

Town of New Haven Planning Commission Meeting
7:00 pm
Town Offices
Wednesday, May 9, 2012

Present: Chair, Jim Walsh, Bill Brooks, Rob Litch, Angie Dunbar, Rod Case and Pat Palmer

Absent: Francie Caccavo

Visitors: Chris Granstrom and John Madden

VISITORS BUSINESS:

1. Lincoln Peak Winery owner, Chris Granstrom – With new farms in Vermont selling new products, Chris is looking for ways to get more people to come to the vineyard. They do well with tourists, but would like to encourage more locals to visit. Chris thinks one way to do this is to offer more than just his product. He would like to offer events with some food to bring people in. He recently has had some calls about renting his facility for weddings, or small business gatherings. But to do this he would have to charge for use of the space, and this would tip over his business over the line of what he can do there. He is not considered a home occupation at this point. Chris called some other towns to see what they are doing for small farms like his. Shelburne has integrated something into their regulations for small farms. Lincoln Peak is 12 acres of grapes located just off of River road; he currently has 2 full time employees and himself, and they are zoned RA5. The building is 1,000 sq. ft. with a covered porch. Maximum capacity for an event with people standing is 100 people and about 50 cars. For an event where folks would be sitting down, maximum capacity is about 40 people and about 40 cars. Lincoln Peak has given much back to the community by hosting New Haven Community Libraries, "Chocolate Delight Night", and other various events for other non-profits at no charge. Chris gave the Planning Commission a handout that is currently in draft form entitled: "Facilitating Innovative Agricultural Enterprises; Considerations and Example Language for Vermont Municipalities" Produced by the Vermont Law School Land Use Clinic for Vermont Planners Assoc. and Composting Assoc. of Vermont, Spring 2012. This is a very new document that a friend of his daughter's new about. In the handout it does review some area towns such as Hinesburg and Shelburne. Chris is hoping the PC will consider writing something into the zoning regulations, and consider what other towns are doing use for small farmers like him. Discuss traffic concerns, hours of operation and how this may affect the neighbors. Chris is hoping to add flexibility to his existing business.

2. John Madden – Handout of John’s suggestions to the Summary of proposed amendments dated 3/ 15/12. John is suggesting the PC use the word “bylaws” in place of the word “regulations” throughout the Zoning Regulations; he feels it fits into the State Statutes better. John said he would appreciate being able to participate more in the meetings, and hopes the PC will look over his suggestions in the handout.
3. Zoning Administrator, Dave Wetmore worked together with Francie Caccavo and Bill Brooks to make minor revisions on 4/20/12 (in red) to the proposed amendments that were prepared for the public hearing on 3/15/12. (Changes in blue were done by Brandy Saxton)These were distributed to each Board member. **See attached**
 - **Pg. 2** – Section 130: DEFINITIONS – ACCESSORY USE OR BUILDINGS.
 - **Pg. 14.** – Section 516: TEMPORARY USES AND STRUCTURES – Under this section they hoped to clarify what is expected of people. Added what a zoning permit is required for. Bill Brooks made a motion to add the new wording, seconded by Jim Walsh.
 - **Pg. Section 321: EXEMPTIONS** – Under #8 – Pat Palmer made a motion to remove September 1 - May 1, and replace them with “not more than 8 consecutive months”, seconded by Angie Dunbar. 4 yes / 1 no (Case) / 1 abstention (Walsh). 6 yes / 0 no
 - Bill Brooks made a motion based on the Planning Commissions review to date of the zoning bylaw amendments; recommend they be submitted to Brandy Saxton for final draft review, and then forward to the Selectboard as amended. Motion seconded by Jim Walsh. 6 yes / 0 no

NEW BUSINESS:

1. Bill Brooks - Has written a letter to the Selectboard in regards to the Planning Commissions opinion of which route they feel the Vermont Gas pipeline should take. Angie Dunbar made a motion to accept the letter with the correction of one word. The letter to be signed by Jim Walsh and brought before the Selectboard. Motion seconded by Pat Palmer. 6 yes / 0 no
2. Review New Haven’s sign regulations in current zoning and discuss current issues. Jim Walsh handed out pictures of several businesses in town, some of whom have a large amount of signage out and around their business. Jim has received several phone calls about these signs over the past few weeks. There are some sign issues that need clarification. The regulations need to be reviewed; Dave Wetmore suggested it would be a good time to look at the Ticket Bureau. Bill Brooks said it would be interesting to know how many permitted signs there are in town.

Summary of proposed amendments to the adopted Zoning Bylaws dated May 29, 2007 include the following- proposed amendments are underlined

- Section 130- Amended definitions- "front yard setback", "primary use" and "structure"
- Section 220- Add statement that ZD extend to the centerline of the Town or State highway
- Section 313- Add #5 – applications will be signed by owners of record
- Section 321- Amended to include "temporary seasonal structures" and handicap accessibility.
- Section 504 A&B- Amend Home Occupations and add Home Businesses
- Section 516- Expanded temporary use to included construction and box type storage trailers, etc.
- Section 540- Amended how and where setbacks will apply.
- Section 1005A- Changed setback from residential districts from 200-feet to 100-feet.
- Section 1006- All uses will require site plan review.

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 Board of Adjustment.

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 LINE: 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 the 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 ailments.

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 Board of Adjustment 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 this regulation.

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 ~~building~~ proposed uses front line to the center of the existing public or private road or street. Use includes buildings, structures, signs, 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 of 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 or a class 3 Town highway or better, 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.

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 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.
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. Once accessibility structure(s) are no longer required the structure(s) will be removed.
8. One temporary structure not to exceed 300 square feet in area erected for temporary personal storage of motor vehicles or other materials shall be exempted from zoning permits between provided that it is erected on or after October-September 15 and taken down on or before April-May 1 of the next year⁵. 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 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. All 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.
8. ~~is located on a town or private road within a residential or agricultural zoning district, it shall not generate more than 10 business-related trips per day. There shall be no limitation on trips generated by businesses located on a state highway or within a commercial or village zoning district.~~
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. A Home Occupation use located in a residential or agricultural zoning district shall be permitted one (1) unlit sign not to exceed 4 square feet in area. A Home Occupation use located in a commercial or village zoning district shall be permitted 1 sign that meets the requirements for business signs in the district in which the property is located. Signage for a Home Occupation shall be in accordance with Article VII of these regulations.
12. 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 for adaptive re-use.
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 ~~shall~~ may establish a limit on the amount of customer and/or truck traffic number of trips for a Home Business located on a town or private road within a residential or agricultural zoning district. There shall be no limitation on trips generated by businesses located on a state highway or within a commercial or village zoning district 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.
12. A Home Business use located in a residential or agricultural zoning district shall be permitted 1 unlit sign not to exceed 20 square feet in area. A Home Business use located in a commercial or village zoning district shall be permitted 1 sign that meets the requirements for business signs in the district in which the property is located.
13. 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 516: TEMPORARY USES AND STRUCTURES

Temporary uses, structures and buildings shall include but are not limited to storage containers placed directly on the ground, truck bodies on wheels and tent like garages commonly used for storage.

~~Temporary permits may be issued by the Zoning Administrator Officer for a period not exceeding one year after approval by the Development Review Board for nonconforming uses and by the Zoning Administrator for conforming uses that are incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.~~

Construction-Related. The Zoning Administrator may issue temporary permits for nonconforming structures or uses, excluding dwellings, 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 use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding 1 year.

Comment [BS1]: I am including this alternate language here to have it available for discussion at the PC meeting.

~~**Construction and Storage Trailers and temporary Temporary housing by a homeowner:**
A mobile home or trailer or other temporary construction structure may be temporarily sited and used as a residence/construction office or for storage purposes where necessary or incidental to construction on that property for which a zoning permit has been approved. Such use shall not continue beyond the expiration of the Zoning Permit.~~

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Storage Trailers and Containers

~~Van trailers and other vehicles or parts thereof, or shipping containers used for storage facilities. Such types of storage facilities shall not be permitted except as the regulation allow in the district in which they are located.~~

Portable Accessory Structures. Portable lightweight structures, carports, storage sheds, storage units, storage containers, storage trailers, vehicles used primarily for storage, pole barns and similar accessory structures without permanent foundations or footings shall be deemed the same as any other structure and shall be subject to all applicable provisions of these regulations.

Comment [BS2]: I am including this alternate language here to have it available for discussion at the PC meeting.

Section 540: SETBACKS

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

The front yard setback shall be measured perpendicular from the center of the existing public or private road or street.

Side and rear setbacks shall be measured perpendicular to the property boundary line.

Setbacks shall apply to all "land development" in the NC, HC and IN district, including but not limited to parking areas, excepting single-family homes used for residential purposes only.

No "land development" will be allowed within established public or private rights-of-way regardless of required setbacks.

Section 1005-A: SPECIFIC STANDARDS FOR HC DISTRICT

Lot area minimum	One acre
Minimum for each <i>primary use</i>	One acre
Lot frontage minimum	200 feet
Lot depth minimum	200 feet
Front yard setback minimum	75 feet
Rear yard minimum	30 feet
Side yard minimum	20 feet each side
Covered maximum	25 percent

All non-residential conditional uses ~~proposed on lots adjacent to residential districts~~ shall have a minimum ~~200~~ 100-foot setback from residential districts 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 AAP's (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 sales and service
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. ~~except for one-family and two-family dwellings.~~

Section 1006-A: SPECIFIC STANDARDS FOR IN DISTRICT

District area minimum	20 acres
Lot area minimum	1 acre
Minimum acreage required for each dwelling unit complying primary use	1 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 residential rural agricultural districts
Side yard minimum	25 feet each side or 200 feet abutting rural agricultural district
Coverage maximum	40 percent