the PUD shall not exceed the number which, in the Planning Commission's judgment, could be permitted if the land were subdivided into lots in conformance with the zoning regulation for the district in which the project is located. The number of dwelling units allowed in a PUD may be increased by up to 25 percent for the provision of elderly and/or affordable housing.
2. A PUD may include any permitted or conditional uses allowed in the district in which it is located. Multiple principal structures and/or uses on a lot, or multiple ownership of a single structure may be permitted.
3. Principal buildings and mixed uses shall be arranged to be compatible, and buffered as appropriate, to ensure visual and acoustical privacy for the residents of the development and for adjacent properties.

Article IV General Regulations

Section 400 -- Abandonment of Construction and Damaged Structures

Within one year after work on an excavation for a building has been abandoned or within one year after a permanent or temporary building or structure has been destroyed, demolished or abandoned, the owner shall remove all structural materials from the site and cover over or fill the excavation thus remaining to the normal grade in accordance with state and federal laws.

Section 401 -- Accessory Structures

With the exception of PUDs, there shall be only one primary structure per residential lot; however, accessory domestic structures such as garages, tool sheds, gazebos, and the like whose use is clearly related to and subordinate to the principal residential structure, are permitted uses.

- A) **Accessory Dwelling/Unit** One accessory dwelling unit is a permitted use within or appurtenant to an owner-occupied single-family dwelling. An accessory dwelling/unit shall satisfy the following requirements:
1. It shall be subject to the same standards as the principal building including adequate water supply, septic system, and off-street parking, and shall in no way increase the degree of non-compliance under Section 412.
 2. Floor space shall not exceed 30 percent of the total habitable floor area of the existing floor area of the single-family residence or 1500 square feet, whichever is greater.
 3. Accessory dwelling structures over 1500 square feet may be approved subject to conditional use review.
- B) **Accessory Building for Home-based Business.** One attached or detached accessory building may be approved for use in a home-based business on one lot on which a single-family dwelling is the principal use. Home-based accessory buildings shall satisfy the following requirements:
1. They shall be subject to the same standards as the principal building including adequate water supply, septic system, and off-street parking and shall in no way increase the degree of non-compliance under Section 412.
 2. The size of an accessory building shall not exceed the floor area or the footprint area of the principal building. Note: the square footage limitation is different for home-based businesses.
 3. The location of the accessory building shall be clearly subordinate to the principal building.
 4. Accessory buildings for home based businesses are subject to conditional use review under section 304.
 5. The permit for an accessory structure shall clearly state that it is an accessory structure to the single-family residence and shall be retained in common ownership. An accessory structure may be converted for sale as a single family dwelling only if it meets all current local and state regulations and bylaws applying to single-family dwellings, including all density, dimensional and other requirements in the district in which it is located. Separate permits shall be required prior to sale and/or conversion.

Section 402 -- Campers (Recreation Vehicles)

It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up coach, or motor home to be used as living quarters on any public or private property for periods greater than 14 days. However, an owner of a camper may park it on his or her own property (or guests of the property owner) providing that the camper is parked no closer than six feet to any lot line, and that a trailer so parked shall not be used as living quarters and shall not be hooked up to any utilities. A camper may be used as living quarters for up to 90 days by a property owner while building a new, or replacing a damaged single family dwelling after review as a conditional use by the Weybridge Zoning Board of Adjustment.

Section 403 -- Equal Treatment of Housing

No provision of these regulations “shall have the effect of excluding mobile homes, modular housing or other forms of prefabricated housing from the municipality except upon the same terms and conditions as conventional housing is excluded.”

Mobile homes shall be treated as, and meet all requirements pertaining to, single family homes, except within permitted mobile home parks in accordance with the provisions of Section 411.

Section 404 -- Existing Small Lots

Any lot that since the adoption of zoning regulations in Weybridge has always been in individual, separate, and non-affiliated ownership from surrounding properties may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth of an acre in area with a minimum width or depth dimension of forty feet. However, any development on such a pre-existing small lot shall not exceed that permitted for the minimum lot size in the district in which it is located. Development on existing small lots must also meet all state and municipal sewage disposal and access requirements.

Section 405 -- Frontage and Access Requirements

- A) No land development may be permitted on lots which do not have either frontage on or adequate access to a public road [State, Class I, II and III] or, with the approval of the Planning Commission, access to such a road by a permanent easement or right-of-way at least thirty feet in width which, if developed, could provide year-round access by automobile.
- B) Any activity for which a zoning permit is required and which involves the construction or modification of a driveway intersecting with a public right-of-way shall obtain an access permit from the Road Commissioner prior to the issuance of a zoning permit. The Selectboard may attach conditions to the access permit with respect to the design, construction, landscaping or location of such driveways in order to ensure safety, provide access by emergency vehicles, minimize traffic difficulties, and minimize erosion. The Selectboard may set specific standards.
- C) For access subject to site plan review by the Planning Commission, the Commission may require changes or additions in relation to yards, driveway entrances and exits, landscaping, and the location and height of buildings and enclosures to insure safety, to minimize traffic difficulties and to safeguard adjacent properties.
- D) No lot shall be served by more than one access road or driveway unless otherwise permitted under site plan or subdivision review. Access points, including curb cuts, shall be limited to those approved and not extend along the length of road frontage.

- E) In all districts on a corner lot, within the triangular area formed by the intersection of two roads and a line joining them at points twenty-five feet away from their intersection, there shall be no obstruction to vision between the height of three feet and ten feet above the average grade of each street.
- F) Frontage requirements for any lot served by a private right-of-way shall be the same as the dimensional requirements for a lot served by a public right-of-way.
- G) All driveways shall have installed tubing or culverts where needed to assist flow of surface water.

Section 406 -- Height Requirements

No structure shall exceed 35 feet in height above the lowest grade at ground level, except for the following which are specifically exempted from the height requirements of these regulations:

- A) agricultural structures in compliance with Accepted Agricultural Practices;
- B) spires, bell towers, and church steeples;
- C) antennas, satellite dishes, telecommunication towers, flag poles, electric transmission poles, ornamental cupolas, chimneys, wind generators with blades less than 20 feet in diameter, and rooftop solar collectors which are associated with a residential use and/or structure and are less than 50 feet in height.

Section 407 -- Home Occupations

No provision of these regulations shall 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 of the area. See also Home-based Business under Section 408.

As a home occupation may be considered an accessory use to a residential use, a home occupation is allowed in any district in which residential uses also are allowed. A zoning permit application shall be submitted to the Zoning Administrator so that a determination can be made as to whether the proposed use is, in fact, a home occupation as defined by these regulations. Home occupations are subject to the following:

- A) A member or members of the family residing in the principal building shall operate the business with no more than one additional, non-resident full-time equivalent employee.
- B) The business shall be operated wholly within the principal building and no goods, materials, or products shall be publicly displayed on the premises.
- C) There shall be no exterior storage of materials.
- D) The noise and traffic levels shall not be of such a volume as to be a nuisance to abutting property owners.
- E) If the business generates wastewater in excess of that permitted for a residential dwelling, a wastewater permit shall be required.
- F) Adequate off-street parking shall be provided for all residents and employees in accordance with Section 413.
- G) The home occupation shall be subject to all performance standards under Section 414.

Section 408 -- Home-based Business

Home-based business (as distinguished from Home Occupations under Section 407) may be allowed in designated zoning districts subject to conditional use review under Section 302 and the following additional provisions:

- A) The business owner shall reside on the lot.
- B) The business shall be carried on within the principal dwelling unit and/or accessory structures, and shall occupy less than 50 percent of the combined floor area of all structures on the lot.
- C) The business use shall not necessitate any change in the outside appearance of the dwelling unit or accessory structures on the lot other than the addition of one non-illuminated sign that meets the requirements of Section 416.
- D) The residents of the dwelling unit, plus no more than 4 non-resident, full-time equivalent employees may be employed on-site in the business.
- E) The business shall not generate traffic, including delivery truck traffic, in excess of volumes that are characteristic of the neighborhood.
- F) Adequate off-street parking shall be provided for all residents and employees in accordance with Section 413.
- G) There shall be no storage of hazardous waste or materials; fuel storage shall be limited to that needed for heating and the operation of equipment and vehicles associated with the business.
- H) The business shall be visually compatible with neighboring lots and uses; landscaping and screening may be required as appropriate. In addition, any outside storage of materials, including building or construction materials, unregistered vehicles or heavy equipment, firewood or lumber for sale, must be completely screened year-round from the road and neighboring lots.
- I) The business shall not result in hazards to the public safety and welfare or to neighboring properties; and shall be subject to all performance standards included under Section 414.
- J) If the business generates wastewater in excess of that permitted for a residential dwelling, a wastewater permit shall be required.
- K) The permit for a home-based business shall clearly state that the business is an accessory to the principal residential use, and the home-based business shall be retained in common ownership with the residence

Section 409 -- Landfill

In any district, dumping of refuse and waste material for landfill is prohibited. Loam, rock, stone, gravel, sand, cinders and soil may be used for landfill.

Section 410 -- Landscaping and Screening Requirements

In any district, all areas designated, used or intended to be used as service areas for any building or land use other than one-family dwelling units shall be screened from view with either a wall, a solid fence, or a fence and evergreens to a height of at least five feet above grade level on all sides where the adjacent land

is in a residential district or residential use. Other relevant screening standards are provided in each of the District tables in Article II.

Section 411 -- Mobile Home Parks

- A) It shall be unlawful to park, place, maintain or permit more than one mobile home on any lot for residential use except in a mobile home park duly approved under this section. This section shall not apply to campers regulated under Section 402 or mobile homes on lots which meet the zoning requirements for single family dwellings for the district in which they are located.
- B) The construction, expansion or alteration of a mobile home park may be permitted within designated districts subject to conditional use review under Section 302 and site plan review under Section 303.
- C) The site development plan submitted with the application shall be prepared by a licensed professional engineer, and, in addition to the requirements under Section 301, shall show contour lines and proposed grading; the layout of roads, walkways, mobile home lots, parking areas, open spaces, water and wastewater disposal systems, storm water, garbage and recycling collection facilities, and other utility lines.
- D) In addition to the requirements under conditional use and site plan review, mobile home parks shall also be subject to the following requirements:
 - 1. A mobile home park shall have a contiguous area of not less than 4 nor more than 15 acres.
 - 2. At least 15 percent of the total land area shall be set aside and maintained for common recreational use; conditions with regard to the ownership, use and maintenance of such land may be imposed as appropriate. This requirement may be reduced or waived if a central recreation building or other developed recreational facility of sufficient size to accommodate simultaneous use by the occupants of the park is provided.
 - 3. The maximum housing density shall not exceed that allowed in the zoning district where the mobile home park is located.
 - 4. The following minimum dimensional requirements shall apply to each mobile home lot:
 - a) lot size: 20,000 square feet
 - b) lot frontage: 50 feet (along a mobile home park road).
 - c) minimum lot depth: 100 feet.
 - d) setback from park/access road: 20 feet
 - e) setback from lot lines: 15 feet
 - 5. All roads within the mobile home park shall comply with town road standards.
 - 6. A minimum of two parking spaces per mobile home lot shall be provided. Each parking space shall be at least 9 feet by 20 feet.
 - 7. A nonporous pad at least 4 inches thick shall be provided for each mobile home lot.
 - 8. A landscaped buffer strip at least 50 feet in width shall be maintained along all mobile home park boundary lines. No mobile home unit, parking area, accessory structure, office, utility or service building may be placed in this buffer. Additional landscaping and screening may be required along or within the park as appropriate to ensure the privacy of mobile home park residents and adjoining property owners, and to minimize any adverse aesthetic impacts.

9. Each mobile home park unit shall have water supply and sewage disposal facilities, supplied and maintained by the park owner, which comply with applicable Vermont Environmental Protection Rules as most recently amended. A wastewater disposal permit shall be required.
10. All electric, telephone and other utility lines shall be buried underground, unless the applicant can demonstrate that, due to site conditions, an unreasonable financial hardship will be created.

Section 412 -- Nonconforming Structures and Uses

- A) **Nonconforming Structures:** Any nonconforming structure existing on the effective date of these regulations may be allowed to remain indefinitely, but shall be subject to the following conditions. A non-conforming structure:
1. Shall not be moved, enlarged, altered, extended, reconstructed or restored (except as provided below), nor shall any external evidence of such use be increased by any means whatsoever.
 2. Shall not be restored for other than a conforming structure after damage from any cause, unless the nonconforming structure is reinstated by the commencement of construction within one year of such damage and the completion of construction and restoration of such building within two years; otherwise, the nonconforming structure shall be deemed to have been discontinued.
 3. May be normally maintained and repaired provided such action does not increase the degree of non-compliance
- B) **Nonconforming Uses:** Any nonconforming use which exists on the effective date of these regulations may be continued indefinitely, but shall be subject to the following provisions. A non-conforming use:
1. Shall not be re-established if such use has been discontinued for a period of at least one year or has been changed to or replaced by a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.
 2. Shall not be restored or continued after damage from any cause unless such nonconforming use is carried on uninterrupted in the undamaged part of the structure; or the nonconforming use is reinstated by the commencement of construction within one year of such damage and the construction or restoration of the structure is completed within two years; otherwise, the nonconforming use shall be deemed to have been discontinued.
 3. Shall not be changed to another nonconforming use without approval by the Planning Commission, and then only to a use that, in the opinion of the Commission is of the same or of a more restricted nature.
- C) **Applicability.** No Zoning Permit shall be issued by the Zoning Administrator for any use or structure that requires non-conforming structure or use approval under these regulations until the Zoning Board grants such approval.
- D) **Review Procedure.** Once the Zoning Board deems the application complete, it shall schedule a public hearing warned in accordance with Section 605. At the hearing, the Board shall determine whether the proposed use or structure conforms to the non-conforming structure or use standards set forth above. The Board shall act to approve, approve with conditions, or disapprove any application within 45 days after the adjournment of the final public hearing. The Board shall issue a written decision, to include findings, any conditions, and provisions for appeal. This decision shall be sent by

certified mail to the applicant. Copies shall be sent to every person or body having been heard at the hearing and a copy of the decision will be filed with the zoning administrator and municipal clerk to be filed as a public record. Failure to act within 45 days shall be deemed approval. In approving a project with conditions, the Zoning Board may require specific modifications to the scale, layout and/or design of the project, or place restrictions on its operation and/or intensity to ensure compliance with this section.

Section 413 -- Parking, Loading and Service Area Requirements

- A) **Parking.** For every structure or use or erected, altered, extended, or changed, off-street parking spaces shall be provided as set forth below:
1. All required parking spaces shall have a minimum width of 9 feet, a minimum length of 20 feet, and unobstructed access.
 2. A required driveway shall be at least twenty feet in width, except for one- and two-family use.
 3. Parking areas intended for commercial and/or public use which are adjacent to residential uses shall be set back at least 50 feet from the nearest property line.
 4. All non-residential parking areas shall be located to the side or rear of buildings unless otherwise approved by the Planning Commission under site plan review, and screened or otherwise visually hidden as viewed from public highways and from adjoining residential areas.
 5. A minimum number of parking spaces as determined by anticipated use shall be provided in accordance with the requirements listed in Table 4.1.
 6. In addition to the requirements listed in Table 4.1, all commercial developments must provide adequate, clearly marked handicapped parking spaces in accordance with state and federal requirements, and at least one bike rack for use by employees and/or the general public.
- B) **Loading and Service Areas.** Where a proposed development will require the frequent or regular loading or unloading of goods, sufficient on-site service areas shall be provided. Service areas may also be required for emergency vehicles, waste disposal and collection, bus, taxi, or van service, and other purposes as may be necessitated by the proposed use. All loading and service areas shall be clearly marked and located in such a manner that parked vehicles will not block or obstruct sight visibility at intersections or to or from any internal road or access.
- C) **Waivers.** On-site parking, loading and/or service area requirements may be reduced or waived by the Planning Commission, subject to site plan review under Section 303, based on the Commission's determination that due to circumstances unique to the development, the strict application of these standards is unnecessary.

Table 4.1 Minimum Off-Street Parking Requirements	
Use	Parking Spaces
Accessory Structure	1 per dwelling unit
Bed and Breakfast	2 per dwelling unit, and 1 per lodging room
Home Occupation/Home-based Business	2 per dwelling unit, and 1 per additional employee
Mixed Use	total required per each individual use
Professional Office	1 space plus one for every 300 sq. ft. of office space
Personal Services	1 per employee plus clients' spaces as determined by the Planning Commission under site plan review
Religious Institution	1 per 4 seats or 200 sq. ft. of gross floor area, whichever is greater
Retail Store	1 per 150 sq. ft. of retail floor area
School or Day Care (6 or more children)	3 spaces per 10 children enrolled at the facility
Single or Two Family Dwelling	2 per dwelling unit
Unspecified	As determined by the Planning Commission under site plan review

Section 414 -- Performance Standards

- A) No land or structure in any zoning district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable conditions that adversely affect the reasonable use of adjoining or nearby properties.
- B) Agricultural operations shall at minimum observe Accepted Agricultural Practices (AAPs) as defined and administered by the Vermont Department of Agriculture.
- C) Forestry operations shall at minimum observe Acceptable Management Practices (AMPs) as defined and administered by the Vermont Department of Forests, Parks and Recreation.
- D) The following specific standards apply to all uses, with the exception of agriculture and forestry best practices, in all districts. The burden of proof that the following standards are met shall fall on the applicant and/or all successors and assigns:
 - 1. **No fire, explosive or safety hazard** shall be permitted which significantly endangers other property owners or which results in a significantly increased burden on municipal facilities. Commercial, Industrial or Institutional fuel storage facilities, where regulated by the Vermont Department of Labor and Industry, shall incorporate the best available safety practices and technology, consistent with government and industry standards. Additional reasonable limitations and safeguards may be imposed as recommended by the Weybridge Fire Chief. This may include

but is not limited to a requirement that fuel tanks or other hazardous materials be bunkered or underground or sited at suitable distances.

2. **No smoke, dust, dirt or noxious** gases which endanger or adversely affect the health, comfort, safety, or welfare of the public or neighboring property owners, or which causes damage to property, business, or vegetation shall be permitted.
3. **There shall be no discharge of sewage, septage**, or other harmful wastes into any public water, wetland, or aquifer. No sewage disposal system shall be used beyond its capacity.
4. **Any activity impacting storm water run-off or creating soil erosion** shall conform to the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites (1982 edition-as amended).
5. **Practices will aim to create minimal soil erosion** and/or discharge of sediment into a brook, stream, river, culvert, or catch basin. The smallest practical area of land should be exposed at any one time during development. Lands should not be left exposed during the winter months. Where necessary, temporary vegetation and/or mulching and structural measures may be required to protect areas exposed during development. Sediment basins shall be installed and maintained during development to remove sediment from run-off water and from land undergoing development.
6. **Development shall be accomplished so as to minimize adverse effects upon the natural or existing topography** and soil conditions and to minimize the potential for erosion. Grading and storm drainage plans shall maximize the amount of natural drainage which can infiltrate into the soil and minimize direct run-off onto adjoining streets, properties, and watercourses or water bodies.
7. **Areas of grading, cut or fill and ditches shall be designed, constructed**, and kept in good repair to minimize erosion and sedimentation. All changes in grade shall be controlled so as not to cause a nuisance or damage to other properties or erosion of soil. Any changes in grading shall be made so that runoff is directed to established drainage courses and will not cause ponding or flooding of other properties, or exceed the capacity of downstream drainage facilities.
8. **Excavation, filling and re-grading shall conform to the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites** (1982 edition-as amended). The location of fill sites and access restrictions for hauling equipment shall be reviewed and approved by the Administrative Officer and be consistent with State Solid Waste Management Regulations (Rule 6-309 or as amended). Fill shall not be placed in or adjacent to streams or wetlands, or in any manner that would impair the functions of a stream buffer or wetland. A wetland delineation and evaluation by a qualified wetlands consultant may be required. The following shall be subject to conditional use review: fill of more than 1,000 cubic yards; and fill to elevate a house site more than 2 ft. higher than the average of the abutting house sites.
9. **Where there are nearby neighbors, reasonable conditions may be attached to any permit involving construction activities, including but not limited to earth moving and hauling**, rock drilling or crushing, jack hammer and other loud equipment. Reasonable conditions may also be established regarding construction staging, parking for construction trailers and workers, and truck routes, and limitation or prohibition of construction activities on Saturdays or Sundays or holidays, and between 5 p.m. and 7 a.m. This section shall not apply to emergency activities such as utility repairs.

10. **Electronic emissions or signals which will repeatedly and** substantially interfere with the reception of radio, television, or other electronic signals beyond the lines of the property on which the use is located shall not be allowed. Transmissions exclusively regulated by the Federal Communications Commission are exempt.
11. **There shall be no releases of heat, cold, moisture, mist, fog,** precipitation, or condensation likely to be detrimental to public safety, health or welfare beyond the property on which the use is located so as to be incompatible with the reasonable use of the surrounding area.
12. **Blasting and other activities causing** substantial vibration shall require evidence to demonstrate that it will not cause vibrations or sound waves that would cause damage beyond their property line. A copy of all state and/or federal permits must be filed with the town zoning administrator.
13. **No glare, lights,** or reflection shall be permitted which are nuisances to other property owners or tenants or which could impair the vision of a driver of any motor vehicle or which are detrimental to public health, safety, and welfare. However, reflections from solar energy collectors which are part of an operating solar energy system shall not be considered a nuisance to other property owners and tenants.
14. **No noise shall be permitted which is excessive** at the property line and represents a significant increase in noise levels in the vicinity of the development or is incompatible with the reasonable use of the surrounding area. Specifically the sound pressure level should not exceed 70 decibels at the property line at any time, except for agricultural uses and for limited exceptions to accommodate incidental and customary activities, such as lawn mowers and snow blowers in residential neighborhoods.. To avoid noise disturbances to neighbors, reasonable conditions may be attached to any permit, including but not limited to: hours of operation; type, placement, muffling or enclosure of equipment or facilities; and noise levels.

Section 415 -- Public Utility Substations

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

- A) The facility shall be surrounded by a fence set back from the property lines in conformance with the district regulations for front, side and rear yards.
- B) A landscaped area at least twenty-five feet wide shall be maintained in the front, side and rear yards, and shall include a substantial mixture of native trees, shrubs and other vegetation and shall be designed to visually break up the mass and scale of any structure, and screen the structure from neighboring homes and/or businesses.

Section 416—Renewable Energy Systems

- A) A solar energy system, whether as a part of a building or incidental to a building, is a permitted accessory use within all districts unless exempted under (D).
- B) If mounted on a conforming structure, rooftop solar collectors shall be less than 10 feet above the height of the roofline.
- C) A ground-mounted solar facility must meet minimum district setback requirements from property lines and rights-of-way; and shall not exceed a total height of 15 feet, as measured vertically from the ground to the highest point of the structure.

- D) Ground-mounted facilities should be sited so as to reduce visual impact to the extent possible.
- E) A wind energy conversion system is a conditional use with the Zoning Board considering the following criteria in addition to the general standards specified in Section 302 C) and 406 C) unless exempted under Item D below.
- F) Climbing access to the tower shall be restricted.
- G) For rotors 20 feet in diameter or less, a setback from all lot lines shall be 275 feet minus 11 feet for each foot of rotor diameter less than 20 feet.
- H) For rotors larger than 20 feet in diameter, a setback from a lot line shall be 275 feet plus 6 feet for each foot of rotor diameter greater than 20 feet.
- I) Power generation and transmission facilities regulated by the Vermont Public Service Board [30 V.S.A §248] may not be regulated in any manner under municipal bylaws. These included wind towers and other private generating facilities that are “Net Metered” or hooked into the power grid. However, the Town Plan does have relevant and applicable language for the Vermont Public Service Board to consider.

Section 417 -- Signs

A) General Standards

All signs, other than those specified under Subsection (D), shall require a zoning permit issued by the zoning administrator in accordance with the following requirements pertaining to all signs:

1. No outdoor advertising signs shall be permitted in any district except for the purposes of identifying an existing, on-premise recreational, commercial, business, or public use in those districts where such uses are permitted.
2. A constant, shielded light source may be used for lighting, provided that the lighting is directed only on the sign surface, preferably from above, and does not adversely affect neighboring properties, rights-of-way, or vehicular traffic. The light source shall not be visible from adjacent properties or roads.
3. No sign shall be illuminated during hours when the premises are not open for business.
4. No sign shall contain or support string lighting, pennants, or similar attention gathering devices, or any device capable of emitting noise.
5. Signs exceeding 6 square feet in size shall be set back at least 10 feet from the edge of all road rights-of-way and property lines.
6. Freestanding signs shall not exceed 10 feet in height, as measured from the average grade of the ground to the top of the supporting structure.
7. Wall signs and projecting signs shall be securely fixed to the wall of a principal structure, and shall not obscure architectural features of the building.
8. Projecting signs shall not exceed 6 square feet in area or extend over a public right-of-way.

9. All permitted signs shall be maintained in a secure and safe condition. If the zoning administrator is of the opinion that a sign is not secure, safe, or in a good state of repair, a written warning and/or notice of violation under Section 608 may be issued with a request that any defect in the sign be immediately corrected.
10. Nonconforming signs may remain in use until such time as they are damaged beyond 50 percent of their appraised value, and/or are reconstructed, remodeled, relocated, replaced or enlarged. Nothing in this bylaw shall prevent normal sign maintenance and repair, including the replacement of broken parts.
11. No sign shall be placed in such a manner that it interferes with the architectural integrity of a historic site or structure.

B) Specific Standards

The following sign provisions apply to specific uses as follows:

1. Individual business or commercial structures are allowed a maximum of two fixed signs, including one freestanding and one wall or projecting sign, two wall signs, or one wall and one projecting sign. No one sign shall exceed 9 square feet in area. One moveable “sandwich board” sign advertising specials or events, not exceeding 12 square feet in area or 4 feet in height, and set back from road rights-of-way and property lines, may also be permitted.
2. Individual warehouse and storage uses are allowed one freestanding, wall or projecting sign, not to exceed 9 square feet in total area.
3. On any property being sold or developed one temporary real estate or construction sign may be permitted, not to exceed 9 square feet in area or 10 feet in height, providing such sign is promptly removed immediately following sale or completion of construction.

C) Measurement

When computing the total number of signs or permissible sign area for any use, the following shall apply:

1. Existing signs, except for those specifically exempted under Subsection (A), shall be included in the calculation of the total number and area;
2. Freestanding and projecting signs printed back-to-back (having two visible sides) shall be counted as one sign, and the area shall be computed for one side only;
3. Signs consisting of freestanding letters or numerals shall include any intervening spaces (the entire message area), in the calculation of total sign area;
4. Sign area measured shall be the area included within the extreme limits of the sign surface, excluding supporting structures.

D) Exemptions

No zoning permit shall be required for the following:

1. Signs erected by the state or town on public roads.
2. Non-advertising signs placed for directional, safety or public service purposes.

3. One residential sign per dwelling unit identifying the occupant, not to exceed 2 square feet in area, and residential flags or banners intended solely for ornamental or non-advertising purposes.
4. Temporary auction, lawn, or garage sale signs that shall be removed immediately following the event.
5. Temporary real estate signs, not to exceed 6 square feet or 2 per lot, to be removed immediately following sale.
6. Temporary election signs to be posted and removed in accordance with state law.
7. Signs or bulletin boards incidental to places of worship, schools, libraries or public facilities, not to exceed one per establishment, 16 square feet in total area, or 6 feet in height above ground level.
8. Unlit permanent signs associated with farm operations, not to exceed one per establishment or 16 square feet in area.
9. Unlit wall-mounted or freestanding signs advertising a home occupation, home based business or home day care facility, not to exceed one per residential dwelling or 3 square feet in area.
10. Temporary signs displayed on town property, with prior permission of the Selectboard, advertising a public or community event, which do not exceed 12 square feet in area, and are removed immediately following the event.
11. Temporary banners advertising community events in town-designated locations, with prior approval of the Selectboard or the Vermont Agency of Transportation, which are to be removed immediately following the event.
12. Signs relating to trespassing and hunting, not exceeding 2 square feet in area.
13. On-premise historic or landmark signs, not to exceed one in number or 12 square feet in area.
14. Wall murals intended solely for artistic, non-advertising purposes.
15. Window signs which do not exceed 30 percent of the window pane area.
16. Temporary signs relating to seasonal agricultural activities.
17. Proposed signs which may not otherwise meet the requirements of this section may be approved by the Zoning Board subject to conditional use review under Section 302 and a finding that the sign has distinctive artistic and/or cultural merit which will contribute significantly to the character of the area and the community

E) Prohibited Signs

The following signs shall be prohibited in all districts:

1. Signs which impair highway safety.
2. Signs which are animated, flashing or internally illuminated.
3. Signs attached to or painted on rock outcrops or other natural features.
4. Signs or banners attached to flag poles, utility poles or town sign posts.
5. Signs mounted on roofs, and wall signs that extend above the roofline.
6. Permanent signs which interfere with or project over public rights-of way or property lines.
7. Off-premise advertising signs, except for those that conform to state statute and regulation
8. Signs identifying businesses or uses that are no longer in existence.
9. Signs identifying residential subdivisions and/or developments.

Section 418 -- Storage of Flammable Liquids

The storage of any highly flammable liquid in tanks above ground with unit capacity greater than five hundred and fifty gallons shall be prohibited, unless such tanks up to and including ten thousand gallon capacity are placed not less than eighty feet from all property lines, and unless all such tanks of more than ten thousand gallon capacity are placed not less than two hundred feet from all property lines. All tanks having a capacity greater than five hundred and fifty gallons shall be properly retained with dikes having a capacity not less than one and one-half times the capacity of the tanks surrounded.

Section 419 -- Telecommunication Facility

- A) New or expanded telecommunication and broadcast facilities, including but not limited to towers, antennae, and other accessory structures may be permitted in designated zoning districts subject to conditional use review under Section 302, site plan review if accessory structures are involved under Section 303, and the following provisions:
1. A proposal for a new tower shall not be permitted unless it is determined by the Zoning Board that the equipment planned for the proposed tower cannot be accommodated on an approved tower or existing building or structure.
 2. All towers including antennas shall not exceed the height of the surrounding vegetation or 100 feet as measured from the lowest grade at ground level to the top of the highest structure or component, whichever is less.
 3. No telecommunication facility shall be located within 200 feet of an existing residence
 4. No new roads or trails longer than 500 feet shall be built to access a telecommunication facility.
 5. Telecommunication facilities shall be located to minimize their visibility. No facility shall be located on an exposed ridgeline or hilltop. New or modified towers and antennae shall be designed to blend into the surrounding environment to the greatest extent feasible, through the use of existing vegetation, landscaping and screening, the use of compatible materials and colors, or other camouflaging techniques. Commercial wireless towers shall be of a monopole design unless it is determined that an alternative design would better blend into the surrounding environment
 6. Towers shall not be illuminated by artificial means and shall not display strobe lights, unless specifically required by state or federal authorities.
 7. Setback, landscaping and screening requirements may be increased as appropriate to site conditions, and to protect neighboring properties and uses.
 8. No new overhead power lines shall be built to service telecommunications facilities. Any connections to existing power lines and lines within the telecommunication facility shall be ground laid or buried underground.
 9. All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site, and the site shall be restored to its original appearance. A copy of the relevant portions of any signed lease which requires the applicant to remove the tower and associated facilities shall be submitted at the time of application. A bond or other acceptable form of surety may be required to ensure tower removal and site reclamation
- B) Applications for a new telecommunications facility shall be subject to site plan review as required under Section 303 and shall also include the following:
1. A report from a qualified and licensed professional engineer which describes tower height, construction design and capacity, including cross-sections, elevations, potential mounting locations, and fall zones.
 2. Information regarding the availability of existing towers and buildings located within the site search ring for the proposed site, including written documentation from other tower owners within the search ring that no suitable sites are available.

3. A letter of intent committing the tower owner and his/her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
4. Proof that the proposed tower shall comply with all requirements of the Federal Communications Commission, and the Federal Aviation Administration.
5. Any additional information needed to determine compliance with the provisions of these regulations.

C) The following are specifically exempted from the provisions of these regulations:

1. Ground or building mounted radio or television antennae or satellite dishes not exceeding 36 inches in diameter which are intended solely for residential use, and do not, as mounted, exceed 35 feet in height above the lowest grade at ground level.
2. All citizens band radio antennae or antennae operated by a federally licensed amateur radio operator which do not exceed a height of 40 feet above the grade level, whether free standing or mounted, and which meet all setback requirements for the district in which they are located.

Section 420 -- Temporary Uses and Structures

- A) Temporary permits, not to exceed one year in duration, may be issued by the zoning administrator for nonconforming uses or non-complying structures incidental to construction projects, provided that the property owner shall remove the temporary structure or use upon completion of construction or the expiration of the permit, whichever occurs first. Such permits may be renewed upon application for an additional period not exceeding one year.
- B) Temporary roadside stands for the sale of agricultural products raised on the property may be erected in Agricultural and Medium Density Districts provided that:
1. No stand shall be in place between November 1st and April 30th of any winter.
 2. No stand shall be nearer the front or side lot lines than twenty feet.
 3. Off-street parking space shall be provided for at least two motor vehicles.

Section 421 -- Setbacks from Rivers and Streams

Development of non-exempt structures shall meet the following setback requirements from the top of the bank of rivers and streams:

1. 100 feet from the Otter Creek River and Lemon Fair; or from outer edge of flood plain or any other State-identified River Corridor area, whichever is greater.
2. 50 feet from brooks and streams that flow year-round; or from outer edge of flood plain or other State-identified River Corridor area, whichever is greater.
3. 25 feet from seasonal streams and brooks, or from outer edge of flood plain or other State-identified River Corridor area, whichever is greater.

Section 422 -- Child Care Facilities

As per VSA §4412 (a) A ‘family child care home or facility as used in this subdivision means a home or facility where the owner or operator is licensed or registered by the state for child care.

A family child care 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 33 VSA§ 4902 (3)(A), shall be considered to constitute a permitted use of property but may require site plan approval based on local zoning requirements.

A family child care facility serving more than six full-time and four part-time children may, at the discretion of the municipality, be subject to all applicable municipal bylaws.

Article V Flood/Erosion Hazard Area Regulations

[Adapted from Model Flood Hazard Area Regulations, Water Quality Division, Department of Environmental Conservation, Vermont Agency of Natural Resources, January 1995]

Section 500 -- Applicability

These regulations shall apply in all areas in the Town of Weybridge identified as Fluvial Erosion Hazard Areas as identified on the most current Fluvial Erosion Hazard (FEH) Zone map published by the Vermont Agency of Natural Resources. These regulations shall also apply to Special Flood Hazard (SFH) Areas identified in the most current Flood Insurance Studies and on maps as published by the Federal Emergency Management Agency (FEMA) The most current studies and maps of FEH and SFH are hereby adopted by reference and declared to be part of these regulations. The most current published copies of these maps and studies are available for viewing in the Weybridge Town Office.

Section 501 -- Permits Required

A permit issued by the Zoning Administrator is required for all development in areas identified in Section 500 (SFH and FEH areas). Conditional use approval by the Zoning Board is required for all development other than for uses identified as permitted uses.

Section 502 -- Procedures

- A) Prior to issuing a permit a copy of the application shall be submitted to the Vermont Department of Environmental Conservation. 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.
- B) Adjacent communities and the Vermont Department of Environmental Conservation shall be notified at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.
- C) Proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal, State or Municipal law.

Section 503 -- Lands to Which These Regulations Apply

- A. Where available (i.e., Zones A1-A30, AE, and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.
- B. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program (i.e., Zone A), base flood elevations and floodway information available from State or Federal agencies or other sources shall be obtained and reasonably utilized to administer and enforce these regulations.
- C. Where available, the boundaries of the Fluvial Erosion Hazard Areas will be determined from maps provided by the Agency of Natural Resources. In areas where maps are not provided, the FEH area will be determined to extend outward 50' on either side of the banks of any non-mapped perennial flowing river or stream.
- D. Interpretation:
 1. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, 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.
 2. If uncertainty exists with respect to the boundaries of the Fluvial Erosion Hazard Zone, the location of the boundary shall be determined by the ZA. If the applicant disagrees with the determination made by the ZA, a letter of determination from the Vermont Agency of Natural Resources shall constitute proof.

Section 504 -- Development Standards

A) FEH and SFH Area standards:

1. Development within the floodway must be consistent with Section 204 and requires a registered professional engineer certify that any proposed development will not result in any increase in flood levels during the occurrence of the base flood.
2. Replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. 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.
5. The lowest floor, including basement, of all buildings to be substantially improved or to be repaired following substantial damage shall be at a minimum, 1 foot above the base flood elevation.
6. Campers placed on sites within the FEH or SFH areas shall either (i) be on the site for less than 180 consecutive days, or (ii) be fully licensed and ready for highway use.

B) 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
- 5. Critical facilities are prohibited in all areas affected by mapped flood hazards; and,
- 6. All development not exempted, permitted, or conditionally permitted.

C) 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 FEH or SFH zones:

- 1. Substantial improvement, elevation, relocation, or flood proofing of existing structures;
- 2. New or replacement storage tanks for existing structures;
- 3. Substantial improvements to existing structures;
- 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. Building utilities; and,
- 9. At-grade parking for existing buildings

D) 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. Forestry activities conducted in accordance with the Vermont
- 4. Department of Forests and Parks Acceptable Management Practices(AMP); and,
- 5. Agricultural activities conducted in accordance with the Vermont Department of
- 6. Agriculture’s Accepted Agricultural Practices (AAP).

Section 505 -- Duties and Responsibilities of the Zoning Administrator

The Zoning Administrator shall maintain a record of:

- A) All permits issued for development in areas of special flood hazard.
- B) The elevation in relation to mean sea level, of the lowest floor, including basement, of all improved or repaired buildings given conditional use approval by the ZBA.
- C) All variance actions by the ZBA, including justification for their issuance

Section 506 -- Variances to the Development Standards

In accordance with all the criteria in 24 V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.6 6, and after a public hearing noticed as described in Section VI.

- A) Upon a determination that during the base flood discharge the variance will not result in increased flood levels.

- B) 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

Section 507 -- Definitions

The National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations.

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

“Base Flood Elevation” (BFE) 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.

“Critical facilities” - include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station

“Development” 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.

“Fill” means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

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

“Flood Insurance Rate Map” (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

“Flood Insurance Study” means an examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of “flood”).

“Fluvial Erosion” is erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

“Fluvial Erosion Hazard Zone” (FEH) includes the stream and adjacent lands necessary to accommodate the slope and plan form requirements of a geomorphically stable channel, and is subject to fluvial erosion as defined by the Vermont Agency of Natural Resources and delineated on the State’s Fluvial Erosion Hazard Zone Map.

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

“Lowest floor” means the lowest floor of the lowest enclosed area of a structure, including basement

“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 a “recreational vehicle”.

“Nonconforming structure” means 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. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

“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.

“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, ZA, 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 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.

“Structure” means, for regulatory purposes under this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

“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 reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over a the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure which are the minimum necessary to assure safe living conditions or
- (b) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

“Top of Bank” means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

The National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations.

Article VI Administration and Enforcement

Section 600 -- Zoning Administrator

- A) **Appointment.** The Selectboard, acting upon a nomination from the Planning Commission, shall appoint a Zoning Administrator for a term of three years. The Selectboard, in consultation with the Planning Commission, may remove a Zoning Administrator for cause at any time.
- B) **Acting Zoning Administrator.** In the absence of a Zoning Administrator, an Acting Zoning Administrator who shall have the same duties and responsibilities as the Zoning Administrator may be appointed by the Selectboard, after a nomination by the Planning Commission.
- C) **Duties.** The Zoning Administrator shall administer these regulations literally, shall not permit any land development that is not in conformance with these regulations or any other Town ordinance, and shall inspect developments, maintain records and perform all other necessary functions to carry out the provisions contained herein. In addition the Zoning Administrator will:

1. Provide interested persons with the forms necessary to obtain any municipal permit or other municipal authorization required under these regulations, or under any other laws or ordinances that relate to the municipal regulation of land development and the State Energy Code
2. Receive and review all completed applications for permitted uses to determine whether they comply with the municipal zoning regulations.
3. Mark all permit applications “Approved”, “Denied”, or “Referred to _____” and send copies to the applicant, Town Clerk, Zoning Board, and Planning Commission.
4. Issue zoning permits, within thirty days of an application, for proposed permitted uses of land or structures or changes in use if such use or structure will be in strict conformity with the municipal zoning regulation requirements as to location, area, dimensions, bulk, height, setback, yard, parking, and density. If the Zoning Administrator fails to act to approve or deny a permitted use application within thirty days of receipt, the permit is deemed issued on the thirty-first and shall be so recorded in the Town records.
5. Inform any person applying for municipal permits or authorizations that the person also should contact the regional permit specialist employed by the Vermont Agency of Natural Resources in order to assure timely action on any related state permits that may be required.
6. Provide advice and refer all conditional use applicants to the secretary of the Zoning Board. The Zoning Administrator shall provide the necessary forms and assist the applicant in making a proper application. He or she shall also be charged with transmitting the originals of appeals and conditional use applications and materials to the secretary of the Zoning Board.
7. Provide advice and refer all applicants requesting a dimensional variance or nonconforming use change to the Zoning Board. Note that it is not necessary to deny a permit to enable a landowner to apply to the Zoning Board for a variance or a nonconforming use change. The application may be made directly to the Board through the Zoning Administrator.
8. In writing, refer the applicant to the Planning Commission for subdivision review and approval, site plan approval, planned residential or planned unit development review and approval, design control district approval, and access easement approval. The Zoning Administrator shall forward copies of the application to the Planning Commission and Conservation Commission.
9. Receive from the Zoning Board all notices of appeal and copies of all determinations on variances, conditional uses, and nonconforming uses upon which it has acted. In such cases, the Board's judgment is considered rendered at the time the appellant receives official notification by certified mail of the decision and a copy is filed with the municipal clerk as a part of the public record. The administrator shall issue a permit upon receipt of a decision granting the appeal from, and by order of, the Board. Failure of the board to render a decision on an appeal by certified mail within forty-five days from the final hearing is deemed approval and shall be so recorded in the public records of the Town.

Section 601 -- Zoning Board

A) Appointment

There shall be a Zoning Board. The Selectboard shall determine the Zoning Board's members, as well as their number and term of office. Any member of the Zoning Board may be removed for cause by the Selectboard upon notification of written charges and after a public hearing.

B) Purpose

The purpose of the Zoning Board is to provide for review of all questions arising from or with respect to implementation of these Zoning Regulations. Except as specifically provided in the Act or these regulations, the Zoning Board may not amend, alter, invalidate or affect any development plan or by-law of the Town or the implementation or enforcement thereof, or allow any use not permitted by the Zoning Regulations or other by-law.

C) Duties

The Zoning Board shall have the following duties:

1. Consider and act upon appeals of the Zoning Administrator's decisions (Article VI, Section 606, these Regulations);
2. Consider and act upon requests for variances (Article VI, Section 606);
3. Consider and act upon applications for a conditional use (Article III, Section 302);

D) Procedures

The Zoning Board shall prepare and adopt rules of procedure to guide the Commission's official conduct. Said rules shall be prepared in accordance with all applicable provisions of the Vermont Open Meeting Law.

E) Waiver

The Board in a publicly warned meeting may under extraordinary circumstances grant applicants waivers to the requirements and standards of these regulations. Waivers are intended to provide additional flexibility in the application of these regulations in addition to what is provided through the variance process as described in Section 606(E). Waivers cannot be granted within the Flood/Erosion Hazard Zone.

In considering requests for waivers to specific standards, the Board should consider all of the following criteria:

- A) The waiver, if approved, will not negatively impact the character of the area in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare.
- B) The deviation from these regulations being proposed by the applicant is the minimum deviation required.

In considering requests for waivers to submission requirements, the Board should consider whether:

- C) The submission requirement is relevant to the proposed project or property in question.
- D) Providing the requested information would result in an excessive and undue expense to the applicant.

All waivers must be issued in writing by the Board.

Section 602 -- Planning Commission

A) Appointment

There shall be a Planning Commission whose members, as well as their number and term of office, shall be determined by the Selectboard. The Selectboard may remove for cause any member of the Planning Commission upon notification of written charges and after a public hearing.

B) Duties

The Planning Commission shall have the following duties:

1. Prepare and update the Town Plan every five years and prepare amendments to the Plan as necessary;
 1. Prepare bylaws and amendments to such bylaws as permitted by the Act;
 2. Division of land, including creation of a building lot or planned residential development, alteration of a property line, or establishment of a right of way or other easement. (Also see Weybridge Subdivision Regulations.)
3. Consider and act upon applications for site plan review (Section 303);
4. Consider and act upon applications for Planned Residential Development and/or Planned Unit Development (Section 305);
5. Consider and act upon applications for subdivision approval in accordance with the Weybridge Subdivision Regulations;
6. Undertake studies and make recommendations on matters related to land development, transportation, economic development, historic and scenic preservation, natural resource protection and related areas; and
7. Perform other acts or functions as it may deem necessary or appropriate to fulfill intent and purposes of the Act.

C) Procedures

The Planning Commission shall prepare and adopt rules of procedure to guide the Commission's official conduct. Said rules shall be prepared in accordance with all applicable provisions of the Vermont Open Meeting Law.

Section 603 -- Zoning Permit

A) Permit Required

No land development as defined in Section 102 shall commence without a zoning permit issued by the Zoning Administrator. The following list offers examples of activities where these regulations apply and a permit is required:

1. Construction or erection of a dwelling, garage or shed or a commercial, institutional or industrial structure.
2. Addition to a building or structure.
3. Interior remodeling to create an apartment or roofing over a patio or deck.
4. Change of use of a building, structure or land, including an increase in the number of dwelling units, change from dwelling to office or retail shop, or shop to restaurant, etc.
5. Parking lot construction or changes.
6. Use or placement of trailers or similar enclosures for residential, construction, storage, business, institutional, or recreational purposes, for periods greater than six months.
7. Excavation or land-filling for commercial, institutional or industrial development or for quarrying or for removal of sand or gravel or for constructing a pond.
8. Blasting, major grading or excavation, including driveway or pond construction, which could cause erosion or affect drainage on any neighboring property, or affect aquifer recharge areas.
9. Erection of any sign, outside display or other outdoor advertising.

- B) **Required Approvals.** No zoning permit shall be issued by the Zoning Administrator for any use or structure which requires the approval of the Planning Commission, Zoning Board, Selectboard and/or the Health Officer until all such approvals have been granted.
- C) **State Approval.** For further assistance for activities needing State Approval, please go to: <http://www.anr.state.vt.us/dec/permits.htm> or call your local permit specialist: **Addison County Economic Dev. Corp.** (802) 388-7953 or visit by appointment only, 1590 Route 7 South, Suite 2 Middlebury, VT

D) **Application**

1. Permitted Uses: All applications shall be submitted to the Zoning Administrator on a form provided by the Town, accompanied by 2 copies of a sketch plan drawn to an appropriate scale to accurately depict the dimensions of the lot to be built on, location of the building and/or accessory building to be erected, altered, extended or moved and all applicable setbacks, the location of easements or rights-of-way, and a surveyor's plot plan of the property, if available. The applicant shall also state the existing or intended use of all buildings on the lot and supply such other information as may be necessary to determine and provide for the enforcement of these regulations.
2. Conditional Use and Site Plan Review: Application for conditional use and site plan review shall be submitted to the Zoning Administrator in accordance with Sections 302 and 303, respectively, of these regulations.
3. Variances: Appeals for variances involving permitted uses may omit the site development plan, and submit an adequate plot plan in accordance with Section 603(C)1.
4. Vermont Residential Building Energy Standards (RBES) and Vermont Commercial Building Energy Standards (CBES). Vermont law requires builders to adhere to the RBES and CBES. The zoning administrator will provide a copy of the applicable standards when issuing a zoning permit. (FROM FRAN)

E) **Fees**

Application fees shall be established by the Selectboard and may be revised periodically.

F) **Issuance of Permit**

1. The Zoning Administrator shall not issue a zoning permit unless an application, fee and any approvals required by these regulations have been received. If the proposed land development or land use requires Planning Commission, and/or Zoning Board approval, and/or a state agency referral under Subsection (F), the application shall be deemed incomplete until such time as the applicable body conducts its review.
2. The Zoning Administrator shall within 30 days of submission of a complete application either issue or deny a zoning permit. If the Zoning Administrator fails to act within 30 days of receiving a complete application, a permit shall be deemed issued on the 31st day. If denied, the Zoning Administrator shall notify the applicant and provide the reasons for the denial in writing.

G) **Appeal Period and Effective Date of Permit.** Each zoning permit issued under this section shall contain a written statement of the period of time within which an appeal may be taken. No permit issued shall take effect until the time for appeal has passed.

1. Within three days following the issuance of a Zoning Permit, the Zoning Administrator shall:
 - a) Deliver copies of the permit to the Listers and the Planning Commission;
 - b) Post a copy of the permit in at least one public place in the Town until the expiration of 15 days from the date of issuance of the permit;
 - c) Deliver to the landowner a copy of the permit to be posted on the property involved; and

- d) Comply with the notification requirements of the Flood Hazard District standards for permits issued within the Flood Hazard District.
 - e) Post a notice of permit within view of the public Right-of-Way most nearly adjacent to the subject property until the time for appeal has passed
2. No zoning permit shall take effect until the time for appeal has passed, or, in the event that a notice of appeal is filed properly, such permit shall not take effect until final adjudication of said appeal.
 3. If a public notice is issued with respect to the amendment of these regulations, the Zoning Administrator shall not issue any zoning permit for the period commencing upon the date of that public notice and ending upon the effective date of the adoption or rejection of the amendment except with the written consent of the Selectboard given after public hearing upon public notice.

H) Expiration of Permits

1. If a zoning permit is issued all activities authorized by its issuance shall be completed within two years of its date of issue. If before that time expires, the applicant files a renewal application and has made substantial progress on the land development described in the permit, the Zoning Administrator shall issue a one-time 12-month permit renewal without fee.
2. If a zoning permit expires without substantial land development the permit shall become null and void, and reapplication to complete any activities shall be required. The expiration of a zoning permit under this section shall include the expiration of approvals granted under Section 302, Conditional Use Review, and Section 303, Site Plan Review, contained herein. Permits issued for land development in the flood hazard area shall contain a notation that such land development is located in a regulated flood hazard area.

I) Certificate of Occupancy

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 after the effective date of these regulations until a Certificate of Occupancy is issued by the Zoning Administrator. The Certificate must state that the proposed use of the structure or land conforms to the requirements of these regulations and follow these procedures:

1. An application for a Certificate of Occupancy shall be provided along with a zoning permit issued by the Zoning Administrator.
2. A completed and signed Residential Building Energy Standard Certificate (RBES) must be provided to the Zoning Administrator, prior to receiving a Certificate of Occupancy, as per 30 V.S.A §51
3. The applicant shall submit the completed application upon completion of permitted improvements, but prior to the occupancy of the land or structure.
4. Within seven (7) days of receipt of the application for a Certificate of Occupancy, the Zoning Administrator will inspect the premises to ensure that all work was completed in conformance with the permit, including all applicable conditions of the Zoning Board and/or Planning Commission. If the Zoning Administrator fails to either deny or grant the Certificate of Occupancy within seven (7) days of the submission of an application, the Certificate of Occupancy shall be deemed to be issued and shall be so recorded in the Town records.

Section 604 -- Exemptions

No zoning permit shall be required for the following:

- A) Accepted agricultural practices (AAPs) and best management practices (BMPs), including farm structures, as defined by the Commissioner of Agriculture, Food and Markets; however, pursuant to Accepted Agricultural Practice Rules as most recently amended:
 - 1. Prior to the construction of farm structures, the farmer must notify the Zoning Administrator in writing of the proposed construction activity. The notification must contain a sketch of the proposed structure including the setbacks from adjoining property lines and road rights-of-way.
 - 2. Local setbacks established by the municipality shall be maintained unless, upon written petition by the farmer, the Commissioner has approved other reasonable setbacks for the specific farm structure being constructed or maintained. Such approval shall be attached to the notification filed with the zoning administrator.
 - 3. New farm structures that are not additions to existing farm structures associated with farm operations shall be constructed so that a minimum distance as called for in Section 421 of these regulations is maintained between the top of the bank of adjoining waters and the farm structure. Such structures do not include those for irrigation, drainage or fencing.
 - 4. All farm structures within the Flood Hazard Area Overlay shall be constructed and maintained in accordance with the requirements of the National Flood Insurance Program [Article V].
 - 5. The municipality may report violations of Accepted Agricultural Practice Rules to the Commission of Agriculture, Food and Markets for enforcement.
- B) Accepted management practices (AMPs) for forestry as defined by the Commissioner of Forests, Parks and Recreation.
- C) Any residential fence, walls or landscaping which does not extend into or obstruct public rights-of-way, or interfere with corner visibility or sight distances for vehicular traffic, or in any way impedes the unrestricted flow of flood waters.
- D) Residential terrace or patio, entry stairs or handicap ramps or unroofed deck at ground floor or main floor level.
- E) Any accessory structure such as a child's play house, tree house, dog house, shed or similar structure with a floor area of not more than 96 square feet and a structural height of not more than ten (10) feet, which is located at least 10 feet from all property lines.
- F) Signs as exempted under Section 416, including any sign erected by the State of Vermont or the Town of Weybridge for directional, informational or traffic control purposes.
- G) Garage sales, yard sales, auctions or similar types of sale for a period of not exceeding three consecutive days, nor more than eight days per calendar year, which are managed so as not to cause unsafe traffic conditions, parking problems, or other nuisances to neighbors.

Section 605 -- Public Hearings

A) Public Notice

Any public notice required for public hearing under these regulations shall be given by the publication in a newspaper of general circulation in the Town and the posting of such notice in three or more public places within the Town including a posting within the public Right-of-Way most nearly adjacent to the property not less than 15 days prior to the date of public hearing. The notice shall include the date, place and purpose of such a hearing. Notice of the hearing shall also be sent by mail to the applicant. Notices shall also be sent to abutting property owners at their last known

address and to interested parties who by written notice to the Zoning Administrator request such notice... The applicant shall be responsible for furnishing the names and addresses with the application. Notice shall include a description of the project and shall be accompanied by information that informs the recipient where additional information can be obtained and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.

B) Notice to Interested Persons

Failure of any person to receive notice shall not invalidate any Planning Commission or Zoning Board action, unless it can be shown that the applicant furnished incorrect or incomplete names and/or addresses with the application.

Section 606 -- Appeals to the Zoning Board

A) Decisions of the Zoning Administrator. An interested person may appeal any decision or act taken by the Zoning Administrator, including a request for variance from one or more provisions of these regulations under Article VI, Section 606(F), by filing a notice of appeal with the Secretary of the Zoning Board, or the Town Clerk if no such Secretary has been elected, within 15 days of the date of such decision or act.

B) Interested Person

The definition of an interested person shall include the following:

1. A person owning title to property, or a municipality or solid waste district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case
2. The Town of Weybridge if it has a plan or a bylaw at issue in an appeal or any municipality that adjoins Weybridge.
3. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, who alleges that the decision or act, if confirmed will not be in accord with the policies, purposes, or terms of the plan or bylaws of Weybridge.
4. Any ten persons who may be any combination of voters or real property owners within Weybridge or adjoining towns, who, by signed petition to the appropriate municipal panel, the plan or a bylaw of which is at issue in any appeal, allege that any relief requested, if granted, will not be in accord with the policies, purposes or terms of the plan or bylaw of Weybridge. This petition must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
5. Any department and administrative subdivision of the state owning property or any interest in property within Weybridge or any surrounding towns, and the Agency of Commerce and Community Development.

C) Hearing

The Zoning Board shall set a date and place for a public hearing on an appeal which shall be within 60 days of the filing of the notice of appeal. For an appeal for the variance within a flood hazard area, the Board shall give notice of the date and place of the hearing to the Vermont Agency of Natural Resources. The zoning board shall give notice to the appellant within 15 days of the hearing. Where it is alleged that an error has been committed in any order, requirement, decision or determination made by the Zoning Administrator in the connection with the enforcement of these regulations, the Board shall consider available evidence and testimony and decide whether such error has been committed.

- D) **Notice of Appeal.** A notice of appeal shall be in writing and shall include the name and address of the appellant; a brief description of the property with respect to which the appeal is taken; a reference to the regulatory provisions applicable to the appeal; the relief requested by the appellant and the alleged grounds why such relief is believed proper under the circumstances.
- E) **Variations.** On appeals for variance from the provisions of these zoning regulations involving a structure that is not primarily a renewable energy resource structure, the Board shall grant such variance, and render a decision in favor of the appellant, if **all** of the following facts are found and the finding is specified in its decision:
1. That 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 such conditions and not the circumstances or conditions generally created by the zoning regulations in the district in which the property is located;
 2. That because of such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is necessary to enable the reasonable use of the property;
 3. That such unnecessary hardship has not been created by the appellant;
 4. That 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, nor be detrimental to the public welfare; and
 5. That the variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the zoning regulations and the plan.

In granting a variance, the Zoning Board may impose conditions that it deems necessary and appropriate under the circumstances to implement the purposes of this chapter and the Town Plan currently in effect. In no case shall the Zoning Board grant a variance for a use which is not permitted or conditionally permitted within the applicable district or a variance which results in an increase of allowable density.

On appeals for variance from the provisions of this zoning regulation involving a structure that is primarily a renewable energy resource structure, the Board may grant the variance only if it finds that all of the facts listed in 24 V.S.A. § 4469 are found in the affirmative.

F) **Decisions**

The Board shall render its decision, to include findings of fact and any conditions, within 45 days after completing the hearing. A copy of that decision shall be sent, certified mail, to the appellant within 45 days of the hearing. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing and a copy thereof shall be filed with the Zoning Administrator and the Town Clerk as a part of the public records thereof. If the Board does not render its decision within 45 days, the Board shall be deemed to have rendered a decision in favor of the appellant and granted the relief requested by him/her on the last day of such period, and a statement to this effect shall be recorded in the Town records.

G) **Rejection of Appeal**

The Zoning Board may reject an appeal without a hearing and render a decision, which shall include findings of fact, within 10 days of the date of the filing of a notice of appeal if the Board considers that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts provided earlier by or on behalf of the appellant. Such decision shall be rendered on notice given as in the case under paragraph (D) of this subsection and shall constitute a decision for the purpose of appeal to the Court.

Section 607 -- Violations and Enforcement

A) General Provisions

The commencement or continuation of any land development or land use that is not in conformance with any provision of these regulations shall constitute a violation. All such violations shall be prosecuted.

B) Notice of Violation

No action may be brought under this section unless the alleged offender has had at least seven days notice by certified mail that a violation exists. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation of the regulations 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 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.

C) Penalties

Any person who violates any provision of this bylaw shall be fined not more than 50 dollars for each offense, unless a higher fine is permitted under amendments to the Act, in which case the highest permissible fine may be imposed. In default of payment of the fine, such person, the members of any partnership, or the principal officers of such corporation shall each pay double amount of any such fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of bylaws shall be paid over to the municipality whose bylaw has been violated.

D) Remedies

If any 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 Zoning Administrator shall institute, in the name of the Town, any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate such construction or use, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

Article VII Definitions

Section 700 -- Terms and Uses

- A) Words, phrases, and terms neither defined herein nor elsewhere in these regulations shall have their usual and customary meanings except where the context clearly indicates a different meaning.
- B) Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in Article VII shall have the meanings indicated below when used in these regulations.
- C) The words and terms used, defined, interpreted or further described in Article VII shall be construed as follows:
1. The particular controls the general;
 2. The present tense includes the future tense;
 3. Words used in the singular include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary;
 4. The word "lot" includes "plot" or "parcel";
 5. The word "structure" includes "building."
 6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for;"
 7. The word "shall" is mandatory; the word "may" is permissive.
 8. The word "person" includes firm, association, organization, partnership, trust, company or corporation, as well as an individual.
 9. The word street or is synonymous with road
- D) The Zoning Board shall clarify doubt as to the precise meaning of any word used in these regulations. In such cases, the Board shall base its ruling upon the following definitions, state statute, and the need for reasonable and effective implementation of these regulations.

Section 701 -- Definitions

For the purposes of these Regulations, certain words and terms herein shall be interpreted as follows:

Accessory Dwelling Unit: An accessory dwelling unit means 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, and in which the title is inseparable from the primary dwelling.

Accessory Use or Structure: A use or building customarily incidental and subordinate to the principal use or building and located on the same lot. Examples of accessory structures include garages, workshops or tool sheds.

Adjoining Landowner: Any person whose property is adjacent to or is directly across a road or stream from the land under consideration by the Planning Commission, Zoning Board or Selectboard

Agriculture: The growing or harvesting of crops; raising livestock; operation of orchards, including maple sugar orchards; the sale of farm produce on the premises where raised; the processing or storage of products raised on the property; operation of riding and boarding stables; or as otherwise defined by the Commissioner of Agriculture, Food and Markets. Customary farm structures accessory to agricultural uses and on the same lot or parcel as the use shall be included in this definition.

Accepted Agricultural Practices (AAP's): state-wide agricultural requirements outlined by the Vermont Agency of Agriculture, Food and Markets, last updated on April 24th, 2006, designed to conserve and

protect natural resources by reducing non-point source pollution through the implementation of improved farming techniques rather than investments in structures and equipment.

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

Basement: Story partly underground. A basement shall be counted as a story if the vertical distance between the basement ceiling and the average grade level of the adjoining ground is more than six feet.

Bed and Breakfast: An owner-occupied residence, or portion thereof, in which no more than four short-term lodging rooms are rented and where only a morning meal is provided to guests.

Best Management Practices: Site specific on-farm remedies implemented either voluntarily or as required in order to address water quality problems, and in order to achieve compliance with state water quality standards eligible for funds offered by the Vermont Agency of Agriculture, Food and Markets.

Buffer: A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block noise, lights, or other nuisance from neighboring properties; and/or to lessen the visual or physical impact of development on surface waters, wetlands and other natural and scenic areas.

Building: Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or personal property.

Building Envelope: A specific area delineated on a lot within which all structures are to be located, and outside of which no structure may be located.

Building Front Line: Line parallel to the front lot line through that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

Building Height: Vertical distance measured from the average elevation of the finished grade at the street face of the building to the highest point of the roof.

Camper (Recreation Vehicle, Travel Trailer): A vehicle without permanent foundation which can be towed, hauled or driven and is designed as a temporary living accommodation for travel, recreational, and camping use. This includes but may not be limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

Camp: A dwelling unit that is not the primary residence of the owner or occupant, is suitable only for seasonal or temporary use, and is occupied for no more than 180 days during any one year period.

Community Center: Includes public or private meeting hall, place of assembly, museum, art gallery, library, place of further education, or church, not operated primarily for profit.

Conditional Use: A land use permitted only by approval of the Zoning Board after a public hearing and Zoning Board review determine that the proposed use conforms to the general and specific standards prescribed in these Regulations.

Day Care Facility: A facility providing day care services, for profit or otherwise, for children and/or the elderly. A state registered or licensed day care facility serving six or fewer children shall be considered by right to constitute a permitted single family residential use of the property.

Development, Land: 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.

Dwelling Unit: Building or part thereof used as living quarters for one family. The terms "dwelling," "single family dwelling," "two family dwelling," or "dwelling group" shall not include a motel, hotel, boarding house, or tourist home.

Dwelling, Single Family: Detached building used as living quarters by one family.

Dwelling, Multi-Family or Multi-Unit: Residential structures that include two or more full and separate living accommodations with each separate living accommodation constituting one use for calculation purposes. The number of allowable multi-unit or multi-family dwellings will be determined under the use per acre standards set forth in these zoning regulations.

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

Flood Hazard Area (FHA). The Flood Hazard Area is located throughout the Town on land designated by either the Federal Flood Insurance Administration's most current set of Flood Insurance Rate Maps (FIRMs) or the State of Vermont's Agency of Natural Resources river corridor maps for the Town of Weybridge which are adopted by reference and declared to be part of these regulations. *Note:* This designation does not ensure that lands outside of depicted Flood Hazard Areas or land uses permitted in such areas will be free from flooding or flood damage.

Fluvial Erosion Hazard Zone (FEH) includes the stream and adjacent lands necessary to accommodate the slope and plan form requirements of a geomorphically stable channel, and is subject to fluvial erosion as defined by the Vermont Agency of Natural Resources and delineated on the State's Fluvial Erosion Hazard Zone Map.

Grade, Finished: Completed surfaces of ground, lawns, walks, paved areas and roads brought to grades as shown on plans relating thereto

Home-based Business: A business carried out in the principal dwelling unit and/or accessory structures by the residents of the dwelling unit and no more than four additional non-resident, full-time equivalent employees.

Home Occupation: An occupation customary in residential areas using a minor portion of a dwelling and carried out by the residents and no more than one additional non-resident, full-time equivalent employee.

Loading Space: Off-street space used for the temporary parking of vehicles while loading or unloading merchandise or material, and which has access to a street, alley or other appropriate means of ingress or egress.

Lot: Land of at least sufficient size to meet minimum zoning requirements for use, open spaces, and frontage, together with access to said land, all as required by these regulations.

Lot Area: Total area within the property lines, excluding any part thereof lying within the boundaries of a public street, or proposed public street.

Lot Coverage: The percentage of a lot which is occupied by buildings, other structures, and impervious improvements including driveways, sidewalks, roads, parking lots and tennis courts.

Lot Corner: Lot that has an interior angle of less than 135 degrees at the intersection of two streets. A lot abutting a curved street shall be considered a corner lot of the tangents to the curve at the points of intersection if the side lot lines intersect at an interior angle less than 135 degrees.

Lot Depth: Mean horizontal distance from the street line of the lot to its opposite rear line measured at right angles to the lot front line.

Lot Frontage: Distance measured across the width of the lot along the edge of the street line.

Mixed Use: A structure or land containing two or more land-use types.

Mobile Home: A prefabricated dwelling unit which is designed for long-term continuous residential occupancy, is designed to be moved on wheels as a whole or in sections, and is ready for occupancy upon arrival at the site except for incidental unpacking, assembly connections with utilities and placement on supports or foundation. It does not include campers, recreational vehicles or travel trailers.

Mobile Home Park: Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate, two or more mobile homes.

Non-Conforming Structure: Structure not in conformance with the Zoning Regulations covering building, bulk, dimensions, height, area, yards, density, or off-street parking or loading requirements.

Non-Conforming Use: Use of land or structure which does not comply with all Zoning Regulations.

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

Open Space: Land in a natural state or in agricultural use, or the undeveloped portion of any development parcel(s) which is not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or other obvious evidence of development.

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

Permitted Use: A use specifically allowed in the district.

Personal Services: Includes barber, hairdresser, beauty parlor, and businesses providing similar services of a personal nature.

Planned Unit Development (PUD): A form of development for land planned as a single entity for a number of mixed residential or mixed residential and commercial uses providing for greater flexibility than conventional "minimum lot size" zoning, and promoting the most appropriate use of land. See Sections 205 (Density-based Zoning) and 305 for a more complete description.

Professional Residence-Office: Residence in which the occupant has a professional office which is clearly secondary to the dwelling use and does not change the residential character thereof, and where not more than one person outside the family is employed.

Public Assembly Use: Includes auditorium, theater, public hall, school hall, meeting hall, church and temple.

Public Water, Public Sewer: Water supply and sewage disposal systems approved by the town Selectboard for municipal operation.

Recreation, Public Outdoor: Any facility for outdoor recreation open to the public, including but not limited to tennis courts, golf courses, athletic fields, shooting and archery ranges, swimming pools or beaches, and trails for hiking, playgrounds, horseback riding, bicycling, snowmobiling and cross-country skiing.

Religious Institutions: Includes church, temple, parish house, convent, seminary and retreat house.

Renewable energy resource structure: A structure for the collection or conversion into energy of direct sunlight, wind, running water, organically derived fuels, including wood, agricultural sources, waste materials, waste heat and geothermal sources.

Residential Use: Includes single family dwelling, two family dwelling and professional residence-office.

Retail Use: The sale or short term rental to the general public of goods or merchandise for personal, business or household consumption and services incidental to the sale of such goods.

School: Includes parochial, private, public and nursery school, college, university, and accessory uses.

Service Area: Space provided on a lot for deliveries, loading and unloading, emergency vehicles, waste disposal and collection, bus, taxi, or van service, and such other similar purposes as may be required by the proposed use.

Setback Lines: Building setbacks, as established for each district, are measured as follows:

1. **Front Yard Setback:** The distance from the street-line to the closest portion of any structure including, roof lines, porches and sills except steps.
2. **Side and Rear Yard Setback:** The distance from the side and rear lot line to the closest portion of any structure including rooflines, porches and sills except steps.
3. In the case of a corner lot, the required front yard dimension shall apply on all streets. Side yard setbacks will apply to the remaining sides.

Sign: Any device, structure, building or part thereof, for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

Solar collector: A device or structure, combination or part thereof, that transforms direct solar energy into thermal, chemical, or electrical energy.

Solar energy system: A complete design or assembly consisting of a solar energy collector, an energy storage facility, where used, and components for the distribution of transformed energy, to the extent they cannot be used jointly with a conventional energy system. Passive solar energy systems, those which use natural or architectural components to collect and store or utilize solar energy without using external mechanical power, are included in this definition.

Special Flood Hazard Area (SFHA) 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, ZA, 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 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.

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

Street Frontage: Lot lines that abut a public street.

Street Grade: Officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

Street Line: Right of way line of a street as dedicated by a deed of record. Where the width of the street is not established, the street line shall be considered to be thirty feet from the centerline of the street.

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

Telecommunications Facility: Means 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.

Use: The purpose or activity which land or structures are designed or intended, or for which land or structures are occupied or maintained, unless otherwise provided for in these regulations.

Variance: A departure from the Zoning Regulations that is granted or denied by the Zoning Board. The conditions specified in 24 V.S.A. § 4468 must exist in order for a variance to be granted.

Waivers: Pursuant to Section 601(e), the Zoning Board in a publicly warned meeting may under extraordinary circumstances grant applicants waivers to the requirements and standards of these regulations. Waivers are intended to provide additional flexibility in the application of these regulations in addition to what is provided through the variance process as described in Section 606(E).

Wind energy conversion system: A device that converts wind energy to mechanical or electrical energy.

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