

# Town of Ryegate Zoning Bylaws

Adopted by the Town of Ryegate  
Selectboard

January 9, 2017

(in accordance with 24 V.S.A. §4442)

ARTICLE 1: ENACTMENT, PURPOSE .....	5
§ 101: Enactment.....	5
§ 102: Purpose.....	5
§ 103: Application of Regulations.....	5
ARTICLE 2: ZONING DISTRICTS AND ZONING MAP.....	5
§ 201: Establishment of Zoning Districts .....	5
§ 202: Zoning Map.....	6
§ 203: Interpretation of Zoning District and Overlay Boundaries .....	6
§ 204: Lots in Two Zoning Districts.....	6
§ 205: Projection into Required Yards.....	6
§ 206: Lots in Affiliated Ownership .....	6
§ 207: Reduction of Lot Area .....	7
§ 208: Required Area or Yards.....	7
§ 209: Building Coverage .....	7
§ 210: Yards/Frontage of Corner Lots .....	7
§ 211: Other Land Use and Relevant Regulations .....	7
Table 2.01: Land Uses in All Zoning Districts* .....	8
Table 2.02: Medium Density Residential (MDR) .....	10
Table 2.03: Low Density (LD) .....	11
Table 2.04: Rural Land (RL).....	12
Table 2.05: Industrial (I).....	13
Table 2.06: Commercial One (C1).....	14
Table 2.07: Commercial Two (C2).....	15
Table 2.08: Shoreland (S).....	16
Table 2.08.01: Protective Strip Width Guide.....	17
ARTICLE 3: GENERAL PROVISIONS .....	18
§ 301: Affordable Housing.....	18
§302: Accessory Dwelling Units.....	18
§303: Residential Care and Group Homes.....	18
§304: Home Day Cares .....	18
§ 305: Frontage On, Or Access To, Public Roads or Waters .....	19

§ 306: Protection of Home Occupations .....	19
§ 307: On Site Sewage Disposal.....	19
§ 308: Temporary Uses and Structures .....	19
§ 309: Alterations and Adjustments.....	20
§ 310: Fences .....	20
§ 311: Signs - Regulations and Restrictions.....	20
§ 312: Maximum Building Height .....	21
§ 313: Minor Subdivisions of Land .....	21
§ 314: Major Subdivisions of Land.....	22
§ 316: Multiple Dwellings .....	22
§ 317: Camps and Recreational Vehicles.....	22
§ 318: Burned or Abandoned Structures.....	23
§ 319: Off-street Parking .....	23
§ 320: Commercial and Industrial Uses .....	23
Article 4: Flood Hazard Regulations .....	24
§ 401: Statutory Authorization and Effect.....	24
§ 402: Other Provisions .....	24
§ 403: Lands to Which These Regulations Apply.....	24
Table 4.01: Development Review in Hazard Areas.....	24
§ 404: Development Review in Hazard Areas .....	25
§ 405: Variances .....	26
§ 406: Nonconforming Structures and Uses.....	26
§ 407: Development Standards .....	27
§ 408: Administration .....	29
§ 409: Certificate of Occupancy.....	30
§ 410: Enforcement and Penalties .....	30
ARTICLE 5: NON-CONFORMING USES AND NON-CONFORMING STRUCTURES .....	32
§ 501: Existing Small Lots.....	32
§ 502: Non-Conforming Uses.....	32
§ 503: Non-Conforming Structures .....	32
§ 504: Expansion of Non-Conforming Uses.....	33

ARTICLE 6 SPECIAL PROVISIONS .....	33
§ 601: Site Plan Review.....	33
§ 602: Conditional Uses .....	34
§603: Planned Unit Development .....	36
ARTICLE 7: ADMINISTRATION AND ENFORCEMENT.....	38
Figure 1: Overview of the Zoning Administration Process .....	38
§ 701: Zoning Administrator.....	39
§702: Zoning Permit .....	39
§703: Exemptions .....	40
§704: Limitations .....	41
§705: Violations .....	42
§706: Planning Commission .....	42
§707: Zoning Board of Adjustment .....	42
§708: Appeals .....	42
§709: Variances .....	43
§710: Public Notice.....	43
§711: Decisions.....	44
§712: Appeals to Environmental Court .....	44
ARTICLE 8: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE .....	45
§ 801: Amendments .....	45
§ 802: Interpretation .....	45
§803: Effective Date .....	45
§ 804: Separability .....	45
§ 805: Repeal .....	45
ARTICLE 9: DEFINITIONS .....	45

## **ARTICLE 1: ENACTMENT, PURPOSE**

### **§ 101: Enactment**

This bylaw shall be known as the "Town of Ryegate Zoning Bylaw." It is in accordance with the Vermont Planning and Development Act, Title 24 VSA, § 4401.

### **§ 102: Purpose**

The purpose of this bylaw is to provide for orderly growth and to further the purposes established in 24 V.S.A. §4302 and to achieve the following specific objectives:

- A. Promote the health, safety and general welfare of the inhabitants of the Town of Ryegate;
- B. Protect and conserve the value of property;
- C. Preserve and protect historic sites;
- D. Prevent the overcrowding of land;
- E. Facilitate an adequate provision for safety from fire and for transportation, water, sewage disposal, schools and other public requirements;
- F. Encourage such present and future development as is to the residential, agricultural, commercial, cultural and recreational advantage of the Town;
- G. Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding;
- H. Ensure that the selection, design, creation, and use of development is reasonably safe and accomplished in a manner that is consistent with public well-being, does not impair floodplain services or the stream corridor;
- I. Manage the flood hazard area designated pursuant to 10 V.S.A. §753, the municipal hazard mitigation plan, and make the Town of Ryegate and its citizens and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

### **§ 103: Application of Regulations**

- 103.01 No division of a parcel of land, construction, reconstruction, conversion, structural alteration, relocation or enlargement of any mining, excavation, or landfill, or any change in the use of any building or other structure, or extension of use of land shall commence except in compliance with all the regulations in this by-law for the district in which such building or land is located.
- 103.02 Any use not permitted by this bylaw shall be deemed to be prohibited.

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

### **§ 201: Establishment of Zoning Districts**

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

Medium Density Residential (MDR)

Low Density (LD)

Rural Land (RL)

Commercial One (C1)

Ryegate Zoning Bylaw

Adopted 1.09.17

5

Commercial Two (C2)  
Industrial (I)  
Shoreland (S)

#### **§ 202: Zoning Map**

- 202.01 The location and boundaries of Zoning Districts are established as described below and shown on the Official Zoning Map. The Official Zoning Map is hereby made a part of this bylaw, together with all future amendments. No changes of any nature shall be made in the Official Zoning Map except in conformity with 24 V.S.A. §§ 4441-4442.
- 202.02 Regardless of the existence of copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the clerk of the municipality, shall be the final authority as to the current zoning status of land and water areas.

#### **§ 203: Interpretation of Zoning District and Overlay Boundaries**

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

- 203.01 Boundaries indicated as approximately following the center lines of roads, streams, transportation and utility rights-of-ways shall be construed to follow such center-lines;
- 203.02 Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines;
- 203.03 Boundaries indicated as following shorelines shall be construed as following the normal mean water level;
- 203.04 Boundaries indicated as parallel to or extensions of features in 203.01 through 203.03 above shall be so construed;
- 203.05 Where circumstances are not covered by 203.01 through 203.04 above, the Zoning Board of Adjustment shall interpret the district boundaries.
- 203.06 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. If the applicant disagrees with the determination by the Zoning Administrator, a Letter of Map Amendment from FEMA shall constitute proof.

#### **§ 204: Lots in Two Zoning Districts**

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

#### **§ 205: Projection into Required Yards**

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

#### **§ 206: Lots in Affiliated Ownership**

If two or more contiguous lots are in single or affiliated ownership, and if one or more of the lots do not meet the minimum lot size requirements as established by the bylaw, the nonconforming lot shall be deemed merged with the contiguous lot. However, a nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply:

- A. The lots are conveyed in their preexisting, nonconforming configuration.
- B. On the effective date of any bylaw, each lot was developed with a water supply and wastewater disposal system.
- C. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.
- D. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 V.S.A. Chapter 64.

#### **§ 207: Reduction of Lot Area**

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

#### **§ 208: Required Area or Yards**

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

#### **§ 209: Building Coverage**

No residential building will cover greater than 30 percent of area of a lot.

#### **§ 210: Yards/Frontage of Corner Lots**

- 209.01 Any yard adjoining a street shall be considered a front yard for the purposes of this by-law and shall meet the minimum front yard setback requirements.
- 209.02 Lots which abut on more than one street shall provide the required frontage along every street.

#### **§ 211: Other Land Use and Relevant Regulations**

State and federal government may regulate certain aspects of land use; compliance with this zoning bylaw in no way implies compliance with such state or federal regulations. Such regulations include, but are not limited to:

- Onsite wastewater and potable water systems;
- Outdoor furnaces (i.e. "Outdoor Wood Boilers);
- Placement of underground storage tanks;
- Alteration of a perennial stream that involves more than movement, excavation, or fill or more than 10 cubic yards annually;
- Activities in a wetland;

- Development, redevelopment or clearing of shorelands along bodies of water greater than 10 acres in size, regulated by the Watershed Management Division of the Vermont Agency of Natural Resources.

This list is by no means inclusive. Anyone contemplating development activity should consult with the Vermont Department of Environmental Conservation Permit Specialist. To contact your Permit Specialist, visit [www.anr.state.vt.us/dec/ead/pa/index.htm](http://www.anr.state.vt.us/dec/ead/pa/index.htm) or ask the Ryegate Zoning Administrator.

**Table 2.01: Land Uses in All Zoning Districts\***

P= Permitted; C=Conditional; E= Exempt from Zoning; -- = not allowed in the district

(\*Different standards and review processes may apply to development in the Special Flood Hazard Area. See Article 4.)

Residential and related to residential							
	MDR	LD	RL	C1	C2	I	S
Accessory Use/Structure	P	P	P	P	P	P	C
Agriculture	P	P	P	P	P	P	P
Boarding House	P	P	C	--	P	--	--
Camp, shoreland	--	--	--	--	--	--	C
Camp, woodland	--	--	P	--	--	--	--
Dam and water impoundment	C	C	C	C	C	C	C
Dwelling, multi-family	C	--	--	--	C	--	--
Dwelling, one family, and two-family	P	P	P	C	P	P	C
Forestry	P	P	P	P	P	P	P
Home Occupation	E	E	E	E	E	E	E
Nursing home	--	C	--	--	--	--	--
Mobile Home Park	C	--	--	--	C	--	--

Civic							
	MDR	LD	RL	C1	C2	I	S
Cemetery	C	C	C	--	C	--	--
Community Center	C	C	C	P	--	--	--
Essential services	P	C	C	P	P	P	--
Hospital	C	--	--	--	C	--	--
Municipal use	P	P	P	P	P	P	P



Public facility	--	--	--	--	--	P	--
Religious Facility	C	C	C	--	C	--	--
School, private	C	C	C	--	C	--	--
School, public	P	C	C	--	P	--	--

Hospitality, Recreation and Tourism							
	MDR	LD	RL	C1	C2	I	S
Bed and Breakfast	P	P	C	--	--	--	--
Campgrounds, commercial	C	C	C	--	C	--	--
Club, private	C	C	--	P	C	--	--
Drive-in Restaurant or refreshment stand	--	--	--	C	C	--	--
Hotel	P	--	--	P	P	--	--
Indoor Recreation Facility	--	--	--	P	--	--	--
Motel	P	--	--	P	P	--	--
Outdoor Recreation	C	--	--	P	C	--	--
Recreation, public and private	C	C	C	--	--	P	--
Summer camp and retreat	--	--	--	--	--	--	C

Industry							
	MDR	LD	RL	C1	C2	I	S
Contractor's Yard	--	C	C	C	--	C	--
Earth Resource Removal	--	C	--	--	--	--	--
Industrial	C	C		C	C	P	--
Light Industry	C	C	C	P	C	P	--
Quarrying	--	--	P	--	--	--	--
Sawmill	C	C	C	P	C	P	--

Commerce and Professional Services							
	MDR	LD	RL	C1	C2	I	S
Animal Hospital	C	C	C	P	P	P	--

Auto Service Station	C	--	--	C	C	--	--
Car wash	--	--	--	C	--	--	--
Commercial	--	--	--	P	C	C	--
Community Center	C	C	C	P	--	--	--
Daycare Center	C	--	--	C	C	--	--
Funeral Home	C	C	C	P	C	--	--
Hospital	C	--	--	--	C	--	--
Kennel	C	C	C	--	C	--	--
Neighborhood Commercial Facilities	C	C	—	P	C	--	--

**Table 2.02: Medium Density Residential (MDR)**

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

**Permitted Uses**

Accessory Structure  
Accessory Use  
Agriculture  
Bed and Breakfast  
Boarding House  
Dwelling, one family  
Dwelling, two family  
Essential services  
Forestry  
Hotel  
Motel  
Municipal use  
School, public

**Conditional Use**

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

\*An alteration to a perennial stream that involves the movement, excavation, or fill of more than 10 cubic yards of material annually requires a Stream Alteration from the Watershed Management Division of the Agency of Natural Resources.

Minimum Lot Area and Dimensional Requirements		Minimum Yard in Feet		
Minimum Lot/Family	Minimum Lot Width in Feet	Front	Side	Rear
20,000 (off-lot water and sewer)	100	25	15	35
40,000 (off-lot water or sewer)	100	25	25	50
60,000 (on-lot water and sewer)	150	75	25	50
80,000 (neighborhood commercial)	200	75	50	50
200,000 (industrial)	400	75	100	100

**Table 2.03: Low Density (LD)**

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

**Permitted Uses**

Accessory structure  
Accessory uses  
Agriculture  
Bed and Breakfast  
Boarding House  
Dwelling, one family  
Dwelling, two family  
Forestry  
Municipal use

**Conditional Use**

Animal Hospital  
Campgrounds, commercial  
Cemetery  
Club, private  
Community Center  
Contractor's Yard  
Dams and water impoundments\*  
Earth Resource Removal  
Essential Services  
Funeral Home  
Industrial  
Kennel  
Light Industry  
Neighborhood Commercial Facilities  
Nursing Home  
Recreation, public and private  
Religious Facility  
Sawmill  
School, private School, public

\*An alteration to a perennial stream that involves the movement, excavation, or fill of more than 10 cubic yards of material annually requires a Stream Alteration from the Watershed Management Division of the Agency of Natural Resources.

Minimum Lot Area and Dimensional Requirements			Minimum Yard in Feet		
Minimum Lot/Family	Minimum lot size in feet	Minimum lot width in feet	Front	Side	Rear
5 acres	217,800	400	50	50	75
Commercial	80,000	400	50	50	50
Industrial	200,000	400	50	100	100

**Table 2.04: Rural Land (RL)**

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

**Permitted Uses**

Accessory structure  
Accessory uses  
Agriculture  
Camp, woodland  
Dwelling, one family  
Dwelling, two family  
Forestry  
Municipal use

**Conditional Use**

Animal Hospital  
Bed and Breakfast  
Boarding House  
Campgrounds  
Cemetery  
Community Center  
Contractor's Yard  
Dam and water impoundments\*  
Earth Resource Removal  
Essential Services  
Funeral Home  
Kennel  
Light Industry  
Recreation, public and private  
Religious Facility  
Sawmill  
School, private  
School, public  
Quarrying

\*An alteration to a perennial stream that involves the movement, excavation, or fill of more than 10 cubic yards of material annually requires a Stream Alteration from the Watershed Management Division of the Agency of Natural Resources.

Minimum Lot Area and Dimensional Requirements			Minimum Yard in Feet		
Minimum lot	Minimum area per dwelling unit	Minimum width on frontage	Front	Side	Back
10 acres	10 acres	400 feet	50	50	100

**Table 2.05: Industrial (I)**

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

**Permitted Uses**

Accessory structure  
Accessory uses  
Agriculture  
Animal Hospital  
Dwellings, one family  
Dwellings, two family  
Essential services  
Forestry  
Industrial  
Light Industry  
Municipal use  
Public facility  
Sawmill  
Recreation, public and private

**Conditional Use**

Commercial  
Contractor's yard  
Dams and Water Impoundments\*

\*An alteration to a perennial stream that involves the movement, excavation, or fill of more than 10 cubic yards of material annually requires a Stream Alteration from the Watershed Management Division of the Agency of Natural Resources.

Minimum Lot Area and Dimensional Requirements		Minimum Yard in Feet		
Minimum lot in sq. ft.	Minimum Lot Width in Feet	Front	Side	Rear
20,000 (off-lot water <u>and</u> sewer)	100	25	10	20
60,000 (off-lot water <u>or</u> sewer)	100	75	20	20
120,000 (on-lot <u>and</u> sewer)	200	75	20	20

**Table 2.06: Commercial One (C1)**

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

**Permitted Uses**

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

**Conditional Use**

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

\*An alteration to a perennial stream that involves the movement, excavation, or fill of more than 10 cubic yards of material annually requires a Stream Alteration from the Watershed Management Division of the Agency of Natural Resources.

Minimum Lot Area and Dimensional Requirements		Minimum Yard in Feet		
Minimum lot/family	Minimum Lots in Feet	Front	Side	Rear
20,000 (off-lot water <u>and</u> sewer)	100	25	10	20
40,000 (off-lot water <u>or</u> sewer)	100	75	10	50
60,000 (on-lot water <u>and</u> sewer)	150	75	10	50

**Table 2.07: Commercial Two (C2)**

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

**Permitted Uses**

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

**Conditional Use**

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

\*An alteration to a perennial stream that involves the movement, excavation, or fill of more than 10 cubic yards of material annually requires a Stream Alteration from the Watershed Management Division of the Agency of Natural Resources.

Minimum Lot Area and Dimensional Requirements		Minimum Yard in Feet		
Minimum lot/family	Minimum Lot Width in Feet	Front	Side	Rear
20,000 (off-lot water <u>and</u> sewer)	100	25	15	35
40,000 (off-lot water <u>or</u> sewer)	100	25	25	50
60,000 (on-lot water <u>and</u> sewer)	150	75	25	50
80,000 (neighborhood commercial)	200	75	50	50
200,000 (industrial)	400	75	100	100

**Table 2.08: Shoreland (S)**

The shoreland district maintains the less developed character of the shoreline while allowing limited residential development. Shoreland includes the land within 250 feet of the mean water level of all bodies of water.

Note: The dimensional standards of this district do not supercede the standards of the Vermont Shoreland Protection Act, which became effective on July 1, 2014. All development, redevelopment, or clearing within 250 feet of the mean water level of lakes or ponds larger than 10 acres in size will require a Shoreland Permit from the Agency of Natural Resources. In Ryegate, the following water bodies will require a Shoreland Permit from the Agency of Natural Resources:

Coburn Pond

Lower Symes Pond

Ticklenaked Pond

McLam Pond

**Permitted Uses**

Agriculture

Forestry

Municipal use

**Conditional Uses**

Accessory structure

Accessory use

Camp, shoreland

Dams and water impoundments\*

Dwelling, one family

Dwelling, two family

Summer camp and retreat

\*An alteration to a perennial stream that involves the movement, excavation, or fill of more than 10 cubic yards of material annually requires a Stream Alteration from the Watershed Management Division of the Agency of Natural Resources.

Minimum Lot Area and Dimensional Requirements		Minimum Yard in Feet		
Minimum Lot	Minimum Lot Width on frontage	Front	Side	Back
40,000 sq. ft.	200	200	15	15

**District standards**

- (1) Front yards are considered the shoreland side toward the water. Front yard setbacks are to be measured from the mean water mark of the lake. Back yards are considered the side toward the primary road.
- (2) The area of natural vegetation and trees at least 50 feet in width along the shoreland shall not be cut except for one opening per lot of no more than 50 feet. The intent of the buffer strip is to maintain the dense natural vegetation to protect water quality, provide wildlife habitat and screen the structures from view while on the water. The buffer is required on lots with new structures and encouraged on lots with existing structures.



- (3) If a non-conforming structure is enlarged in accordance with Article 5 of this bylaw, the Zoning Board of Adjustment shall require, as a mitigation measure, to return any mowed or cleared areas to a naturally vegetated state with supplemental planting of appropriate native vegetation.
- (4) Except for necessary stream crossings, a protective strip shall be left along streams and shoreland areas in which only light thinning or selective harvesting can occur so that breaks made in the canopy are minimal and a continuous cover is maintained.
- (5) This bylaw incorporates the guidelines set forth in the current version of the Acceptable Management Practices (AMPs) for Maintaining Water Quality on Logging Jobs in Vermont (August 15, 1987) as adopted by the Commissioner of the Vermont Department of Forest Parks and Recreation. Guideline of particular significance to Ryegate are stream crossings and vegetative buffer strips which state the following:
  - I. There will be a protective strip of vegetation of at least 50 feet in depth left along all surface waters.
  - II. Except for necessary stream crossings, a protective strip shall be left along streams and shoreland areas in which only light thinning or selective harvesting can occur so that breaks made in the canopy are minimal and a continuous cover is maintained.
  - III. Landowners are encouraged to consult with a professional forester prior to beginning any large timber harvesting operation. Large clearcuts are discouraged while sustainable timber harvesting techniques as prescribed in a management plan are encouraged.
- (6) Logging equipment and machinery should remain outside a protective strip a distance according to Table 2.08.01.

**Table 2.08.01: Protective Strip Width Guide**

Slope of land between roads or landings and streambanks on shorelands (percent)	Width of strip between roads or landings and stream (feet along surface of ground)
0-10	50
11-20	70
21-30	90
31-40	110

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

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

### **ARTICLE 3: GENERAL PROVISIONS**

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

#### **§ 301: Affordable Housing**

- § 301.01 This bylaw shall not have the effect of excluding low and moderate income housing from the Town of Ryegate.
- §301.02 Pursuant to 24 V.S.A. §4412(1)(B), manufactured, modular homes, and prefabricated homes shall be considered single-unit dwellings, except when unoccupied and displayed in a manufactured home sales establishment or allowed as a temporary structure under this bylaw.

#### **§302: Accessory Dwelling Units**

- § 302.01 An accessory dwelling unit that is located within or appurtenant to an owner occupied single-unit dwelling shall be a permitted use. An accessory dwelling unit shall be defined as an efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-unit dwelling that is clearly subordinate to a single-unit dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all of the following:
- A. The unit is not located in a regulated flood hazard area.
  - B. The property has sufficient wastewater capacity.
  - C. The unit does not exceed either 30% of the total habitable floor area of the single-unit dwelling, or 600 sq. ft, whichever is larger.
  - D. Applicable setback, coverage, and parking requirements specified in the bylaws are met.
- § 302.02 Notwithstanding the provisions above, the creation of an accessory dwelling unit will require conditional use approval when one or more of the following is involved:
- A. A new accessory structure, constructed after the enactment of these bylaws,
  - B. An increase in the height or floor area of the existing dwelling, or
  - C. An increase in the dimensions of the parking area.

#### **§303: Residential Care and Group Homes**

- § 303.01 A residential care home or group home to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501 shall be considered to constitute a permitted single family residential use of property, except that no such home shall be considered so if it is located within 1,000 feet of another existing or permitted home.
- § 303.02 A resident care home or group home to be located within 1,000 feet of another existing or permitted home shall be reviewed as a multi-family dwelling in according with this bylaw.

#### **§304: Home Day Cares**

A family child care home serving six or fewer children shall be considered to constitute a permitted use of a single-unit dwelling. A family child care home serving no more than six full-time children and four part-time

children, as defined in 33 V.S.A. § 4902(3)(A), shall be considered to constitute a permitted use of a single-unit dwelling but requires site plan approval. A family child care facility serving more than six full-time and four part-time children may, shall be treated as a conditional use.

#### **§ 305: Frontage On, Or Access To, Public Roads or Waters**

- § 305.01 No land development may be permitted on lots which do not have frontage on either a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by permanent easement or right-of-way of record at least 50 feet in width. The requirement of a 50 foot right of way may be modified through a variance issued by the Zoning Board of Adjustment with respect to land development on a right of way in existence prior to the effective date of these regulations provided, however, that no such modification shall permit land development on such a right of way that is less than 20 feet in width.
- § 305.02 No right of way shall be located in a regulated flood hazard area as identified in Article 4.

#### **§ 306: Protection of Home Occupations**

- § 306.01 No bylaw may infringe upon the right of any resident to use a minor portion of a dwelling or accessory structure for an occupation which is customary in residential areas and which does not change the character thereof, and meets the following requirements:
- A. The home occupation shall be carried on by members of the family. Three employees who are not family members are permitted;
  - B. The home occupation shall be carried on within the principal or accessory structures;
  - C. Exterior displays or signs other than those normally permitted in the district or exterior storage of material shall not be permitted. Signage for a home occupation shall be erected in accordance with §311.03 of this bylaw
  - D. Obnoxious or excessive noise, smoke, dust, vibration, glare, odors, electrical interference, or heat, that is detectable at the boundaries of the lot shall not be permitted.
  - E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.
  - F. Parking shall be provided off-street and shall not be located in front yards.
  - G. On-site retail sales shall be minor and incidental to the business.
- § 306.02 Home occupations that meet the above standards are exempted this zoning bylaw and no permit is required. A use that does not meet the above standards of this bylaw will require a permit under the use deemed most applicable by the Zoning Administrator.

#### **§ 307: On Site Sewage Disposal**

No zoning permit shall be issued under this bylaw unless the applicant is able to either demonstrate compliance with the State of Vermont Wastewater System and Potable Water Supply Rules or can produce written evidence from an appropriate official that no such permit is required.

#### **§ 308: Temporary Uses and Structures**

Temporary permits may be issued by the Zoning Administrator for a period not exceeding one year, for non-conforming uses incidental to construction projects, provided such uses are not located in regulated flood

hazard areas. Permits shall be conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

### **§ 309: Alterations and Adjustments**

- § 309.01 Alterations and adjustments within the living area of a dwelling which do not change the use of the dwelling will not require a permit, unless the alterations and adjustments constitute improvement of a structure located in regulated flood hazard areas.
- § 309.02 Alterations which change the exterior dimensions of a structure will require a zoning permit, and will, at a minimum, be subject to administrative review by the Zoning Administrator, unless the alteration expands or enlarges a non-conforming structure

### **§ 310: Fences**

- § 310.01 Fences shall be considered accessory structures if they are six feet high or less. Fences over that height shall be conditional uses in all districts and shall be designed and built in a manner consistent with consideration of public safety and character of the neighborhood.
- § 310.02 For all fences located along or within five feet of property boundaries, structural supports shall face the interior of the lot.
- § 310.03 Fences shall not be placed within the road right of way.
- § 310.04 Fences placed within a clear sight triangle along driveways and at street intersections, or between an existing building and the front property line, whichever is less, shall be limited to 3-feet in height above the curb in order to provide safe sight distances for pedestrians and vehicles.
- § 310.05 Fences associated with a Required Agricultural Practice are exempt from this bylaw. All other fences shall require Administrative Review from the Zoning Administrator. A fence that is part of a proposed use that is subject to Site Plan Review or Conditional Use Review shall be reviewed according to their respective development review processes.

### **§ 311: Signs - Regulations and Restrictions**

- § 311.01 All signs must be well constructed and maintained in stable condition and legible from the nearest public right of way.
- § 311.02 No sign shall
  - A. Endanger the public;
  - B. Restrict clear vision between a sidewalk and road, or visibility from any nearby intersection;
  - C. Be designed or erected so that it may be mistaken for a traffic sign or signal or general wayfinding sign;
  - D. Prevent access to any door, window, or fire escape.
- § 311.03 Residential and professional signs shall only be erected on the premises, and located not more than 1,500 feet from a main entrance to the business. Signs may only be illuminated when the premises are open for business. These signs shall not be larger than nine square feet.

- § 311.04 Business and commercial signs: Hanging or standing signs shall have a maximum area of twelve square feet. Signs painted on or permanently attached to the wall of a building shall not occupy more than 10% of the wall.
- § 311.05 No flashing, intermittent or moving lights shall be permitted. Lighted signs must be shielded to prevent glare on adjoining roads. A sign must be removed if the indicated activity is discontinued.
- § 311.06 Nonconforming signs shall be brought into compliance when they are replaced. Nonconforming signs may not be expanded, or the message altered to advertise a different owner, management, or brand, unless such altered sign is brought into conformance with these standards.
- § 311.07 A proposed sign shall require Administrative Review by the Zoning Administrator, including signs that are part of a Home Occupation. A sign that is part of a proposed use that requires Site Plan Review or Conditional Use Review shall be reviewed according to their respective development review processes.

### **§ 312: Maximum Building Height**

- § 312.01 In all districts structures shall not exceed a height of 35 feet above average ground level except for
- A. Agricultural structures in accordance 24 V.S.A. §4413(d);
  - B. Steeples, spires, belfries, and bell and clock towers;
  - C. Accessory structures associated with residential uses which are less than fifty (50) feet in height above the lowest grade at ground level at the base of the structure, including antennas, flag poles, ornamental cupolas, chimneys, wind generators with blades less than twenty (20) feet in diameter, and rooftop solar collectors.
- § 312.02 Notwithstanding §312.01 above, the Zoning Board of Adjustment may permit structures in excess of the district standard subject to conditional use review under §6.01, upon finding that:
- A. The structure does not constitute a hazard to public safety, or to adjoining properties;
  - B. That portion of the structure above the district maximum height shall remain unoccupied except for normal maintenance;
  - C. The structure is not to be used for advertising purposes;
  - D. The portion of the structure above the maximum height for the district within which it is located shall not be lighted; and,
  - E. The proposed building height and scale are consistent with the character of the immediate surroundings.

### **§ 313: Minor Subdivisions of Land**

- § 313.01 The division of a parcel of land with or without streets into two (2) lots, plots, or other legal division of land for transfer of ownership, lease, or sale shall be considered a minor subdivision.
- § 313.02 Single lot subdivisions which meet the minimum area and dimensional requirements of the By-Law shall be approved by the Zoning Administrator.

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

#### **§ 314: Major Subdivisions of Land**

- § 314.01 The division of parcel of land with or without streets into three (3) or more lots, plots, or other legal division of land for transfer of ownership, lease, or sale shall be considered a major subdivision.
- § 314.02 Multi-lot subdivisions shall be considered a conditional use and follow the same procedure as in Article 6.
- § 314.03 The application for a multi-lot subdivision shall be accompanied by two copies of a plot plan drawn to scale depicting the boundary lines of the parcels involved and a map depicting its location in town. Supporting information including design and layout of streets, sidewalks, street lighting, fire protection, landscaping, water supply, wastewater and stormwater drainage facilities, public utilities, waste management considerations and other pertinent data may be supplied or requested. Two copies of all design and layout sheets are required.
- § 314.04 The Zoning Board of Adjustment will review the application at a duly warned hearing and make the final ruling following their adopted rules of procedure.
- § 314.05 Subject to appropriate conditions, the Zoning Board of Adjustment may waive or vary, the provision of any or all improvements and requirements when in its judgment the improvements or requirements are not requisite in the interest of the public health, safety and general welfare, or when in its judgment they are inappropriate because of the inadequacy of connecting facilities in proximity to the subdivision.
- § 315.06 Upon request, the Zoning Board of Adjustment will provide an opportunity for a preliminary review of any planned multi-lot subdivision at a regular or special meeting or warned hearing. Applicants considering any large, multi-lot subdivision especially those requiring public facilities and utilities are strongly encouraged to seek preliminary project review. No fee is required for a preliminary review.

#### **§ 316: Multiple Dwellings**

Any application for a permit for a second dwelling within a single ownership tract will be deemed a planned residential development and will be subject to the requirements of a planned residential development as set forth in Article 7 of this by-law and Title 24 VSA, § 4417.

#### **§ 317: Camps and Recreational Vehicles**

- § 317.01 Camps which are occupied for more than 180 consecutive days during a calendar year shall be considered permanent dwellings and must meet all the requirements of this by-law. Permanent and temporary structures including camps must meet the setback requirements of the district in which it is stored.
- § 317.02 A property owner may store a recreational vehicle, also known as a travel trailer or camper, on their lot which has a permanent dwelling, as long as it is parked within the required setbacks and is not used for sleeping or living quarters on that site for more than 180 consecutive days.
- § 317.03 Recreational vehicles occupied for more than 180 consecutive days during a calendar year shall be considered permanent dwellings and the owner shall be required to seek a zoning permit

under this bylaw. Recreational vehicles that are considered permanent dwellings must meet all the requirements of this bylaw including setbacks.

§ 317.04 As per Article 4 of this bylaw and 44 CFR 60.3 (c) (14), recreational vehicles parked in the Special Flood Hazard Area for 180 days or more must remain fully licensed and ready for highway use.

#### **§ 318: Burned or Abandoned Structures**

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

#### **§ 319: Off-street Parking**

Off street parking shall be provided as follows: Residential: two spaces per dwelling unit.

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

#### **§ 320: Commercial and Industrial Uses**

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

## Article 4: Flood Hazard Regulations

### § 401: Statutory Authorization and Effect

In accordance with 10 V.S.A. Chapter 32, and V.S.A. Chapter 117 §4424, §4411 and §4414, there is hereby established a bylaw for areas at risk of flood damage in the Town of Ryegate, Vermont. Except as described below, all administrative procedures follow municipal procedures under 24 V.S.A. Chapter 117 and Article 7 of this bylaw.

### § 402: Other Provisions

- §402.01 The provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction, the provisions here shall take precedence.
- §402.02 This bylaw does not imply that land outside of the areas covered by these regulations will be free from flood or erosion damages. These regulations shall not create liability on the part of the Town of Ryegate, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

### § 403: Lands to Which These Regulations Apply

- §403.01 Regulated Flood Hazard Areas: These regulations shall apply to the Special Flood Hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations. The location of the boundary shall be determined by the Zoning Administrator. If the applicant disagrees with the determination made by the Zoning Administrator, a Letter of Map Amendment from FEMA shall constitute proof.
- §403.02 Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas: Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits *have not* been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

### Table 4.01: Development Review in Hazard Areas

The hazard areas are not appropriate sites for new structures nor for development that increases the elevation of the base flood or obstructs the ability of streams to establish and maintain geomorphic equilibrium.

Activity	Hazard Zone	
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P Permitted C Conditional Use Review X Prohibited E Exempted	Special Flood Hazard area	Floodway
New Structures	C	X
Storage	C	X
Improvements to existing structures	P, C	C
Small Accessory Structures	P	X
At Grade Parking	P	C
Replacement water supply or septic systems	C	C
Fill as needed to elevate existing structure	C	C
Fill	X	X
Grading	C	C
Road maintenance	E	E
Road improvements	C	C
Bridges and culverts	C	C
Channel Management	C	C
Recreational Vehicles	P	P
Outdoor recreation, open space only	E	E
Forestry	E	E
Agriculture	E	E

#### § 404: Development Review in Hazard Areas

- § 404.01 Permit: A permit is required from the Zoning Administrator for all development in all areas defined in Table 4.01. Development that requires conditional use approval, non-conforming use approval, or a variance from the Zoning Board of Adjustment under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the Zoning Administrator. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in §407. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.
- § 404.02 Permitted Development: For the purposes of review under these regulations, the following development activities in the Special Flood Hazard area where outside of the floodway, and meeting the Development Standards in §407, require only an administrative permit from the Zoning Administrator:
- A. Non-substantial improvements;
  - B. Accessory structures;
  - C. Building utilities;
  - D. At-grade parking for existing buildings; and,
  - E. Recreational vehicles.
- § 404.03 Prohibited Development in the Special Flood Hazard:
- A. New fill except as necessary to elevate structures above the base flood elevation;
  - B. Accessory structures in the floodway;
  - C. Critical facilities, as these are prohibited in all areas affected by mapped flood hazards;

D. All development not exempted, permitted, or conditionally permitted.

§ 404.04 Conditional Use Review: Conditional use review and approval by the Zoning Board of Adjustment is required prior to the issuance of a permit by the Zoning Administrator for the following development activities:

- A. New residential or non-residential structures (including placement of manufactured homes);
- B. Storage, including storage of junk and salvage yards;
- C. Substantial improvement, elevation, relocation, or flood proofing of existing structures;
- D. New or replacement storage tanks for existing structures;
- E. Development related to on-site septic or water supply systems;
- F. Improvements to existing structures in the floodway;
- G. Grading, excavation; or the creation of a pond;
- H. Improvements to existing roads;
- I. Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
- J. Public utilities;

§ 404.05 Exempted Activities: The following are exempt from flood hazard regulation under this bylaw:

- A. The removal of a building or other structure in whole or in part from a flood hazard area;
- B. Maintenance of existing roads and storm water drainage;
- C. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,
- D. Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Required Agricultural Practices (RAPs). Prior to the construction of farm structures the farmer must notify the Zoning Administrator in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

#### **§ 405: Variances**

§ 405.01 Variances may be granted in writing by the Zoning Board of Adjustment only in accordance with all the criteria in 24V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.6 , and after public notice and hearing notice in accordance with Article 7 of these regulations. In addition to meeting the criteria of §4469, it must be demonstrated that the variance for development will not increase flood heights within a special flood hazard area.

§ 405.02 Approval of variance will be issued in writing and in accordance with §711 of this bylaw. The decision will inform the applicant, over the signature of the Zoning Administrator, that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

#### **§ 406: Nonconforming Structures and Uses**

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

- A. The proposed development is in compliance with all the Development Standards in §407 of this bylaw;
- B. A nonconforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program;
- C. Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months; and
- D. An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured homes must be placed so as to meet the development standards in this bylaw.

#### **§ 407: Development Standards**

The criteria below are the minimum standards for development in the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

##### **§ 407.01 Special Flood Hazard Areas**

- A. All development shall be:
  - i. Reasonably safe from flooding;
  - ii. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
  - iii. Constructed with materials resistant to flood damage;
  - iv. Constructed by methods and practices that minimize flood damage;
  - v. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - vi. Adequately drained to reduce exposure to flood hazards;
  - vii. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
  - viii. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.
- B. In Zones AE, AH, and A1 – A30 where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

- C. Structures to be substantially improved in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;
- D. Non-residential structures to be substantially improved shall:
  - i. Meet the standards in § 407.01(C); or,
  - ii. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that at or above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; A permit for flood proofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- E. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
- F. Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding, shall
  - i. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
  - ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- G. Recreational vehicles parked for more than 180 days must be fully licensed and ready for highway use.
- H. A small accessory structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in § 407.01(F)(ii) (above).
- I. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- J. 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.
- K. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

- L. The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability.
- M. Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.
- N. Subdivisions and Planned Unit Developments must be accessible by dry land access outside the special flood hazard area.

#### § 407.02 Floodway Areas

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

#### § 408: Administration

- § 408.01 Application Submission Requirements – In addition to the application requirements identified in § 802.02, applications for development in all flood hazard areas shall include:
  - A. Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, River Corridors, the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, and pre- and post- development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
  - B. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Zoning Administrator and attached to the permit before work can begin.
- § 408.02 Upon receipt of a complete application for substantial improvement or new construction, the Zoning Administrator shall submit a copy of the application and supporting information to the Station National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, in accordance with 24 V.S.A. §4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
- § 408.03 If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies

of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

- § 408.04 If a review by the Zoning Board of Adjustment is required, the board shall consider comments from the NFIP Coordinator. The Zoning Board of Adjustment may recess the proceeding on any application pending submission of additional information.
- § 408.05 The Zoning Administrator shall properly file and maintain a record of:
- A. All permits issued in areas covered by this bylaw;
  - B. An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the Special Flood Hazard Area;
  - C. All flood proofing and other certifications required under this regulation; and,
  - D. All decisions of the Zoning Board of Adjustment (including variances and violations) and all supporting findings of fact, conclusions and conditions.

#### **§ 409: Certificate of Occupancy**

In accordance with Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area or River Corridors until a certificate of occupancy is issued therefore by the Zoning Administrator, stating that the proposed use of the structure or land conforms to the requirements of these bylaws. A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw. Within 14 days of the receipt of the application for a certificate of occupancy, the Zoning Administrator shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and all that all work has been completed in conformance with the zoning permit and associated approvals. If the Zoning Administrator fails to grant or deny the certificate of occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a Certificate of Occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

#### **§ 410: Enforcement and Penalties**

- § 410.01 The Zoning Administrator shall enforce these regulations in accordance with §705 of this bylaw. Additionally, the Zoning Administrator will mail a copy of the notice of violation to the State National Flood Insurance Program coordinator.
- § 410.02 If the violation remains after all appeals have been resolved, the Zoning Administrator shall submit declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance for the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

§ 410.03 Violations of the Required Agricultural Practices shall be enforced under this section as violations of these flood hazard regulations. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. §4812.

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

### **§ 501: Existing Small Lots**

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

### **§ 502: Non-Conforming Uses**

- § 502.01 The following provisions shall apply to all buildings and uses existing on the effective date of this bylaw which do not conform to the requirements set forth in this by-law and to all buildings and uses that in the future do not conform by reason of any subsequent amendment to this by-law or those that do not conform because they were improperly authorized as the result of error by the Zoning Administrator.
- § 502.02 Any non-conforming use of structures or land except those specified below, may be continued indefinitely, but:
- A. Shall not be moved, enlarged, altered, extended, reconstructed, or restored nor shall any external evidence of such use be increased by any means whatsoever (except as provided below);
  - B. Shall not be changed to another non-conforming use without approval by the Board of Adjustment, and then only to a use which, in the opinion of the Board is of the same or of a more restricted nature;
  - C. Shall not be re-established if such use has been discontinued for a period of one year, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
  - D. Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage; if the restoration of such building is not substantially commenced within one year, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged part of the building.

### **§ 503: Non-Conforming Structures**

- § 503.01 A nonconforming structure may not be extended, enlarged, altered, moved, or expanded in any manner that increases or extends the existing nonconformance of the structure, except in accordance with §505 below.
- § 503.02 A nonconforming structure damaged or destroyed by fire, accident, or other casualty shall not be restored to other than a conforming structure unless the repair, reconstruction, or restoration of the structure is completed within one year after damage or destruction.
- § 503.03 Notwithstanding §503.01 and §503.02, a nonconforming structure in a regulated flood hazard area may only be extended, enlarged, altered, moved, or expanded in accordance with §§407-408 of this bylaw.



§ 503.04 Nothing in these regulations shall be deemed to prevent normal maintenance and repair of a non-conforming building provided that such action does not increase the degree of non-compliance and the structure is not in a regulated flood hazard area.

#### § 504: Expansion of Non-Conforming Uses

The Zoning Board of Adjustment may, after public notice and hearing, allow expansion of any non-conforming use or non-conforming structure up to 20 percent greater than its existing size at the time of adoption of these regulations providing such expansion does not adversely affect the surrounding area or, the case of a nonconforming use or structure in a regulated flood hazard area, result in a violation of the development standards in §§407-408 of this bylaw

### ARTICLE 6 SPECIAL PROVISIONS

#### § 601: Site Plan Review

§ 601.01 The purpose of site plan review is to ensure that the site layout and design of permitted uses are safe, functional, and of a scale that is compatible with their settings and consistent with these bylaws.

§ 601.02 No zoning permit shall be issued by the Zoning Administrator for any use or structure, except one and two-family dwellings and as well as uses exempt from this zoning bylaw, until the Planning Commission, after public notice and hearing, grants site plan approval in accordance with 24 V.S.A. 4416.

§ 601.03 Site Plan Review Application. An applicant seeking site plan approval shall submit two sets of site plan maps and supporting data to the Planning Commission as it may require, which may include all or any of the following information presented in drawn form and accompanied by written text:

- A. Name and address of person or firm preparing the map. Scale of map, north point and date. Name and address of the owner of record. Name and address of the owner(s) of record of adjoining land.
- B. Map of the property showing existing features, including contours, structures, tree patterns, streets, utility easements, right-of-way, land use and deed restrictions.
- C. Site plan showing proposed structure locations and land use areas; driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening.

#### Site Plan Review and Conditional Use Review

*Site Plan Review* is a tool used by the Planning Commission to examine all proposed permitted uses except for single- and two-unit dwellings. Although permitted uses may be established by right, they still require a certain level of scrutiny to ensure that 1) the proposed use meets the development standards in Ryegate's zoning bylaw, and 2) the applicant takes all possible measures to mitigate any potential adverse effects.

*Conditional Use Review* (for conditional uses) evaluates proposed uses that may or may not be appropriate for any given site in a zoning district. The Zoning Board of Adjustment will evaluate the broader aspects of a proposed use, such as whether or not the use will have undue adverse effect on the character of the area or the capacity of community facilities.

- D. Construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.
- E. For any development that accesses a State highway, the application for site plan approval shall include a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the Agency proposes to attach to the section 1111 permit.

§ 601.04 Site Plan Review Procedure. In considering its action, the Commission shall consider the objectives hereinafter recited, and may impose appropriate conditions and safeguards hereinafter recited, and may impose appropriate conditions and safeguards only with respect to the adequacy of traffic access, circulation and parking, landscaping and screening.

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

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

#### **§ 602: Conditional Uses**

§ 602.01 Any use designated as a "Conditional Use" in the table relating to a particular district may be commenced, enlarged or altered in such district after receipt of all approvals and permits as required by these bylaws and then only upon the issuance of a conditional use permit by the Zoning Board of Adjustment as provided in 24 V.S.A. §4414(3) after public notice and hearing.

§ 602.02 Conditional Review Application. Conditional Use applications shall consist of the items identified in 601.03.

§ 602.03 Conditional Use Review Procedure. The Zoning Board of Adjustment, after public notice and hearing, shall consider the following general standards before granting, and shall not grant a permit unless it finds that the proposed conditional use will not have an undue adverse effect on any of the following:

- A. The Capacity of Existing or Planned Community Facilities:
  - i. Sufficient water must be available for the short and long term needs of the project and the project shall not result in undue impacts on the municipal water supply.
  - ii. The project shall not cause other undue impacts on the municipality, including public, quasi-public and private providers to provide services or facilities, and further including but not limited to education, fire protection, emergency services, health services, recreation, waste disposal and recycling.
- B. The Character of the Area Affected.
  - i. The proposed project, by its nature, scale, appearance or operation shall not adversely change the character of the potentially affected area 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.

- ii. Consideration shall be made with respect to the proposed development's effect on aesthetics, open spaces and the scenic and historic integrity of the area affected. Measures to mitigate or restore any such adverse impacts shall be considered.
- C. Traffic on Roads and Highways in the Vicinity.
  - i. The project shall not significantly reduce the safety of existing pedestrian, vehicular or recreational uses of the highways affected.
  - ii. The proposed use shall not exhaust or exceed the physical capacity of the affected highway.
  - iii. In general, the project shall not substantially overburden the municipality in providing adequate highway construction and maintenance services.
- D. Bylaws Then in Effect.
  - i. The proposed conditional use shall comply with the bylaws and regulations adopted at the time of submission of the application.
- E. Utilization of Renewable Energy Resources.
  - i. A conditional use shall not excessively inhibit or restrict access to or the use of renewable natural resources (including, but not necessarily limited to, water, solar and forest resources) for energy conservation and utilization.

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

- A. Economic benefit.
  - i. The effect of the overall economic benefit to the community shall be considered including numbers of jobs and effects on the tax rate. Such benefits shall not, however, be used to rationalize or justify waiver of any of the supplemental considerations.
- B. Minimum lot size, width and building setbacks.
  - i. Where the Zoning Board of Adjustment determines that the minimum standard applicable to the zoning district is inadequate to avoid negative impacts to neighboring uses, it may increase the minimum requirement. This can be applied to increase setback requirements, decrease development density or increase minimum frontage requirements.
- C. Air/water/noise/light pollution and soil erosion.
  - i. The conditional use shall not have an undue adverse effect or exceed the intrinsic or inherent capability of the land to support the use.
  - ii. The development shall not result in groundwater or surface water pollution or cause an undue impact on air quality nor cause undue noise or light pollution or soil erosion.
  - iii. Consideration shall be made regarding the nature of soils and topography, proximity to streams, aquifer recharge areas, groundwater table and floodplains and to stormwater runoff and drainage.

- iv. Consideration shall also be given to the preservation, to the greatest extent possible, of the natural terrain, shorelines of lakes and streams, retention of vegetation and erosion control.
- v. Consideration shall be given to the impact of the pollution source on adjacent properties.
- vi. Landscaping plans shall include number, size, type and location of plantings. Plans shall not allow for introduction of noxious or invasive species harmful to native vegetation types.
- vii. The ambient air and water quality standards shall be maintained or improved and under no circumstances shall the development be allowed to create a condition hazardous to the public health, safety or welfare.
- viii. Hours of operation shall be compatible with existing uses in the area.
- D. Wildlife habitat, agricultural and forest resources.
  - i. The conditional use shall be designed to the greatest extent practicable to preserve critical habitats including but not necessarily limited to deer yards, wetlands, endangered or threatened species habitats and stream and shoreline corridors.
  - ii. The conditional use shall, to the extent feasible, preserve the viability and productivity of agricultural resources.
- E. Off-Street vehicular parking and pedestrian traffic.
  - i. Adequate off-street parking for conditional uses must be provided where on-street parking is at, or near capacity, or nonexistent.
  - ii. Adequacy of traffic circulation, parking and loading facilities and access to and egress from public highways must be designed with particular attention to safety of the public and employees.
  - iii. Pedestrian and bicycle access shall be encouraged.
- E. Lighting, signs and fences.
  - i. Lighting and fences shall be in keeping with the natural and/or historic beauty of both the town as a whole and the particular zoning district. The Zoning Board of Adjustment shall consider the size, materials and location.
  - ii. In the interest of maintaining the rural character of Ryegate and reduction of light pollution, lighting, except that which is primarily for security purposes, will not generally be permitted for use outside of normal business hours.

### **§603: Planned Unit Development**

- § 603.01 Planned unit development, as authorized under 24 V.S.A. §4417 allows flexibility in the application of the town's zoning regulations in order to promote development that better conforms to the Ryegate Town Plan. Specifically, the purposes of planned unit development under this bylaw are to encourage a development which will result in:
- A. A choice in the types of environment and living units available to the public, and quality in residential land uses so that development will be a permanent and long-term asset to the town.
  - B. Open space and recreation areas.

- C. A pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion.
- D. An efficient use of land resulting in smaller networks of utilities and streets.
- E. An environment in harmony with surrounding development.
- F. A more desirable environment than would be possible through the strict application of other sections of these regulations.

§ 603.02 Planned Unit Development is allowed in the Rural and Low Density Districts, subject to Conditional Use Approval by the Planning Commission. Upon approval of a subdivision plan pursuant to the criteria and procedures established in) of the Act, the Planning Commission is, after public notice and hearing, hereby empowered to modify the applicable density, lot size and set back, and other comparable provisions, with respect to the district in which the Planned Unit Development is located.

§ 603.03 Proposals for Planned Unit Development shall be submitted to the Planning Commission. The material accompanying the proposal shall contain the following:

- A. Required site plan shall show all buildings, parking areas, and landscaping at a scale sufficient to permit the study of all elements of the plan. All utilities shall also be shown and described. Typical elevations and floor plans of all building may also be required. In addition, the site plans shall show the adjacent building outlines and other outstanding features within 200 feet.
- B. The application shall also state the nature of all proposed modifications, changes or supplementation of existing zoning regulations for which approval is sought.

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

§ 603.05 A Planned Unit Development shall comply with the following standards:

- A. Shall be at least ten (10) contiguous acres.
- B. Off-lot water and sewer may be required when there are six or more units.
- C. At least 50 percent of the development shall remain as open space for common usage.

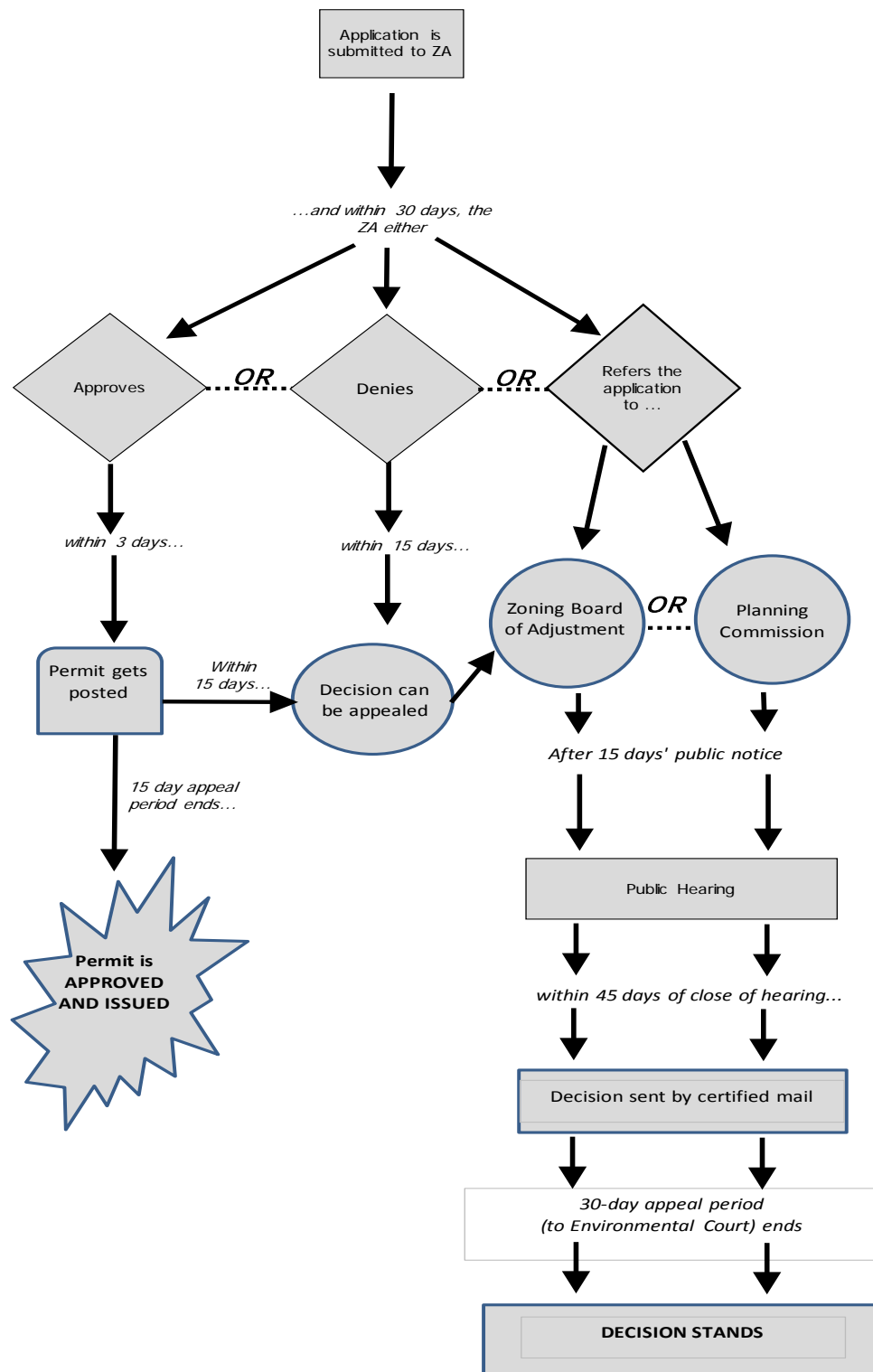
§ 603.06 Management of open space. Designated open space areas shall be managed by the owner for its intended purpose and use, as approved by Planning Commission. The Board may require the submission of a long-term management plan for the protection and sustainable management of conserved resources.

§ 603.08 Protection of open space. No future subdivision or development of designated open space, as approved by the Planning Commission shall be allowed, except as incidental to its intended use.

- A. Designated open space areas shall be clearly identified on the site plan or subdivision plat recorded in the town land records as "protected open space," with an accompanying notation that no further subdivision or development is allowed.
- B. A planned unit development shall carry with it provisions, whether by deed restrictions, restrictive covenants, easements, or other appropriate legal means as approved by the Planning Commission to ensure the permanent retention of designated open space.

## ARTICLE 7: ADMINISTRATION AND ENFORCEMENT

Figure 1: Overview of the Zoning Administration Process



## **§ 701: Zoning Administrator**

- §701.01 A Zoning Administrator, who may hold any other office in the municipality other than the Zoning Board of Adjustment, shall be nominated by the Planning commission and appointed by the Selectboard for a term of three years promptly after the adoption of the first of such by-laws or when a vacancy exists. The Zoning Administrator shall administer this by-law literally, and shall not have the power to permit any land development which is not in conformance with such by-law. A Zoning Administrator may be removed for cause at any time by the Selectboard.
- §701.02 The duties of the Zoning Administrator are:
- A. To receive applications for permits for building construction and to grant permits for such construction or land use as meets the provisions of this by-law;
  - B. To inspect such construction work so as to insure conformity with this by-law;
  - C. To perform such other duties as may be required to insure the enforcement and administration of this by-law;
  - D. To keep on file, and available to the public, a full and accurate record of all applications, permits, and violations received, issued or incurred during the course of his administration.
  - E. Coordinate a unified effort on behalf of the municipality in administering any other local regulations pertaining to development;
  - F. Direct the applicant to the regional permit specialist employed by the agency of natural resources in order to assure timely action on any related state permits. Nevertheless, the applicant retains the obligation to identify, apply for, and obtain relevant state permits.
- §701.03 The Planning Commission may nominate and the Selectboard may appoint, an Acting Zoning Administrator, who shall have the same duties and responsibilities as the Zoning Administrator in his absence.

## **§702: Zoning Permit**

- §702.01 Permits, Fee: No land development may commence unless a zoning permit shall have been duly issued by the Zoning Administrator, as provided for in Title 24 VSA, Sec 4443. The fee for such zoning permit shall be as established by the Selectboard.
- §702.02 Application: All applications for zoning permits shall be submitted by the property owner and shall be accompanied by:
- A. Two copies of a sketch plan of the lot, on a sheet of paper not smaller than 8 1/2" x 11", showing dimensions and location of boundary markers which shall be in place on the ground; or, two copies of a surveyor's plan of the lot.
  - B. The plan submitted must also show location of the building and accessory buildings to be erected, and the sewage disposal system.
  - C. Other information as may be necessary to determine compliance with this by-law.
- §702.03 The Issuance of Permit: The Zoning Administrator shall not issue a zoning permit unless an application, fee, plot plan and any other approvals required by this by-law have been properly submitted. The Zoning Administrator shall, within 30 days of submission of the application, data

and approvals, either issue or deny a zoning permit, or, if additional approvals are required, refer the application to the Planning Commission and/or the Zoning Board of Adjustment, as appropriate. If denied, the Zoning Administrator shall so notify the applicant in writing, stating his or her reasons therefore. The written denial shall also inform the applicant on the right to appeal. If the Zoning Administrator fails to act on an application within 30 days, the permit shall be deemed approved on the 31<sup>st</sup> day.

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

- A. Deliver a copy of the permit to the listers of the municipality; and
- B. Post a copy of the permit in at least one public place in the municipality until the time for appeals has passed;
- C. Post a permit notice, in a form prescribed by the Town of Ryegate within view of the public right-of-way most nearly adjacent to the subject property until the time for appeals has passed;
- D. Deliver a copy to the Town Office for Town Records.

§702.05 Effective Date: No zoning permit shall take effect until the time for appeal has passed, or in the event that a notice of appeal is filed properly, such permit shall not take effect until final adjudication of said appeal

§702.06 If a public notice for a first public hearing is issued by the Selectboard with respect to the adoption or amendment of this by-law, the Zoning Administrator, for a period of 150 days following that notice, shall review any new application filed after the date of the notice under the proposed bylaw or amendment and applicable existing bylaws and ordinances. If the new bylaw or amendment has not been adopted by the conclusion of the 150-day period or if the proposed bylaw or amendment is rejected, the permit shall be reviewed under existing bylaws and ordinances. An application that has been denied under a proposed bylaw or amendment that has been rejected or that has not been adopted within the 150-day period shall be reviewed again, at no cost, under the existing bylaws and ordinances, upon request of the applicant.

§702.07 If the zoning permit is approved, and construction has not substantially commenced within 12 months, the permit is void.

### **§703: Exemptions**

§703.01 No zoning permit shall be required for the following:

- A. Required agricultural or farming practices, including the construction of farm structures, as such practices are defined by the Commissioner of Agriculture, Food and Markets under 10 V.S.A. §1021 (f). However, any landowner proposing to erect a farm structure shall notify the Zoning Administrator of such intent prior to the erection of such structure. Farm structures shall comply with setbacks approved by the Commissioner of Agriculture, Food and Markets.
- B. Accepted management practices for (silviculture) forestry, as these practices are defined by the Commissioner of Forests, Parks and Recreation under 6 V.S.A. §4810.
- C. Power generation and transmission facilities, which are regulated under 30 V.S.A. §248 by



the Vermont Public Service Board.

- D. Hunting, fishing, and trapping as specified under 24 V.S.A §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these regulations are defined as recreation facilities.
- E. Wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high, any of which are mounted on complying structures.
- F. Home Occupations
- G. Temporary vending, including outdoor flea markets, yard sales, tent sales provided that such activity does not take place more than ten (10) days over the course of any calendar year.

§703.02 The following uses shall be considered exempt from zoning, and no zoning permit shall be required, provided that such uses are located OUTSIDE of the areas of regulated flood hazard areas:

- A. Residential landings or stairways less than 25 square ft. (excluding decks and porches), handicap access ramps, and walkways which do not extend into or obstruct public rights-of-way, or interfere with corner visibilities or sight distances for vehicular traffic.
- B. Alterations to structures outside which do not result in a change of use, any change to the building footprint, or a building height in excess of 35 feet.
- C. Accessory structures which collectively total no more than 20% of building footprint of the primary dwelling, provided that all accessory structures meet the dimensional standards of their respective zoning districts.
- D. Fences not exceeding 48" in height which do not extend into or obstruct public rights of way, or interfere with corner visibilities or sight distances for vehicular traffic.

#### **§704: Limitations**

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

- A. State- or community-owned and operated institutions and facilities.
- B. Public and private schools and other educational institutions certified by the state department of education.
- C. Churches and other places of worship, convents, and parish houses.
- D. Public and private hospitals.
- E. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
- F. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. 6606a.

### **§705: Violations**

Appropriate action or proceedings shall be instituted by the Zoning Administrator to prevent such violation or to prevent continuance or furtherance of the violation, according to Title 24 VSA, §§4451 and 4452.

### **§706: Planning Commission**

- §706.01 There is hereby established a Planning Commission which shall consist of not less than (3) nor more than nine (9) members, who shall serve in accordance with 24 V.S.A. §4323(c) and shall be appointed by the Selectboard.
- §706.02 The Planning Commission shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 V.S.A. §4461(a)] and Vermont's Open Meeting Law. The Commission shall have all powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to the power to hear and act upon:
- A. Site Development Plan Approval
  - B. Planned Unit Development

### **§707: Zoning Board of Adjustment**

- §707.01 There is hereby established a Zoning Board of Adjustment which may consist of the members of the Planning Commission. Where the Planning Commission does not serve as the Zoning Board of Adjustment, members of the Zoning Board of Adjustment shall be appointed by the Selectboard. Terms of office shall be for four years. Vacancies shall be filled by the Selectboard of unexpired terms and upon the expiration of terms. Each member of the Board may be removed for cause by the Selectboard upon written charges and after a public hearing.
- §707.02 The Zoning Board of Adjustment shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 V.S.A. §4461(a) and Vermont's Open Meeting Law and shall have the following powers and duties:
- A. To hear and decide appeals of decisions of the Zoning Administrator;
  - B. To hear and grant or deny a request for a variance;
  - C. To hear and grant or deny a request for a zoning permit for a conditional use.
  - D. To hear and grant or deny a request for a stay of enforcement.

### **§708: Appeals**

- §708.01 An interested person may appeal any decision or act taken by the Zoning Administrator by filing a notice of appeal with the secretary of the Board of Adjustment or the clerk of the municipality if no such secretary has been elected within 15 days of the date of such decision or act.
- §708.02 In accordance 24 V.S.A. §4465, an interested party shall include
- A. A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

- B. The Town of Ryegate or any adjoining municipality.
- C. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.
- D. Any ten persons who may be any combination of voters or real property owners in the Town of Ryegate who, by signed petition to the Zoning Board Adjustment, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of the Town of Ryegate. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
- E. Any department and administrative subdivision of this state owning property or any interest in property within the Town of Ryegate, and the agency of commerce and community development of this state.

§708.02 The Zoning Board of Adjustment shall set a date and place for a public hearing on an appeal which shall be within 60 days of the filing of the notice of appeal according to Title 24 VSA, §4468.

#### **§709: Variances**

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

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

#### **§710: Public Notice**

Any public notice required by either this bylaw or 24 VSA, Chapter 117, for any meeting of either the Zoning Board of Adjustment or the Planning Commission, shall be given not less than 15 days prior to the date of the public hearing. Public notice shall include the date, time, place, and purpose of such hearing and shall be issued accordingly:

- A. By the publication in a newspaper of general circulation in Ryegate.
- B. By posting in three or more public places within the municipality including posting within view from the nearest public right of way most nearly adjacent to the property for which an application is made.
- C. By written notification to the applicant and to owners of all properties adjoining the property

subject to development, without regard to public rights-of-way. This written notice shall include a description of the proposed project, clearly identify how and where additional information may be obtained, and state that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

#### **§711: Decisions**

- §711.01 In accordance with 24 V.S.A. §4464(b), the Planning Commission and the Board of Adjustment shall issue all decisions within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46th day.
- §711.02 All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken. The minutes of a meeting may suffice, provided that the factual basis and conclusions relating to the review standards are provided in accordance with these requirements.
- §711.03 All decisions shall be sent by certified mail, within the required 45-day period, to the applicant or the appellant on matters of appeal. Copies of the decision also shall be mailed to every person appearing and having been heard at the hearing, and filed with the Zoning Administrator and Clerk as part of the public record of the municipality.

#### **§712: Appeals to Environmental Court**

- §712.01 An interested person who has participated in a hearing of the Planning Commission or the Zoning Board of Adjustment may appeal any decision or act taken by either the Planning Commission or the Zoning Board of Adjustment. Such appeal shall be made as provided for in 24 VSA, §4471 to the Environmental Court.
- §712.02 Participation in a hearing of the Planning Commission or Board of Adjustment shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the hearing.

## **ARTICLE 8: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE**

### **§ 801: Amendments**

This by-law may be amended according to the requirements and procedures established in Title 24 VSA, §§4441 and 4442.

### **§ 802: Interpretation**

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

### **§803: Effective Date**

This by-law shall take effect upon the date of its approval by the legal voters of the Town of Ryegate, according to the procedures contained in Title 24 VSA, § 4442.

### **§ 804: Separability**

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

### **§ 805: Repeal**

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

## **ARTICLE 9: DEFINITIONS**

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

BY-LAW includes the word REGULATION. LOT includes the words PLOT or PARCEL.

MAY is permissive except when used with a negative subject.

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

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

SHALL is mandatory.

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

**ACCESSORY STRUCTURE** A structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.

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

**ACRE** 43,560 square feet.

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

**AGRICULTURE** Includes raising crops, harvesting and processing of maple sap, dairying, pasturage, bee keeping, raising of vegetables, fruit and flowers, forestry, and animal and poultry husbandry. Agriculture shall include any buildings reasonably necessary for the conduct of agricultural uses. The term shall not include the slaughtering of animals or poultry for commercial purposes or milling of lumber.

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

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

**AREA OF SPECIAL FLOOD HAZARD** synonymous in meaning with the phrase “special flood hazard area” for the purposes of these regulations.

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

**BASE FLOOD** 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)** 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.

**BED AND BREAKFAST:** A commercial facility often operated out of someone's home or a structure that is similar to a home that provides overnight lodging and breakfast for transients in a home-like atmosphere from no more than ten (10) bedrooms.

**BFE** see Base Flood Elevation

**BOARDING HOUSE:** A building in which the rooms are rented with or without meals to four (4) or more non-transient persons.

**BUFFER** An undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or stream.

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

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

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

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

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

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

**CAR WASH** A structure containing facilities for washing cars and trucks.

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

**CHANNEL** An area that contains continuously or periodic flowing water that is confined by banks and a streambed.

**CHANNEL WIDTH** (or bankfull width) The width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

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

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

**COMMON PLAN OF DEVELOPMENT** Where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

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

**CONDITIONAL USE** A use that may occur within a district but that shall be reviewed by the zoning board of adjustment under the criteria set forth in Article 6.

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

**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.

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

**DAYCARE CENTER:** An establishment where the owner or operator is to be licensed or registered by the State of Vermont for child care, operated as a business on a continual basis, to provide care, protection, supervision and/or education for more than six full-time and four part-time children

under the age of 16 outside of their homes for periods of less than 14 hours per day by a person other than a child's own parent, guardian or relative.

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

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

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

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

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

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

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

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

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

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

**FIRM** see Flood Insurance Rate Map.

**FLOOD** 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)** 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** 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** Any land area susceptible to being inundated by water from any source (see definition of “flood”).

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

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

**FLOODWAY, REGULATORY IN TOWN OF RYEGATE** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

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

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

**FUNCTIONALLY DEPENDENT USE** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

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

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

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

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

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

**HOTEL:** A building containing rooms which are rented as a series of sleeping, with each sleeping unit consisting of at least a bedroom and a bathroom.

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

**INDUSTRIAL** Any area of land, including structures thereon that is used or designed to be used for the manufacturing, fabrication, or assembly of goods or merchandise.

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

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

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

**LETTER OF MAP AMENDMENT (LOMA)** A letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a licensed 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.

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

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

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

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

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

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

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

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

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

**LOWEST FLOOR** The lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

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

**MANUFACTURED HOME (OR MOBILE HOME)** 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”.

**MEAN WATER LEVEL** The level of water that is halfway between the annual high and low water levels, as determined the Water Resources Board.

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

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

**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, more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile Home Park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes. [10 V.S.A. §6201(2)].

**MOTEL** A one- or two-story establishment providing sleeping accommodations for transients, with a majority of the rooms, laid side by side, having direct access to the outside without the necessity of passing through a main lobby.

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

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

**NEW CONSTRUCTION** For regulation under this bylaw, means structures for which the start of Construction commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

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

**NON-CONFORMING STRUCTURE** A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws; or a structure improperly authorized as a result of error by the Zoning Administrator. 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.

**NONCONFORMITY** A nonconforming use, structure, lot, or parcel.

**NON-RESIDENTIAL** Includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

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

**OFF-LOT WATER AND SEWER** The providing of water from a source and the disposal of the sewage using a system not located on the lot on which is located the building for which these utilities are provided. Further provided that each of these systems shall be designed so as to provide service to six or more independent users.

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

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

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

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

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

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

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

**PRINCIPAL STRUCTURE** Same as principal building.

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

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

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

**RECREATIONAL VEHICLE** A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

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

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

**SELECTBOARD** Board of Selectmen.

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

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

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

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

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

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

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

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

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

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

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

**STRUCTURE** 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** 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** 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 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 to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and 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”.

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

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

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

**TOP OF BANK** 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.

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

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

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

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

**VIOLATION** The failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

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

**YARD, FRONT** The required distance between the front of a proposed or existing structure and the centerline of the public road or private right of way, or mean water level of a water body or stream.

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

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