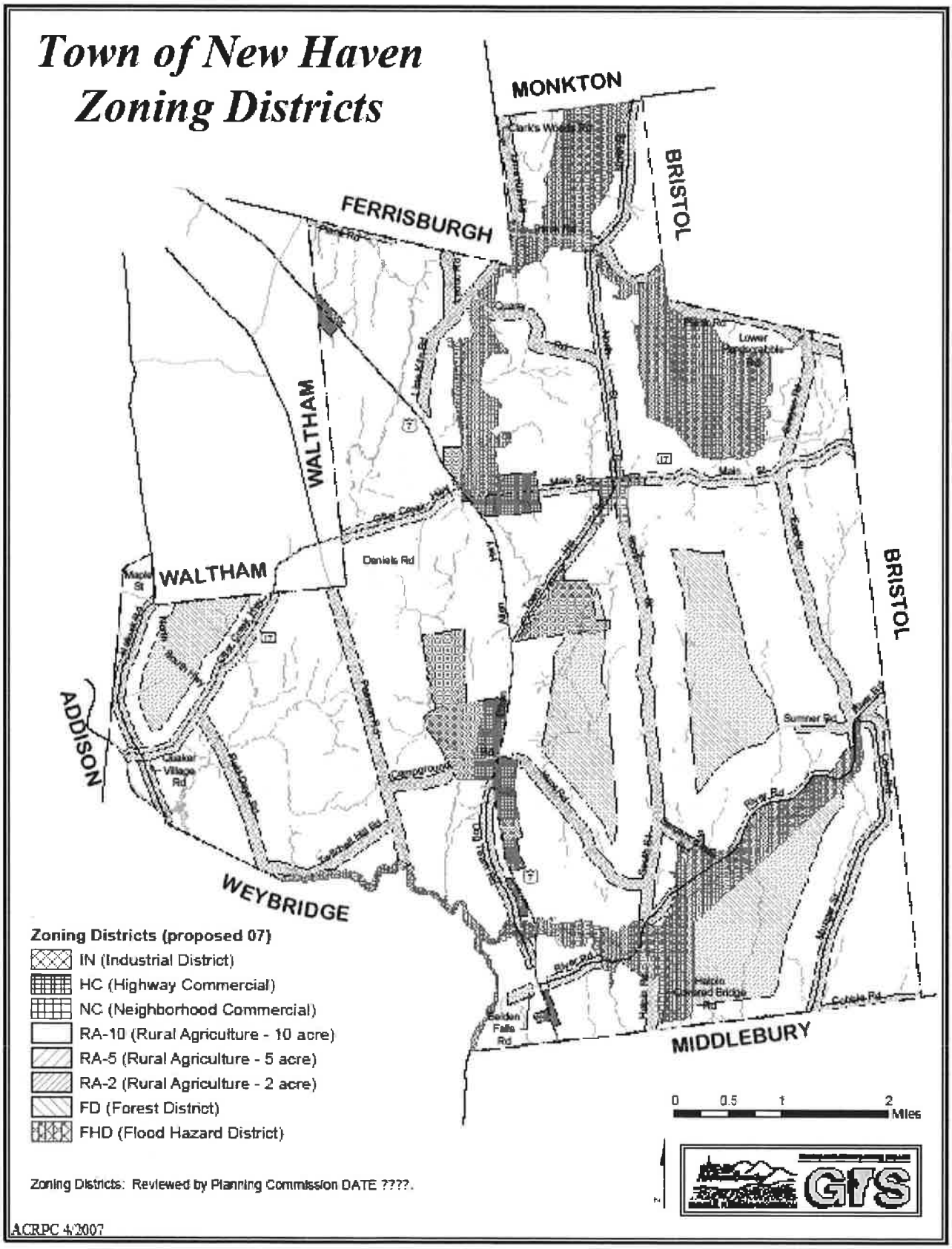
# *TOWN OF NEW HAVEN VERMONT*

# *ZONING BYLAWS*

## *August 21, 2012: Adopted and Amended*

***October 18, 2011: Interim Zoning adopted, amending section 518(3) only. Expires October 17, 2013.***


Town of New Haven
Zoning Districts
MONKTON
BRISTOL
FERRISBURGH
WALTHAM
WALTHAM
BRISTOL
ADDISON
WEYBRIDGE
MIDDLEBURY
Daniels Rd
Zoning Districts (proposed 07)
IN (Industrial District)
HC (Highway Commercial)
NC (Neighborhood Commercial)
RA-10 (Rural Agriculture - 10 acre)
RA-5 (Rural Agriculture - 5 acre)
RA-2 (Rural Agriculture - 2 acre)
FD (Forest District)
FHD (Flood Hazard District)
0 0.5 1 2 Miles
Zoning Districts: Reviewed by Planning Commission DATE ????.
GIS
ACRPC 4/2007

***Zoning Map - Official Zoning Map is posted in Town Office.***

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# ARTICLE I: ENACTMENT. INTENT, REPEAL OF FORMER ZONING BYLAWS, AND DEFINITIONS

## *Section 110: ENACTMENT*

In accordance with the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A., Chapter 117, hereinafter referred to as the "Act", there are hereby established zoning regulations for the Town of New Haven which are set forth in the text and map that constitute these regulations. These regulations shall be known and cited as the "Town of New Haven Zoning Regulations."

## *Section 120: INTENT*

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

## *Section 125: REPEAL OF FORMER ZONING BYLAWS*

The Zoning Bylaws and Zoning Map for the Town of New Haven in effect prior to the adoption of these bylaws and map are hereby repealed and replaced as of the effective date of these bylaws and map.

## *Section 130: DEFINITIONS*

Except where specifically defined herein, all words used in these regulations shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural; the word "lot" Includes "plot"; the word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by "or intended, arranged or designed to be used or occupied"; "person" includes individual, partnership, association, corporation, company or organization; and the word "street" is synonymous with "road".

Doubt as to the precise meaning of any word used in these regulations shall be clarified by the Development Review Board.

**AAP:** Accepted Agricultural Practices as established by the Secretary of Agriculture, Food and Markets and the Commissioner of Forests, Parks, and Recreation.

**ACCESSORY USE OR BUILDING**: A use or building customarily incidental and subordinate to the principal use or building and located on the same lot, including but not limited to; portable lightweight structures, carports, storage sheds, storage units, storage containers, storage trailers, vehicles used primarily for storage, pole barns and similar accessory structures with or without permanent foundations or footings.

**ACCESSORY DWELLING UNIT:** An efficiency or one-bedroom apartment that is clearly subordinate to an owner-occupied single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. Accessory Dwelling Units need not be attached to the primary residence but may exist within a separate structure. Additional requirements for accessory dwelling units are contained within section 565 of these regulations.

**ADMINISTRATOR (SECTION IX):** The Federal Emergency Management Administrator.

**ALTERATION**: Structural changes, rearrangement, change of location or addition to a building.

**AREA OF SPECIAL FLOOD HAZARD**: The land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year. The area Includes all A zone designations on the FIRM, or, in the absence of the FIRM, on the FHBM. It does not Include Zones B and C.

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

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

**BOARDING HOUSE**: Building wherein no more than six people are sheltered for profit.

**BUILDING**: Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or personal property. Includes any covered carport, porch, terrace, deck, or steps.

**BUILDING AREA**: Total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings. Any solar collection device or related apparatus not included as floor area of a building is not included. All dimensions shall be measured between exterior faces of walls.

**BUILDING FRONT LINE**: Line parallel to the street line transecting that point of the building which is closest to the street line. Where a lot fronts on public waters but not a public road, "mean water line" shall replace "street line" In this definition.

**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.

**BUILDING REAR LIN**E: Line parallel to the street line transecting that point of the building which is furthest from the street line. Where a lot fronts on public waters but not a public road, "mean water line" shall replace "street line" in this definition.

**BUILDING SIDE LINE**: Line parallel to the nearest side lot line transecting that point of the building which is nearest the side lot line.

**CAMPER**: Any motorized or un-motorized vehicle mounted on wheels and used as sleeping, camping, or living quarters. This includes a camper body mounted on a truck, and excludes mobile homes.

**CAMPGROUND**: Any tract or parcel of land occupied by four or more campers, tents, or tent sites for vacational or recreational purposes.

**CHANGE OF USE:** Includes any proposed use which differs from the current use based on the type, intensity, or magnitude of use. This may include a change from one category of use to another, or from an accessory to a principal use, or from seasonal use to year-round use, or any change in activity whereby the proposed use will likely generate more traffic, odor, noise, vibration, smoke, dust, heat or glare than he current use.

**CHILD CARE HOME;** see Family Child Care Facility

**CLINIC**: A building used by members of the medical professions for the diagnosis and outpatient treatment of human aliments.

**CLUB**: Building or use catering exclusively to club members and their guests for recreational, educational, or service purposes.

**COMMUTER PARKING LOT**: A facility wherein motor vehicles may be parked for a period of time not to exceed 48 hours.

**COMMUNITY FACILITY**: Any meeting hall, place of assembly, museum, art gallery, library, school, church, or other similar type of establishment which is not operated primarily for profit, excluding government facility.

**CONDITIONAL USE**: Use which may be permitted only by approval of the Development Review Board after public notice and public hearing to determine whether the proposed use will conform to general and specific standards as set forth or referred to in Section 341 of these regulations.

**CONTRACTOR'S YARD**: Lot or buildings used to store a contractor's equipment and materials. Not to include retail sales facility.

**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.

**DRIVE-IN FACILITY**: An establishment designed or operated to serve a patron while seated in a motor vehicle parked in an off-street parking space.

**DWELLING UNIT**: Building or part thereof used as living quarters for one family. The terms "dwelling", "one-family dwelling", "two-family dwelling", or "multiple-family dwelling" shall not include a motel or boarding house.

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

**DWELLING, MULTI-FAMILY**: Building used as living quarters by more than three families living independently of each other.

**DWELLING, THREE FAMILY:** Building used as living quarters by three families living independently of each other

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

**ENCLOSED MANUFACTURING AND INDUSTRIAL PROCESSES OR SERVICES**: Manufacturing and industrial processes or services that are conducted entirely within a building.

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

**FAMILY CHILD CARE FACILITY;** a home or facility where the owner or operator is licensed by the state for child care.

**FENCE**; Structure or vegetation used primarily for enclosure or screening.

**FARMING;** the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or the raising, feeding, or management of livestock, poultry, fish, or bees; or the operation of greenhouses; or the production of maple syrup; or the on-site storage, preparation and sale of agricultural products principally produced on the farm; or the on-site production of fuel or power from agricultural products or wastes produced on the farm; or the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.

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

**FEMA:** Federal Emergency Management Agency

**FINISHED GRADE**: Completed surfaces of ground, lawn, walks, paved areas and roads brought to grade as shown on plans relating thereto.

**FIRM**: (Flood Insurance Rate Map): An official map of a community, on which the Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM Is Issued after the FEMA has completed a flood study of the community.

**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.

**FLOODPROOFED OR FLOODPROOFING**: Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or Improved real property, water and sanitary facilities, structures and their contents.

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

**FREIGHT AND TRUCKING TERMINALS**: The buildings, facilities and parking areas used for the loading and dispatching of freight vehicles.

**FRONT YARD SETBACK**: Consists of the distance from the proposed use's front line to the center of the public or private road or street. Use includes buildings, structures, exterior displays and non-residential parking areas/lots located nearest the center of the road or street and property boundaries. Where a lot fronts on public waters but not a public road, the front yard setback shall consist only of the depth of the front yard (building front line to mean water line).

**GASOLINE OR MOTOR VEHICLE SERVICE STATION**: Any lot or area of land, including the building or buildings thereon, which is used for the sale of any motor vehicle fuel or lubricant, or which has commercial facilities for lubricating, washing, painting, repairing, or servicing motor vehicles.

**GOVERNMENT FACILITY**: Any building held, used, or controlled exclusively for public purposes by any department or branch of state or federal government, without reference to the ownership of the building or the realty upon which it is situated.

**GROUP HOME**: A state licensed or registered community care home serving not more than eight persons who are developmentally disabled or physically handicapped.

**HISTORIC STRUCTURE:** Any contributing structure that is listed on the National Register of Historic Places or the Vermont Historic Sites and Structures Survey for the Town of New Haven, or that has been determined by the Vermont Division for Historic Preservation to be eligible for listing on either the state survey or national register.

**HOME BUSINESS:** A conditional accessory use of residential property for business purposes by a resident of that property in accordance with the requirements of Section 504 of these regulations.

**HOME OCCUPATION**: A permitted accessory use of residential property for business purposes by a resident of that property in accordance with the requirements of Section 504 of these regulations.

**INTERESTED PERSON:** An interested person is one who meets the requirements as defined by the Act, those being:

1. A person owning title to property affected by a bylaw who alleges that the bylaw imposes an unreasonable or inappropriate restriction to the use of that property.
2. The municipality or any adjoining municipality that has their plan or bylaw at issue under appeal,
3. A person owning or occupying property in the immediate neighborhood of a property at issue and who can demonstrate a physical or environmental impact on their interest and who alleges that a decision

will not be in conformance with the plan or bylaws of the municipality.

4. Any 10 voters of the municipality or adjoining municipality who, by signed petition allege that a decision will not be in conformance with the plan or bylaws of the municipality and who have designated one person to represent their interests.
5. Any department or subdivision of the state owning property within the municipality or adjoining municipality and the Agency of Commerce and Community Development.

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

**KENNEL**: Any lot or premise on which two or more dogs, at least four months of age, are kept for sale or commercial breeding or boarding purposes.

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

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

**LOT**: For the purposes of land development, land and premises, with or without buildings, having 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 road or public waters, or other means of access as may be required elsewhere in these bylaws. This definition includes an existing small lot, per Section 501, which may not meet minimum area, width, or depth requirements.

**LOT AREA**: Total area within the property lines excluding any part thereof lying within the boundaries of an existing or proposed street.

**LOT, CORNER**: Lot which has an interior angle of less than 135 degrees at the Intersection of two streets.

**LOT COVERAGE**: That percentage of the lot area covered by the building area.

**LOT DEPTH**: Mean horizontal distance from the street line to the rear lot line measured at right angles to the building front line. Where a lot fronts on public waters but not a public road, "mean water line" shall replace "street line" In this definition.

**LOT FRONTAGE**; Distance measured across the width of the lot at the public road or, in the absence of a public road, the public waters.

**LOT LINE**: Property lines bounding a lot.

**LOT LINE, REAR:** The lot line opposite and most distant from the street line. Where a lot fronts on public waters but not a public road, "mean water line" shall replace "street line" in this definition.

**LOT WIDTH**: Width measured at right angles to its lot depth, at the proposed or existing building front line.

**MARINA**: A place for docking, mooring, storing, selling, servicing, or repairing boats, including the sale of fuel and supplies, and provision of lodging, food, beverages, and entertainment as accessory uses.

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

**MOBILE HOME PARK OR MOBILE HOME SUBDIVISION**: Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate, two or more mobile homes.

**MOBILE HOME, TRAILER, FARM IMPLEMENT AND CONTRACTOR'S EQUIPMENT SALES AND SERVICE FACILITY**: A retail establishment for the display, sales and service of mobile homes, trailers, farm implements or contractor's equipment. Includes an enclosed office or showroom and a display lot.

**MOTEL**: A building or group or buildings which is used for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals. Does not include tourist home.

**MOTOR VEHICLE SALES AND SERVICE FACILITY**: A retail establishment for the display, sale and service of motor vehicles, including but not limited to cars, trucks, vans, campers, boats, motorcycles, or snowmobiles. Includes an enclosed showroom and a parking lot.

**NEW CONSTRUCTION**: Structures commenced on or after the effective date of this ordinance.

**NON-CONFORMING LOTS OR PARCELS:** Lots or parcels that do not comply with all zoning regulations covering dimensional requirements where such lots or parcels complied with all applicable laws, ordinances, and regulations prior to enactment of these Regulations as amended including a use improperly authorized as a result of an error by the zoning administrator

**NON-CONFORMING STRUCTURE:** Structure or part of a structure not complying with the zoning regulations where such structure complied with all applicable laws, ordinances, and regulations prior to enactment of these regulations as amended including a use improperly authorized as a result of an error by the zoning administrator..

**NON-CONFORMING USE**: Use of land or structure which does not comply with all zoning regulations where such use conformed to all applicable laws, ordinances, and regulations prior to enactment of these regulations as amended, including a use improperly authorized as a result of an error by the zoning administrator.

**OFFICE**: Building or portion thereof wherein general business is conducted, including a professional or public office.

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

**PERMITTED USE**: Use specifically allowed in the district, excluding illegal uses and non-conforming uses.

**PERSONAL SERVICE**: Barber, beauty parlor, shoe repair, laundromat, dry cleaner, photographic studio, and other businesses providing similar personal services, except for medical services.

**PLANNED UNIT DEVELOPMENT (PUD)**: An area of land to be developed as a single entity, the plan for which does not conform to the zoning regulations established for the district in which it is proposed to be located. The permitted number of dwelling units or uses shall not exceed the number which could be permitted if the land were subdivided into lots in conformance with the zoning regulations. Dwelling units or uses may be clustered to take advantage of site locations best suited for development and to preserve open space values.

**PLAT**: A document of record describing a plot of land.

**PRINCIPAL USE:** The main or primary purpose for which a structure or lot is designed, arranged, or intended or for which it may be used, occupied or maintained under these regulations.

**PROFESSIONAL OFFICE**: Professional office including architect, accountant, dentist, doctor, lawyer, engineer, psychologist, or other similar occupation.

**PROFESSIONAL RESIDENCE-OFFICE**: Residence in which the occupant has a professional office of an architect, accountant, chiropractor, dentist, doctor of medicine, landscape architect, land surveyor, lawyer, optometrist, osteopath, physiotherapist, planning consultant, podiatrist, engineer, or psychologist which is clearly secondary to the dwelling use for the residential character thereof, and where not more than one person outside the family is employed.

**QUARRYING**: Marble, granite, or other stone extraction operations and any land development incidental thereto. Quarrying includes the enlargement of any existing quarrying operations.

**RECREATION, COMMERCIAL OUTDOOR**: Includes golf driving range, golf pitch and putt course, hunting preserve.

**RECREATION, INDOOR**: Includes indoor bowling alley, theater, table tennis and pool hall, skating rink, gymnasium, swimming pool, hobby work shop and similar places of indoor commercial recreation.

**RECREATION, PRIVATE OUTDOOR**: Includes yacht club, golf course, trap, skeet and archery range, swimming pool, skating rink, riding stable, park, lake and beach, tennis court, recreation stadium and skiing facility.

**RECREATION, PUBLIC OUTDOOR**: Includes publicly owned and operated playground, park, open space, swimming pool.

**RESIDENTIAL CARE HOME;** see Group Home

**RESIDENTIAL HEALTH CARE FACILITY**: Any residential facility for the diagnosis or treatment of human ailments, including but not limited to hospital, sanitarium, nursing home, convalescent home, and hospice.

**RESIDENTIAL USE:** One-family dwelling, two-family dwelling, or multiple family dwelling.

**RESTAURANT**: A public eating establishment in which the primary function is the preparation and serving of food.

**RETAIL STORE**: Any enclosed business concerned primarily with the sale of produce. products, goods, equipment or commodities; and shall exclude any drive-in facility, free-standing retail stand, gasoline or motor vehicle service station, motor vehicle sales facility, restaurant or junk yard.

**SANITARY LANDFILL**: Land used for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

**SERVICE AREA**: A designated space used for waste storage or pickup, utility areas, or for the delivery of goods and services to any building or land use.

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

**SOLAR COLLECTOR**: A device or structure, combination or part thereof, which transforms direct solar energy into thermal, chemical, or electrical energy.

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

**STABLE, PRIVATE**: A facility where horses are kept for private use, not for remuneration, hire, or sale.

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

**STREET LINE**: Right of way line of a street as dedicated by a deed or other proper instrument of record. Where the width of the street is not established, the street line shall be considered to be twenty five feet from the center line of the street.

**STRUCTURE**: Anything constructed, erected or placed on property, the use of which requires location on the ground, or attachment to something located on the ground.

**SUBSTANTIAL IMPROVEMENT**: Any repair, reconstruction, or Improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the Improvement or repair Is started, or (b) If the structure has been damaged, and is being restored, before the damage has occurred. The term does not, however, include either (1) any project for Improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**TOURIST HOME**: A private dwelling wherein more than four people are sheltered for profit, generally overnight. Does not include motel.

**VARIANCE**: A departure from the zoning bylaws which is granted or denied by the Board of Adjustment following a specific set of rules as identified in state statute. The conditions which must be met prior to granting a variance are further described in sections 342 and 343 of these zoning regulations.

**VETERINARY CLINIC/ANIMAL HOSPITAL**: A building or premises for the medical or surgical treatment of domestic animals.

**WAREHOUSE:** A structure or part thereof for storing goods, wares, and merchandise. A warehouse may include a wholesale establishment, discount house, bulk storage and bulk sales outlet.

**WIND ENERGY CONVERSION SYSTEM**: A device which converts wind energy to mechanical or electrical energy.

**YARD**: Space on a lot not occupied with a building or structure.

**YARD, FRONT**: Yard between the street line and the building front line. Where a lot fronts on public waters but not a public road, "mean water line" shall replace "street line" in this definition.

**YARD, REAR**: Yard between the rear lot line and the building rear line.

**YARD, SIDE**: Yard between a side lot line and a building side line.

# ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

## *Section 210: ESTABLISHMENT OF ZONING DISTRICTS*

The Town of New Haven is hereby divided into the following Zoning Districts as shown on the "Zoning Map."
RURAL AGRICULTURAL (RA-2) DISTRICT
RURAL AGRICULTURAL (RA-5) DISTRICT
RURAL AGRICULTURAL (RA-10) DISTRICT
NEIGHBORHOOD COMMERCIAL (NC) DISTRICT
HIGHWAY COMMERCIAL (HC) DISTRICT
INDUSTRIAL (IN) DISTRICT
FOREST (FD) DISTRICT
FLOOD HAZARD (FHD) DISTRICT

## *Section 220: ZONING MAP*

The location and boundaries of Zoning Districts are established as shown on the official Zoning Map as recorded in the New Haven Town Offices. The official Zoning Map is hereby made a part of these regulations and a part of all future amendments to these regulations. A non-official reproduction is included herein for convenience only. All zoning districts bordering a State, Town Class 1, Town Class 2 or Town Class 3 highway, shall extend to the center of the traveled portion of the highway.

## *Section 230: INTERPRETATION OF ZONING DISTRICT BOUNDARIES*

If uncertainty exists with respect to the boundary of any Zoning District on the official Zoning Map, the Planning Commission shall determine the location of such boundary.

## *Section 240: APPLICATION OF REGULATIONS*

Except as hereinafter provided, no land development shall occur unless in conformity with the regulations herein specified for the district in which it is located.
Any use not permitted by these regulations shall be deemed prohibited.

# ARTICLE III: ADMINISTRATION AND ENFORCEMENT

## *Section 310: ADMINISTRATIVE OFFICER*

The Administrative Officer shall be hereby nominated by the Planning Commission and appointed by the legislative body for a period of three years to administer the zoning regulations Said Officer shall literally enforce the provisions of these regulations and in so doing shall inspect developments, maintain records and perform all other necessary tasks to carry out the provisions of these regulations.

## *Section 312: ZONING PERMIT*

No land development may commence without a zoning permit Issued by the Administrative Officer except as provided for in Section 321 of these bylaws.

## *Section 313: APPLICATION REQUIREMENTS*

Along with the permit fee and all other approvals required by these regulations, an application for a zoning permit must contain:

1. a sketch or plan indicating the shape, size, height and location in exact relation to all property lines and to street or road lines of any structure to be erected, altered, extended or moved, and of any structure already on the lot and
2. the existing and intended use of all such structures and the land; and/or
3. a sketch or plan indicating the location of any proposed new boundary line on the lot; and
4. such other information as may be required by the Administrative Officer to insure that the provisions of these regulations are being followed.
5. Any application submitted for review shall include the signatures of all owners of record.

## *Section 314: APPLICATION REVIEW AND DETERMINATION*

1. Within 30 days after submission of an application deemed complete by the Administrative Officer, the Administrative officer shall act with regard to the application for a permit.
2. In the event the administrative officer fails to take action on a complete application within 30 days, the permit shall be deemed approved on the 31st day.
3. If the application is denied or approved the Administrative Officer shall state such denial or approval and the reasons therefore in writing and shall, within three days of the action, mail notice of such action to the applicant at the address indicated on the application and a notice of any approval to the town listers.
4. In addition, if the Zoning Permit is approved, a copy of the approval shall be posted in at least one public place in town and the applicant must post a notice of permit on a form provided by the town within view of the public right of way most nearly adjacent to the permitted property for 15 days following the approval.
5. All activities authorized by the issuance of a permit shall be completed within two years of its date of issue, or the Zoning Permit shall become null and void and reapplication to complete any activities shall be required.
6. Within 30 days of the issuance of a permit, the administrative officer shall deliver a copy of the permit to the town clerk for filing in the town records. An additional copy shall be filed with all other land use permits in the town offices.
7. The costs for recording will be the responsibility of the permittee.
8. Any permit issued shall not take effect until the time for an appeal has passed.
9. In the event an appeal is filed, the permit will not take effect until the appeal process has ended.

## *Section 315: HEARING AND NOTICE REQUIREMENTS*

A hearing is required for all conditional use, variance, appeals, development reviews, and site plan reviews. The hearing shall require notice at least 15 days prior to the date of the hearing by all of the following:

1. Publication of the date, place, and purpose of the hearing in a local newspaper,

2. Posting of the same information in at least 3 public places within town including a posting within view from the public right-of-way most nearly adjacent to the property the application is for
3. Written notification to the applicant and to owners of all properties adjoining the property without regard to any public right-of-way. This notification shall include information as to where additional information may be obtained and that participation in the hearing is required as a prerequisite to making any further appeal.

Hearings may be recessed to a date and time certain but once closed, a decision must be made within 45 days.

## Section 317: DECISIONS

Decisions including a statement of the factual basis for making the decision and conclusions shall be sent via certified mail to the applicant or appellant in cases of appeal. Copies shall also be sent to every person or body having been heard at the hearing and to the zoning administrator and town clerk for inclusion with the public records.

## Section 320; CERTIFICATE OF OCCUPANCY

It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure, or part thereof, created, erected, converted, or wholly or partly altered or enlarged in its use or structure, unless a Certificate of Occupancy has been issued therefore by the Administrative Officer stating that the proposed use of the land or structure conforms to the provisions of these regulations. In the case of a structure, the Administrative Officer must inspect the site at the time the footings are in place and again when the structure is completed and deemed by the owner to be ready for occupancy before issuing a Certificate of Occupancy.

## Section 321: EXEMPTIONS

***No zoning permit is required for the following, Minimum setback compliance is encouraged where possible***

1. Any accepted agricultural or silvicultural practice as defined by the Secretary of Agriculture and/or the Commissioner of Forests, Parks and Recreation, including the erection of farm structures. However, in the erection of a farm structure, all setbacks as required by the Secretary of Agriculture, Food and Markets or the Commissioner of Forests Parks and Recreation as applicable, will be followed. A notice of intent to build including a sketch showing the proposed building in relation to all property lines is required to be delivered to the administrative officer prior to the construction of any buildings under this section.
2. Porches, terraces, decks, or steps which are not covered overhead and having less than 64 square feet in floor area.
3. Doghouses, sheds, tree houses, or similar structures having less than 64 square feet in floor area and less than 8 feet in height.
4. Fences, hedges, or walls which do not interfere with corner visibility and which are no more than eight feet in height.
5. Driveways and accesses properly permitted by the Town or State.
6. Any sign erected by the Town or State for directional information or traffic control purposes.
7. Pursuant to the Fair Housing law, accessibility structures necessary for reasonable access to the residence of an individual requiring accommodation. It is not required but it is encouraged that accessibility structures should comply with required setbacks.
8. One temporary structure not to exceed 300 square feet in area erected for personal use, such as personal storage of motor vehicles or other materials provided that it is erected no more than eight (8) consecutive months. Such structures remaining erected beyond this time period shall comply with all applicable requirements and approvals for the zoning district in which they are located.
9. Any public utility generating plant or transmission facility already regulated through state statute.

## Section 322: FEES

The Board of Selectmen shall establish all fees to be charged with respect to the administration of these regulations, with the intention of covering the costs of administering the same.

## Section 330: PENALTIES/ENFORCEMENT

Upon the observance of a violation of these regulations the administrative officer may commence enforcement actions. No action may be taken until the offender has had at least 7 days notice of that action by certified mail. The notice will state the nature of the violation and explain that the offender has 7 days from receipt of the notice to cure the violation. The statute of limitations for a zoning violation is 15 years from the date the violation commenced.

## Section 340: Development Review Board

There is hereby established a Development Review Board appointed by the select board, whose members may consist of the members of the Planning Commission. The board shall hear appeals of a decision of the administrative officer as identified in section 345, conditional use determinations as identified in section 341, variance requests as identified in sections 342 and 343, referrals from the administrative officer, and any other reviews as required by these regulations.

## Section 341: CONDITIONAL USES

In any district certain uses identified as conditional uses may be permitted only by approval of the Development Review Board if the Development Review Board after public notice and public hearing determines that the proposed use will not have any undue adverse effect as identified in #2 below

1. In making an application for conditional use, the applicant shall submit two sets of site plan maps and supporting data to the Administrative Officer which shall include the following information presented in drawn form and accompanied by written text:
   a. Property identification numbers of the property taken from the latest tax records, name and address of the owner of record and those of adjoining lands, name and address of person or firm preparing the map, scale of map, north point and date.
   b. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights of way, land use and deed restrictions.
   c. Site plan, showing proposed structure locations and land use areas, streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks, landscaping plans, including site grading, landscape design and screening.
   d. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
   e. A description of energy utilization and conservation measures for each heated structure.
2. Upon confirmation that the application is complete and includes the required information, the administrative officer will pass the complete application to the board of adjustment for review.
3. In the review process, general standards shall require that the proposed conditional use shall not have an undue adverse affect on:
   a. The capacity of existing or planned community facilities;
   b. The character of the area affected; as defined by the purpose of the zoning district in which the project is proposed;
   c. Traffic on roads and highways in the vicinity;
   d. Bylaws and ordinances then in effect; or
   e. Utilization of renewable energy resources.
4. In addition, the Board may include requirements with respect to the following criteria and as provided for in Articles V-X of these bylaws:
   a. Minimum lot size;
   b. Distance from adjacent or nearby uses;
   c. Performance standards, as identified in Article VIII of these regulations;
   d. Minimum off-street parking and loading facilities;
   e. Landscaping and fencing;
   f. Design and location of structures and service areas;
   g. Size, location, and design of signs;
   h. Such other factors as the zoning regulations may Include.
5. In granting such conditional use, the Development Review Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Act and these

bylaws.

## Section 342: VARIANCES

The Development Review Board shall hear and make decisions regarding the issuance of a variance on appeal or referral from the zoning administrator. A variance shall be granted if all of the following are found to exist and the finding is specified in its decision:

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

## Section 343; VARIANCES FOR RENEWABLE ENERGY STRUCTURES

When reviewing a variance request for a renewable energy structure the Board of Adjustment may grant a variance if all of the following are found to exist and the finding is specified in its decision:

1. It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the bylaws.
2. The hardship was not created by the appellant,
3. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially of permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
4. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaws and from the plan.

## Section 344: VARIANCE CONDITIONS

Conditions may be attached to variances as may be considered necessary and appropriate to implement the purposes of the Town Plan.

## Section 345: APPEALS OF THE DECISIONS OF THE ZONING ADMINISTRATOR

Any Interested person who meets the definition of interested person as defined in these bylaws may appeal a decision of the zoning administrator by filing an appeal with the Development Review Board within 15 days of the date of that decision and by delivering a copy of that appeal to the administrative officer. The notice of appeal shall include the name and address of the appellant, a brief description of the property, the requested relief requested, a reference to the applicable bylaw or statute, and the reason for appeal.

The Development Review Board shall set a date and time for a public hearing to be held within 60 days of the filing of the appeal. Public notice will be given and the appellant shall be given a copy of that notice at least 15 days prior to the date of the hearing. All hearings conducted shall be open to the public and will be conducted under rules of evidence as identified by statute. Written decisions of the Board shall be rendered within 10 days of the close of an appeal hearing and shall include findings of fact.

## Section 350: SITE PLAN APPROVAL

Site Plan Approval by the Development Review Board shall be required for specific uses identified in Article X of these regulations.

## Section 351: SUBMISSION OF SITE PLAN MAP AND DATA

The owner shall submit two sets of site plan maps and supporting data to the Development Review Board which shall include the following Information presented in drawn form and accompanied by written text:

1. Property identification numbers of the property taken from the latest tax records, name and address of the owner of record and those of adjoining lands, name and address of person or firm preparing the map, scale of map, north point and date.
2. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights of way, land use and deed restrictions and renewable energy resources.
3. Site plan, showing proposed structure locations and land use areas, streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks, landscaping plans, including site grading, landscape design and screening.
4. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
5. A description of energy utilization and conservation measures for each heated structure.

## Section 352: SITE PLAN REVIEW PROCEDURE

In conducting a Site Plan Review, the Development Review Board shall review the site plan map and supporting data as submitted according to Section 351, taking into consideration the following objectives, before approval with or without stated conditions, or disapproval, is given:

1. Harmonious relationship between proposed uses and existing adjacent uses.
2. Maximum safety of vehicular circulation between the site and the street network.
3. Adequacy of circulations, parking and loading facilities, with particular attention to safety.
4. Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection to adjacent property.
5. Freedom from flooding and ponding.
6. Adequacy of landscaping and screening with regard to the potential shading of the most southerly facing wall and/or roof of adjacent buildings.
7. Protection of renewable energy resources.

# ARTICLE IV: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE

## *Section 410: AMENDMENTS*

An amendment or repeal of these bylaws may be prepared by the planning commission or by any other person or body. A proposed amendment or repeal prepared by a person or body other than the planning commission must be submitted in writing along with any supporting documents to the planning commission. The planning commission may then treat it as if the amendment or repeal had been prepared by the commission. However, if the proposed amendment or repeal is supported by a petition signed by not less than five percent of the voters of the municipality, the commission will correct any technical deficiency and will, without otherwise changing the amendment or repeal, promptly proceed as if it had been prepared by the commission.

The process for adoption or amendment is more clearly defined in the Act.

## *Section 420: INTERPRETATION*

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. It is not intended by these Regulations to repeal, annul or in any way to impair any regulations or permits previously adopted or issued, provided however, that where these regulations impose greater restriction upon the use of a structure or land than are required by any other statutes, ordinances, rule, regulation, permit, easement, or agreement, the provisions of these regulations shall control.

## *Section 430: EFFECTIVE DATE*

These regulations or amendments thereto shall take effect in accordance with the voting and other procedures contained in the Act.

## *Section 440: SEVERABILITY*

If any provision of these regulations or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application, and for this purpose the provisions of these regulations are severable.

# ARTICLE V: GENERAL REGULATIONS

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

## *Section 501: EXISTING SMALL LOTS*

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of these regulations 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.

## *Section 502: REQUIRED FRONTAGE ON, OR ACCESS TO, PUBLIC ROADS OR PUBLIC WATERS*

No land development may be permitted or lots which do not have either frontage on public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right-of-way at least 50 feet in width.

## *Section 503: INTERIOR LOTS*

Any lot which does not have frontage on either a public road or public waters shall have a minimum yard requirement for all yards equal to the front yard setback distance for lots in that district.

## *Section 504: Home Occupations and Home Businesses*

A Home Occupation or a Home Business that does not change the character of the area in which it is located and meets all of the standards below may be permitted as an accessory use to any dwelling.

### A. Home Occupations

Home Occupations as defined in Section 130 shall be a permitted use (requiring a zoning permit issued by the ZA). A Home Occupation that does not conform to the standards below must be reviewed pursuant to Section 504(B) as a Home Business.

1. The business owner and operator shall reside on the property.
2. A Home Occupation shall not engage any non-resident workers who work on-site.
3. The Home Occupation use shall occupy the lesser of 50% or 1,000 sf. of the habitable space within the dwelling.
4. A Home Occupation shall not occupy any space outside the dwelling.
5. Within residential or agricultural zoning districts, exterior display of products, exterior storage of materials, or other exterior indications of the business use visible from the road or adjoining properties shall be prohibited, except for a sign as specified below.
6. A Home Occupation that will be visited by customers or clients shall provide adequate on-site parking. Parking shall not be located within front yard setbacks.
7. Motor vehicles registered to the Home Occupation owner and used for business purposes may be parked on residential property to the same extent as personal passenger vehicles. All other business vehicles and equipment shall be stored in a building or in a location fully screened from the road and adjoining parcels.
8. A Home Occupation shall not generate more than twice the amount of traffic typical of other residences in the area. A Home Occupation shall not generate truck traffic in excess of what is typical of other residences in the area.

9. The Home Occupation use shall not generate any off-site impacts (i.e., noise, light, odors, dust, smoke, hazardous waste, etc.) perceptible at the property line in excess of what is typical of residential uses in the area, and shall comply with the performance standards in Article VIII of these regulations.
10. No activity associated with the Home Occupation shall be evident from off-site between the hours of 7 p.m. and 6 a.m.
11. Signage for a Home Occupation shall be in accordance with Article VII of these regulations.
12. The Home Occupation shall comply with any applicable state regulations.
13. Any proposed change or expansion of the Home Occupation use beyond that authorized by the permit shall require conformance with these regulations. The operation of the business shall cease if the owner and operator to whom the permit was issued no longer resides on the property. The approval for the business use shall not pass to subsequent owners or residents of the property.

## B. Home Businesses

A zoning permit for a Home Business as defined in Section 130 can be issued only after approval of the DRB after public notice and public hearing (pursuant to Section 315). The DRB may condition any approval as deemed necessary to prevent the Home Business from causing an undue adverse effect upon the character of the area and to protect quality of life for the area's residents based on the standards below.

1. The Home Business owner and operator shall reside on the property.
2. A Home Business shall not engage more than 2 full-time equivalent non-resident workers who work on-site.
3. The Home Business use shall occupy the lesser of 50% or 1,000 sf. of the habitable space within the dwelling.
4. A Home Business may also occupy up to 1,200 sf. of space in an accessory building.
5. The DRB may allow a Home Business to occupy a larger area or have more employees if the applicant is proposing an adaptive re-use of a historic structure in accordance with all applicable requirements of these regulations.
6. Within residential or agricultural zoning districts, exterior display of products, exterior storage of materials, or other exterior indications of the business use visible from the road or adjoining properties shall be prohibited, except for a sign as specified below.
7. A Home Business that will be visited by customers or clients, or that has non-resident workers, shall provide adequate on-site parking. Parking shall not be located within front yard setbacks.
8. Motor vehicles registered to the Home Business owner and used for business purposes may be parked on residential property to the same extent as personal passenger vehicles. All other business vehicles and equipment shall be stored in a building or in a location fully screened from the road and adjoining parcels.
9. The DRB may establish a limit on the amount of customer and/or truck traffic a Home Business may generate as deemed necessary to protect the character of the area and quality of life for nearby residents.
10. The Home Business use shall not generate any off-site impacts (i.e., noise, light, odors, dust, smoke, hazardous waste, etc.) perceptible at the property line in excess of what is typical of residential uses in the area, and shall comply with the performance standards in Article VIII of these regulations.
11. No activity associated with the Home Business shall be evident from off-site between the hours of 7 p.m. and 6 a.m.
12. Signage for a Home Business shall be in accordance with Article VII of these regulations.
13. The Home Business shall comply with any applicable state regulations.

14. Any proposed change or expansion of the Home Business use beyond that authorized by the permit shall require conformance with these regulations. The operation of the business shall cease if the owner and operator to whom the permit was issued no longer resides on the property. The approval for the business use shall not pass to subsequent owners or residents of the property.

## Section 510: 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 thirty feet into the more restricted part.

## Section 511: RESIDENTIAL BUILDINGS ON LOTS

There shall be no more than one primary residential unit and one accessory dwelling unit on a lot except for Planned Unit Developments, as authorized by the Act.

## Section 512: NON-CONFORMING USES

Any non-conforming use may be continued indefinitely, but:

1. Shall not be changed to another non-conforming use without approval by the Development Review Board after a hearing as per section 341 of these regulations, and then only to a use which, in the opinion of the Board, is of the same or of a more conforming nature.
2. Shall not be re-established if such use has been discontinued for a period of one year or has at any time been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so. If a non-conforming use has been discontinued due to fire or other natural disaster and has not been re-established within two years, the future use of the lot or structure shall be in conformance with the provisions of these Regulations.
   With regard to non-conforming uses, the Development Review Board may make findings, hold hearings, and attach conditions as deemed necessary.

## Section 513: NON-CONFORMING STRUCTURES

Any non-conforming structure may be continued indefinitely, but:

1. Shall not be restored, enlarged or reconstructed after damage unless the construction of the non-conforming use begins within one year of such damage and the construction or restoration of such structure is completed within two years, and approval is obtained from the Development Review Board. Otherwise, the non-conforming structure shall be deemed to have been discontinued. The Development Review Board may extend commencement to two years and structure completion to three years if the structure is destroyed by fire or other natural disaster.
2. Shall not be moved, extended, or enlarged unless the Development Review Board shall find that such movement, extension, or enlargement:
   (a) Does not create a greater nuisance or detriment, and
   (b) is consistent with the objectives and intent of the Town Plan, and
   (c) is in conformity with the area, yard, coverage, height and general regulations of the applicable district.

Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-conforming structure provided that such action does not increase the degree of non-conformity.
With regard to non-conforming structures, the Development Review Board may make findings, hold hearings, and attach conditions as deemed necessary.

## Section 514: CONSTRUCTION APPROVED PRIOR TO ADOPTION OF OR AMENDMENT TO REGULATIONS

The Town shall not require any change in the plans for, or construction of, a structure or use for which a zoning permit has been issued and which has subsequently been made non-complying or non-conforming by an amendment to these bylaws if the activities authorized by the zoning permit are completed while the permit is valid.

## *Section 515: ABANDONMENT OF STRUCTURES*

Within six months after work on an excavation for a building has begun or within six months after a permanent or temporary structure has been destroyed, 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 and seeded to prevent erosion by the owner.

## *Section 516: TEMPORARY OR PORTABLE USES AND STRUCTURES*

The Zoning Administrator may issue permits for temporary uses and structures as follows:

1. Structures or uses other than dwellings, whether they are conforming or nonconforming to these regulations, which are incidental to construction projects for a period not exceeding 1 year provided such permits are conditioned upon agreement by the owner to remove the structure or cease the use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding 1 year.
2. A mobile home, trailer, camper or other temporary structure may be located on a construction site and used as a residence where necessary or incidental to permitted construction on that property. Use of the temporary structure as a residence shall not continue beyond the expiration of the zoning permit for the construction occurring on the property. The temporary structure shall be removed from the property or converted to a permitted accessory structure.

Except as exempted in Section 321, a zoning permit shall be required for all accessory structures including, but not limited to, storage containers, truck bodies on wheels, storage sheds, storage units, storage trailers, vehicles used primarily for storage, pole barns, and similar structures whether or not they have permanent foundations or footings. Such structures shall be deemed the same as any other structure and shall be subject to all applicable provisions of these regulations. The Zoning Administrator shall not issue a zoning permit for storage trailers, storage containers, van trailers, vehicles or parts of vehicles, or shipping containers used for storage that are visible from public roads or other property until the applicant has received conditional use approval from the DRB.

## *Section 517: DWELLING UNITS BELOW GRADE*

The finished floor level of all habitable rooms in every two-family and multiple family dwelling unit shall be not more than one foot below finished grade level measured at a point ten feet outside and at right angles to each window lighting each habitable room. Each such finished floor level shall have access leading outside the building.

## *Section 518: SPECIAL PUBLIC USE EXCEPTIONS-*

Interim Zoning adopted 10/18/2011, amending section 518(3) only. Interim Zoning will expire 10/17/2013 unless permanently adopted prior to expiring.

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

1. Public utility power generating plants and transmission lines or facilities regulated by state statute.
2. State or community owned and operated Institutions and facilities.
3. Public and private schools and other educational institutions, *including* ***"family child care facilities, licensed or*** certified by the ***State*** *of* Vermont, ***that provide an educational component.*** ~~Department of education.~~ **amended by Interim Zoning 10/18/2011.**
4. Churches, and other places of worship, convents and parish houses.
5. Public and private hospitals.
6. State certified solid waste management facilities.
7. Hazardous waste management facilities regulated by state statute

## Section 520: PUBLIC UTILITY SUBSTATIONS

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

1. The facility shall be surrounded by a fence which is set back from the property lines in conformance with the district regulations for front, side, and rear yards.
2. A landscaped area at least twenty-five feet wide shall be maintained in front, rear, and side yards.

## Section 521: STORAGE OF FLAMMABLE LIQUIDS

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

## Section 522: GASOLINE OR MOTOR VEHICLE SERVICE STATIONS

Gasoline or motor vehicle service stations shall comply with the following:

1. A gasoline or motor vehicle service station lot shall not be located within three hundred feet of any lot occupied by a school, hospital, library, or religious Institution.
2. Lot size shall be at least two acres.
3. Lot frontage shall be at least 200 feet.
4. Lot depth shall be at least 200 feet.
5. Pumps, lubricating and other service devices shall be located at least fifty feet from the street line and side and rear lot lines.
6. All fuel and oil shall be stored at least thirty-five feet from any property line.
7. All automobile parts and dismantled vehicles are to be stored within a building unless screened from public view.
8. No signs shall extend beyond the pumps, nor exceed fifteen feet in height.
9. There shall be no more than two access driveways from the street. The maximum width of each access driveway shall be forty feet.
10. A suitably curbed landscaped area shall be maintained at least five feet in depth along all street frontage not used as driveway.

## Section 523: CAMPERS

It shall be unlawful for any person to park a camper except:

1. In an approved campground;
2. In an approved camper sales lot; or
3. The owner of a camper may park it on his/her own property provided it is:
   a. Not used as permanent living quarters; and
   b. Not hooked up to water or sewer utilities.

Invitees may also park campers in the same manner as required of any owner on his/her own property for a period of time not to exceed ten days.

## Section 524: ROADSIDE AGRICULTURAL STANDS

Temporary roadside stands for the sale of agricultural products raised locally may be erected provided that:

1. No stand shall be in place longer than 6 months.
2. No stand shall be closer to any lot line than twenty feet.
3. Off-street parking space shall be provided for at least two motor vehicles.
4. Access to or egress from any stand shall not create a traffic hazard.

## Section 525: FILLING OF LAND

In any district, a zoning permit is required for the depositing of rock, concrete, stone, gravel, sand, cinders, stumps, and soil in excess of 50 cubic yards used for the filling of land. The Administrative Officer may issue a permit provided the applicant demonstrates that the activity will not significantly alter existing drainage

patterns, cause soil erosion, or result in any hazard or expense to the community.

## Section 526: EXTRACTION OF SOIL, SAND, OR GRAVEL

The removal of sand or gravel for sale, except when incidental to construction of a building on the same premises, shall be a conditional use subject to Section 341. The following provisions shall apply:

1. Before approval of any new sand or gravel operation, or extension thereof, a performance bond shall be secured from the applicant sufficient to ensure that upon completion of the extraction operations, the abandoned site will be left in a safe, attractive and useful condition in the Interest of public safety and general welfare. The owner shall submit a plan of proposed improvements to accomplish this end. The bond shall be sufficient to cover the cost of implementing the plan.
2. The removal of all material shall be conducted so as to result in the improvement of the land, having due regard to the contours in the vicinity such as leveling slopes and removing hills. The digging or creating of pits or steep slopes shall not be permitted, unless provision is made to refill such pit.
3. The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall be fertilized, mulched and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Administrative Officer.
4. All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street, or private property. All provisions to control natural drainage water shall meet with the approval of the Administrative Officer.
5. No excavation, blasting or stock piling of materials shall be located within two hundred feet of any street or other property line.
6. No power-activated sorting machinery or equipment shall be located within three hundred feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
7. All excavation slopes in excess of one to two shall be adequately fenced as determined by the Administrative Officer.
8. Extension of an existing non-conforming operation shall not be permitted.
9. Stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited.
10. The Development Review Board may attach any general conditions as it may find necessary for the safety and general welfare of the public.

## Section 527: SOLAR AND WIND ENERGY SYSTEMS

A solar energy system, whether as part of a building or incidental to the building, is an accessory use within all districts. A wind energy conversion system is a conditional use with the Board of Adjustment considering the following criteria in addition to the general standards specified in Section 341(2):

1. Climbing access to the tower shall be restricted;
2. For rotors 20 feet in diameter or less, a setback from all lot lines shall be 275 feet minus 11 feet for each foot of rotor diameter less than 20 feet and
3. For rotors larger than 20 feet in diameter, a setback from any lot line shall be 275 feet plus 6 feet for each foot of rotor diameter greater than 20 feet.

## Section 528; PLANNED UNIT DEVELOPMENT

In accordance with the provisions set forth in the Act, and in those districts designated in Article X of these bylaws, the modification of the district regulations by the Planning Commission is permitted simultaneously with approval of a site plan under the Town of New Haven's Subdivision Regulation procedures and requirements.

1. **Purpose:** The purpose of the planned residential development (PUD) provisions is to encourage flexibility of design and development of land in such manner as to promote the most appropriate use of land, to facilitate the adequate and economic provision of streets and utilities, to preserve the natural and scenic qualities of open land, to provide for a mixture of uses and a variety of housing types at different densities, and to provide for the development of existing lots which because of

physical, topographic or geological conditions could not otherwise be developed.

2. **Application Procedure:** Application procedures and submission requirements shall be those that are required by the Town of New Haven Subdivision Regulations.
3. **Public Hearing:** Hearing requirements and deadlines for action by the Development Review Board shall be those that are required by the Town of New Haven Subdivision Regulations.
4. **General Standards for Review:** The following general standards shall be met in order for the Development Review Board to approve the application:
   **(a)** The PUD is consistent with the municipal plan.
   **(b)** The overall density of the project does not exceed the number of dwelling units which could be permitted in the Development Review Board's judgment, if the land (excluding the area within the boundaries of any proposed road) were subdivided into lots in accordance with the district regulations, except for mobile home parks under Section 532.
   **(c)** Dwelling units may be of varied types, including one-family, two-family or multi-family construction.
   **(d)** The PUD is an effective and unified treatment of the development possibilities of the project site, and the development plan makes appropriate provision for preservation of streams, and stream banks, steep slopes, wet areas, and unique natural and man-made features.
   **(e)** The development plan is proposed over a reasonable period of time in order that adequate municipal facilities and services may be provided.
   **(f)** Where possible, buildings shall be sited so as to take advantage of southeast, south, or southwest orientation. No building in the development shall cast shadows which will preclude the proposed or potential use of solar energy collectors which are located upon and/or within the most southerly facing wall or roof of any other dwelling unit within the development, except where topographical conditions make compliance unreasonable.
   **(g)** Any modification of the zoning regulations approved under this section shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be noted on or appended to the application.
5. **Specific Standards for Review.** The following specific standards shall be met in order for the Development Review Board to approve the application:
   **(a)** District regulations on height and spacing between main buildings shall be met unless otherwise waived by the Development Review Board.
   **(b)** To ensure adequate privacy for existing or proposed uses adjacent to the PUD, structures on the perimeter of the PUD shall be set back 50 feet and screening may be required.
   **(c)** Adequate water supply and sewage disposal facilities shall be provided.
6. **Open Space:** If the PUD results in lands available for parks, recreation, open space or other municipal purposes, the Development Review Board, as a condition of its approval, may establish such conditions as to the ownership, use and maintenance as it deems necessary to assure the preservation of such lands for their Intended purposes.

## *Section 530: MOBILE HOMES*

Mobile homes shall be considered the same as conventional homes except in a mobile home park.

## *Section 535; CAMPGROUND PERMITS*

No person or persons shall construct or operate a campground without first obtaining conditional use approval from the Development Review Board and a permit from the Administrative Officer. Before approving a permit, the Development Review Board shall require a performance bond from the applicant to assure that the area is constructed and maintained in a satisfactory manner.
Application for approval shall be made to the Development Review Board. The application shall be accompanied with a site plan and drawings prepared by a professional engineer showing the property lines and area of the campground, a contour map showing the proposed grading of the area, a layout of the roads, walkways, campsites, parking areas, garbage collection stations, electrical distribution, water lines, sanitary sewer facilities and storm sewer drainage facilities.

## Section 536: CAMPGROUND STANDARDS

Campgrounds shall comply with the following:

1. A campground shall have not less than three acres.
2. A campground shall provide for individual vehicles, access driveways, and parking.
3. Each campsite shall have at least 2500 square feet with each dimension at least 25 feet.
4. All access driveways within a campground must be at least thirty feet in width and have a compacted gravel surface (or other type of all-weather road) at least twenty feet in width.
5. Each campsite shall have an attachment for water supply. The water supply source must be approved by the State Agency of Environmental Conservation or other appropriate agency.
6. Each campsite shall have provisions for public toilets and sewage disposal. The method of sewage disposal must be in compliance with State Agency of Environmental Conservations regulations.
7. A strip of land at least twenty-five feet in width shall be maintained as a landscaped area abutting all public roads and property lines.
8. No vehicle or tent shall be located closer than twenty-five feet to a property line.
9. The area shall be closed to the public for a period of not less than thirty days each year.

## Section 540: SETBACKS

All "land development" shall comply with the minimum setbacks for the district in which the proposed land development is located.

1. The front yard setback shall be measured perpendicular from the center of the existing public or private road or street.
2. Side and rear setbacks shall be measured perpendicular to the property boundary line.
3. Setbacks shall apply to all "land development" in the NC, HC and IN district, including but not limited to parking areas.
4. No "land development" will be allowed within established public or private rights-of-way regardless of required setbacks.

## Section 542: REDUCTION OF LOT AREA

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

## Section 543: REQUIRED AREA OR YARDS

Space required under these regulations 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.

## Section 544: PROJECTION IN YARDS

Every part of a required yard shall be open from grade level to the sky unobstructed, except for vegetation and for the ordinary projections of sills, cornices, pilasters, chimneys and eaves, provided that no such projections may extend more than two feet into any required yard. Additionally, certain architectural features needed for the operation of active and passive solar energy systems, including but not limited to overhangs, detached solar collectors, reflectors, and piping, may be permitted by the Development Review Board to project into the required yard if conformance with yard requirements will cause undue expense or unusual difficulties.

## Section 545: CORNER LOT EXCEPTIONS

Any yard adjoining a street shall be considered a front yard. A corner lot shall be considered to have only front yards and side yards.

## Section 550; LANDSCAPING

Where any non-residential district abuts any residential district, a strip of land at least twenty-five feet in width

shall be maintained as a landscaped area in the front, side, or rear yards which abut the residential district. The outdoor storage of trash shall be screened or hidden from public view and the view of persons in residential districts. In Commercial or Industrial Districts such storage shall be screened and located to the rear of the buildings.

## *Section 560: GRADING*

No grading, cutting, or filling shall be carried out in any district which leaves the slope in excess of one to two.

## *Section 565: ACCESSORY DWELLING UNITS*

Accessory Dwelling Units are a permitted use in all districts and must be in compliance with all of the following:

1. The property must have sufficient wastewater capacity to accommodate both the primary dwelling and the accessory dwelling unit.
2. The unit must not exceed 30 percent of the total habitable floor area of the primary dwelling unit.
3. All setback, lot coverage and parking conditions are met for the zone in which it is proposed.

## *Section 595: ACCESSORY USES AND BUILDINGS*

1. An accessory use or building must conform to lot setback, lot coverage, and building height requirements for the district in which it is located.
2. An accessory use or building that is associated with a residential use shall be required to conform to the residential yard setback, lot coverage and building height requirements for the district in which it is located.

# ARTICLE VI: TRANSPORTATION. ACCESS, SAFETY, AND PARKING

## *Section 610: PARKING*

All non-residential parking lots shall be screened or hidden from public highway view and the view of persons in residential districts and shall be set back at least 50 feet or the yard minimum of the district in which it is located, whichever Is greater.

## *Section 620: ACCESS PERMIT*

Any activity for which a zoning permit is required and which involves the construction or modification of a driveway intersecting with a public right-of-way shall obtain an access permit from the Select Board prior to the issuance of a zoning permit. The Select Board may attach conditions to the access permit with respect to the design, construction, landscaping, or location of such driveways in order to ensure safety, provide access by emergency vehicles, and minimize traffic difficulties. Specific standards may be set by the Select Board.

## *Section 622: OBSTRUCTION OF VISION*

On a corner lot, within the triangular area formed by the intersection of two roads and a line joining them at points twenty-five feet away from their Intersection, there shall be no obstruction to vision between the height of three feet and ten feet above the average grade of each street.

# ARTICLE VII: SIGNS

## *Section 710: SIGNS*

No signs or billboards shall be permitted in any district except as specifically permitted herein as follows:

## *Section 720: ADVERTISING BILLBOARDS*

Advertising billboards shall not be permitted in any zoning district.

## *Section 730: SIGNS IN RESIDENTIAL DISTRICTS*

The following signs are permitted when located on the immediate property:

1. One professional or home occupation sign, not exceeding four square feet.
2. One temporary Real Estate sign, not exceeding six square feet.
3. Signs identifying any non-residential building or use permitted in residential districts, not exceeding a total of twenty square feet.
4. Directional or informational sign, not exceeding four square feet.
5. Signs necessary for public safety or welfare.

## *Section 740: SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS*

The following signs are permitted when located on the immediate property:

1. All signs permitted under Section 730.
2. One business sign not larger than one square foot for each lineal foot of frontage occupied by the establishment.
3. One directory sign not exceeding ten square feet.

## *Section 750: WALL. PROJECTING, GROUND AND ROOF SIGNS*

**Every wall sign shall**:

1. Not exceed the highest point of the building's roof.
2. Not exceed three hundred square feet in area.

**Every projecting sign shall**:

1. Not extend beyond the street line.
2. Not extend more than two feet from the building wall.
3. Not be less than ten feet above the surface of a public walkway area.
4. Not exceed thirty-two square feet.

**Every ground sign shall:**

1. Not exceed twenty feet in height above the finished grade.
2. Be set back at least twenty feet from any street line, and at least ten feet from any other lot line.
3. Not exceed thirty-two square feet.

**Roof signs shall not be permitted in any zoning district**.

## *Section 760: COMPUTATION OF PERMISSIBLE SIGN AREA*

When computing the total permissible sign area for any use:

1. Existing signs shall be included.
2. The total area of all signs shall not exceed the requirements as set forth in these regulations.
3. Signs consisting of free standing letters, numerals or other devices shall include any intervening spaces between them.
4. Only the larger faced area of a double-faced sign shall be used.
5. Back to back signs may be counted as one sign.

## Section 770: TRAFFIC, HAZARD, SAFETY, AND OBSTRUCTION

Every sign shall be designated and located in such a manner as to:

1. Not impair public safety.
2. Not restrict clear vision between a sidewalk and a street.
3. Not be confused with any traffic sign or signal.
4. Not prevent free access to any door, window or fire escape.
5. Withstand a wind pressure load of at least thirty pounds per square foot.

## Section 780; ILLUMINATED AND FLASHING SIGNS

Signs may be illuminated by a steady light provided that such lighting will not Illuminate or reflect onto other properties. Flashing, oscillating, or revolving signs shall not be permitted, unless necessary for public safety or welfare.

## Section 790: SPECIAL SIGNS

Special signs shall not be allowed in any residential district. Signs in non-residential districts may be permitted upon approval of the Development Review Board after a public hearing if the Commission finds that such sign:

1. Is in the public interest and not to the detriment of the public safety or welfare.
2. Is not detrimental to surrounding properties.
3. Generally compiles with the regulations for the district in which it is to be located.
4. Is of a character, size and location that it will be in harmony with the orderly development of the district.

Such signs shall conform to the following requirements:

1. No sign shall exceed 32 square feet in area.
2. No attached sign shall extend within a street line unless the street line is also the building line, in which case it may extend over the street line for a distance not exceeding two feet.

# ARTICLE VIII: PERFORMANCE STANDARDS

## Section 810: GENERAL

No land or building in any zoning district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable conditions in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining properties. The following specific standards are set forth to implement this purpose. The burden of proof that the following standards are met shall be on the applicant.

## Section 820; SPECIFIC STANDARDS

In all districts uses are not permitted which exceed any of the following standards measured at the individual property line:

1. Emit noise In excess of 70 decibels.
2. Emit dust or dirt which is considered offensive.
3. Emit any smoke, in excess of Ringlemann Chart No. 2.
4. Emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause Injury or damage to property, business or vegetation.
5. Cause, as a result of normal operations, a vibration which creates a peak partial velocity of .002"/sec.
6. Lighting which creates glare, which could impair the vision of a driver of any vehicle.
7. Cause a fire, explosion or safety hazard.
8. Cause harmful wastes to be discharged into the sewer system, streams or other bodies of water. Effluent disposal shall comply with the local and state sewer health standards.

# ARTICLE IX: FLOOD HAZARD AREA REGULATIONS

## *Section 902: STATEMENT OF PURPOSE*

It is the purpose of these regulations to promote the public health, safety, and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard, and to minimize losses due to floods by:

(a) Restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or cause excessive increase in flood heights or velocities;

(b) requiring that uses vulnerable to floods, including public facilities that serve such uses, shall be protected against flood damage at the time of initial construction;

(c) protecting individuals from buying lands that are unsuited for their intended purposes because of flood hazard.

## *Section 903: LANDS TO WHICH THESE REGULATIONS APPLY*

These regulations shall apply to all lands in the Town of New Haven identified as areas of special flood hazard on the most recent Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), and any amendments thereto as of the date of submission of a permit application.

## *Section 904: OFFICIAL FLOOD HAZARD AREA MAP*

The Official Flood Hazard Area Map shall consist of the FEMA Flood Insurance Study, including the Flood Insurance Rate Maps (FIRM), and Flood Boundary and Floodway Maps. The Official Flood Hazard Area Map, together with all explanatory matter thereon and attached thereto and amendments as authorized by FEMA and the NFIP, is hereby adopted by reference and declared to be part of these regulations.

## *Section 905: INTERPRETATION OF DISTRICT 80UNDARIES*

The Administrative Officer shall determine the boundaries of any designated area of special flood hazard by utilizing the Official Flood Hazard Area map. Appeals with respect to a boundary interpretation shall be made by filing a notice with the Secretary of the Development Review Board within fifteen days of the decision or act.

## *Section 906; PERMITTED USES*

Upon issuance of a permit by the Administrative Officer, the following open space uses shall be permitted within the area of special flood hazard to the extent that they are not prohibited by any other ordinance and provided that they do not require the erection of structures or storage of materials and equipment, the borrowing of fill from outside the flood hazard area, or channel modification or relocation, and do not obstruct flood flows, affect the water carrying capacity of the regulatory floodway or channel, or increase off-site flood damage potential.

(a) Agricultural uses, such as general farming, pasture, orchard grazing, outdoor plant nurseries, truck farming, and forestry.

(b) Recreation uses, such as parks, camps, picnic grounds, tennis courts, golf courses, golf driving ranges, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farms, fish hatcheries, wildlife sanctuaries, nature preserves, swimming areas, and boat launching sites.

(c) Accessory residential uses, such as lawns, gardens, parking areas, and play areas.

## *Section 907: CONDITIONAL USES*

All new construction, substantial improvement, and development uses prescribed by the Town of New Haven zoning ordinance that do riot meet the requirements of Section 906 and fall within the designated area of special flood hazard are permitted only upon the granting of a conditional use permit by the Development Review Board in accordance with the procedures and requirements of Sections 910, 911, and 912 of these regulations.

## Section 908: PERMIT REQUIREMENTS AND APPLICATION PROCEDURES

Permits are required for all proposed new construction, substantial improvements, and other developments, including the placement of mobile homes, within all lands to which these regulations apply.
All zoning permit applications shall be submitted to the Administrative Officer, on forms furnished by him, who shall determine, on application, whether or not the proposed development is located within the area of special flood hazard by the procedures established In Section 905 of these regulations.
If the proposed use will be located in the areas of special flood hazard and meets the requirements of Section 906 of these regulations, the Administrative Officer shall Issue a permit. If the proposed use does not meet the requirements of Section 906, the Administrative Officer shall refer all applicants to the Secretary of the Development Review Board.

## Section 909: RECORDS

The Administrative Officer shall maintain a record of:

a) the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new construction or substantial improvement of structures and whether or not such structures contain a basement; and
b) the elevation, in relation to mean sea level, to which such structures have been flood proofed.

## Section 910: CONDITIONAL USE REVIEW PROCEDURES

Upon receiving an application for a conditional use permit under these regulations, the Board of Adjustment shall, prior to holding a hearing and rendering a decision thereon, obtain from the applicant:

a) base flood elevation data for all subdivisions and other proposed new developments greater than 50 lots or 5 acres, whichever is the smaller;
b) the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new construction or substantial improvement of structures;
c) Where flood proofing is used in lieu of elevation, the elevation, in relation to mean sea level, to which any structure or substantial improvement has been flood-proofed;
d) certification from a registered professional engineer or architect that the flood-proofed structure meets the flood proofing criteria of Section 912(I)(c) of these regulations;
e) A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

In addition, the Development Review Board shall require such of the following information as it deems necessary for determining the suitability of the particular site for the proposed use:

a) Plans in triplicate, drawn to scale, showing the location, dimensions, contours, and elevation of the lot; the size and location on the site of existing or proposed structures, fill or storage of materials; the location and elevations of streets, water supply, and sanitary facilities; and the relation of the above to the location of the channel, floodway, and base flood elevation.
b) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, and cross-sectional areas to be occupied by the proposed development.
c) A profile showing the slope of the bottom of the channel or flow line of the stream.
d) Specifications for building construction and materials, flood proofing, mining, dredging, filling, grading, paving, excavation, or drilling, channel Improvement, storage of materials, water supply, and sanitary facilities.

In unnumbered A zones, the Development Review Board shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, as criteria for approval of all new construction and substantial improvements under Section 912(I)(a), (b), and (c) below.

The Development Review Board shall notify adjacent communities and the Vermont Department of Water Resources prior to approval of an alteration or relocation of a watercourse and shall submit copies of such notifications to the FEMA Administrator.

The Secretary of the Development Review Board shall transmit one copy of the information required by subsections 910(1) and 910(2) to the Vermont Department or Water Resources

In reviewing each application, the Development Review Board shall consider the evaluation of the Vermont Department of Water Resources and shall determine that the proposed use will conform to the development standards of Section 912 of these regulations.

No permit may be granted for new construction or the development of land in any area designated as a flood plain by the Vermont Department of Water Resources prior to the expiration of a period of 30 days following the submission of a report to the Vermont Department of Water Resources under Section 910(5) above.

## *Section 911: CONSIDERATIONS BY THE DEVELOPMENT REVIEW BOARD*

In reviewing each application, the Development Review Board shall consider:

a) the danger to life and property due to increased flood heights or velocities caused by encroachments;
b) the danger that materials may be swept onto other lands or downstream to the injury of others;
c) the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions under conditions of flooding;
d) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the Individual owners;
e) the importance of the services provided by the proposed facility to the community;
f) the necessity to the facility of a waterfront location;
g) the availability of alternative locations not subject to flooding for the proposed use;
h) the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
i) the relationship of the proposed use to the proposed comprehensive plan, insofar as it has been developed;
j) the safety of access to the property in times of flood of ordinary and emergency vehicles;
k) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;
l) the costs of providing governmental and public facilities and services during and after flooding;
m) such other factors as are relevant to the purposes of this ordinance.

## *Section 912; CONDITIONS ATTACHED TO CONDITIONAL USE APPROVAL*

As a condition of approval, the Board of Adjustment shall specifically require that;

a) All new construction or substantial Improvement of any residential structures have the first floor and basement floor elevated to, or above, the base flood elevation, unless the Town of New Haven has been granted an exception by the Administrator for the allowance of basements flood proofed below the base flood level;
b) all new construction or substantial improvement of nonresidential structures have the lowest floor, including basement, elevated to or above the base level elevation, or be flood proofed below the base flood level in accordance with subsection (c) of this section;
c) the lowest floor, including basement, and attendant utility and sanitary facilities of all new construction or substantial improvement below the base flood elevation be flood proofed so that 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 the effects of buoyancy;
d) structures be designed and anchored to resist flotation, collapse, or lateral movement;
e) any encroachment, including fill, new construction, substantial improvement, or other development, be prohibited that will result in any increase in flood levels within the regulatory floodway during the occurrence of the base flood discharge, except as a flood control measure;
f) the flood carrying capacity within any portion of an altered or relocated watercourse be maintained;
g) all gas and electrical equipment, circuits, and appliances be located and constructed to minimize or

eliminate flood damage;

h) all new and replacement water supply systems be designed so as to minimize or prevent the infiltration of flood waters into the systems;

i) all new and replacement sanitary sewage systems be designed to minimize or prevent Infiltration of flood waters into the systems and discharges from the systems into flood waters;

j) on-site waste disposal systems be located to avoid impairment to them or contamination from them during flooding;

k) no mobile home shall be placed in the floodway, except in an existing mobile home park or existing mobile home subdivision;

l) all mobile homes to be placed in the designated area of special flood hazard or regulatory floodway be anchored to resist flotation, collapse, or lateral movement by;

   1. over-the-top ties at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, and mobile homes less than 50 feet long requiring one additional tie per side;

   2. frame ties at each corner of the home, with five additional ties per side at intermediate points, and mobile homes less than 50 feet long requiring four additional ties per side;

m) all components of the mobile home anchoring system required for mobile homes placed In the designated area of special flood hazard or regulatory floodway shall be capable of carrying a force of 4,800 pounds and any additions to the mobile home shall be similarly anchored;

n) within zones A 1-30, for new mobile home parks and subdivisions, for expansions to existing mobile home parks and subdivisions, for existing mobile home parks and subdivisions where the repair, reconstruction, or improvement of the streets, utilities, and pads equals, or exceeds 50 per cent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced, and for mobile homes not placed in a mobile home park or subdivision;

   1. stands or lots be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

   2. adequate surface drainage and access for a hauler be provided; and

   3. in the instance of elevation on pilings, (1) the lots are large enough to permit steps; (2) piling foundations are placed in stable soils no more than ten feet apart, and (3) reinforcement is provided for pilings more than six feet above the ground level.

o) an evacuation plan indicating alternate vehicular access and escape routes be filed with and approved by the Town Emergency Management Director for mobile home parks and mobile home subdivisions located within the designated area of special flood hazard;

p) all necessary permits be obtained from those governmental agencies from which approval is required by federal or state law;

q) all subdivision proposals be reasonably safe from flooding and that;

   1. all public utilities and facilities serving subdivisions, such as sewer, gas, electrical, and water systems, be located and constructed to minimize or eliminate flood damage, and

   2. adequate drainage be provided within subdivisions to reduce exposure to flood hazards.

Upon consideration of those factors in Section 911, and the purposes of these regulations, the Development Review Board shall attach such additional conditions to the granting of a permit as are necessary to meet the purposes and flood hazard area management requirements of these zoning regulations.

## *Section 913: TIME FOR ACTING ON APPLICATION*

A warned public hearing addressing an application shall be required following the same procedures as outlined in section 345 of these regulations.

## *Section 914: ISSUANCE AND TRANSMISSION OF PERMITS*

Upon granting a permit, the Development Review Board shall send to the applicant, by certified mall, a copy of the decision. Copies of the decision also shall be mailed to every person or body appearing and having been heard at the hearing, a copy of the decision will be filed with the Administrative Officer, who shall forthwith issue a permit, and with the Town Clerk as a part of the public records.

## Section 915: EFFECTIVE DATE

A permitted use permit shall take effect when the time for appeal of the decision has passed. Conditional use permits shall take effect when the time for appeal of the decision has passed

## Section 916: APPEALS

An Interested person may appeal a decision of the Development Review Board to the Environmental Court in accordance with state statute.

## Section 917: VARIANCES

Variances under Article 9, shall be granted by the Development Review Board only if:

a) the variance meets all the conditions as specified in section 342 of these regulations and the finding is specified in its decision:
b) upon a determination that during the base flood discharge the variance will not result in increased flood levels in the designated regulatory floodway. Threats to public safety, extraordinary public expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

In granting a variance, the Secretary of Development Review Board shall notify the applicant that the issuance of a variance to construct a structure below the base flood level:

a) will result in increased premium rates for flood Insurance commensurate with the resulting increase in;
b) Increase risks to life and property.

The Secretary of the Development Review Board shall:

a) maintain a record of all variance actions, including justification for their issuance, and
b) For notice of decision and recording purposes variances shall be considered to follow the same requirements as indicated in section 914 of this Article

## Section 918: FEES

The Select Board shall establish such fees as may be necessary for the filing of notices and the processing of hearings and action thereon. All such fees shall be paid to the Secretary of the Development Review Board upon application for a conditional use permit under these regulations.

## Section 919: WARNING OF DISCLAIMER OF LIABILITY

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

## Section 920: PRECEDENCE OF REGULATIONS

The provisions of these regulations shall take precedence over any conflicting and less restrictive local laws.

## Section 921: ANNUAL REPORT TO FEDERAL EMERGENCY MANAGEMENT AGENCY

The Administrative Officer shall, to the extent possible, submit to the Administrator the information required by the FEMA annual report form with respect to the administration and enforcement of these flood hazard area bylaws. A copy of the annual report shall be submitted to the state coordinating agency.

# ARTICLE X: ZONING DISTRICTS

## *Section 1001: RURAL AGRICULTURAL DISTRICT (RA-2)*

### A. Objectives and Guidelines

This district shall be located in an area one lot deep along all present roads of the Town, except U.S. Route No. 7, Vermont Route No. 17, River Road, flood hazard areas and other areas as may be specified below and as set forth on the zoning map, which is a part of these regulations. Residential and other compatible and complimenting uses are permitted in this district. Agricultural and other non-intensive land uses are also permitted.

### B. Permitted Uses:

**By Right Uses;**

1. Farming, Farm Structures and Forest uses in compliance with AAP's (Accepted Agricultural Practices)
2. One-family dwelling
3. Two-family dwelling
4. Professional residence, office
5. Accessory use
6. Stable, private
7. Home occupation
8. Residential care or group home serving fewer than 8 persons and not within 1000ft of another such home
9. Family Child Care facility serving fewer than 6 full time and 4 part time children
10. Accessory Dwelling Unit

**Conditional Uses;**

1. Three-family dwelling
2. Public outdoor recreation
3. Recreation, commercial outdoor
4. Public Use exceptions as governed by section 518 of these regulations

### C. District Regulations

The permitted uses and uses permitted after issuance of a Conditional Use Permit in the RA-C. District, shall be subject to the specific standards set forth In Section 1001-A. The general standards designated In Section 341 of these regulations shall act as general standards and shall be required for any proposed conditional use under this section. The provisions set forth in all prior articles of these regulations shall apply to this district when applicable.

## *Section 1001-A: SPECIFIC STANDARDS FOR RA-2 DISTRICT*

| | Residential | Non-Residential |
|---|---|---|
| Lot area minimum | 2 acres | 5 acres |
| Minimum acreage required for each dwelling unit | 2 acres | --- |
| Lot frontage minimum | 200 feet | 400 feet |
| Lot depth minimum | 200 feet | 250 feet |
| Front yard setback minimum | 100 feet | 150 feet |
| Rear yard minimum | 25 feet | 75 feet |
| Side yard minimum | 25 feet | 75 feet |

# *Section 1002: RURAL AGRICULTURAL DISTRICT (RA-5)*

## A. Objectives and Guidelines

This district shall be located in an area one lot deep along Vermont Route No. 17 and River Road, except for flood hazard areas and other areas specified below and as set forth on the zoning map. Residential, agricultural and other compatible and complimentary uses shall be permitted in this district.

## B. Permitted Uses:

Planned Unit Developments shall be permitted pursuant to the procedures and guidelines described In Section 528 of these regulations.

**By Right Uses:**
All uses permitted by right In the RA-2 District

**Conditional Uses**:
a. Three-family dwelling
b. Public outdoor recreation
c. Public Use exceptions as governed by section 518 of these regulations

## C. District Regulations

The permitted uses and uses permitted after issuance of a Conditional Use Permit in the RA-5 District shall be subject to the specific standards set forth in Section 1002-A. The general standards designated in Section 431 of these regulations shall act as general standards and shall be required for any proposed conditional use under this section. The provisions set forth in all prior articles of these regulations shall apply to this district when applicable.

# *Section 1002-A: SPECIFIC STANDARDS FOR RA-5 DISTRICT*

| | Residential | Non-Residential |
|---|---|---|
| Lot area minimum | 5 acres | 7.5 acres |
| Minimum acreage required for each dwelling unit | 5 acres | --- |
| Lot frontage minimum | 400 feet | 600 feet |
| Lot depth minimum | 500 feet | 500 feet |
| Front yard setback minimum | 100 feet | 150 feet |
| Rear yard minimum | 25 feet | 75 feet |
| Side yard minimum | 25 feet | 75 feet |

# *Section 1003: RURAL AGRICULTURAL DISTRICT (RA-10)*

## A. Objectives and Guidelines

This district shall be located in all areas of the Town not designated by any of the other proposed districts herein and as specifically delineated on the zoning map. The land in this area is well suited for agricultural uses and other compatible uses such as open space, conservation and certain forms of outdoor recreation. The land generally consists of poor quality soils for residential development so residential development is restricted to a minimum lot size of ten (10) acres per dwelling unit.

## B. Permitted Uses:

Planned Unit Developments shall be permitted pursuant to the procedures and guidelines described in Section 528 of these regulations.

**By Right Uses:**
All uses permitted by right in the RA-2 and RA-5 Districts

**Conditional Uses;**
All conditional uses permitted in the RA-2 and RA-5 Districts.

## C. District Regulations

The permitted uses and uses permitted after issuance of a Conditional Use Permit in the RA-10 District shall be subject to the specific standards set forth in Section 1003-A. The general standards designated in Section 431 of these regulations shall act as general standards and shall be required for any proposed conditional use under this section. The provisions set forth in all prior articles of these regulations shall apply to this district when applicable.

# *Section 1003-A: SPECIFIC STANDARDS FOR RA-10 DISTRICT*

| | Residential | Non-Residential |
|---|---|---|
| Lot area minimum | 10 acres | 10 acres |
| Minimum acreage required for each dwelling unit | 10 acres | ------- |
| Lot frontage minimum | 600 feet | 600 feet |
| Lot depth minimum | 700 feet | 700 feet |
| Front yard setback minimum | 100 feet | 150 feet |
| Rear yard minimum | 25 feet | 75 feet |
| Side yard minimum | 25 feet | 75 feet |

# *Section 1004: NEIGHBORHOOD COMMERCIAL DISTRICT (NC)*

## A. Objectives and Guidelines

This district is located in an area of the Town where there is a greater concentration of residents. The purpose of this district is to provide services to the local residents. The district is located in New Haven Village as depicted on the Official Zoning Map.

## B. Permitted Uses

**By Right Uses**:

1. Retail store
2. Office
3. Personal service
4. Accessory use
5. One-family dwelling
6. Two-family dwelling
7. Farming, Farm Structures and Forest uses in compliance with AAP's
8. Residential care or group home serving fewer than 8 persons and not within 1,000 feet of another such home
9. Family Child Care facility serving fewer than 6 full time and 4 part time children

**Conditional Uses:**

1. Multi-Family dwelling
2. Public outdoor recreation
3. Clubs
4. Other neighborhood retail business uses upon the finding by the Development Review Board that such use is of the same general character as those permitted and which will not be detrimental to the other uses within the district or to the adjoining land uses.
5. Public Use exceptions as governed by section 518 of these regulations

## C. District Regulations

The permitted uses and uses permitted after issuance of a Conditional Use Permit in the NC District, shall be subject to the specific standards set forth in Section 1004-A. The general standards designated in Section 431 of these regulations shall act as general standards and shall be required for any proposed conditional use under this section. The provisions set forth in all prior articles of these regulations shall apply to this district when applicable. Site plan approval as described in Sections 350, 351 and 352 of these regulations shall be required for all uses in the NC District except one-family and two-family dwellings.

# *Section 1004-A: SPECIFIC STANDARDS FOR NC DISTRICT*

| | |
|---|---|
| Lot area minimum | One acre |
| Minimum acreage required for each dwelling unit | One acre |
| Lot frontage minimum | 100 feet |
| Lot depth minimum | 200 feet |
| Front yard setback minimum | 50 feet |
| Rear yard minimum | 30 feet |
| Side yard minimum | 15 feet each side |
| Coverage maximum | 50 percent |

**General Regulations**: Businesses in NC District must be conducted entirely inside a building.

# *Section 1005: HIGHWAY COMMERCIAL DISTRICT (HC)*

## A. Objectives and Guidelines

This district is primarily to provide an area to serve highway-oriented businesses and highway uses.

## B. Permitted Uses

**By Right Uses:**

1. Club
2. Bank
3. Office
4. Recreation, indoor
5. Recreation, private outdoor
6. Recreation, public outdoor
7. Motel
8. Retail store
9. Warehouse
10. Personal service
11. Farming, Farm Structures and Forest uses in compliance with AAP's (Accepted Agricultural Practices)
12. Restaurant
13. Accessory Dwelling Unit

**Conditional Uses:**

1. Gasoline and motor vehicle service station
2. Veterinary clinic
3. Motor vehicle sales and service facility
4. Mobile home, trailer, farm implement and contractor's equipment sales and service
5. Freight and trucking terminals
6. One-family dwelling
7. Two-family dwelling
8. Commuter parking lot
9. Other highway commercial uses upon the finding by the Development Review Board that such use is of the same general character as those permitted and which will not be detrimental to the other uses within the district or to the adjoining uses.
10. Public Use exceptions as governed by section 518 of these regulations
11. Residential care or group home serving fewer than 8 persons and not within 1000ft of another such home
12. Family Child Care facility serving fewer than 6 full time and 4 part time children

## C. District Regulations

The permitted uses and uses permitted after issuance of a Conditional Use Permit in the HC District shall be subject to the specific standards set forth in Section 1005-A. The general standards designated in Section 431 of these regulations shall act as general standards and shall be required for any proposed conditional use under this section. The provisions set forth in all prior articles of these regulations shall apply to this district when applicable. Site plan approval as described in Sections 350, 351 and 352 of these regulations shall be required for all uses in the HC District, except for one-family and two-family dwellings.

# *Section 1005-A: SPECIFIC STANDARDS FOR HC DISTRICT*

| | | | |
|---|---|---|---|
| Lot area minimum | One acre | Front yard setback minimum | 75 feet |
| Minimum for each dwelling unit | One acre | Rear yard minimum | 30 feet |
| Lot frontage minimum | 200 feet | Side yard minimum | 20 feet each side |
| Lot depth minimum | 200 feet | Covered maximum | 25 percent |

All **non-residential conditional uses** shall have a minimum 100-foot setback from the Rural Agricultural districts sections 1001, 1002 and 1003.

# *Section 1006; INDUSTRIAL DISTRICT (IN)*

## A. Objectives and Guidelines

These areas are located on the zoning map and generally provide highway and rail uses for any existing and proposed industrial uses. The policy of this district is to provide an area for limited growth of new industry and continuation of present industrial uses.

## B. Permitted Uses

**By Right Uses:**

1. Warehouse
2. Public Utility
3. Gasoline and motor vehicle service station
4. Veterinary clinic
5. Accessory use
6. Farming, Farm Structures and Forest uses in compliance with AAPs (Accepted Agricultural Practices)

**Conditional Uses:**

1. Enclosed manufacturing and industrial processes or services
2. Sales and service of mobile homes, trailer, farm implement and contractor's equipment
3. Freight or trucking terminal
4. Contractor's yard
5. Quarrying
6. Extraction of soil, sand or gravel
7. Other Industrial uses upon the finding by the Development Review Board that such uses are of the same general character as those permitted and which will not be detrimental to the other uses within the district or to adjoining land uses.
8. Public Use exceptions as governed by Section 518 of these regulations

## C. District Regulations

The permitted uses and uses permitted after issuance of a Conditional Use Permit in the IN District shall be subject to the specific standards set forth in Section 1006-A. The general standards designated in Section 431 of these regulations shall act as general standards and shall be required for any proposed conditional use under this section. The provisions set forth in all prior articles of these regulations shall apply to this district when applicable. Site plan approval as described in Sections 350, 351, and 352 of these regulations shall be required for all uses in the IN District.

# *Section 1006-A: SPECIFIC STANDARDS FOR IN DISTRICT*

| | |
|---|---|
| District area minimum | 20 acres |
| Lot area minimum | One acre |
| Minimum acreage required for each complying principal use | One acre |
| Lot frontage minimum | 200 feet |
| Lot depth minimum | 200 feet |
| Front yard setback minimum | 75 feet |
| Rear yard minimum | 25 feet or 200 feet abutting rural agricultural districts |
| Side yard minimum | 25 feet each side or 200 feet abutting rural agricultural district |
| Coverage maximum | 40 percent |

# *Section 1007: FOREST DISTRICT (FD)*

## A. Objectives and Guidelines

These areas are designated in the Town Plan as conservation districts and do not fall into the category of Flood Hazard District. The only permitted uses in these districts are forest uses and agricultural uses, with conditional uses, as designated, for residential development on a minimum lot of 25 acres.

## B. Permitted Uses

By Right Uses;
1. Farming, Farm Structures and Forest uses in compliance with AAP's (Accepted Agricultural Practices)

Conditional Uses:
1. One-family dwelling
2. Public Use exceptions as governed by section 518 of these regulations
3. Residential care or group home serving fewer than 8 persons and not within 1000ft of another such home
4. Family Child Care facility serving fewer than 6 full time and 4 part time children

## C. District Regulations

The permitted uses and uses permitted after issuance of a Conditional Use Permit in the FD District shall be subject to the specific standards set forth in Section 1007-A. The general standards designated in Section 431 of these regulations shall act as general standards and shall be required for any proposed conditional use under this section. The provisions set forth in all prior articles of these regulations shall apply to this district when applicable.

# *Section 1007-A: SPECIFIC STANDARDS FOR FD DISTRICT*

| | |
|---|---|
| Lot area minimum | 25 acres |
| Minimum acreage required for each dwelling unit | 25 acres |
| Lot frontage minimum | NA |
| Lot depth minimum | none |
| Front yard setback minimum | 100 ft. |
| Rear yard minimum | 100 ft. |
| Side yard minimum | 100 ft. |

# *Section 1008: FLOOD HAZARD DISTRICT (FHD)*

## A. Objectives and Guidelines

These districts are unsuited for residential or other conventional development. The objectives of the district designation and regulations are to prevent Increases in flooding caused by uncontrolled development of lands. Therefore, permitted and conditional uses are limited.

## B. Permitted Uses

**By Right Uses:**
As enumerated In Section 906 of these regulations

**Conditional Uses:**
1. Farming and Forestry uses not included in Section 906
2. One-family dwelling
3. Accessory uses
4. Home occupations
5. Public Use exceptions as governed by section 518 of these regulations

## C. District Regulations

The permitted uses and uses permitted after issuance of a Conditional Use Permit in the FHD District shall be subject to the specific standards set forth in Article IX of these regulations. The general standards designated in Sections 431, 911 and 912 of these regulations shall act as general standards and shall be required for any proposed conditional use under this section. The provisions set forth in all prior articles of these regulations shall apply to this district when applicable. Site plan approval as described in Section 350, 351, and 352 of these regulations shall be required for all uses in this district except for one-family dwellings.

# *Section 1008-A SPECIFIC STANDARDS FOR FHD DISTRICT*

| | |
|---|---|
| Lot area minimum | 25 acres |
| Minimum acreage required for each dwelling unit | 25 acres |
| Lot frontage minimum | 400 feet |
| Lot depth minimum | 400 feet |
| Front yard setback minimum | 100 feet |
| Rear yard minimum | 100 feet |
| Side yard minimum | 100 feet |