

TOWN OF MENDON
ZONING REGULATIONS

EFFECTIVE DATE

March 7, 2000

PREPARED BY: Mendon Planning Commission

MENDON ZONING REGULATIONS
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ARTICLE I: GENERAL PROVISIONS

Section 110 - Enactment

The regulations contained in the following text and map shall be known as the "Town of Mendon Zoning Regulations" adopted under the authority of and in accordance with the Vermont Planning and Development Act, 24 V.S.A. Chapter 117, hereafter referred to as "The Act".

Section 120 - Intent

It is the intent of these zoning regulations to provide for orderly community growth in harmony with the goals established in the Mendon Town Plan.

Section 130 - Amendments

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

Section 140 - Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except for Section 4409(b) of the Act, and where these regulations specifically provide to the contrary, it is not intended by these regulations to repeal, annul or in any way impair any permits previously issued. Where these regulations impose a greater restriction upon the use of a structure or land than are required by any other statute, the provisions of these regulations shall apply.

Section 150 - Effective Date

This regulation shall take effect when duly adopted in accordance with the procedures contained in section 4404 of the Act.

Section 160 - Severability

If any provision of this Mendon Zoning Ordinance shall be held unconstitutional or determined to be invalid by a competent court or unenforceable, for any reason, the remaining provisions shall continue to remain in full force and effect.

Section 170 - Warning of Disclaimer of Liability

These Regulations shall not create liability on the part of the Town of Mendon or any town official or employee thereof resulting from reliance on this Ordinance or any administrative decisions lawfully made thereunder.

These Regulations do not imply that land outside the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages.

Section 180 - Fees

The Board of Selectmen shall establish such fees as may be necessary for the filing of applications for permits, notices, the processing of hearings and action thereon. Fees shall be paid to the Town Clerk upon application for a zoning permit; where an appeal or application is made to the Board of Adjustment, any required fees shall be paid to the Town Clerk.

ARTICLE II: ESTABLISHMENT OF ZONING DISTRICT AND ZONING MAP

Section 210 - Establishing of Zoning Districts

The Town of Mendon is hereby divided into the following Zoning Districts as shown on the two Official Zoning Maps:

Village District, Commercial District, Residential District I, Residential District II, Residential District III, Rural District, Wheelerville District, East District, Conservation I District, Conservation II District, City Forest District, Flood Hazard District and Ski Area Development District.

Section 220 - Zoning Map

There are two Official Zoning Maps. Any reference to a map or maps shall automatically refer to the appropriate map or maps.

The location and boundaries of Zoning Districts and the location of the ridge lines are established as shown on the Official Zoning Maps. The latest adopted Official Zoning Maps are hereby made a part of these regulations, together with all future amendments.

Regardless of the existence of Official Zoning Maps which may from time to time be made or published, the Official Zoning Maps, which shall be located in the office of the Town Clerk, shall be the final authority as to the current zoning status of land and water areas.

Section 230 - Interpretation of Zoning District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of roads, streams, transportation and utility rights-of-way shall be construed to follow such center lines;
- B. Where this is not the case, the Board of Adjustment shall interpret the district boundaries upon appeal from an action taken by the Administrative Officer;
- C. Except as otherwise provided, where a district boundary line divides a lot in single ownership at the time of passage of this ordinance or an amendment thereto, the Board of Adjustment may permit, as a variance, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.
- D. Since base flood elevations and floodway limits have not been provided (by the National Flood Insurance Program) the Administrative Officer shall determine the relationship of a proposed development to the area of special flood hazard using base flood elevation and floodway

information available from State or Federal agencies or other sources.

Section 240 - Application of Regulations

240.1 Hereafter, no division of a parcel into two or more parcels, construction, reconstruction, conversion, structural alteration, relocation or enlargement of any mining, excavation, or landfill, or any change in the use of any building or other structure, or land or extension of use of land shall commence without a permit certifying compliance with all regulations in this bylaw for this district in which such building or land is located.

240.2 Any use not permitted by these regulations shall be deemed to be prohibited.

Section 250 - Nonconforming Uses

The following provisions shall apply to all uses of land and any improvements thereon, existing on the effective date of these regulations which do not conform to the requirements set forth in these regulations and to all uses that in the future do not conform by reason of any subsequent amendment to these regulations.

Any nonconforming use of land or improvements except those specified below, may be continued indefinitely, but:

- A. Shall not be moved, enlarged,, altered, extended or restored, nor shall any external evidence of such use be increased by any means whatsoever, except that the Zoning Board of Adjustment may, after a duly warned public hearing, allow such movement, enlargement, alteration, extension reconstruction, restoration, or increase in external evidence, according to the following standards:
 - (1) That there be no undo adverse effect on traffic in the vicinity;
 - (2) That there be no undue adverse effect upon surrounding property; and
 - (3) That the increase in ground coverage of any building or addition not be greater than 50% of the ground area covered by the existing building on the date of the adoption of this ordinance or the amendment which made it non-conforming, and that the gross area of the proposed building not be more than 100% greater than the total gross area of the building on the date of adoption of this ordinance or the amendment which made it non-conforming.
- B. Shall not be changed to another non-conforming use without approval by the Board of Adjustment, and then only to a use which, in the opinion of the Board, is of the same or of a more restricted nature;
- C. Shall not be re-established if such use has been voluntarily abandoned for a period of one year,

or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use may not confer the right to do so;

- D. Shall not be restored to any use other than a conforming use after such use has been interrupted by damage to any improvement from any cause, unless the non-conforming use is reinstated within one year of such damage. If such non-conforming use has not been fully reinstated but has continued without interruption in any undamaged part of any improvement then such use may continue but only to the extent it has been so continued .

Section 260 - Noncomplying Structures

A non-complying structure is any building or structure legally established prior to the effective date of this ordinance or any subsequent amendment to it, which does not fully comply with the dimensional requirements for all zoning districts imposed by Section 540.

- A. Any non-complying structure lawfully existing on the effective date of this ordinance or any subsequent amendment to it may be used for any purpose permitted in the district in which it is located.
- B. Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying structure, provided that such action does not increase the degree of non-compliance.
- C. A non-complying structure may continue in perpetuity and may be enlarged upon, expanded, or extended only if such enlargement, expansion, or extension is in full compliance with all of the requirements of this ordinance other than those giving it its non-complying character (as set forth in Section 540) and if the enlargement, expansion, or extension does not cause an increase in the degree of non-compliance. An application for an extension of a non-complying structure shall be made to the administrative officer and acted upon by him without further hearing by the Zoning Board of Adjustment, provided no variance under Section 350 is required.
- D. If a non-complying structure is totally destroyed by fire or other catastrophe, it may be rebuilt only in conformance with all the requirements of this ordinance. However, if the nature of the destruction or the size or shape of the lot are such that the reconstruction cannot be undertaken in conformance with the dimensional requirements of this ordinance, the Board of Adjustment after a public hearing on public notice, may grant a variance under section 4468 of the Act. If a non-complying structure is partially destroyed by fire or other catastrophe, it may be repaired or otherwise reconstructed in the footprint of its original construction.

Section 270 - Prohibited Uses

To further the purposes of this ordinance, and to further clarify other sections and provisions contained in this ordinance, the following uses shall be expressly prohibited in the Town of Mendon:

- A. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubber, offal or dead animals, except such as result from the normal use of the premises if not a public nuisance, and except municipal collection sites;
- B. Junk yards, automobile graveyards, or places for the collection of scrap metal, paper, rags, glass or junk for any purpose;
- C. Use of basement of an uncompleted structure, wholly or partially below the grade of the lot upon which it is located for dwelling purposes;
- D. Crematory;
- E. Bulk petroleum or petroleum products stored in liquid form for sale in tanks above ground;
- F. Distilling of bones, fat or glue or gelatin manufacturing;
- G. Industrial, agricultural, commercial, or manufacturing activities, any use of which is dangerous by reason of fire or explosion, or injurious, noxious, or detrimental to the neighborhood by reason of excessive emission of dust, odor, fumes, smoke, wastes, refuse, matter, noise, or vibration;
- H. Mobile businesses from cars, trucks, trailers and temporary retail stands;
- I. Occupancy of travel trailers for dwelling purposes.
- J. Placing or keeping of unregistered motor vehicles, uninspected motor vehicles, inoperable motor vehicles, scrap metal, appliances, waste within view of any public or private road, excepting driveways serving only one (1) residence.

The inclusion of this section of prohibited uses shall not be construed to damage the intent of Article V. Only those uses listed in Article V are permitted.

ARTICLE III: ADMINISTRATION AND ENFORCEMENT

Section 310 - Administrative Officer

An Administrative Officer shall be appointed to administer the regulations, as provided for in Section 4442 of the Act. 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.

An Acting Administrative Officer may be appointed as provided in Section 4442(b) of the Act and shall have the same responsibilities as the Administrative Officer in his or her absence.

Section 320 - Zoning Permit

No land development may commence, unless a zoning permit shall have been duly issued by the Administrative Officer, as provided for in Section 4443 of the Act.

320.1 Applications:

- A. All applications for a zoning permit shall be accompanied by two copies of a sketch plan on a scale of 1" to 20', showing the dimensions of the lot to be built on, location of the building and accessory buildings to be erected, a surveyor's plot plan of the property, if available, and such other information as may be necessary to determine and provide for the enforcement of these regulations. The Administrative Officer may waive or modify these scale requirements. No application shall be deemed to be complete until all fees due hereunder, and any other fees due to the Town of Mendon, are paid in full.
- B. Every application for a zoning permit in the flood hazard area shall contain the following information:
 - 1. Plans drawn to scale showing the existing and proposed land contours, streams, roads, other pertinent physical features, buildings and structures.
 - 2. The elevation of the lowest floor including basement of new or substantially improved structures and confirmation as to whether such structure contains a basement.
 - 3. Proposed location of fill and/or storage of materials.
 - 4. Proposed floodproofing measures and the level to which any structure will be floodproofed.

5. Base flood elevation for subdivisions and developments which involve more than 50 lots or 5 acres (whichever is smaller).
6. The status of all necessary permits required by Federal and/or State law.
7. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
8. Certification from a registered Engineer or Architect that the structural design, specifications and plans have been reviewed and that the design and proposed methods of construction are in accordance with accepted standards of protection for meeting Section 532.
9. Any clarifying or supplementary information and data necessary to pass upon the application.

320.2 Issuance of Permit: The Administrative Officer shall not issue a zoning permit unless an application, fee, plot plan, a permit issued under the town of Mendon Sewage Ordinance (if required by the proposed development), a permit required by section 14 of the town of Mendon Highway Protection Ordinance (if required by the proposed development) and any other approvals required by these regulations have been properly submitted. The Administrative Officer shall within thirty (30) days of submission of the completed application, data and approvals, and payment of all fees due hereunder, either issue or deny a zoning permit. If denied, the Administrative Officer shall so notify the applicant in writing, stating his reasons therefor. If the zoning permit is approved, construction must be commenced within one year of its date of issuance and completed within two years of issuance of the permit or the zoning permit shall become null and void and reapplication for a new permit will be required. If the Administrative Officer fails to act with regard to an application for a permit within thirty (30) days, a permit shall be deemed issued on the 31st day.

Each zoning permit issued under this section shall contain a statement of the period of time within which an appeal may be taken.

Within three (3) days following the issuance of a Zoning Permit, the Administrative Officer shall post a copy of the permit in at least one public place in Mendon until the expiration of 15 days from the date of issuance of the permit and the applicant shall post a copy of the permit at the premises for the duration of the applicable appeal period.

320.3 Special Requirements for Development in the Flood Hazard District.

In addition to the requirements of Section 320.2 the Administrative Officer shall:

- A. Prior to issuing a permit, submit a copy of the application to the Vermont Department of Water Resources and Environmental Engineering in accordance with 24 V.S.A. 4409. A

permit may be issued only following receipt of comments from the Department or the expiration of 30 days from the date the application was mailed to the Department, whichever is sooner.

- B. Notify adjacent communities and the Vermont Department of Water Resources and Environmental Engineering shall be notified at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse and send copies of such notification to the Administrator of the Federal Insurance Administration.
- C. Assure that all necessary permits be obtained from those governmental agencies from which approval is required by Federal or State law;
- D. The Administrator shall also:
 - 1. To the extent possible, submit to the Federal Emergency Management Administration the information required by the Federal Emergency Management Administration Report Form with respect to the administration and enforcement of these flood hazard area bylaws. A copy of the Report shall be submitted to the State coordinating agency.
 - 2. Maintain a record of:
 - a. all variance actions, including justification for their issuance;
 - b. all permits issued for development in areas of special flood hazard;
 - c. the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings;
 - d. the elevation, in relation to mean sea level, to which buildings have been floodproofed; and,
 - e. all floodproofing certifications required under this regulation.

320.4 Effective Date: No zoning permit shall take effect until the time for appeal has passed, or in the event that a notice of appeal is filed properly, such permit shall not take effect until final adjudication of said appeal, except that zoning permits issued as a result of a decision by the Board of Adjustment shall become effective immediately.

320.5 Permits Applied for During Bylaw Amendment Period: If a public notice is issued with respect to the amendment of these regulations, the Administrative Officer shall not issue any zoning permit for the period commencing upon the date of that public notice of the Selectmen's hearing and ending upon the effective date of the adoption or rejection of the amendment except with the written consent of the legislative body given after public hearing upon public notice.

320.6 Certificate of Occupancy

- A. Requirement. It shall be unlawful to use, occupy or permit the use or occupancy of any land or structure or part thereof created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy is issued therefor by the Administrative Officer, stating that the proposed use of the land or structure conforms to the provisions of this Ordinance and the terms of any and all permits issued hereunder. A Certificate of Occupancy shall not be issued until the following conditions are met:
1. A certificate of compliance is submitted by a professional engineer or by the District Specialist of the Vermont Association of Conservation Districts (VACD) that the construction of any wastewater treatment system has been completed in accordance with the town of Mendon ordinance relating to sewage disposal or, if none, then in accordance with the regulation of the Division of Protection, Vermont State Agency of Environmental Conservation or of the VACD, where applicable.
 2. State of Vermont Department of Labor and Industry occupancy approval letter pursuant to Section 8(4) of the Vermont Fire Prevention Code (effective 1/1/80 or as amended) is submitted for all structures requiring such approval by the Vermont Fire Prevention Code.
- B. Issuance. Within five (5) days after notification that a building or structure or premises or part thereof is ready for occupancy or use, it shall be the duty of the Administrative Officer to make a final inspection thereof and issue a Certificate of Occupancy if the land, building, structure, or part thereof is found to conform with the provisions of this Ordinance.
- C. Refusal. If the Administrative Officer, after such final inspection, refuses to issue a Certificate of Occupancy, he shall state such refusal and cause therefor in writing and immediately mail notice of such refusal to the applicant at the address indicated on the application.

Section 330 - Referral to State Agencies

In accordance with Section 4409(c) of the Act, as amended from time to time, no zoning permit for the development of land of the types set forth in Section 4409(c), or located within areas designated in Section 4409(c), may be granted prior to the expiration of a period of thirty (30) days following the submission of a report to the state agency designated in each case, describing the proposed use, the location requested and an evaluation of the effect on such proposed use of the municipal plan and on the regional plan, if any. Section 4409(c) of the Act, as amended from time to time, is hereby incorporated herein by this reference as though set forth herein in full.

Section 340 - Violations

Violations of these Regulations shall be regulated as prescribed in Sections 4444 and 4445 of the Act.

Section 341 - Enforcement

Notice of violations and enforcement thereof, including the imposition of fines, shall be governed by §4444 and 4445 of the Act and those statutes, as amended from time to time, are hereby incorporated here by this reference as though set forth in full herein.

Appeals shall be governed under Chapter 117, Sub-chapter 8 of the Act, and include the right to stay enforcement under §4466 of the Act. All the aforementioned statutes, as amended from time to time, are hereby incorporated herein by this reference as though set forth in full.

Nothing contained in these provisions shall limit other legal and equitable remedies available to the Town.

Section 350 - Board of Adjustment

There is hereby established a Board of Adjustment of five (5) members which may consist of the members of the Planning Commission. Where the Planning Commission does not serve as the Board of Adjustment, members of the Board of Adjustment shall be appointed by the legislative body. Vacancies shall be filled by the legislative body for unexpired terms and upon the expiration of terms. Each member of the Board may be removed for cause by the legislative body upon written charges and after a public hearing.

350.1 Powers and Duties of Board of Adjustment:

The Board of Adjustment shall have the following powers and duties:

- A. To hear and decide appeals including, without limitation, where it is alleged that an error has been committed in any order, requirement, decision or determination made by an administrative officer in connection with the enforcement of this ordinance;
- B. To hear and grant or deny a request for a variance;
- C. To hear and grant or deny request for zoning permit for a conditional use.
- D. Approve the repair, relocation, replacement, or enlargement of a non-complying structure within a regulated flood hazard area, subject to compliance with Sections 350.2E and 532.
- E. To rule on applications regarding non-conforming uses under Section 250.

For all matters except appeals the applicant shall be required to notify owners of all property adjacent to the premises subject to the application by certified mail, return receipt requested, or by personal service by a law enforcement officer at least 10 days prior to the hearing of the Zoning Board of Adjustment. For purposes of this provision, property separated from the subject premises by a road, body of water or similar feature shall be considered to be adjacent to the subject premises. Provided the applicant has made all reasonable attempts to provide this notice by certified mail, return receipt requested (and by first class mail if to a post office box), at the address provided on the town of Mendon grand list and at the physical street address of the property the Zoning Board of Adjustment may waive actual notice and the requirement of providing proof thereof.

350.2 Appeals and Variances and Non-Complying Structures in Flood Hazard District.

- A. An interested person may appeal any decision or act taken by the Administrative Officer by filing a notice of appeal with the secretary of the Board of Adjustment or the clerk of the municipality if no such secretary has been elected within fifteen (15) days of the date of such decision or act. An interested party shall include the applicant, the municipality, adjacent property owners, and persons in the immediate neighborhood concerned with compliance with the municipal plan, any 10 persons owning real property within the municipality who petition to the Board of Adjustment that relief granted will not be in compliance with the municipal plan, any state agency owning property or an interest within the municipality, the Agency of Development and Community Affairs.
- B. The Board of Adjustment shall set a date and place for a public hearing on an appeal which shall be within sixty (60) days of the filing of the notice of appeal by the appellant under Section 4465 of the Act.
- C. On an appeal for a variance from the provisions of a zoning regulation, the Board may grant such variance in accordance with sec. 4468 of the Act as it may be amended from time to time.
- D. Variances in the Flood Hazard District
 - 1. The Board shall grant a variance in the Flood Hazard District only:
 - a. in accordance with the provisions of Section 350.2.C; and,
 - b. upon determination that the variance will not result in increased flood levels; and
 - c. upon determination that the structure or other development is protected by methods that minimize flood damages during the base flood and;

2. For approved variances, the Secretary of the Board of Adjustment shall notify the applicant and include on the permit a notation that:
 - a. the construction of a structure below the base flood elevation will result in increased premium rates for flood insurance;
 - b. such construction below the base flood elevation increases risk of life and property; and,
 - c. the structure does not conform to the bylaws pertaining thereto and will be maintained at the risk of the owner.

E. Non-complying Structures in Flood Hazard District

1. The Board shall grant a permit only if it finds that:
 - a. the repair, relocation, or enlargement of such non-complying structure is required for the continued economically feasible operation of a nonresidential enterprise; and
 - b. the repair, relocation, or enlargement of a non-complying residential or nonresidential structure will not increase flood levels in the regulatory floodway, threaten the health, safety, and welfare of the public or other property owners.
2. Issuance of Permits:
 - a. The permit so granted shall state that the repaired, relocated, or enlarged non-complying structure is located in a regulated flood hazard area, does not conform to the bylaws pertaining thereto, may not be eligible for any flood insurance which may pertain to regulated flood hazard areas, and will be maintained at the risk of the owner; and,
 - b. A copy of such permit shall be affixed to the copy of the deed of the concerned property on file in the municipal clerk's office.

- F. The Board shall render its decision, which shall include findings of fact, within forty-five (45) days after completing the hearing and shall within that period send to the appellant, by certified mail, and to all parties appearing and having been heard at the hearing, a copy of the decision. A copy of the decision shall be filed with the Administrative Officer and the clerk of the municipality. If the Board does not render its decision within forty-five (45) days, the Board shall be deemed to have rendered a decision in favor of the appellant.

- G. An interested party under sec.4464 of the Act may appeal a decision of the Board to the Environmental Court in accordance with sec 4471 of the Act as it may be amended from time to time.

Section 360 - Conditional Uses

No zoning permit shall be issued by the Administrative Officer for any use or structure which requires conditional use approval until the Board of Adjustment grants such approval. In considering its action, the Board shall make findings upon specific standards set forth in the regulations and the board must find that the proposed use shall not adversely affect:

- A. The capacity of existing and planned community facilities;
- B. The character of the area affected;
- C. Traffic on roads and highways in the vicinity;
- D. Bylaws then in effect;
- E. Utilization of renewable energy resources.

In making its findings with respect to the foregoing specific standards the Board may include requirements as set forth in sec. 4407(2) of the Act as it may be amended from time to time.

All dimensional and general requirements of the district apply to conditional uses, unless they are superseded by stricter requirements.

In addition the Board may attach such additional reasonable conditions and safeguards in conformance with sec. 4407(3) of the Act as it may be amended from time to time.

In granting such conditional use approval the board may attach such reasonable conditions as it deems necessary to implement the ordinance. The Board shall hold a public hearing upon public notice on the application and shall act to approve or disapprove the application within forty-five (45) days after the final public hearing. Failure to so act within such period shall be deemed approval.

See Sections 550 - 562.

Section 370 - Site Plan Approval

No zoning permit shall be issued by the Administrative Officer for any use or structure, except for one-family and two-family dwellings, until the Planning Commission grants Site Plan Approval. In case of accessory use for one or two family dwellings the Planning Commission may waive or modify the following:

370.1 Submission of Site Plan Map and Supporting Data

The Owner shall submit two sets of site plan maps and supporting data to the Planning Commission which shall include the following information presented in drawn form and accompanied by written text:

- A. Name and address of the owner of record and adjoining lands, name and address of person or firm preparing the map, north point, date, and scale of map not less than 1" to 20' unless the Planning Commission determines that a different scale is needed to adequately show the sizes and relationship of the various parts of the plan.
- B. Survey of the property showing existing features, including contours, structures, streets, utility easements, rights of way, land use and deed restrictions.
- C. Site plan showing proposed structure(s), 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 written statement from the city of Rutland Fire Department (or such other entity that may be responsible for fire protection in Mendon) that the development is not of a nature such that adequate fire protection will not be available.

370.2 Site Plan Review Procedures

In considering its action, the Planning Commission shall consider all relevant zoning provisions as well as all other Town ordinances and bylaws and may impose appropriate conditions and safeguards only with respect to the items set forth in §4407(5) of the Act as amended from time to time. The provisions of §4407(5) of the Act are incorporated herein by this reference as though set forth in full.

In considering the specific items currently set forth in §4407(5) of the Act the Planning Commission may consider the following:

- A. Maximum safety of vehicular circulation between the site and the street network. Particular consideration shall be given to visibility at intersections, to traffic flow and control, to pedestrian safety and convenience, and to access in case of an emergency.
- B. Adequacy of circulation, parking and loading facilities. Particular consideration shall be given to the items in (A) above and effect of noise, glare, or odors on adjoining properties. The standards under Section 403 shall also be required.
- C. Adequacy of landscaping and screening with regard to achieving maximum compatibility and

protection of adjacent property. The standards of Section 406 shall be required. Particular consideration shall be given to preservation of existing vegetation, visibility of unsightly or incompatible areas from the road and adjoining properties and the adequacy of landscaping materials to meet seasonal conditions, soil conditions and light on the site.

D. Any steps necessary to protect the utilization of renewable energy resources.

The foregoing shall not prevent the Planning Commission from considering, and from imposing appropriate conditions and safeguards for, any other specific items that may be set forth in §4407(5) of the Act as it may be amended from time to time.

The Planning Commission shall act to approve or disapprove any such site plan within sixty days (60) after the date upon which it receives the completed application for the proposed development, and the failure to so act within such period shall be deemed approval.

Appeals from a decision of the planning commission shall be governed by sec. 4475 of the Act as it may be amended from time to time.

ARTICLE IV: 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 400 - Requirements of the Act

In accordance with Sections 4406 and 4409 of the Act, the following shall apply:

400.1 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 (1/8) acre in area with a minimum width or depth dimension of forty (40) feet.

400.2 Required Frontage

No land development may be permitted on lots which do not either have frontage on a public road or, with the approval of the Planning Commission, access to such a road by a permanent easement or right-of-way at least twenty (20) feet in width.

400.3 Home Occupation

Notwithstanding anything else in these Regulations, these Regulations shall not prevent a resident from using a minor portion of a dwelling for an occupation which does not change the character of the residential district.

A home occupation may be carried on subject to the following:

- A. The business shall be operated wholly within the principal building;
- B. Not more than two persons who are not residents of the dwelling may be employed in the business, and in any event the business shall not employ more than five employees including residents and non residents;
- C. Obnoxious or excessive noise, smoke, vibration, dust, drainage, glare, odors, electrical interference or heat that is detectable at the boundaries of the lot on which the dwelling is located shall not be generated;
- D. No traffic shall be generated in substantially greater volume than normally exists in the neighborhood;

- E. A person shall not commence a home occupation without a Zoning Permit and site plan approval from the Planning Commission;
- F. No storage or display of goods shall be allowed outside existing buildings;
- G. Off-street parking shall be provided as required in Section 403;
- H. Any sign used shall be no larger than 12" X 24", in addition to complying with Section 404.

Section 402 - Miscellaneous Requirements

402.1 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 (30) feet into the more restricted part, provided the lot has frontage on a street in the less restricted district.

402.2 Building Coverage, Open Porches, Carports, and Garages: In determining the percentage of building coverage of a lot or the size of yards, porches or carports open at the sides but roofed, and all principal and accessory buildings shall be included.

402.3 Reduction of Lot Area: No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of these regulations shall be smaller than herein prescribed for each district. The provisions of this Section shall not apply when part of a lot is taken for public purpose.

402.4 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 on the same lot.

402.5 Yards on Corner Lots: Any yards adjoining a street shall be considered a front yard for the purposes of these Regulations, and shall meet the minimum front yard requirements.

402.6 Temporary Uses and Structures: Temporary permits may be issued by the Administrative Officer for a period not exceeding one year, for non-conforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

402.7 Abandonment of Structures: Within twenty four months after work on an excavation for a building has begun or within six months after a permanent or temporary building or structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owner.

402.8 Obstruction of Vision: In all districts on a corner lot, within the triangular area formed by the intersection of two street property lines and a third 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.

402.9 Radio Towers and Height Restrictions Around Airports: No radio towers for transmitting purposes shall be allowed in any district within 2,000 feet of an aircraft landing strip. Under no circumstances shall towers or other obstructions be built in excess of forty feet in height within 2,000 feet or in excess of eighty feet in height within 3,000 feet of an aircraft landing strip.

402.10 Landfill: In any district, dumping of refuse and waste material for landfill is prohibited, except in an approved sanitary landfill. Loam, rock, stone, gravel, sand, cinders and soil may be used for landfill to grades approved by the Administrative Officer, after approval by the planning commission under site plan review.

402.11 Grading: No grading, cut or fill shall be carried out in any district which leaves the slope of the finished grade in excess of one on two. Steeper grades are subject to site plan approval.

402.12 Private Roads: All roads constructed shall be privately maintained unless built to town specifications and accepted as a town highway.

Section 403 - Parking and Loading Requirements

403.1 Off-Street Parking Space Requirements: For every building hereafter erected, altered, extended or changed in use, there shall be provided off-street parking spaces on the same or adjoining lot as set forth below:

A. Residential Uses: One family and two family dwelling units: one parking space for each bedroom plus one parking space per dwelling unit, including driveways.

3 to 9 units, Multi-family Dwelling Units: One parking space for each bedroom plus one parking space per dwelling unit.

10 to 30 units, Multi-family Dwelling Units: one parking space for each unit plus two-thirds of a parking space for each bedroom.

Above 30 units, Multi-family Dwelling Units: one parking space for each unit plus one-half parking space for each bedroom.

B. Lodging Facilities: Hotel, motel, lodge, including home occupation lodging: one parking space for every two (2) guests the building is designed to accommodate.

C. Dormitory, Fraternity, Nurses' Home, Hospital: One space for every two beds.

- D. Places of Public Assembly: Every structure used as a theater, amusement facility, auditorium, community center, club, stadium, library, museum, church, lodge halls, or other place of public or private assembly which provides facilities for seating people; one parking space for every three seats. Where there are no seats provided, one parking space shall be provided for every two hundred square feet of floor area.
- E. Commercial Businesses and Office Uses: At least two (2) square feet of parking space for each square foot of area to be used for business, excluding storage, up to a total of 5,000 square feet of parking for 2,500 square feet of area. At least one square foot of parking space for each square foot of area in excess of 2,500 square feet of business use, excluding storage. It is expressly acknowledged that it is inherently difficult to determine adequate parking requirements because of vast differences in alternative types of business. Therefore, the planning commission may require less parking than the stated requirements for good cause. If the discretionary authority granted to the planning commission under the previous sentence is, or shall become invalid, then the aforementioned requirements as set forth in the first two sentences of this Subsection 403 E shall be absolute.
- F. Restaurant, Eating and Drinking Establishments: At least one parking space for each three seats, each three standees and each three employees.
- G. Industrial, Wholesale, Warehouse, Storage, Freight and Trucking Uses: One parking space for every motor vehicle used in the business, plus one parking space for every two employees employed on the premises in the maximum shift.
- H. Outdoor Recreation: As required by the nature of the recreational activity.
- I. Ski Area Development: One Space per each nine persons per hour uphill capacity of the ski area, which shall include parking for base lodges.

403.2 Off-Street Loading Space Requirements: For every building hereafter erected, altered, extended or changed in use for the purpose of business, trade, or industry there shall be provided off-street space for loading and unloading of vehicles as set forth below.

- A. Hotels, Motels, Hospitals, Commercial, Business, Service and Industrial Establishments: One off-street loading space for every ten thousand square feet of floor area.
- B. Wholesale, Warehouse, Freight and Trucking Uses: One off-street loading space for every seven thousand five hundred square feet of floor area.

403.3 Additional Parking and Loading Space Requirements

- A. With the approval of the Planning Commission parking spaces may be provided by the applicant on other property, provided such land lies within three hundred feet of an entrance to

the principal building.

- B. Parking spaces for any number of separate uses may be combined in one parking lot, but the required space assigned to one use may not be assigned to another at the same time, except upon approval of the planning commission.

Section 404 - Sign Regulations - Outdoor Advertising

404.1 Purposes and Policy: In order to promote the public health, safety, and other aspects of the general welfare, it is the public interest to provide information about and help guide travellers to public accommodations and services, other businesses and points of scenic, historic, cultural, educational and religious interest. To provide that information, it is the policy of the Town of Mendon and the purpose of this section:

- A. To prohibit the indiscriminate use of outdoor advertising.
- B. To regulate the size, construction, and type of outdoor advertising.
- C. To promote commercial sign plazas in appropriate locations.
- D. To augment the provisions of 10 V.S.A. Chapter 21.

404.2 Definitions: As used in this section, the following terms are defined as set forth:

- A. "Erection" of a sign shall include erection, construction, alteration, modification, removal, replacement, and renovation, except that the sign may be repainted or stained to preserve the sign without falling under the provisions of this section.
- B. "Official business directional sign" means a sign erected and maintained by the state to indicate to the travelling public the route and the distance to public accommodations, commercial services for the travelling public and points of scenic, historic, cultural, educational and religious interest.
- C. "Outdoor advertising" means a sign which advertises, calls attention or directs a person to a business, association, profession, commodity, product, institution, service, entertainment, person, place, thing, or activity of any kind whatsoever, and is visible from a highway or other public right-of-way.
- D. A "sign" is any structure, display, device, or representation which is designed or used to advertise or call attention to anything, person, business, activity, or place and is visible from any highway or other right-of-way. It shall include lettering or designs affixed to a building's walls, roof, or the like, whether by paint or by other structural device. It does not include the flag, pennant or insignia of any nation, state, or town. Whenever dimensions of a sign are specified,

they shall include panels and frames, but not the open space beneath the sign, or the supporting structure.

- E. "Sign Plaza" means any two or more signs grouped together on one support structure.
- F. "Traffic control sign or device" means an official route marker: guide sign, warning sign, or sign directing traffic to or from a bridge, ferry, or airport, or sign regulating traffic, which has been erected by officers having jurisdiction over the highway.
- G. "Flat Sign" means a sign, whether it consists of letters on a separate structure or simply letters attached to the wall of a building, that is attached to the exterior wall of a building and is supported primarily by the surface of the wall, the readable surface thereof which is parallel to the wall.

404.3 Restrictions and Regulations: No outdoor advertising shall be erected by any person in the Town of Mendon unless said outdoor advertising shall conform to the following restrictions:

- A. A permit application shall be filed with the administrative officer accompanied by a filing fee, set by the Selectmen, which shall include a sketch of the proposed sign with dimensions, height, location, description of support and landscaping plans.
- B. If the application shall comply with the following, the permit shall be issued.
- C. All signs shall be of wood construction, and shall not exceed forty-eight (48) square feet in area. No one side of the sign shall exceed 10 feet.
- D. No person shall erect more than one sign within 500 feet of another erected by the same person, on the same property.
- E. A business which has in excess of 500 feet of road frontage, thereby being eligible for more than one sign, may, in lieu of multiple signs, request one large sign with an area not exceeding 30 square feet for each 500 feet of road frontage, and next partial increment thereof, however, in no event, exceeding 100 square feet.
- F. There shall be no luminous, fluorescent or day-glo lettering or background on any sign and all lighting shall be spot or other directed light, placed to avoid glare to passing traffic.
- G. No portion of any sign shall exceed a distance of fifteen (15) feet above ground level or the level of the highway, or whichever is higher.
- H. The sign support post may be of metal, concrete, or wood, and shall be of sturdy construction so as to not imperil passersby.

- I. No sign shall be placed closer to the highway right-of-way limits than five (5) feet.
- J. Multiple businesses located on a single property shall group their signs on a common set of supports.
- K. In the event a sign plaza is required, the following shall apply:
 - 1. The total area shall not exceed 75 square feet for two businesses. No one side shall exceed 12 feet.
 - 2. The total area shall not exceed 105 square feet for three businesses. No one side shall exceed 14 feet.
 - 3. The total area shall not exceed 120 square feet for four or more businesses. No one side shall exceed 15 feet.
 - 4. In addition thereto, each business shall per permitted a eight (8) square foot sign for identification at its entrance or on its storefront.
- L. No credit card or affiliation signs shall be permitted. Nothing shall be hereby construed to prevent advertising of such credit cards or affiliations within the body of the permitted sign.
- M. Affiliation signs or similar national rating signs, such as Best Western, Triple AAA, Mobil, (but specifically not signs advertising particular products), are acceptable so long as they are physically appended to an otherwise acceptable sign or signpost or the building. There shall not be permitted more than two such signs per business, and each sign shall be no more than three (3) square feet.
- N. Notwithstanding the foregoing, awnings may be constructed in addition to signs allowed under this Section 404.3. An awning is a roof-type structure made of canvas or similar material over a window or door that may contain the proprietor's logo, the name of the business, or the type of the business. The total space of letters and/or the logo on all awnings combined shall not exceed 25% of the area that would be allowed under the sign ordinance. The awning shall not be erected to create additional business space and shall meet the set-back requirements. An awning shall be in proportion to the door or window area that it covers and shall be attached to the building.
- O. No temporary signs or interim signs may be allowed except as provided hereby:
 - 1. Temporary signs may only be used to advertise a special event, such as a sale or a special product offer or special rate:
 - 2. Temporary signs may not exceed eight (8) square feet, with no one side exceed five (5) linear feet. A temporary sign may be double-sided.
 - 3. No more than one sign may be displayed by any one business at any one time.

4. Construction may be of wood, plastic, canvas, or metal.
 5. Each business may display a temporary sign for a total of six (6) times per year, or for a total period of sixty (60) days per year, whichever limit is reached first.
 6. Before any temporary sign is allowed, the business must have on file with the Administrative Officer, a completed registration form and the business must pay any fee therefor to be established by the Selectmen. A new registration form shall be required each time a temporary sign is to be displayed.
- P. In addition to all other signs allowed hereunder there shall also be allowed the signs set forth in the Schedule of Uniform Signs which may be only displayed according to the dates set forth in that schedule. The Schedule of Uniform Signs is attached hereto and incorporated herein by this reference. Because of the difficulty of reproducing color photographs in these regulation, there shall also be color photographs of each sign on display in the office of the Mendon Town Clerk and these color photographs shall represent the official requirements as to sign design and color. Reference is hereby had to the aforementioned color photographs and those photographs are incorporated herein by this reference as though set forth in full herein. The signs described above shall be subject to the following requirements:
1. There shall be no application, registration, or fee required for the display of these signs except as described herein for temporary or interim signs.
 2. There shall be allowed only one uniform sign for each structure containing an otherwise approved business sign or sign plaza.
 3. The dates described in the Schedule of Uniform Signs shall be interpreted strictly and the display of any sign not within the approved dates shall constitute a violation of this zoning bylaw.
 4. The color and design of the signs must match exactly with those shown on the Schedule of Uniform Signs and the photographs on display in the office of the Mendon Town Clerk as described above. Any deviation from the allowable design and color shall constitute a violation of this zoning bylaw.
 5. These signs shall be subject to the height requirements contained in Section 404.3(G) and the distance to right-of-way requirements contained in Section 404.3(I).
 6. These signs must be constructed of John Boyle Co. "Ultrafab" polyester or another substantially identical fabric and no other material. The signs must have an exact vertical height of sixty (60") inches and exact horizontal length of thirty (30").
 7. These signs may only be displayed on a single, vertical pole, or appended to an existing

approved wooden advertising sign, or appended to a vertical wall of a building. Rigid horizontal bars shall anchor the top and the bottom of the sign throughout the entire thirty (30") inch horizontal length to prevent waving or sagging.

8. Any person displaying these signs shall specifically not have the ability to display any temporary or interim sign under Section 404.3(O). Instead, that person shall have the ability to utilize the temporary or interim signs shown on the Schedule of Uniform Signs, which temporary or interim sign shall be appended over the allowable portion of the Uniform Sign described herein. These temporary or interim signs shall be subject to the duration and registration requirements of Section 404.3(O)(5) and Section 404.3(O)(6).
 9. Such signs shall not be displayed in a tattered, torn, or substantially faded condition.
 10. This Section 404.3(P) shall be initially in effect and for an experimental period of three (3) years, during which no rights as a non-conforming use or non-complying structure shall accrue to any person or entity displaying the signs described herein. At the end of the herein described three (3) year period, the Town, any political subdivision thereof, or a group of residents according to the laws of the State of Vermont, may initiate action to revoke or amend Section 404.3(P) and said revocation or amendment, if approved, shall be binding upon all persons or entities then displaying the signs without the aforementioned rights which would otherwise accrue for non-conforming uses or non-complying structures. The purpose of this section is to provide the Town of Mendon, the businesses displaying the signs, the businesses not displaying the signs, and all residents of Mendon, to assess the performance of the signs, the conformance to this Section 404.3(P) by those displaying the signs, and the desirability of continuing the allowance of these signs. If no action is taken by the Town of Mendon, any political subdivision thereof, or any group of residents according to the laws of the State of Vermont, between the third and fourth anniversary of the effective date of these regulations, this Section 404.3(P) (10) shall be null and void.
- Q. Any commercial signs for pre-existing commercial uses located outside of the commercial district or the village district, shall not exceed eight (8) square feet, with no one side exceeding five (5) linear feet.
- R. Non-commercial signs, including, but not limited to, signs identifying residential developments, shall not exceed five (5) square feet, with no one side exceeding three (3) linear feet.
- S. In addition to all other signs allowed hereunder, there shall also be allowed "open flags" according to the terms and restrictions set forth as follows:
1. The flags may display no other language or symbols of any kind other than the word "open".

2. The maximum size of the flags shall be 4 feet in length and 2 feet in width. The pole supporting such flag shall be no longer than 4 feet.
 3. The flags may only be displayed when at least one business at the premises is open for business and, therefore, must be removed on a daily basis following the close of business.
 4. The flags must be in a condition such that they have no tears, rips or frayed material whatsoever.
 5. For single businesses, the pole for the flag must be placed on an existing sign or on the business structure itself.
 6. For multiple business locations, the pole for the flag must be on an existing sign or sign plaza. In addition thereto, for multiple business locations, each such business at the location may display a plaque on the outside of the business structure utilizing the word "open" and such plaque shall be no larger than 1.5 square feet.
 7. There shall be no requirement for a permit for an open flag. However, a violation of this section shall constitute a violation of this zoning bylaw and subject the offending party to enforcement hereunder.
- T. In addition to all other signs allowed hereunder, there shall also be allowed "flat signs", as defined above, according to the terms and restrictions set forth as follows:
1. The structure and lettering shall be of wood, metal, or plastic.
 2. The sign may not be lit from within. Neon signs and signs of a similar nature are not allowed.
 3. The signs may be erected on any exterior wall of the building which contains the business that is being advertised.
 4. The maximum size of all flat signs combined on any building shall be thirty two square feet. The size shall be determined by measuring the smallest rectangle that can encompass all the letters and any other markings on a sign.
 5. The maximum height of any letters on a flat sign is twelve inches.

404.4 Removal of Signs: Any sign or sign plaza, including the physical structure thereof and the lettering thereon, shall be removed by the owner of the property if it has not been lawfully utilized as outdoor advertising with respect to a business on the property for a period of nine (9) consecutive months. This provision shall apply to all signs and sign plazas irrespective of whether they were in

existence prior to the effective date of this provision. Thereafter, any application for a sign or sign plaza under this sec. 404 shall be governed by the provisions of this sec. 404 in effect at the time of the application and no special rights or exceptions beyond the scope of sec. 404 shall apply based on the fact that there may have previously been a sign or signs on the premises.

404.5 Exclusions: Nothing in this section shall be construed to apply to:

- A. Official business directional signs.
- B. Traffic control signs.
- C. Signs advertising the sale of any residential or business premises, provided such sign is located upon the advertised premises.
- D. Entrance/exit signs having an area of not more than two (2) square feet.

Section 405 - Performance Standards

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.

405.1 Noise: No noise which is detectable at or beyond the property line and represents a significant increase in noise levels in the vicinity of the development so as to be incompatible with the reasonable use of the surrounding area shall be permitted.

405.2 Odor: No emission of objectionable odor beyond the property line of a premises shall be discharged, caused, allowed or permitted.

405.3 Fly Ash, Dust, Fumes, Vapors, Cases, Other Forms of Air Pollution: No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property which can cause any excessive soiling, at any point on the property of others.

405.4 Vibration: No vibration shall be permitted which shall cause or result in any noticeable, clearly apparent vibration of or on the property of another landowner under normal conditions.

405.5 Glare, Lights, Reflection: No glare lights or reflection shall be permitted which are a nuisance to other property owners or tenants or which could impair the vision of a driver of any motor vehicle or which are detrimental to public health, safety and welfare.

405.6 Fire, Explosive or Safety Hazard: No fire, explosive or safety hazard shall be permitted which

significantly endangers other property owners or which results in a significantly increased burden on municipal facilities.

405.7 Any property improvement shall direct, divert or maintain water flow so that no damage or pollution is caused to other property by surface or subsurface waters.

Section 406 - Landscaping Requirements

Landscaping required in all districts under these regulations to be installed and maintained in front, side and rear yards shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas and ground cover.

All such landscaping shall be maintained in a healthy growing condition, with ground cover or grassed areas.

Following are the minimum landscaping requirements.

- A. Where any land use in a non-residential district abuts land in any residential district, a strip of land, at least twenty-five feet in width shall be maintained as a landscape area in the front yard, side yards and rear yard which adjoin these districts.
- B. Where any non-residential land use in a residential district abuts any residential land use in a residential district, a strip of land at least fifteen feet in width shall be maintained as a landscape area in the front yard, side yards and rear yard which adjoin these uses.
- C. In the village district and the commercial district each lot or use shall have a strip of land at least fifteen feet in width in the front yard and at least ten feet in width in the rear and side yards which shall be maintained as a landscape area.
- D. In any planned unit development as required by the planning commission.
- E. A buffer of land not less than fifty (50) feet wide shall be established between the hiking trails that are designated on the Mendon Town Map and adjacent residential or commercial uses on each side of these trails. Within the buffer the following uses are prohibited: The erection of any structure, the clear-cutting of trees, and any, other use that would adversely affect the scenic or natural character of one of these trails.

Section 407 - Mobile Homes

It shall be unlawful for any person to park a mobile home on any public or private property, except in accordance with these Regulations as follows:

- A. Upon approval by the Zoning Administrative Officer, a mobile home may be located on the

construction site of a new residence for a period not to exceed 6 months, if in the opinion of the Administrative Officer, not to do so would cause a hardship.

- B. A mobile home shall be allowed where single family residences are permitted, provided such use is in compliance with all other relevant provisions relating to single family residences.

Section 408 - Travel or Camping Trailers

It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up coach, motor home on any public or private property, except in accordance with these regulations as follows:

- A. In an approved camping trailer sales lot.
- B. The owner of a trailer may park it on his own property, in the rear or side yards, providing that the trailer is parked behind the front face of the principal building and no closer than six feet to any lot line. A trailer so parked shall not be used as living quarters and shall not be hooked up to any utilities.

Section 409 - Antennas and Similar Structures

A residential antenna attached to the roof shall not require a permit and does not have to meet building height requirements.

A free standing antenna or a dish antenna shall be considered an accessory use. It shall require a building permit, and shall meet the following requirements:

- a. earth tone colors;
- b. in an unobtrusive location as possible, and;
- c. in compliance of setback requirements of lot, unless a variance is granted.

A free-standing radio or television antenna, transmitter, or relay station shall be considered a conditional use in any district and shall be exempt from the height requirements. The board of Adjustment shall require appropriate conditions to make it compatible with neighboring uses and shall consider the effect on aviation and aesthetics.

Section 410 - Spray Disposal Systems

Spray disposal systems shall be allowed in Mendon provided the following requirements are met:

- A. All proposed spray disposal activity shall have received all permits required by all applicable statutes and regulations of the State of Vermont and the United States of America, and at all times shall remain in compliance with all such statutes and regulations.

- B. A determination of gallons per day to be sprayed shall be made by the Planning Commission after reviewing all relevant facts.
- C. No spraying shall be done from, or on, any point of any property that is less than 100 feet from any property line, without the written consent of all landowners whose property is within 100 feet of the proposed spray site.
- D. In addition of all other fees, there shall be a special application fee, set by the Selectmen per acre of land dedicated to spray disposal.
- E. There shall be an annual fee set by the Selectmen per gallon sprayed during any calendar year, or portion thereof that spraying occurs. Failure to pay this fee shall result in suspension of the landowner's rights to spray hereunder. The applicant shall have the responsibility of providing metering the record gallons sprayed and shall report this data monthly to the Town Clerk for subsequent billing.

Section 411 - Ridgeline Protection

A ridgeline is the elongated crest or series of crests at the apex or the uppermost point of intersection between two opposite slopes or sides of a mountain or hill. See Ridgeline map attached.

- A. Purpose: To regulate ridgelines as defined to:
 - 1. prevent and control water pollution;
 - 2. preserve and protect ridges;
 - 3. protect animals and their habitat;
 - 4. conserve the beauty of the ridgelines;
 - 5. minimize ridge intrusions;
 - 6. achieve town and regional conservation and development objectives.
- B. Conditions: In order to achieve the above purposes, construction in ridge areas is discouraged. Any construction in the protected area of a ridgeline shall meet the following conditions:
 - 1. Any construction in the protected area of a ridgeline shall be considered a conditional use. The applicant shall submit with his application, specific site data, maps, building plans, facilities information, an erosion control plan and a landscaping plan for review by the Board of Adjustment.
 - 2. Any structures shall be sited and landscaped in such a way that the visual impact on the ridge is minimized. Before conditional use approval is given, the applicant shall demonstrate:
 - (a) that locating the proposed structure in the area of a protected ridgeline is

- necessary;
 - (b) that the height proposed for the structure is the minimum necessary to achieve its purpose;
 - (c) that maximum feasible screening with natural vegetation will be used;
 - (d) that the structure will not unduly detract from the natural beauty of the ridgelines.
3. There shall be no buildings in the protected area of a ridgeline other than lift attendant stations, first aid stations, and warming huts, none of which shall exceed 400 square feet in area.

C. Exclusions

There shall be excluded from this Section 411 any and all ski lift towers, ski unloading platforms, and lift attendant stations.

Section 412 - Planned Unit Developments and Planned Residential Developments

A. Purpose

1. The purpose of a Planned Unit Development (PUD) or a Planned Residential Development (PRD) is to promote the creative and efficient use of land with respect to topography and other natural features; encourage the preservation of open space; provide for the economical development of the site and the more efficient use of public facilities; promote an improved level of amenities, public facilities; promote an improved level of amenities, appropriate and harmonious variety, creative design, and a more attractive environment; and provide greater opportunities for better housing.
2. In accordance with 24 V.S.A. sections 4407(3) and 4404(12), and within specified districts, these zoning regulations may be modified by the planning commission to allow planned unit developments, subject to the following standards and procedures.

B. Districts and Uses

1. A PUD or a PRD may be located in these districts: the Village, and Commercial Districts. A PRD may be located in these districts: RDI, RDII, and RDIII.
2. A planned unit development may include within its area any permitted or conditional residential or nonresidential uses in the district in which it is located, subject to the building height, coverage, and floor area requirements of these planned unit development provisions. A PRD may include only permitted or conditional residential uses.

C. Standards and Criteria

1. Scenic assets and natural features such as the following shall be protected and preserved to the greatest extent feasible:
 - a. areas of archeological or historic significance;
 - b. floodplains, streams, aquifer recharge areas;
 - c. unique or unusual topographical features;
 - d. individual trees or stands of trees of unusually large size or great age.
2. A PUD or a PRD site shall be planned and developed in such a manner to reduce or eliminate negative impacts on surround property whether presently developed or not. This can be achieved through such techniques as buffer areas at the site perimeter, screening and landscaping and site design and layout.
3. Integrated architectural design shall be used for buildings, structures, landscaping, and common open areas.
4. When a PUD site includes a mixture of land uses, such as residential and/or recreational and/or commercial, the development of each use shall occur within a timetable that insures the accessory buildings (i.e. tennis courts, shops) are completed before or at the same time as the primary buildings (i.e. housing units).
5. All utilities shall be underground, unless waived by the Commission because of unusual terrain conditions.
6. Electric heat will be discouraged; active or passive solar or other conservation methods will be encouraged.
7. Principal vehicular access to a PUD or a PRD shall be from streets and roads that are capable of supporting existing and anticipated volumes of traffic, as well as traffic that will be generated by the PUD or a PRD. Access points shall be designed to provide smooth flow, controlled turning movements, and minimum hazard to vehicular or pedestrian traffic. Merging lanes, deceleration lanes, left-turn stacking lanes, and/or traffic dividers shall be provided where existing or anticipated heavy flows of traffic indicated such need. Where present or potential traffic loads indicated a need, traffic signals may be required by the Planning Commission. No streets or roads within a PUD or a PRD shall connect to exterior streets in such a way as to encourage use of minor local streets for through traffic.
8. In order to separate automobile and pedestrian circulation and to increase accessibility to common open space areas, pedestrian walkways will be provided wherever feasible. Walkways may be required adjacent to major roadways in a PUD or a PRD.

9. For emergency vehicle access, streets ending in a cul-de-sac shall not be greater than 600 feet in length, unless the roadway width is at least 28 feet and cul-de-sac turnarounds are at least 90 feet in diameter.
10. The applicant shall meet all applicable State of Vermont regulations for discharge and the design of drainage facilities, including on-site containment of storm water runoff and shall take particular care in the design of drainage facilities to preserve or enhance the quality of any adjacent bodies of water.
11. Fences and walls, made of natural materials, and/or vegetable screening should be provided at the perimeter of a PUD or a PRD, where necessary, to reduce noise, glare, or other influences having an adverse impact either on the PUD, the PUD, or on adjacent property. Screening should be of sufficient height to eliminate the impact of such adverse elements on the first floor of any use located either within or adjacent to the PUD or the PRD.
12. Significant natural features such as woodland areas, large trees natural watercourses and bodies of water, rock outcroppings, and scenic views shall be incorporated into common open space areas whenever possible. No less than 10 percent nor more than 40 percent of the total common open space area shall be suitable for intensive use as an active recreation area.
13. Dwelling units shall be assured reasonable visual and aural privacy.
14. Parking convenient to all dwelling units and other uses shall be provided pursuant to the minimum requirements of Section 403 of this zoning ordinance. Screening of parking and service areas from adjacent structures may be required by the use of trees, shrubs, hedges, and screening walls or fences. Landscaping within large parking lots shall be required.
15. Not less than 50 percent of the area of the property shall be usable open space devoted to gardens, patios, walkways, recreational areas, or forest, which are accessible and available for the collective use and benefit of the occupants of the development.
16. In calculating usable open space, the Planning Commission may determine that all or part of stream areas, bodies of water, drainage easements, and slopes in excess of 15 percent may be included by considering:
 1. the extent of these areas in relation to the area of the planned unit development or the planned residential development; and
 2. the degree to which these areas contribute to the quality, livability, and amenity of the planned unit development or the planned residential development.

A maximum of one-half of the required open space may be areas covered by water.

17. All common open space development rights in a planned unit development or the planned residential development must be conveyed to the municipality, or to a funded trust approved by the town, or to a home owner's association. The terms of the conveyance must include adequate provisions for guaranteeing:
 - a. the continued use of the land for the intended purposes;
 - b. continuance of proper maintenance of the open space; and
 - c. the availability of funds for proper open space maintenance.

18. Any Home Owner's Association shall be a nonprofit corporation with automatic ownership in the association when property is purchased in the planned until development or the planned residential development. Provisions governing the association shall include, but not be limited to, the following:
 - a. The association must be formed before the units are sold;
 - b. Membership must be mandatory for each buyer and any successive buyer;
 - c. If the common open space is deeded to the association, the open space restrictions must be permanent;
 - d. The association must be responsible for liability insurance, municipal taxes, and the maintenance of recreational and other facilities;
 - e. Owners must pay their pro rata share of the cost. The assessment levied by the association can become a lien on the property;
 - f. The association must be able to adjust the assessment to meet changed needs.

D. Dimensional Requirements

1. The minimum size of a PUD or a PRD shall be 5 acres.

2. The setback of the buildings and structures around the perimeter of the PUD or the PRD shall be 50 feet in the commercial and village districts and 200' in the residential district.

3. No greater number of dwelling units and other uses shall be included in the PUD or the PRD than would be permitted if the same site and uses were developed conventionally under the standards of Section 540, except as provided in E. below.

E. Density Increases

1. Residential increases shall be granted subject to the following conditions, which shall be treated as additive and not compounded.
2. Character, identity, and architectural and siting variation incorporated in a development shall be considered reason for density increases not to exceed 25 percent, provided these factors make a substantial contribution to the objectives of the planned unit development or planned residential development. Such variations may include, but are not limited to, the following:
 - a. Landscaping (maximum increase 9 percent). Streetscape, open spaces and plazas, use of existing landscape, pedestrian way treatment, and recreational areas.
 - b. Siting (maximum increase of 8 percent). Visual focal points, use of existing physical features, such as, topography, view, sun and wind orientation, circulation pattern, physical environment, clustering, variation in building setbacks and the underground installation of utilities.
 - c. Design features (maximum increase of 8 percent). Street sections, architectural styles, harmonious use of materials, parking areas broken by landscape features, varied use of house types.
3. In no case shall the total density increase exceed 25 percent.

F. Application, Review, and Enforcement Procedure

1. Joint Review: This PUD or PRD application process shall also constitute simultaneous review for approval of site plan review and subdivision permit.
2. Preapplication Conference
 - a. One or more preapplication conferences shall be held with the applicant, planning commission, and interested municipal officials to exchange information and reach an understanding of the nature and scope of the proposal, municipal requirements, and quantitative data necessary for a preliminary application.
 - b. The applicant shall submit to the planning commission sketch plans and basic site information with respect to proposed land uses, adjacent land uses, proposed density, and the treatment of open space.
 - c. The planning commission shall furnish the applicant with written comments and

appropriate recommendations with respect to the preapplication conference to inform and assist the applicant in the preparation of the preliminary planned unit development or planned residential development application.

3. Preliminary Development Plan Application and Review

- a. All planned unit development applications or planned residential development applications shall be submitted to the planning commission in the form prescribed by the commission. The planning commission shall charge for the processing of each application a fee established by the selectmen. This fee shall include the fee prescribed for an application for plat approval under the town subdivision bylaws.
- b. The planned unit development application or the planned residential development application shall include:
 1. A statement by the applicant describing the character of the development and the reasons for the particular approach proposed;
 2. A development schedule indicating the approximate date or number of days when construction of the planned unit development or planned residential development or stages of the planned unit development or planned residential development can be expected to begin and be completed;
 3. Quantitative data indicating the total number and type of dwelling units, parcel size, proposed lot coverage of buildings and structures, approximate gross and net residential densities, amount of usable open space, and total amount of nonresidential and institutional construction;
 4. Maps of existing site conditions, including contours at 5 foot intervals, water courses, flood plains, unique natural features, and forest cover;
 5. Proposed lot lines;
 6. The location, ground coverage, floor area size and maximum heights of all existing and proposed buildings and structures, types of dwelling units and nonresidential structures, and density per type;
 7. The location and size of all land areas to be conveyed, dedicated, or reserved as common open space, parks, recreational areas, school sites, etc.;

8. The existing and proposed pedestrian and vehicular circulation system, including off-street parking areas, service areas, loading rights-of-way;
9. Existing and proposed utility systems;
10. Method of wastewater disposal;
11. General landscaping and grading plans;
12. Unique natural features;
13. The proposed treatment of the perimeter of the planned unit development or the planned residential development, including materials and techniques used for buffers and scenery;
14. Any additional information required by the planning commission to enable it to evaluate the character and impact of the proposed planned unit development or the planned residential development.

- c. After reviewing the preliminary development plan application, the planning commission shall advise the applicant of any specific changes or additions it will require as a condition of approval of the planned unit development or the planned residential development proposal. Preliminary approval shall constitute authorization to prepare and submit a final development plan application and shall be effective for a period of one year.

4. Final Development Plan Application and Review

- a. Following approval of the preliminary development plan, the applicant shall file with the planning commission an application for final approval. The application shall include all fees and specific information on all changes in, or modifications of, the approved preliminary application.
- b. All additional materials, maps, or information required by any subdivision bylaws in effect must be included with the development application.

5. Public Hearing

Within 30 days of receipt of a final development plan application, the planning commission shall hold the first of one or more public hearings after public notice.

6. Determination

Within 45 days after the final public hearing the planning commission shall approve, modify and approve, or disapprove the planned unit development or planned residential development subdivision plat by resolution, which shall specify any conditions to which the approval is subject, or reasons for disapproval. The applicant shall be notified by certified mail.

7. The commission shall direct the Administrative Officer to issue a zoning permit for the first phase of the project within 10 days of their approval. No construction shall commence until receipt of the zoning permit.
8. Within 80 days of the planning commission's approval, the planned unit development or the planned residential development and subdivision plat shall be filed or recorded in the office of the Mendon Town Clerk.
9. Subsequent phases of the PUD or PRD project shall also require a zoning permit which shall be issued by the Administrative Officer if the application conforms to the overall PUD or PRD approval and if the terms of PUD or PRD approval have been met in previous phases.
10. Any substantive changes to an approved PUD or PRD shall be processed as a new application for PUD or PRD approval and shall meet all standards and criteria and procedural requirements.
11. In the event that terms of the PUD or PRD agreement have been violated, the Town of Mendon may, after written notice to the applicant, public notice, and due process, hold a public hearing to consider revocation of PUD or PRD approval.

ARTICLE V. ZONING DISTRICT REGULATIONS

Section 510 - Introduction

This Article summarizes the regulations for each of the Zoning Districts which are established in Article II and shown on the Official Zoning Map. Dimensional Requirements are shown in Section 540. Permitted Uses are those for which a zoning permit will be granted if they meet the dimensional requirements. Conditional Uses are those for which a zoning permit will be granted if they meet the dimensional requirements and the conditions listed for that use in Sections 552-561. For other uses permitted under the Act, see Section 400.4. Planned Unit Development may be permitted in the Village, Commercial and Residential Districts in accordance with the standards of Section (412).

Section 521 - Village District

Purpose and Description: This area of western Mendon is the most intensively developed part of town and contains several historic buildings. The existing land use is a mixture of residential, commercial, agricultural, public, and other uses. The intent of the regulations for this district is to continue a mixed-use, relatively high-density area, and to prevent traffic and parking problems from intensifying, by encouraging combined access and other measures.

Permitted Uses:

1. Public assembly, community center, town offices
2. Private clubs
3. Retail stores
4. Craft shops
5. Professional office complexes
6. Restaurant/lounge
7. Hotel, motel, lodge
8. One, two, multi-family residential
9. School
10. Religious facility
11. Post office
12. Bank
13. Recreational facilities - indoor & outdoor
14. Agriculture & forestry
15. State-licensed day care center
16. Planned Unit Developments and Planned Residential Development (see Section 412)
17. Public utility power generating plants and transmission lines; and
18. State owned and operated institutions and facilities

Conditional Uses:

1. Gravel pit (see Section 552)
2. Light industry (see Section 553)

3. Cemeteries
4. Public & private hospitals and nursing care facilities (see Section 559)
5. Mobile Home Parks (see Section 560)

Miscellaneous Requirements:

1. The number of new access points onto Route 4 should be minimized by use of shared driveways, frontage roads, or other means.
2. Parking should be located behind or beside buildings where possible.
3. Building height shall be no more than 3 stories or 30 feet, whichever is less. (See Building Height in Definitions)

Section 522 - Commercial District

Purpose and Description: The Commercial District is a portion of the Town along Route 4. It extends 500 feet back from the highway right-of-way, unless otherwise indicated on the Zoning Map. The purpose of the Commercial District is to allow for commercial-oriented growth, while maintaining the scenic qualities of Route 4.

Permitted Uses:

1. Professional office
2. Hotel, motel, lodge
3. One, two-family residence
4. Retail sales
5. Professional services
6. Public assembly use
7. Outdoor recreation
8. Forestry/agriculture
9. Religious facility
10. Restaurant/lounge
11. State-licensed day care center
12. School
13. Planned Unit Developments and Planned Residential Developments (see Section 412)
14. Public Utility Power Generating Plants and Transmission Lines; and
15. State owned and operated institutions and facilities.

Conditional Uses:

1. Gravel pit (see Section 552)
2. Light industry (see Section 553)
3. Multi-family residences (see Section 557)
4. Public and private hospitals and nursing care facilities (see Section 559)
5. Regional solid waste management facilities certified under 10 V.S.A., chapter 159 (See Section 559)

6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. sec. 6606a (see Section 559)

Miscellaneous Requirements:

1. Building height shall be no more than 4 stories or 30 feet, whichever is less. Height of building should be compatible with the terrain of the land and access to the view, especially along the south side of Route 4. (See Building Height in Definitions)
2. Development shall take place so as to minimize disturbance of the traffic flow. Shared driveways and entrances or frontage roads will be required where feasible.
3. Landscaping and tree-planting are required. This will be reviewed under site plan review and/or conditional use review.

Section 523 - Residential District I

Purpose and Description: The Residential District I contains most of the land in the Town Line Road corridor. (See the zoning map for the actual locations.) This is an area which is generally not served by sewer systems, but which is considered among the best in town for single-family residential development. Individual site features should be considered when designing development.

Permitted Uses:

1. Forestry and Agriculture
2. Residential - single-family
3. Planned Residential Developments (see Section 412)

Conditional Uses:

1. Residential - multi-family (see Section 554)
2. Gravel pit (see Section 552)

Section 524 - Residential District II

Purpose and Description: The Residential District II contains most of the land which is north of Route 4 and below 2,000' in elevation. (See the zoning map for the actual locations.) This is an area which is generally not served by sewer systems, but which is considered among the best in town for single-family residential development. Individual site features should be considered when designing development.

Permitted Uses:

1. Forestry and Agriculture
2. Residential - single-family
3. Planned Residential Developments (see Section 412)
4. Golf Courses

Conditional Uses:

1. Residential - multi-family (see Section 554)
2. Gravel pit (see Section 552)
3. All uses that are permitted (and not conditional) uses in the Commercial District (See Section 561). If it is determined that any one or more requirements of Section 561 are unlawful or unenforceable for any reason, then this conditional use #3 of Section 524 shall be null and void and no such conditional uses shall be permitted in Residential District II.

Section 525 - Residential District III

Purpose and Description: The Residential District III contains land which is south of Route 4 at Woodward Road bordered by the Commercial District and Rutland City Forest.

Permitted Uses:

1. Forestry and Agriculture
2. Residential - single-family
3. Planned Residential Developments (see Section 412)

Conditional Uses:

1. Residential - multi-family (see Section 554)
2. All uses that are permitted (and not conditional) uses in the Commercial District (See Section 561). If it is determined that any one or more requirements of Section 561 are unlawful or unenforceable for any reason, then this conditional use #2 of Section 525 shall be null and void and no such conditional uses shall be permitted in Residential District III.

Section 526 - Rural District

Purpose and Description: The Rural District is generally that portion of the town north of Route 4 which is between the elevations of 2,000 and 2500 feet. In addition to relatively high elevations, much of this area has steep slopes and shallow soils. It is the intent of these Regulations to minimize the need for new town services and to protect the land from erosion and intensive development in this area.

Permitted Uses:

1. Forestry
2. Noncommercial recreation

Conditional Uses:

1. Residential - single-family (see Section 555)

Section 527 - Wheelerville District

Purpose and Description: The Wheelerville District is a large area in the southwestern part of Mendon, most of which is accessible only from Wheelerville Road. Although the land in the district is privately owned, much of it is in the Rutland City Watershed. East Mountain, part of Bald Mountain, and some smaller hills are also included in this district. The Wheelerville area is a favorite place of residents of Mendon and the region for a wide variety of outdoor sports. Most of the area is undeveloped, and it is the intent of this regulation to keep it as a remote area to be enjoyed as recreational open space.

Permitted Uses:

1. Forestry
2. Non-commercial recreation

Conditional Uses:

1. Single-family residential uses, including seasonal camps (see Section 556)

Section 528 - East District

Purpose and Description: The East district is the eastern most part of Mendon, and is bordered by Sherburne, Plymouth, and Shrewsbury. Most of this district is between 2,000' and 2,500' in elevation. The purpose of the East District is to provide rural residential use, but in every case, not to make available town services.

Permitted Uses:

1. Forestry
2. Non-commercial recreation

Conditional Uses:

1. One, two-family residence (see Section 558)

Section 529 - Conservation I District

Purpose and Description: The Conservation I District includes Coolidge State Forest, Aiken State Forest, and the following lands: (1) lands north of U.S. Route 4 which are above the elevation of 2,500'; (2) lands in Parker's Gore to the west of the highest point of the peaks and ridges extending from the Mendon-Sherburne town line, near Killington Peak, southerly to Little Killington Peak and then easterly and then southerly to the Mendon-Shrewsbury town line near Shrewsbury Peak, which are above the elevation of 2,500'. This area is proposed for conservation, forest management, non-commercial recreational uses of various kinds and, where suitable, single family residences.

Permitted Uses:

1. Forestry
2. Non-commercial recreation

Conditional Uses:

1. Single family residential uses, including seasonal camps (see Section 562).

Miscellaneous Requirements:

1. No construction shall be allowed in this district, except for:
 - (a) limited land clearing for non-commercial recreational trails,
 - (b) access roads and temporary structures for forestry purposes,
 - (c) shelters, with at least one side open and a maximum of 200 square feet and one story high, for recreational uses, and
 - (d) fire protection facilities.
 - (e) construction for single family residential uses and seasonal camps as set forth in Section 562.
2. All construction in this district shall include erosion control measures.

Section 530 - Conservation II District

Purpose and Description: This district is an area along U.S. Route 4 which is generally unsuitable for development due to steep slopes, unstable soils, flood plains, and traffic problems.

Permitted Uses:

1. Forestry and Agriculture

Conditional Uses:

1. Single family residential uses, including seasonal camps (see Section 562).

Section 531 - City Forest District

Purpose and Description: This district includes all of the land in the Rutland City Forest as of the date of adoption of this ordinance. The City Forest land is a valuable resource for the entire Rutland area for watershed protection, recreation, open space, and forest products.

Permitted Uses:

1. Forestry
2. Non-commercial recreation
3. Snowmaking ponds, including related structures, piping and equipment.

Conditional Uses:

1. Single family residential uses, including seasonal camps (see Section 562).

Section 532 - Flood Hazard District

Purpose and Description: The Flood Hazard District includes those portions of the Town of Mendon identified as areas of designated flood hazards on the National Flood Insurance Program's Flood Insurance Rate Maps dated September 18, 1985 and replicated on the Mendon Zoning Map prepared by the Rutland Regional Commission. These maps are hereby adopted by reference and declared to be part of these regulations.

The purpose of the Flood Hazard District is to minimize losses due to flooding 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, be protected at the time of initial construction, against flood damage;
- c. Protecting individuals from buying lands that are unsuitable for their intended purposes because of flood hazard.

Permitted Uses:

The open space uses described in the following subsections 1, 2, and 3 shall be exempt from the requirements of Sec. 320.1.B (2), (4), (5) and (8) and the following "standards" to the extent that they are not prohibited by any other ordinance or regulation and provided that they: (1) do not require the erection of structures, storage of materials and equipment; (2) do not require importing fill from outside the flood hazard area; (3) do not require the channel modification or relocation; (4) do not obstruct flood flows; (5) do not increase the flood level within the floodway during the occurrence of the base flood; (6) do not increase off-site flood damage potential; and, (7) do not propose the construction of water supply, sanitary sewage or on-site waste disposal systems.

1. Agricultural uses, such as general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming and forestry.
2. Recreational uses, such as parks, campgrounds, 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.
3. Residential uses, such as lawns, gardens, unpaved areas and play areas.

4. All new construction, substantial improvement and development otherwise permitted whether defined as permitted use or conditional use in the Districts which underlie the Flood Hazard District shall be allowed only upon compliance with the following standards:
 - a. All development be designed to (i) minimize flood damage to the proposed development and to public facilities and utilities,, and (ii) to provide adequate drainage to reduce exposure to flood hazards.
 - b. Structures be (i) designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure during the occurrence of the base flood, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damage, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - c. The flood carrying capacity within any altered or relocated portion of a watercourse be maintained.
 - d. New and replacement water supply and sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - e. On-site waste disposal systems be located to avoid impairment to them or contamination from them during flooding.
 - f. New and replacement manufactured homes be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
 - g. Any proposed development within the floodway will not result in any increase in flood levels during the occurrence of the base flood.
 - h. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level.
 - i. All new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the base flood level or designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - j. All new construction and substantial improvements with fully enclosed areas below the

lowest floor that are subject to flooding be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, vales, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Section 533 - Ski Area Development District

Purpose and Description: The Ski Area Development District includes lands east of the highest point of the peaks and ridges extending from the Mendon-Sherburne town line near Killington Peak, southerly to Little Killington Peak, and then easterly, then southerly to the Mendon-Shrewsbury town line near Shrewsbury Peak, which lands are over the elevation of 2,500'. The purpose of this area is for ski area development and, where suitable, single family residences.

Permitted Uses:

1. Forestry
2. Non-commercial Recreation
3. Ski Area Development

Conditional Uses:

1. Single family residential uses, including seasonal camps (see Section 562).

Section 540 - Dimensional Requirements for All Zoning Districts (table attached)

Section 550 - Conditional Uses (Sections 552 - 561)

Section 552 - Gravel Pit

The Planning Commission will make a technical review and evaluation and submit its recommendations to the Board of Adjustment for consideration under conditional use review. The following standards shall apply to Conditional Use Review.

1. A landscaped or wooded buffer of 50 feet shall be provided along any public road or highway and along the lot line of any property with an existing residence. This provision applies to any new or expanded portion of the establishment.
2. Structures may be exempted from the maximum height regulations of the district.

3. Before approval of any new operation or extension to a sand or gravel operation, a performance bond from a company approved by the Commissioner of Banking and Insurance 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 or proposed improvements to accomplish this end.
4. Upon completion, 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 stabilized and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion to the satisfaction of the Planning Commission.
5. 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 Planning Commission.
6. No excavation, blasting or stockpiling of materials shall be located within two hundred feet of any street or other property line.
7. Because of possible noise and dust, 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.
8. All excavation slopes in excess of one on two shall be adequately fenced as determined by the Planning Commission.
9. Hours of operation shall not begin before 7:00 AM on weekdays and 9:00 AM on Sundays and holidays, and end one hour after sunset, or 8:00 PM whichever is earlier.

Section 553 - Light Industry

1. The applicant shall demonstrate that there will be no significant air, water, or noise pollution resulting from the project.
2. Connection to off-site sewer system is required if process water is used in manufacturing.
3. Maximum of one access to U.S. Route 4 per industry is permitted.
4. The maximum height of any structure shall be 48 feet.
5. Suitable landscaping is required.

6. The applicant shall demonstrate that sufficient off-street parking is provided to meet the needs of employees and customers. Separate off-street loading space is required.
7. No large use of storage of hazardous materials shall be permitted.

Section 554 - Multi-Family Residential Use in the Residential District

1. Clustering of buildings and preservation of open space is encouraged.
2. The maximum number of dwelling units shall not exceed four.
3. Acreage required is the product of the minimum lot size multiplied by the number of units, multiplied by .75.
4. Overall lot setbacks shall be 100 feet in front and rear, and 75 feet on the other sides.

Section 555 - Single-Family Residential Use in Rural District

1. Such development shall be planned to avoid areas of steep slopes, shallow soils, wetlands, and significant wildlife areas.
2. The minimum lot size is three acres.
3. Houses shall be sited in accordance with Ridgeline Protection, Section 411.
4. Any lot within 200 feet of a town road shall have minimum frontage as required by Section 540.
5. Minimum front yard setback is 50 feet.

Section 556 - Single-Family Residential Use in Wheelerville District

1. This section applies to year-round residential buildings and seasonal camps.
2. The minimum lot size for residential use is five acres.
3. Buildings and septic systems shall be set back 150 feet from streams.
4. Buildings shall be set back 100 feet from any public road and shall be screened from Wheelerville Road by vegetation.
5. Maximum building height shall be 12 feet or two stories. (See Building Height in Definitions)

6. No additional town services will be supplied in this district.
7. Houses shall be sited in accordance with Ridgeline Protection, Section 411.
8. Such development shall be planned to avoid areas of steep slopes, shallow soils, wetlands, and significant wildlife areas.

Section 557 - Multi-Family Residential Use in the Commercial District

1. The maximum number of dwelling units is six per acre.
2. A maximum of one access point onto Route 4 per development is permitted. Shared access is encouraged.
3. Vehicle and pedestrian circulation within the site shall be designed for safety, convenience, and aesthetics. Provisions for bus stops, bicycle paths, and handicapped access are encouraged.
4. A landscaped or wooded buffer shall be maintained between public roads and structures.
5. Site planning shall consider the effects of steep slopes, natural drainage patterns, solar gains, and existing natural features of the site.

Section 558 - One and Two Family Residences in East District

1. Such development shall be planned to avoid areas of steep slopes, shallow soils, wetlands, and significant wildlife areas.
2. The minimum lot size is three acres.
3. Houses shall be sited in accordance with Ridgeline Protection, Section 411.
4. Any lot within 200 feet of a road shall have minimum frontage as required by Section 540.
5. Minimum front yard setback is 50 feet.
6. Town services generally are not available.

Section 559 - Public and Private Hospitals and Nursing Care Facilities in Village and Commercial District and Waste Management Facilities in the Commercial District

1. Unsightly or incompatible land uses, such as parking lots and refuse areas, shall be screened with landscape materials suitable to withstand weather conditions, compatible with the soil conditions, and adaptable to light conditions.
2. Adequate circulation, parking and loading facilities shall be designed and constructed with particular consideration to visibility at intersections, traffic flow and control, pedestrian safety,

and access in case of an emergency.

Section 560 - Mobile Home Parks in Village District

1. A mobile home park shall have an area of not greater than five (5) acres.
2. Mobile Home Parks shall provide for individual mobile home lots, access driveways, parking and recreational open space.
3. Each mobile home lot within a Mobile Home Park shall be at least 8,000 square feet in area, and at least 70 feet wide by at least 70 feet in depth, and shall front onto an access driveway. No part of any mobile home in the Park shall be closer than 45 feet to the closest part of any other mobile home in the Park.
4. All access driveways within a Mobile Home Park must be at least 50 feet in width and have a gravel surface at least 24 feet wide and 12 inches in depth of compacted gravel.
5. Two (2) parking spaces at least 10 feet wide by at least 20 feet long shall be provided for each mobile home lot.
6. Each mobile home lot shall have an attachment for a water supply. The water supply source must be approved by the State Department of Health.
7. Each mobile home lot shall have an attachment for sewage disposal. The method of sewage disposal must be in compliance with town ordinances, state statutes and regulations, and be approved by the State Department of Health.
8. No mobile home, office or service building shall be closer to a public right-of-way than 50 feet.
9. A strip of land, at least 25 feet in width, shall be retained as a landscape area abutting all Mobile Home Park property lines. Landscaping is herein described as it is defined in Subsection 406. In addition, there shall be one mature or newly planted coniferous or deciduous tree for every 2,000 square feet of area, exclusive of the aforementioned 25 foot strip. The Planning Commission shall have discretion as to the placement of the trees.
10. No mobile home shall be parked on a lot within a Mobile Home Park closer than ten (10) feet to an interior lot line.
11. No addition shall be made to a mobile home, without a building permit. All mobile homes shall have a suitable skirt or similar device to disguise the under-side of the home.

Section 561 - Permitted Commercial District Uses in Residential District II

1. Only those uses that are permitted uses (and specifically not conditional uses) in the Commercial District shall be allowed in Residential District II.
2. The conditional uses described herein shall only be allowed if the subject premises are located in the Commercial District and Residential District II, and the portion that is in the Commercial District extends from the edge of the U.S. Route 4 right-of-way to the point where the Commercial District meets Residential District II, and the portion that is in Residential District II is contiguous with the aforementioned portion which is in the Commercial District, and the entire premises described in this sub-section 2 are under common ownership in fee simple.
3. The conditional uses described herein shall extend no more than 300 feet into Residential District II, starting from the point in the Commercial District which is farthest from the U.S. Route 4 right-of-way. For every three (3) feet of extension into Residential District Ii there shall be required two (2) feet of front yard setback, in addition to what is required by Section 540 and two (2) feet of landscaped buffer, in addition to what is required by Section 406(c). The additional landscaped buffer shall be designed primarily with deciduous trees and evergreens, with the goal of screening improvements, excepting a sign in compliance with all applicable statutes and ordinances, from the view of public highways in the winter, as well as in the summer. All trees planted in the additional landscaped buffer must be at least eight (8) feet in height.
4. The entire front yard setback and landscaped buffer, as increased by paragraph # 3 of this Section 561 shall only be used as said setback and buffer, and for no other purpose, in perpetuity, and shall be so restricted by an appropriate instrument recorded in the land records.

If the conditional use permitted by this Section 561 shall cease, and the property again is in compliance with these regulations as they relate to uses allowed in Residential District Ii (exclusive of paragraph #3 of conditional uses contained in Section 524), then the restrictions placed on the front yard setback and the landscaped buffer shall lapse, and the provisions of these regulations pertaining to the Commercial District shall again control the required setback and buffer. The Zoning Administrator shall direct the Town Clerk to make an appropriate notation in the margin of the aforementioned recorded instrument. In order for the conditional use to cease, any improvements which are not in compliance with these regulations as they pertain to other uses permitted in Residential District Ii shall be removed and the landscape shall be restored to its natural condition.

5. No access shall be permitted to any land which is subject to this Section 561 through any zoning district other than the Commercial District.
6. Except where inconsistent with the Section 561, the provisions of these regulations relating to the Commercial District shall apply to conditional uses in Residential District II.
7. If it is determined that any one or more requirements of this Section 561 are found to be invalid

or unenforceable for any reason, then conditional use #3 of Section 524, permitted conditional uses in Residential District II, shall be null and void and no such conditional uses shall be permitted in Residential District II.

Section 562 - Single Family Residential Use and Seasonal Camp Use in Conservation I District, Conservation II District, City Forest District, and Ski Area Development District

1. The minimum size lot shall be 15 acres. A lot or parcel must be legally subdivided (according to state and local laws, bylaws, and regulations) in order to qualify for the construction of a single family residence or seasonal camp. Only one such structure shall be allowed on each legally subdivided lot.
2. Buildings and septic system shall be set back 150' from streams.
3. Buildings shall be set back 100' from any public road and shall be reasonably screened by vegetation from any public road.
4. Maximum building height shall be 12' or two stories (see Building Height in Definitions).
5. Some town services may not be available in the districts.
6. Structures shall be sited in accordance with Ridgeline Protection Section 411.
7. Such development shall be planned to avoid areas of steep slopes, shallow soils, wetlands, and significant wildlife areas.

ARTICLE VI: 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.

*Abandon - Failure to use the property for its intended use.

*Accessory Use - A use or building customarily incidental and subordinate to the principal use or building and located on the same lot.

*Act - Vermont Municipal and Regional Planning and Development Act, 24 V.S.A., Chapter 117.

*Area of special flood hazard - The land in the flood plain within a community, designated as Zone A on the Flood Insurance Rate Map, subject to a one percent or greater chance of flooding in any given year.

*Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year.

*Basement - Any area of the building having its floor subgrade (below ground level) on all sides.

*Building - A walled and roofed structure to shelter people, animals, or goods.

*Building Coverage - That percentage of the lot area covered by the building area.

*Building height - Height of building or "height" or "building height", means the exterior vertical perpendicular distance from the lowest point of the finished grade immediately adjoining the building to the finished floor level of the highest floor used as living quarters or used to otherwise accommodate or be occupied by people, or if not designed to be occupied by people, used for the activity proposed and approved for the building; for residential or non-residential purposes, to include balconies and lofts. For a building set into a hill or slope, the height shall be measured from the side of the building having the maximum height differential.

*Camp - Land on which is located a shelter or other accommodation suitable for seasonal or temporary living purposes.

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

*Community Center - Includes public or private meeting hall, place of assembly, museum, art gallery, or library, not operated primarily for profit.

*Conditional Use - Conditional Uses are permissible uses in a district subject to Board of Adjustment review and approval.

*Construction - Consists of any of the following: (1) site preparation; (2) the compilation of materials; (3) the act of building the structure. Interior alterations and improvements shall constitute "construction" if they alter the structural aspects of any improvement, if they affect more than thirty (30) percent of the square footage of the improvement, if they increase the square footage of any commercial use or increase the occupancy of any residential use.

*Crest: Means the uppermost line of a mountain or hill or projection thereof, or chain of mountains or hills, from which the land falls away on at least two sides to a lower elevation or elevations.

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

*District - A specific portion of the municipality as established by the provision of Article II of this ordinance.

*Dump - An area where trash, garbage, used materials or refuse of whatever nature are collected, stored or deposited.

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

*Family - One or more persons living together in the same dwelling unit and sharing the same kitchen and other facilities as a single housekeeping unit.

*Flood Insurance Rate Map (FIRM) - An official map of a community, on which the Administrator has delineated the special hazard areas and the risk premium zones applicable to the community.

*Flood Insurance Study - An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

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

*Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Golf Courses - A nine (9) or eighteen (18) hole public or private golf course of the type approved by the P.G.A. or U.S. Golf Association containing tee boxes, fairways and greens, but specifically excluding other "golf" related uses such as par three courses, pitch and putt, and miniature golf.

*Home Occupation - See Section 400.3.

*Hotel, motel, lodge - A building or portion thereof kept, used, maintained, advertised or held out to the public to provide overnight accommodations to said public for compensation, by the renting of rooms or a bed within a room. The rental of an entire dwelling unit does not constitute a lodging operation. In addition, a hotel shall include a condominium hotel and a motel shall include a condominium motel, provided that the declaration of association (or equivalent document) provides that no unit may be occupied as a residence, meaning that the intent of the declaration shall be for short term vacation rentals.

*Junk Yard - An place of outdoor storage or deposit which is for collecting, keeping, processing, buying or selling used materials or inoperable machinery, including cars, but not including an auto service station where wrecked or disabled vehicles are temporarily stored for inspection, repair or subsequent removal to a junk yard.

*Light Industry - Any industrial use, including manufacturing, compounding, processing, packing, treatment, or warehousing, which can be carried on in such a way that neither obnoxious or excessive noise nor any smoke, vibration, dust, glare, odors, electrical interference, or heat can be detected at the boundaries of the property on which the principal building is located. Additional requirements are that it is environmentally clean with no large use or storage of hazardous materials.

*Lot - A parcel of land occupied or to be occupied by a building, together with such open spaces as are required by the provisions of this ordinance.

*Lowest Floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the National Flood Insurance Program Regulations.

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

*Mean Sea Level - For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a

community's Flood Insurance Rate Map are referenced.

*Mobile Home - A mobile home means a prefabricated dwelling unit which:

- a. is designed for long term and continuous residential occupancy;
- b. is designed to be moved on wheels, as a whole or in sections;
- c. on arrival at the site, is complete and ready for occupancy, except for incidental unpacking, assembly, connections with utilities, and placing on support or a permanent foundation, or installation as a unit in a previously prepared structure;
- d. meets all other criteria and standards established by rule of the agency for distinguishing mobile homes from other types of residential units.

*Non-Conforming Use - A use of land, building, or premises which is not a use permitted by the provisions of this ordinance for the district in which such land, building or premises is situated.

*Parking Space - A defined space, which is a least ten feet wide and twenty feet long, outside of the right-of-way or driveway, used for the parking of one motor vehicle, with practical access to the road or right-of-way, and graveled sufficiently to permit year-round use.

*Planned Residential Development (PRD) - An area of land, controlled by a legal or beneficial owner,, to be developed as a single entity for residential use. A PRD permits flexibility in building, siting, lot coverage, mixtures of housing types and land uses, usable open spaces, and the preservation of significant natural features.

*Planned Unit Development (PUD) - An area of land, controlled by a legal or beneficial owner, to be developed as a single entity for a number of residential or nonresidential uses, or a combination of both. A planned unit development permits flexibility in building siting, lot coverage, mixtures of housing types and land uses, usable open spaces, and the preservation of significant natural features.

*Protected Ridgeline Area: Means the land between a crest of a ridge and lines on either side of the crest at a distance of 200 vertical feet or 1,000 horizontal feet, whichever is closer to the crest.

*Residence, multi-family - A building on one lot containing separate dwelling units for two or more families, having separate or joint entrances, services or facilities.

*Ridge: Means the elongated crest or series of crests at the apex or the uppermost point of intersection between two opposite slopes or sides of a mountain or hill.

*Setback - The distance from the lot frontage or a property line to a building or structure, excepting fences, signs, and stone walls, measured to its nearest wall, porch, or deck; but not to steps or normal roof overhang. Where measured from a public road or private right of way, setback distances shall be measured to the edge of the right of way (or the property line if the road or right of way is in separate fee ownership).

Front Setback: Distance between a building or structure and any lot frontage.

Rear Setback: Distance between a building or structure and a rear lot line.

Side Setback: Distance between a building or structure and a property line other than lot frontage or a rear lot line.

*Sign - See Section 404.2 D.

*Ski Area Development - Commercial alpine and cross-country skiing with related lifts, trails, snowmaking ponds and systems, and day ski lodges.

*Slope - The percent of slope is the vertical rise between two points, divided by the horizontal distance between those points.

*Story - Part of a building which is between one floor level and the next higher floor level, or if there is no floor above it then the ceiling above it. Not to exceed 15 feet.

*Structure - An assembly of materials for occupancy or use including, but not limited to, a building, mobile home or trailer, billboard, sign, wall or fence greater than six (6) feet in height, except a wall or fence on an operating farm.

*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 occurred. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.

*Town Plan - Plan for development of the Town prepared by the Planning Commission pursuant to Section 4385 of the Vermont Planning and Development Act.

*Travel or Camping Trailer - Any factory built unit which is registerable and usable as a vehicle for traveling or camp purposes. Said unit shall not be set up for use in a permanent manner.