

# Zoning Regulations

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Town of Hubbardton, Vermont

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TOWN OF HUBBARDTON ZONING REGULATIONS  
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## ARTICLE I: ENACTMENT, OBJECTIVES, PURPOSE AND SCOPE

### Section 101 - Enactment

In accordance with the Vermont Planning and Development Act, 24 VSA 117, hereinafter referred to as the "Act", there are hereby established Zoning Regulations for the Town of Hubbardton which shall be known and cited as the "Town of Hubbardton Zoning Regulations".

### Section 102 - Objectives and Intent

The objective of the Zoning Regulation is to establish standards and policies concerning development of land that further the goals of the Hubbardton Town Plan.

It is intended that standards and policies established by the Zoning Regulations promote the general welfare of the inhabitants; maintain the desirable features of the Town; protect and enhance the value of property; prevent overcrowding of land and secure adequate provisions concerning safety, undue concentration of population, transportation, water, sewage, schools, parks and other public requirements.

Careful consideration has been given, among other things, to the character of each district, with respect to its suitability for the particular uses indicated to insure the most appropriate use of the land throughout the Town.

This ordinance does not affect the use of land or buildings in existence at the time of its adoption, except through change of status of non-conforming uses as stipulated herein.

### Section 103 - Purpose and Scope

The purpose of this Regulation is for the promotion of the health, safety, or general welfare of the community by establishing Regulations and conditions governing the erection and use of buildings, other structures and use of land and natural resources.

The scope of this ordinance includes primarily the establishment and designation of four districts in the Town of Hubbardton: Commercial, Rural Residential, Conservation, and Shorelands; as well as two overlay districts: Highlands and Flood Hazard. The use Regulations applying to each class of district are stipulated, as well as the general Regulations applying to all districts. The methods of dealing with non-conforming uses are outlined. The administration of the Ordinance and the duties of the administrative officer are defined in detail.

## ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

### Section 201 - Establishment of Zoning Districts

The Town of Hubbardton hereby establishes the following Zoning Districts: Conservation, Commercial, Rural Residential, and Shoreland. The town also has two overlay districts: Highlands and Flood Hazard Areas.

See Article III for uses permitted in each district; see Article V for dimensional requirement of each district.

#### A. CON – Conservation District – Minimum Lot Size: Not Applicable

Purpose: To protect areas that are generally characterized as significant natural resources such as dense forests, steep hills, wetland areas and stream banks, or areas of scenic, cultural or historical significance.

Description: In general, lands in the Conservation District are suitable for low-impact recreational uses, such as nature and hiking trails, hunting, etc. but intensive recreational activities, such as “four-wheeling”, are not appropriate or should occur only in designated areas.

The Conservation District contains both public and private lands. Some privately owned areas are Bomoseen Marsh and the Hubbardton Gulf. Most of the public lands have been unconditionally protected from development, including Half Moon State Park, Hubbardton Battlefield, and Hubbardton Wildlife Management Area. Other areas in the Conservation District include lands that are in the floodplain, and lands that are under a conservation easement.

#### B. COM - Commercial District – Minimum Lot Size: One (1) Acre

Purpose: To provide opportunities for a variety of locally oriented commercial services in suitable locations. The scale of commercial development should be compatible with the rural nature of Hubbardton and the adjacent commercial and residential structures.

Description: Hubbardton is characterized by low-density, scattered development with very little concentration of commercial establishments. Most businesses are along the major thoroughfares through town and meet the needs of the small population of year-round and seasonal residents but do not serve regional demand. Many types of businesses are accommodated within the rural residential districts in Hubbardton as home occupations.

The Commercial District, except as stated in D, shall include all lands within the area described below.

The Commercial Districts in Hubbardton are relatively consolidated and include three general areas: the first is a very small area at the junction of Route 141 and Hortonia Road to provide neighborhood-oriented commercial services in the northwest part of town; the second is along Route 30 near the border with Sudbury, roughly between Delancy Road and Ganson Hill Road between Echo and Beebe Lake; and the third commercial area is along Route 30 beginning at the intersection of Hortonia Road and extending down the east side of the highway to Dikeman Road. Some of the land on the west side of Route 30 is designated both Commercial and Shoreland. A smaller commercial segment is on the west side of Route 30 at the border with Castleton extending north to where the shore almost joins with the road.

- C. RR - Rural Residential– Minimum Lot Size: Zone A Five (5) Acres, Zone B Ten (10) Acres, Zone C Twenty - five (25) Acres

Purpose: To provide land area for low-density residential development, farming, forestry, recreation and other rural land uses.

Description: Except as stated in D, the Rural Residential district shall be all the Land in the Town of Hubbardton, not included in the Commercial, Shoreland, or Conservation Districts.

Hubbardton does not have municipal sewer or water service, which necessitates low-density development. Growth should be managed and consistent with the rural character of the area and site conditions. Despite the limitations on clustered development, conservation of open spaces and natural resources should be a high priority to maintain Hubbardton's rural atmosphere.

- D. SL - Shoreland – Minimum Lot Size: Two (2) Acres

Purpose: To protect the scenic beauty, recreational opportunities and environmental quality around the shores of the rivers, streams and lakes in Hubbardton including **Giddings Brook, Hubbardton River, Sucker Brook, Lake Bomoseen, Lake Hortonia, Lake Beebe, Half Moon Pond, Echo Lake, Black Pond and Austin Pond.**

Description: The Shoreland District includes all lands within 500 feet of the normal mean watermark of all rivers and those lakes and ponds described above. In cases where there is district overlap, Shorelands District takes precedence excluding flood hazard areas.

In order to provide a filter for nutrients and sediments as well as a visual buffer, cutting and removal of vegetation in the area parallel to all points along the shoreline and extending 25 feet inland from the mean high water level (for lakes) or the top of the bank (for rivers and streams) is not allowed except as follows:

- a. removal of dangerous dead or dying trees is allowed;
- b. a path no more than 6 feet wide is permitted for lake access. The path should not be in a straight line parallel to the slope such that it creates a conduit for runoff.

E. FHO – Flood Hazard Area (FHO) Overlay District - Minimum lot size: underlying district requirements

Purpose: To maintain the flood-water-carrying capacity of any floodplain and to insure that any structures or uses permitted within a floodplain are properly protected from flood hazard.

Description: The Flood Hazard Overlay District includes all lands in the Town of Hubbardton identified in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources (ANR) pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of this bylaw.

The open space uses permitted in the Flood Hazard Overlay District as detailed in Article III “Table of Uses” of these Regulations are subject to additional requirements due to the District’s special environmental sensitivities and public safety concerns. All open space uses detailed in Article III shall be permitted 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 obstruct flood flows; (4) do not increase the flood level within the floodway during the occurrence of the base flood; (5) do not increase off-site flood damage potential; and, (6) do not propose the construction of water supply, sanitary sewage or on-site waste disposal systems.

F. HL – Highlands Overlay District - Minimum lot size: underlying district requirements

Purpose: To maintain the fragile ecosystems found at higher elevations.

Description: The Highlands Overlay District includes all lands in the Town of Hubbardton identified as areas above 1300 feet in elevation.

Section 202 - Zoning Map

The location and boundaries of Zoning Districts are established as shown on the Official Zoning Map a copy of which is appended hereto. The Official Zoning Map is hereby made a part of these Regulations, together with all future amendments. No changes of any nature shall be made in the Official Zoning Map except in conformity with Section 1405 of this Regulation.

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

Section 203 - 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 centerlines of roads, streams, transportation and utility rights-of-way shall be construed to follow such centerlines;
- B. Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines;
- C. Boundaries indicated as following shorelines shall be construed as the low mean water level.
- D. Boundaries indicated as parallel to or extensions of features in A through C above shall be so construed;
- E. Where circumstances are not covered by A through D above, the Board of Adjustment shall interpret the district boundaries in consultation with the Planning Commission.



ARTICLE III: TABLE OF USES

P = Permissible upon issuance of a permit	CON = Conservation District	COM = Commercial District
C = Conditional Use		RR = Rural Residential District
E = Permissible without a permit	FHO = Flood Hazard Overlay District - See Section 408	SL = Shoreland District
[Blank] = Prohibited	*HL = Highland Overlay	

\*See Article II for additional requirements concerning uses permitted in the Flood Hazard Overlay District

ALL USES ARE SUBJECT TO THE REQUIREMENTS OF ARTICLE V  
 CONDITIONAL USES ARE SUBJECT TO ARTICLE IV, AS APPLICABLE (See Comment)

USES	CON	HL			COM	RR	SL	COMMENT
Accessory Use	P				P	P	P	Accessory uses in the Conservation District shall be limited to shelters, non-permanent buildings or structures not used for residential purposes.
Agriculture					P	E	P	Agriculture in the Shoreland District may not include a building or be a potentially polluting use.
Appliance								
Retail Sales & Service					P			
Wholesale Sales & Service					P			
Associations, Clubs & Lodges					P			
Automobiles								
Painting and Repair					P			
Parts and Supplies					P			

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USES	CON	HL			COM	RR	SL	COMMENT
Sales, Used Vehicles					P			
Sales and Service					P			
Service Stations					P			
Bank					P			
Bed and Breakfast					P	P	C	
Building Materials Sales/Storage					P			
Campground					P	P	C	See Section 411
Cemetery						P	C	See Section 412
Church, Temples, Etc.					E	E	C	See Section 412
Concrete Product Sales					P			
Contractors Yards					P			
Convenience Store					P			
Day Care Facility					P			See definitions section
Day Care Home, Family					P	P		See definitions section
Earth Resources Extraction						C	C	See Section 407
Electrical Supplies, Wholesale & Retail					P			
Fabric Retail Sales					P			
Fire Station					P	P	C	
Flooring-Retail Sales/Installation (carpet / tile / linoleum)					P			
Forestry	P					P	C	
Funeral Home					P			

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USES	CON	HL			COM	RR	SL	COMMENT
Furniture and Home Furnishings								
Retail Sales, New and Used					P			
Upholstering					P			
Wholesale & Storage					P			
Garden Center - Retail					P			
Gift Shops, Antique Stores, Crafts					P			
Glass Sales & Repair					P			
Golf Course					P	P	C	
Group home					P	P	C	See Residential Care Home definition
Grocery					P			
Home Occupation					P	P	P	See Section 1002
Kennels					P			
Home for the Terminally Ill					P	P	C	
Landscaping Contractor					P			
Library					P	P	C	See Section 412
Lumber Yard					P			
Manufacturing, Light					C			See Section 403 and 1011
Marble Contractors & Sales					P			
Municipal Offices					P	P	C	
Museums					P	P	C	See Section 412
Music Instruments-Retail Sales & Service					P			
Nursing Homes					P			

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USES	CON	HL			COM	RR	SL	COMMENT
Office Equipment-Retail Sales & Service					P			
Oil and Gas Exploration						C	C	See Section 405
Parks, Municipally owned		P			P	P	P	Recreational uses in the Shoreland District may not include a building or be a potentially polluting use.
Pet Shops					P			
Post Office					P	P	C	See Section 1009
Professional Office					P			
Professional Residence - Office					P	P	C	See Section 1002
Propane Distributor					C			See Section 403
Real Estate Office					P			
Recreation Areas, Private (Indoor/Outdoor)	C				P	P	C	See Sections 410 & 411 Indoor not permitted in CON
Recycling Collection Point					P	P		
								Residential
Accessory Building					P	P	P	
Accessory Apartment					P	P	C	
Care Home (Group Home)					P	P	C	
Mobile Home Park						C		See Section 404
One Family					P	P	C	See Section 410
Planned Unit Development						P	C	See Article VIII
Two & Multi-family					P	P	C	
Restaurant					P	C		

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USES	CON	HL			COM	RR	SL	COMMENT
Sawmill						C	C	See Section 406
Schools					P	P	P	See Section 412
Self-Storage Facility					P			
Ski Area or Resort					P	P	C	
Solid Waste Drop-off					P			
Small Grocery					P	C		
Sporting Goods & Camping-Retail Sales					P			
Trailer Sales-Renting & Leasing					P			
Tree Maintenance Service					P			
Truck - Supplies and Parts Storage					C			See Section 403 & 1011
Truck - Painting, Repair, Sales, Rent, Lease					C			See Section 403 & 1011
Trucking					C			See Section 403 & 1011
Veterinary Hospitals					P			
Warehouse					C			See Section 403 & 1011
Welding Shop					C			See Section 403 & 1011
Well Drilling Contractor					C			See Section 403 & 1011
Wild Life Refuge – Non-commercial	P					P	P	
Wood Manufacturing					C			See Section 403 & 1011
Wood Working Shop					C			See Section 403 & 1011

## ARTICLE IV: USES PERMITTED SUBJECT TO CONDITIONS

A zoning permit shall be issued by the Zoning Administrator for any use or structure which requires conditional use approval only after the Board of Adjustment grants such approval. In considering its action, the Board of Adjustment shall make findings upon specific standards set forth in these Regulations.

In granting conditional use approval, the Board of Adjustment may attach such reasonable conditions in addition to those outlined, as it deems necessary.

The conditions for lot size and setbacks in Article V apply unless Article IV is more restrictive.

### Section 401 - Applications for Conditional Use

All uses requiring Conditional Use approval, except one and two family dwellings, are also subject to the following:

- A. In addition to the information required in Section 1102D the owner and/or applicant shall submit five (5) sets of a site plan and supporting data to the Administrative Officer which shall include the following information presented in drawn form and accompanied by written text.
  1. Name and address of the owner of record of this and adjoining lands; name and address of applicant - if different than owner; name and address of person or firm preparing the plan; description of the property giving location; scale of map, north point, and date.
  2. Survey of the property by a certified surveyor or engineer showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use and deed restrictions, zoning classification, existing surface waters (brooks, ponds, etc.), if any, and the location of proposed structures with distance from lot lines indicated.
  3. Site plan showing proposed structure(s), locations and land use areas; streets, access points, driveways, traffic circulation, parking and loading spaces and pedestrian walks; utilities both existing and proposed, including placement of poles; and including water wells and sewage treatment facilities; landscaping plans, including site grading, planting design, screening or fencing, detailed specifications of planting and landscaping materials to be used; existing and proposed above ground equipment such as propane tanks, transformers, etc.
  4. Construction sequence and anticipated time schedule for the completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
  5. The location and size of proposed signs.

6. Certification that the applicant has notified all adjoining property owners of the application.
  7. Any of the above information can be waived at the discretion of the Board of Adjustment.
- B. A request for a waiver shall be submitted to the Board of Adjustment and shall specify which portions are requested for waiver. The applicant shall include a preliminary site plan providing sufficient information upon which the Board of Adjustment can make a decision. The Board of Adjustment may request additional information.
- A request for a waiver shall not be considered as submission for purposes of timing requirements relating to action on applications.
- C. The Zoning Administrator shall check to see if all required information has been submitted and the fee paid and, if so, shall submit the completed application to the Board of Adjustment. Incomplete applications shall be returned to the applicant.

#### Section 402 - Siting of Conditional Uses

A. Landscaping - General

In determining the amount of planting to be required, the Board of Adjustment should take into account:

1. Existing trees, shrubs, evergreens and other vegetation to be preserved on the site.
  2. Visibility of areas from roads and/or adjoining properties.
  3. The need to effectively screen all parking areas from roads and adjacent properties.
  4. Proximity of lots used for residential purposes.
- B. Specific Landscaping Requirements.
1. All new parking lots may be required to be screened by a strip not less than 15 feet in width with suitable plantings, screening or landform.
  2. All plantings, when initially installed, are to be of a size and shape approved by the Board of Adjustment. At installation the plantings must be a height that will screen the facility and any accompanying chain link fences from visibility. Screenings must prevent the visibility of the facility at any time of year.
  3. If the Board of Adjustment determines that plantings are not appropriate, it may approve a suitable fence.

4. The remainder of the yard space shall be landscaped and maintained in good appearance.
5. Where new commercial uses are located adjacent to residential buildings, there shall be plantings, attractive solid fencing, and or low lighting to screen out all outdoor lighting from the view of the adjacent residential buildings.
6. All landscaping shall be completed and maintained in accordance with the site plan as approved by the Board of Adjustment. Any dead or diseased planting shall be replaced as soon as seasonally possible.

D. Pedestrian Circulation

1. The Board of Adjustment may require pedestrian walkways to facilitate pedestrian movements.
2. In all districts, the Board of Adjustment may require provision for pedestrian trails and walkways along waterways or other natural features to connect with similar present or anticipated trails on adjacent properties.
3. The Board shall consider maximum safety of pedestrian and vehicular circulation between the site and the street network including location, number and width of access points, curve radii at access points, acceleration or deceleration lanes on adjacent public streets, sight distance improvements, shared access with adjoining properties, and location of sidewalks and/or other walkways. 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.

E. Access

1. The Board of Adjustment may require service roads connecting to public roads, with provision for connection to similar service roads on adjacent property where it feels that limiting the number of intersections to the public road is in the interest of the health and safety of the community.
2. Adequacy of parking and loading facilities. Adequacy of on-site circulation, parking, and loading facilities, with particular attention to safety including aisle widths to accommodate emergency vehicles, traffic movement patterns and location of parking areas to prevent conflicts with entering and exiting traffic onto a public street, location of loading docks and number and size of parking spaces. Particular consideration shall be given to the effect of noise, glare, or odors on adjoining properties. Refuse and service areas shall be included. Provisions for snow removal shall also be made.

F. Protection of renewable energy resources



1. Particular consideration shall be given to the appropriate siting of buildings in order to maximize access for solar gain to the property and adjacent properties.

G. Bond

1. The applicant may be required to provide a suitable performance bond or other form of security to guarantee the performance and completion of all planting required.

Section 403 - Small Industry

- A. The industrial building shall be less than 15,500 square feet in size, and there shall be fewer than twenty (20) employees.
- B. The industry shall be of a non-polluting nature, and no toxic wastes shall be discharged into an on-site sewage system or otherwise discharged from the plant.
- C. Loads per truck shall not exceed the weight limits of the roads over which the truck will travel within Hubbardton.
- D. The development or use must not destroy or significantly alter wetlands or natural areas identified in the Town Plan or by the State of Vermont.
- E. Smoke. No emission shall be permitted of any air contaminant for more than a period or periods aggregated six minutes in any hour which has:
  1. A shade, or density greater than no. 2 of the Ringelmann Chart, or
  2. A shade, or density, of such capacity as to obscure an observer's view to a degree greater than does smoke described in subsection 1. above.
- F. Fly Ash, Dust, Fumes, Vapors, Gases, and 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 that can cause excessive soiling, at any point on the property of others.
- G. Odors. No emission of detectable objectionable odor beyond the property line of premises shall be discharged, caused, allowed, or permitted.
- H. 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.
- I. Landscaping shall be provided in a 25' area between the road and the proposed industry. The Board of Adjustment may also require reasonable buffers, consisting of landscaping and/or fencing, between a use in this district and an adjacent use that would be adversely affected without such buffer.

- J. See Article VI: Parking and Loading for these requirements.

Section 404 - Mobile Home Park

In addition to complying with the provisions of all applicable state statutes, Mobile Home Parks in the Town of Hubbardton shall meet the following requirements.

- A. The park shall be located on a site graded to insure adequate drainage of surface water, sub-surface water, sewage, and freedom from stagnant pools.
- B. A minimum of 10,000 square feet shall be provided for each mobile home space.
- C. Each mobile home park or trailer park shall have an area of at least ten (10) acres.
- D. No mobile home or trailer may be located closer than one hundred (100) feet to an existing dwelling, public highway or abutting agricultural property.
- E. A minimum of thirty (30) feet shall be left open between mobile homes.
- F. Roadways shall be at least 18 feet in width, well graveled, hard packed, or paved, maintained in good condition throughout the year.
- G. Appropriate underground utility service shall be provided for each mobile home space.
- H. If each mobile home or trailer space is served by an individual septic tank, the minimum size of the space shall then be the same as in a residential district not served by a public sewer.
- I. Provision shall be made for proper and adequate trash and garbage collection and disposal. All trash and garbage cans shall be concealed at all times in a properly allotted space.
- J. Each park shall be enclosed by a properly kept fence or planted densely with bushes or trees.
- K. Each mobile home shall install skirting to cover all open space under said mobile home. This siding shall be so installed so as not to warp or sag and shall be properly painted if a metal siding is not used.
- L. No additions shall be built on mobile homes unless they are the manufactured type such as carports, fold out rooms or patio covers.
- M. A copy of rules and Regulations set up by each mobile home park or trailer park shall be presented to the Board and will be put on file upon acceptance in the Town Clerk's office for future reference.

Section 405 - Oil and Gas Exploration and Development

- A. Application Procedures. The application for a permit to explore, drill, or maintain and operate any oil and gas or disposal well shall be filed with the Secretary of the Board of Adjustment and shall include and be accompanied by the following:
1. Name, address, and telephone number of the applicant and the owner of the property surface rights.
  2. Written legal description of the site.
  3. Scale survey of the ten (10) acres surrounding the drill site, with dimensions showing the exact location of the proposed well and all buildings, tanks, pits, pipelines, embankments, fences, and other improvements incident to the drilling of the well, together with all buildings within six hundred (600) feet of the well, and the location of all existing oil, gas or fresh water wells within the ten (10) acre tract.
  4. A copy of an approved drilling permit from the Vermont Natural Gas and Oil Resources board and assurance of compliance with all applicable federal and state laws.
  5. Existing and proposed contours at intervals of two feet.
  6. The exact location and elevations of the one hundred (100) year flood elevation for the lease.
  7. The location of any waterway.
  8. The general location and character of surface storm drainage.
  9. The location of ingress and egress, and use and width of all easements, access roads, interior roads, and parking areas for the lease.
  10. The location of the drilling rig and pump, holding tanks and well cellars for oil and gas produced and for waste and drilling materials, treaters, separators, and any other drilling or production equipment related to the construction or operation of the well.
  11. A description of all pollution prevention equipment to be utilized.
  12. The location of all public utilities, including, but not limited to, water lines, wastewater lines, telephone lines, gas lines, electric lines, and cable television lines.
  13. A description and location of fencing, berming, landscaping, and screening to be utilized around the site.
  14. The location of the piping network on-site and off-site.
  15. The type of motors, pumps, and valves to be used for drilling and production.

16. The plan for site restoration once the well is abandoned and a statement of the methods of waste disposal.
17. An insurance policy in conformance with B below.
18. A corporate security bond in conformance with B below.
19. Certified copies of all leases or contracts with the owners of the property.
20. Application fee of one thousand dollars (\$1,000).
21. A statement of how water will be provided for the drilling rig.

B. Insurance and Bond

Liability Insurance: No drilling operations shall be commenced until the applicant files with the town clerk a certificate of general liability for bodily injuries of five hundred thousand dollars (\$500,000) per person, one million dollars (\$1,000,000) per accident, and property damage of five hundred thousand dollars (\$500,000) insurance.

Bonds: A corporate security bond for each well in the sum of twenty-five thousand dollars (\$25,000) shall be filed with the town clerk to assure conformance by the applicant with all provisions and conditions of this ordinance and all additional conditions or requirements imposed by the board of adjustment, and plugging of the well upon its abandonment.

C. Site Selection and Preparation

Well location: No well shall be located within:

- 1,300 feet of any occupied structure not associated with the well development;
- 1,300 feet of any other drill site;
- 300 feet of a producing fresh water well;
- 50 feet of a public utility line;
- 400 feet from a property line of a residential subdivision;
- 300 feet of any public street, state highway right-of-way, or future street right-of-way.

Drill site area: No drill site shall contain more than two-and-one-half acres.

Number of wells: The number of wells to be drilled shall not exceed one to each five acres in the leased area.

Hours of operation: If a drill site is located within 2,000 feet of any residence, hospital, or institutional housing, all work in preparation of the site for drilling shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m.

Access roads: Lease roads shall be located and maintained to minimize damage to the landscape, minimize erosion, and allow for safe and convenient ingress and egress to the installation. They shall be surfaced with crushed rock or gravel or oiled to prevent dust and mud. The permittee may not allow the use of any residential street by any equipment or vehicles used in the oil and gas operations in the field unless the well is surrounded by residential streets. If the site is surrounded and residential streets are traversed, such residential streets shall be restored to their original condition on completion of the well.

Screening and fencing: Prior to the commencement of drilling operations or the activation of an idle well in a developed area, the well, tanks, and all surface equipment shall be enclosed by a minimum six (6) foot enclosure having at least one locking gate or exit and constructed of one of the following materials:

- A solid masonry wall compatible with the facilities, buildings, and structures on and adjacent to the site.
- A chain link fence interwoven with wood slatting or other opaque materials of color compatible with surrounding uses.

Landscaping: For a well visible from a public street, the minimum area required to be landscaped shall be that area between each lot boundary line fronting a public street and a line or lines drawn parallel to each lot boundary line fronting on a public street and through the center of any well or tank on the site. Landscaping, shrubs, and fencing shall be maintained in good condition at all times.

Pipelines: All off-site pipelines serving the drill site shall be buried underground.

Off-street parking: A surfaced and maintained off-street parking area containing not less than five (5) parking spaces shall be provided for each well being drilled.

Sanitary facilities: Sanitary facilities shall be provided at the drill site and shall be in accordance with requirements of the Vermont Health Department and the town health officer.

D. Drilling

Soundproofing: The derrick and all drilling machinery that produces noise shall be enclosed with soundproofing material, which shall be maintained in a clean and serviceable condition.

Lights. No lights shall be allowed to shine directly on adjacent property or property in the general vicinity of the site.

Delivery of equipment: If a drill site is located within 2,000 feet of any residence, hospital, or institutional housing, the delivery or removal of equipment or material from the drill site shall be limited to the hours between 7:00 a.m. and 7:00 p.m. except in case of emergency.

Drill pipe storage: No drill pipe shall be racked and made up except between the hours of 7:00 a.m. and 7:00 p.m., except within the derrick.

Power sources: All power sources shall be electric motors or muffled internal combustion engines.

Removal of derrick: Within sixty (60) days after the completion of the drilling of a well, the derrick and all other drilling equipment shall be removed from the site.

E. Production Operations

Underground installation: All well head equipment shall be installed in well cellars and no portion of such equipment shall be or project above the surrounding ground surface.

Soundproofing: Motive power for production operations shall be completely enclosed in a structure insulated with soundproofing materials. These structures shall conform in appearance to surrounding structures and shall not exceed sixteen (16) feet in height.

Motive power location: Motive power for production operations shall be located on the drill site.

Height of installation: Unless otherwise specifically permitted by these Regulations, no permanent installations at the drill site shall project more than eight (8) feet above the surrounding ground surface.

Storage of equipment: There shall be no storage of material, equipment, or vehicles not for the immediate use or servicing of an installation of the drill site.

Site and installation maintenance: The drill site and all permanent installations shall be maintained in a neat, clean, and orderly condition and all surfaces of permanent installations within the drill site shall be painted and well maintained.

Storage tank location: Storage tanks shall be located on the drill site.

Storage tank capacity: No more than two vapor tight crude oil storage tanks shall be installed for each producing well, neither of which shall have a capacity exceeding five hundred (500) barrels exclusive or processing equipment.

Removal of oil: Oil produced at the drill site shall be removed by an underground pipeline or pipelines 180 days from and after the date the first well in the drill site is complete.

Refineries: No refinery dehydrating, or absorption plant of any kind shall be constructed, established, or maintained on the drill site.

Gas burning: Natural gas shall not be vented to the atmosphere or burned by open flare.

Well servicing: If a drill site is located within 2,000 feet of any residence, hospital, or institutional housing, no well servicing shall be done except between the hours of 7:00 a.m. and 7:00 p.m., except in case of an emergency.

Signs: No sign visible from outside the drill site shall be permitted except those required by law or for safety or directional purposes.

Off-site pipelines: Within 30 days after completion of the drilling of a well, the work of burying all off-site pipelines shall be commenced and completed within a reasonable time.

F. Waste Control

Receptors: All waste oil, gasoline, brine, drill cuttings, drilling mud, or acids produced or used in connection with oil drilling operations or oil production shall be captured and retained in enclosed water tight receptors, and transported from the premises within twenty (20) days of completion of a well by pipe or hauled for terminal disposal in a dumping area specifically approved for such disposal by the Board of Adjustment. No such substances shall be permitted to escape by seepage or overflow, or flow across the surface of the ground or upon any public way, into any storm or sanitary sewer, drainage ditch or paving, or into any stream or tributary.

Waste receptors in floodplain: All waste pit receptors shall be one foot above the one hundred (100) year floodplain or properly diked to repel the one hundred (100) year flood waters from the pit.

G. Abandonment

Upon approval of abandonment of a well by the Vermont Natural Oil and Gas Resources Board, all drilling and production facilities, equipment, and structures associated with the installation, and all oil or waste material, shall be removed and the site restored to its original condition and contours.

Section 406 - Sawmill

- A. Noise shall be controlled so that it will not be a nuisance nor create a significant increase in noise heard in buildings on adjacent lots.
- B. Sawdust and other wastes shall be stored or disposed of in a non-polluting manner.
- C. All buildings, storage bins, and industrial activities shall be set back at least one hundred (100) feet from any stream, wetland, or pond.
- D. See Article VI: Parking and Loading for these requirements.
- E. The facility shall be adequately screened from any residential building on an adjacent lot.

Section 407 - Removal of Sand, Gravel, or Stone

- A. The facility shall be adequately screened from any residential building on an adjacent lot.
- B. A plan for ongoing reclamation as specified by the Board of Adjustment, must be approved prior to the issuance of any land use permit.
- C. A bond or other security to insure compliance with the approved reclamation plan may be required by the Board of Adjustment for all extraction uses except quarrying operations. In determining the amount of the bond required, the Board of Adjustment shall consider the past record of the developer and the financial health of the developer. The town shall hold the bond.
- D. Fencing of sufficient height and strength to deny access to the public is required around any pit or excavation.
- E. Loads per truck shall not exceed the weight limits of the roads over which the truck will travel within Hubbardton.
- F. Loads must be covered when off-site or loaded so as not to spill while en route.



Section 408 – Flood Hazard Area Overlay (FHO) District Requirements

It is the purpose of this Section to:

- A. Implement the goals, policies, and recommendations in the current municipal plan;
- B. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding-related inundation and erosion hazards.
- C. Ensure that the selection, design, creation, and use of development in flood hazard areas and river corridors is reasonably safe, accomplished in a manner that minimizes or eliminates the potential for loss and damage to life and property due to flooding-related inundation and erosion hazards, and does not impair stream equilibrium, floodplain services, or the river corridor.
- D. Manage all flood hazard areas designated pursuant to 10 V.S.A. §§ 751 and 753.
- E. Make the Town of Hubbardton, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

Permit

A permit is required from the Zoning Administrator (ZA) for all development in all areas defined in this Section. Development that requires conditional use approval, non-conforming use approval, or a variance from the Board of Adjustment under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the ZA. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in this Section. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

See Section 1103 - Applications – FHO District

Administrative Responsibilities, Records

A. Records

The ZA shall properly file and maintain a record of:

- 1. All permits issued for development under the jurisdiction of this bylaw;
- 2. A FEMA Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, replacement, substantially improved, substantially damaged or flood-proofed buildings (not including accessory buildings) in the Flood Hazard Area;
- 3. All floodproofing and other certifications required under this regulation; and
- 4. All decisions of the ZA and Board of Adjustment (including those for substantial improvement, substantial damage, variances, and violations) and all supporting findings of fact, conclusions, and conditions.

B. Substantial Improvement and Substantial Damage Determinations, Post Flood Procedures

1. When a proposal for the renovation, rehabilitation, restoration, or repair of a structure located within any Flood Hazard Overlay District is reviewed, the ZA shall make a substantial improvement determination.
2. In the event of damage to a structure located within any Flood Hazard Overlay District from flooding or other causes (such as, but not limited to, fire, wind or snow), the ZA shall make a substantial damage determination based on the damage sustained by the structure regardless of intended repair at that time.
3. Substantial improvement or substantial damage determinations shall be made in accordance with current FEMA guidelines (FEMA P-758, Substantial Improvement/Substantial Damage Desk Reference: <https://www.fema.gov/media-library/assets/documents/18562>) or procedure established by the Board of Adjustment in accordance with 24 V.S.A. § 1972 and 24 V.S.A. § 4461 and shall be used to determine the appropriate development standards for repair and rebuilding.
4. A substantial improvement or substantial damage determination can be appealed by an applicant or property owner to the Board of Adjustment in accordance with sub-paragraph C.II.G [Appeals of a Permit Decision] of this bylaw. In the consideration of an appeal of the ZA's determination, the Board of Adjustment shall consider additional documentation provided by the applicant which may include:
  - a. A recent building appraisal (within the past calendar year, or as determined to still be applicable) completed by a licensed and qualified real estate appraiser that documents the structure's market value (excluding land value) prior to the damage or improvement; or
  - b. A project/repair cost estimate provided by a qualified contractor, professional engineer or licensed architect. The material and labor cost estimate shall include a detailed accounting of the proposed improvements, additions, reconstruction or rehabilitation work, repairs or associated construction and development; or
  - c. In the case of substantial damage, an estimate of structure damage provided or reviewed by a local official from FEMA's *Substantial Damage Estimator* software.

Inundation: FHO District

I. Statement of Purpose for Managing Inundation Hazards

- A. To allow for the wise use of floodplain lands in a way that minimizes potential damage to existing structures and development located within this hazard zone.
- B. Provide an adequate means of protecting the beneficial functions of undeveloped floodplains and development that is already located within floodplains.
- C. Avoid encroachments in flood hazard areas that may result in cumulative degradation of natural floodplain function leading to increased flood elevations, velocities, and river instability.
- D. To protect infill and redevelopment from inundation hazards.
- E. To discourage new encroachments on undeveloped property within the FHO that provide for floodwater and sediment storage.

II. Lands to Which this Bylaw Applies

**A. Special Flood Hazard Areas**

This bylaw shall apply to the Special Flood Hazard Areas (SFHAs, hereafter referred to as “flood hazard areas” or “FHAs”) in the Town of Hubbardton, Vermont as described below. Flood Hazard Areas are identified in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources (ANR) pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of this bylaw.

**Establishment of the FHO District**

The FHO is an overlay district. All other requirements of the underlying district or another overlay district such as the Highlands District, shall apply in addition to the provisions herein, unless it is otherwise so indicated. If there is a conflict with another such district, the stricter provision shall apply. The flood hazard area, as delineated by FEMA, may contain two parts; the floodway where limited development may be permitted and the remaining part of the flood hazard area (outside of the floodway) called the flood fringe. Within the flood hazard area, the inundation risk and type of damages may differ according to the type of flooding that occurs. Therefore, the identified FHO district is separated into different sub-districts to provide protection based upon flooding type:

- A. The floodway - The floodway is depicted on the Flood Insurance Rate Maps/Flood Boundary and Floodway Maps for this community.
- B. The flood fringe - identified as the area of the FEMA Special Flood Hazard Area (labeled as Zone A, AE, A1-30, AH, AO) outside of the floodway on the most current NFIP maps.

Unless one of these sub-districts is specifically named, reference to the FHO District includes both.

**B. Base Flood Elevations (BFE) and Floodway Limits**

- 1. Where available, base flood elevations and floodway limits provided by the NFIP and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce this bylaw.
- 2. The floodway, as adopted by this community, shall consist of the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.
- 3. In the FHO District where base flood elevations and/or floodway limits have not been provided by the NFIP in the Flood Insurance Study and accompanying maps, it is the applicant’s responsibility to develop the necessary data, as specified in this Section. Where available, the applicant shall use data provided by FEMA, or state or federal agencies to administer this bylaw.

**C. Jurisdictional Determination and Interpretation**

- 1. The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

2. If uncertainty exists with respect to the boundaries of the FHO District, the location of the boundary shall be determined by the ZA. The ZA may require additional topographic or base flood elevation information if necessary to make such determination. If available, the ZA shall use a FEMA Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) in making a determination. Once issued, the LOMA or LOMR shall constitute proof of the FHO boundary and whether the proposed development is within the FHO/Flood Hazard Area.
3. A FEMA Letter of Map Revision based on Fill (LOMR-F) that has been issued after the effective date of this bylaw shall not be used to remove lands from the jurisdiction of this bylaw.
4. When the ZA deems a property is within the FHO District, an applicant seeking to challenge such determination shall have 15 days from the date of receiving the ZA's determination to notify the ZA of his or her intent to seek proof of the boundary. Upon timely filing of such notification letter by the applicant, the application for the zoning permit shall not be considered complete until the ZA has received a LOMA or LOMR issued by FEMA or any other evidence identified in such notice.

### III. Development Classifications and Permit Requirements in the FHO District

- A. Exempted Activities - The following activities do not require a permit under this section of this bylaw:
  1. The removal of a building or other improvement in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged. Please be aware that for damaged structures where FEMA mitigation funds may be used, the damaged structure may be required to remain in place until funds are granted.
  2. Routine maintenance of existing buildings in the usual course of business required or undertaken to conserve the original condition, while compensating for normal wear and tear. Routine maintenance includes actions necessary for retaining or restoring a piece of equipment, machine, or system to the specified operable condition to achieve its maximum useful life and does not include expansions or improvements to development.
  3. Interior improvements to existing buildings that cost less than 500 dollars.
  4. Maintenance of existing sidewalks, roads, parking areas, or stormwater drainage; this does not include expansions.
  5. Maintenance of existing bridges, culverts, and channel stabilization activities; this does not include expansions.
  6. Streambank armoring and stabilization, retaining walls, and abutment work that do not reduce the cross-sectional flow area of the river or stream channel and have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder.
  7. The following activities are exempt from municipal regulation, but may require a permit under the State's "Vermont Flood Hazard Area and River Corridor Rule" (Environmental Protection Rule, Chapter 29):
    - a. State-owned and -operated institutions and facilities.
    - b. Forestry operations and silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation.
    - c. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture Food and Market's Required Agricultural Practices (RAPs). Prior to the construction of farm

structures, the farmer shall notify the ZA in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks.

- d. Public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.
- e. Telecommunications facilities regulated under 30 V.S.A. § 248a;
- 8. Planting projects which do not include any construction or grading activities in accordance with 24 V.S.A. § 4424(c).
- 9. Subdivision of land that does not involve or authorize development.

**B. Permits**

Except as provided in Section III.A [Exempted Activities], a permit is required from the ZA for all development that is located within the FHO District. Development that requires conditional use approval or a variance from the Board of Adjustment under this bylaw must have such approvals prior to the issuance of a permit by the ZA.

- 1. All permits shall require that a permittee have all other necessary permits from state and federal agencies before work may begin.

**C. Administrative Review; Permitted Development**

The following development activities in the FHO District meeting the Development Standards in Section E.IV, require an administrative review from the ZA and may receive a permit from the ZA without review by the Board of Adjustment:

- 1. Within the entire FHO District:
  - a. Above grade development located on ground, which has not been elevated by the placement of fill, that is one foot above base flood elevation and documented with field-surveyed topographic information certified by a registered professional engineer or licensed land surveyor.
  - b. Open fencing and signs elevated on poles or posts that create minimal resistance to the movement of floodwater.
  - c. At-grade parking or other at-grade/below grade development that will not create an obstruction to flood flows.
  - d. Municipal transportation infrastructure improvements designed and constructed by the Vermont Agency of Transportation that have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw.
  - e. River and floodplain restoration projects, including dam removal, that restore natural and beneficial floodplain functions and include written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw.
- 2. Within the Flood Fringe Sub-district:
  - a. Improvements or repairs from damage to structures that do not expand the existing footprint and do not meet the definition of “substantial improvement” or “substantial damage”.
  - b. Accessory structures not greater than 500 square feet.
  - c. Development related to on-site septic or water supply systems.
  - d. Building utilities.
  - e. Recreational vehicles or travel trailers.

- f. New fill for existing associated transportation and utility networks or to accommodate a replacement on-site septic system, if it can be demonstrated that no other practicable alternative is available.

D. Prohibited Development

Except as provided in Section III.A [Exempted Activity], the following is prohibited:

1. Within the entire FHO District:
  - a. Fully enclosed areas below grade on all sides, including below grade crawlspaces and basements.
  - b. New critical facilities.
2. Within the Floodway Sub-district:
  - a. New accessory structures.
  - b. New encroachments, except for minor improvements to existing structures or relating to bridges, culverts, roads, stabilization projects, public utilities, river and/or floodplain restoration projects, or health and safety measures.
  - c. Changes to existing structures where the footprint of the structure is proposed to expand laterally into the floodway greater than 500 square feet.
  - d. Storage of materials or junk yards.

E. Conditional Use Review

In accordance with 24 V.S.A. § 4414, conditional use review and approval by the Board of Adjustment is required prior to the issuance of a permit by the ZA for any activity in the FHO District that is not exempt or eligible for administrative review.

F. Non-Conforming Structures and Uses

1. A nonconforming structure in the FHO District that has been substantially damaged or destroyed may be reconstructed in its original location only if it is rebuilt to comply with all requirements of the National Flood Insurance Program and this bylaw;
2. Nonconforming structures and uses shall be considered abandoned where the structures or uses are discontinued for more than 12 months. An abandoned structure shall not be permitted for re-occupancy unless brought into compliance with this bylaw. An abandoned use shall not be permitted unless brought into compliance with this bylaw.

IV. Development Standards

The criteria below are the minimum standards for development in the FHO District. If the floodway or flood fringe is not specified, the standard applies to the entire FHO District. Where more than one district is involved, the most restrictive standard shall take precedence.

A. Floodway Sub-district

Within the floodway sub-district, the following standards apply:

1. New encroachments are prohibited within the floodway, except for the following, which also shall comply with Section IV.A.2, below:

- a. changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet;
  - b. new encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects;
  - c. new encroachments relating to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if no other practicable alternative is available;
2. For all proposed new encroachments and above-grade development, a hydraulic analysis is required to be provided for review. The analysis should be performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:
    - a. Not result in any increase in flood levels during the occurrence of the base flood;
    - b. Not increase base flood velocities; and
    - c. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
  3. For development that is either below grade or will not result in any change in grade, the hydrologic & hydraulic analyses may be waived, where the applicant will provide pre- and post-development elevations demonstrating that there will be no change in grade, and that the development will be adequately protected from scour.
  4. For any new encroachment that is proposed within the floodway sub-district where a hydraulic analysis is required, the applicant may provide a FEMA Conditional Letter of Map Revision (CLOMR), in lieu of a hydraulic analysis, to demonstrate that the proposed activity will not have an adverse impact.

**B. No Adverse Impact (NAI) Standard within the Flood Fringe**

Within the flood fringe, the following standards apply:

1. **Compensatory Flood Storage**

New development or redevelopment shall not decrease flood storage capacity. Therefore, except as noted in subsection IV.B.2 [Compensatory Flood Storage Requirement Exceptions] below, development that displaces floodwater storage in the flood fringe shall provide compensatory storage to offset the impacts of the proposal. This is required when the development will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows up to and including the base flood discharge.

  - a. Volumetric analyses and supporting data, demonstrating compensatory storage to offset the impacts of the proposal, shall be provided by the applicant and certified by a registered professional engineer.
    - i. An applicant may submit a hydraulic analysis that demonstrates that a project will not increase flood elevations and velocities on floodwaters in lieu of a NAI volumetric analysis.
  - b. Compensatory flood storage designs shall not materially impact adjacent landowners or structures.

- i. If the design may create an undue adverse impact to adjacent landowners or structures, a hydraulic analysis shall be required to verify that a proposed development will not increase base flood elevations and velocities.

Hydraulic analyses and supporting data shall be provided by the applicant and certified by a registered professional engineer

2. Compensatory Flood Storage Requirement Exceptions

- a. The NAI compensatory storage requirement may be waived for proposed designs that have no more than a minimal effect on floodwater storage and will not result in diverting floodwaters onto an adjacent property or structure. Examples of designs that have a minimal effect on floodwater storage include an open foundation design; utility work that is largely or completely located below grade; minor above ground improvements such as fences or poles that minimally displace or divert floodwaters; and development that will not result in any change to the pre-development ground elevations. A determination to waive the NAI compensatory storage requirement shall include written concurrence from the ANR regional floodplain manager, that the project will have only a minimal effect on floodwater storage.
- b. For remediation of properties with contaminated soils, such as Brownfields sites, the NAI compensatory storage requirement may be waived, if hydraulic analysis demonstrates that the remediation will not increase flood elevations and velocities. Hydraulic analyses and supporting data shall be provided by the applicant and certified by a registered professional engineer.
- c. The NAI compensatory storage requirement may be waived for a replacement structure if:
  - i. There is no increase in the structure's footprint, or
  - ii. An open foundation design is used. Examples include using compliant flood vents or openings, or elevating the structure on post, piers, or pilings with no structural foundation walls below the design flood elevation.
- d. The NAI compensatory storage requirement may be waived for associated transportation and utility networks and replacement on-site septic system proposals, if the applicant demonstrates that the placement of fill cannot be mitigated.

C. The FHO District (Zones A1-30, AE, AH, AO)

Within the FHO District, the following standards apply:

1. *All development*, except development that is exempt under Section III.A, shall be:
  - a. Reasonably safe from flooding.
  - b. Designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure.
  - c. Constructed with materials resistant to flood damage.
  - d. Constructed by methods and practices that minimize flood damage.
  - e. 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.
  - f. Adequately drained to reduce exposure to flood hazards.



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- g. Required to elevate or floodproof any fuel storage tanks to at least two feet above the base flood elevation. This can be achieved by:
    - i. Elevating the fuel storage tank a minimum of two feet above the BFE and securely anchoring the tank to prevent flotation. The tank shall be located on the land-ward or downstream side of the building and all inlets, fill openings, line connections, and vents shall be elevated to two feet above the BFE. Any structure or platform used to elevate the tank shall be designed to withstand anticipated flood loads and forces;
    - ii. In places where elevation of the fuel storage tank is not possible due to the location of existing fuel hookup/fuel lines into an existing building:
      - A. The tank shall be securely anchored to prevent floatation while protecting it from flood forces and debris. Any structure or platform used to anchor and protect the tank shall be designed to withstand anticipated flood forces and debris. The tank vent pipe/valve shall be located at a minimum two feet above the BFE; or
      - B. Storage tanks may be placed underground, if securely anchored and certified by a qualified professional and are protected from flood forces such as scour, erosion, velocity flow, and buoyancy (uplift) force.
  2. For any new structure, replacement structure, substantially improved structure, or structure that has experienced substantial damage, outdoor utilities (electrical, heating, ventilation, plumbing, and air conditioning equipment) and other service facilities (such as sewer, gas, and water systems), shall be located on the landward or downstream side of the building and/or behind structural elements, and located and constructed to minimize or eliminate flood damage.
  3. In Zones AE and A1 – A30 *where floodway limits have not been determined*, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one foot at any point within the community. The demonstration shall be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.
  4. For new, replacement or substantially improved structures, or for structures that have incurred substantial damage, fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
  5. Recreational vehicles, equipment and boat trailers, portable toilets, construction trailers, and other travel trailers shall:
    - a. Be currently registered, licensed and ready for highway use; or
    - b. Be on site for fewer than 180 consecutive days; or
    - c. Meet the requirements for structures in Sections E.IV.A, E.IV.B, and E.IV.C, as appropriate.
  6. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
  7. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
  8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  9. The flood carrying capacity within any altered or relocated portion of any watercourse shall be maintained, any alteration or relocation shall not result in any decrease of stream stability.

10. Bridges, culverts and channel management activities, which by their nature shall be placed in or over the watercourse, shall have a Stream Alteration permit from the Agency of Natural Resources, if required.
11. Subdivisions and Planned Unit Developments shall be accessible by dry land access outside of any FHO District.
12. Structural Standards
  - a. New structures, existing structures to be substantially improved or replaced, or that have incurred substantial damage shall be located such that the lowest floor is at least two feet above base flood elevation. This shall be documented in the proposed and as-built condition with a FEMA Elevation Certificate.
  - b. New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage shall:
    - i. Meet the standards of Section 12.a, above; or
    - ii. Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that two feet above the base flood elevation the structure is dry floodproofed, meaning watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
    - iii. A permit for dry floodproofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection;
    - iv. Dry floodproofing measures used to meet the above floodproofing standard shall work without the use of human intervention at the time of flooding. Exceptions to this standard are when the facility is adequately staffed at all hours with people trained and able to deploy the facility's floodproofing measures, or if the structure is located in a floodplain that has a National Weather Service flood forecast stream gauge that provides adequate advanced warning of potential flooding for the deployment of the floodproofing system.
  - c. New structures, or existing structures to be substantially improved or replaced, or that have incurred substantial damage in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least two feet above the depth number specified on the community's FIRM, or at least three feet if no depth number is specified.
  - d. Critical facilities that are to be replaced, substantially improved, or meet the definition of substantial damage shall be constructed so that the lowest floor, including basement, shall be elevated or dry-floodproofed at least one foot above the elevation of the 0.2% annual flood height (500-year floodplain), or three feet above base flood elevation, whichever is higher. A critical facility shall have at least one access road connected to land outside the 0.2% annual chance floodplain that is capable of accommodating emergency services vehicles. The top of the access road shall be no lower than six inches below the elevation of the 0.2% annual chance flood event.
  - e. For historic structures that would meet the definition of substantial improvement or substantial damage if not for their historic structure designation, the improved or repaired building shall meet the following mitigation performance standards for areas below the base flood elevation:

- i. Any future damage to enclosures below the lowest floor shall not result in damage to the foundation, utility connections, or elevated portions of the building or nearby structures;
  - ii. Utility connections (e.g., electricity, water, sewer, natural gas) shall be protected from inundation and scour or be easily repaired;
  - iii. The building foundation shall be structurally sound and reinforced to withstand a base flood event;
  - iv. The structure's historic designation shall not be precluded;
  - v. The likelihood of flood waters entering the structure during the base flood is reduced; and
  - vi. There shall be no expansion of uses below base flood elevation except for parking, storage, building access, or, in the case of non-residential buildings, where the space is dry floodproofed.
- f. Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, shall:
- i. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and
  - ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs shall be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above adjacent grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; and
  - iii. Include a signed non-conversion agreement from the owner of the structure with the permit application stating that the enclosed area below the BFE will not be converted to another use not listed above in Section 12.f.i and that the community would have the ability to inspect the exterior and interior of the enclosed area in compliance with the standards laid out in the non-conversion agreement.
- g. A small accessory structure of 500 square feet or less need not be elevated to the base flood elevation, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in Section 12.f above.

#### Section 410 - Single-Family Dwelling in Shoreland District

- A. If a State Subdivision Permit is required, it shall be obtained before a zoning permit is issued.
- B. Water-conserving plumbing fixtures shall be used in all new construction and in any alteration of a building that requires a zoning permit.
- C. A 25-foot minimum buffer of undisturbed natural vegetation shall be left along the edge of the lake and along lot lines where appropriate.

Section 411 - Campground in the Shoreland District

- A. All conditions of Section 410 shall be complied with.
- B. The applicant shall show that adequate facilities will be provided for water supply, sewage disposal, trash collection, recreation, emergency vehicle access, electrical needs, pedestrian and vehicular circulation, and storm-water runoff.
- C. All campsites shall be at least 50 feet from any shoreline, stream, lot line, or road right-of-way.
- D. Adequate screening or landscaping shall be provided between the campground and any adjacent use which would be affected.
- E. The minimum total lot size shall be two acres.
- F. Any necessary state permits shall be obtained before issuance of a zoning permit.
- G. See Article VI: Parking and Loading for these requirements.

Section 412 - Religious or Educational Uses in the Shoreland District

- A. All conditions of Section 410 shall be complied with.
- B. The minimum lot size shall be 25 acres.
- C. The applicant shall show that adequate facilities will be provided for water supply, sewage disposal, trash collection, recreation, emergency vehicle access, electrical needs, pedestrian and vehicular circulation, and stormwater runoff.
- D. There shall be a buffer zone of at least 50 feet between any structure and any stream, lot line, or road right-of-way. Screening may be required to protect adjacent uses.
- E. A state Public Buildings Permit shall be obtained before issuance of a zoning permit.

Section 413 - Other Conditional Uses in the Shoreland District

Other uses listed in the Rural Residential column of Article III under "permitted uses" may be allowed in the Shoreland District, under the following conditions.

- A. All conditions of Section 410 shall be complied with.
- B. Any necessary state permits shall be obtained before issuance of a zoning permit.

## ARTICLE V: LOT SIZE, SETBACKS, YARDS

The following requirements apply to all uses shown as Permitted (P) in Article III, Table of Uses. Conditional Uses shall meet the requirements of Article IV unless Article V imposes more restrictive requirements.

DISTRICT	MIN. LOT SIZE	SETBACKS			MIN. LOT FRONTAGE	MAX. BLD. / STRUCTURE HEIGHT <sup>(1)</sup>	MAX. LOT COVERAGE
		Front	Side	Rear			
CONSERVATION	-	-	-	-	-	-	-
COMMERCIAL	One (1) Acre	40'	25'	25'	100'	-	-
RURAL RESIDENTIAL							
Zone A	Twenty-five (25) Acres	40'	25'	25'	100'	-	4%
Zone B	Ten (10) Acres	40'	25'	25'	100'	-	8%
Zone C	Five (5) Acres	40'	25'	25'	100'	-	10%
*SHORELAND	Two (2) Acres	40'	25'	25'	100'	35'	8%

\* Setback from high water mark of lake = 25' (does not apply to Boathouse or Dock)

A buffer of undisturbed natural vegetation not less than 25' in depth shall be left along the edge of the lakes, rivers and streams and along lot lines where appropriate.

<sup>(1)</sup> See Article IX for definition

' = feet

ARTICLE VI: PARKING AND LOADING

No land or structure shall be used, erected, altered or occupied unless the provisions for off-street parking and loading as set forth in this Article shall have been met.

A. Number of Parking Spaces:

The required number of spaces shall be listed in the table below. For any use that is not listed, the Planning Commission shall require spaces as it deems necessary based on standards from other accepted sources, including local parking counts.

Minimum Parking Off-Street Parking Space Requirements

Single Family Residential	2 spaces per dwelling unit
Multi-family residential	2 spaces per dwelling unit plus 1 additional guest space for each four dwelling units
Public Assembly Places (theaters, churches, lodge halls, or other similar places)	1 space for every four seats provided in place of assembly
Commercial / Retail	1 space for every 250 square feet of retail floor area
Small Industry	2 spaces for each 3 employees plus 1 space for each vehicle used by the firm
Sawmill	2 spaces for each 3 employees plus three spaces for customers
Campground in the Shoreland District	1 space for each campsite
Home Occupation	1 space for each employee, located off-street and not in front set-back areas

B. Other Parking Spaces:

Parking spaces for handicapped persons shall be provided for all commercial uses. The size, number, and location of spaces shall comply with the ADA Accessibility Guidelines. Handicap accessible spaces are required to be 8'0" wide, with an adjacent access aisle 5'0" wide. The minimum number of accessible parking spaces required for each lot is as follows:

<u>Total Parking Spaces in Lot</u>	<u>Accessible Spaces in Lot</u>
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1 to 25	1
26-50	2
51-75	3

C. Location of Off Street Parking

Except where otherwise stated, off street parking that is required for a use or uses under this section shall be located entirely on the property on which the use or uses exist. The Planning Commission may approve required off street parking that is located off the property on which a use or uses exist, provided: a) all off-site parking is located within 800 feet of the property on which the use or uses exist, b) an application for approval of off-site parking includes an accurate site plan for all properties affected by the off-site parking proposal, c) the owner or owners of property where off-site parking will be provided are co-applicant's to the site plan application, and d) if so required by the Planning Commission, the applicant shall record appropriate legal documents to ensure that the off-site parking spaces shall be available for use by the user or users for which the off-site parking spaces are being sought.

D. Commercial Off-Street Loading and Unloading Space Requirements

Every building or structure hereafter erected and occupied for business, trade or industry shall be provided with adequate space for loading and unloading vehicles off of the public road right-of-way. This is in addition to the requirements for off-street parking space. This space shall not be used in a manner to obstruct or interfere with the free use of any road or adjoining property.

E. Modification of Requirements

1. Where the Board of Adjustment determines that unique usage or special conditions exist, it may require off-street parking spaces and loading areas greater than the requirements of this section.
2. The Board of Adjustment may reduce the requirements of this section for number of off-street and loading areas, to as low as 50% of the normal requirement, if it determines that overlapping use of parking spaces or other unique characteristics cause the requirement to be unnecessarily stringent.

## ARTICLE VII: NONCONFORMING USES/NONCOMPLYING STRUCTURES

### Section 701 - Continuation of Existing Non-Conforming Uses

Except as provided in Sections 702, 703 and 704 of this Regulation, any use of land, buildings or structures, or parts thereof existing at the effective date of this Regulation, or any amendment thereof, may be continued although such building, structure or use does not comply with the requirements of the district in which it is located. This Regulation, however, shall apply to any alterations of buildings, structures or use of land for a purpose or in a manner substantially different from that to which it was put before alteration.

### Section 702 - Discontinuance of Use

When a non-conforming use has been discontinued for a period of one (1) year, it shall not thereafter be re-established and the future use shall be in conformity with the provisions of this ordinance. This section shall not apply to long-term vacancies of residences by their owners or tenants.

### Section 703 - Changes in Non-Conforming Use

No non-conforming use shall be changed to other than a conforming use for the district in which it is located.

### Section 704 - Restoration of Non-Conforming Use

Any nonconforming use which has been destroyed or damaged by fire, explosion, act of God, or by vandalism or public enemy, may be restored within a two year period, to the same nonconforming use as existed before such damage.

### Section 705 - Non-Complying Structure

A non-complying structure may be continued indefinitely and may be normally maintained and repaired. However, if the structure is destroyed by damage from any cause, it may not be rebuilt except in compliance with these Regulations. A non-complying structure may be enlarged if the enlargement does not increase the degree of non-compliance.



## ARTICLE VIII: PLANNED UNIT DEVELOPMENT

### Section 801 - Planned Unit Development

General Intent - A Planned Unit Development is intended to permit development of larger parcels of land which will provide a desirable and stable environment in harmony with that of the surrounding area; to permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient, aesthetic and desirable use of open area; to permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, and off-street parking areas; and to utilize best the potentials of sites characterized by special features of geography, topography, size or shape.

So that innovations in design and layout, and more efficient use of land may be encouraged, a person may undertake land development in the Residential, Commercial and Shoreland Districts upon approval of a Planned Unit Development as authorized by 24 V.S.A. Section 4407(l2). To permit a Planned Unit Development, the Planning Commission may modify these Zoning Regulations in accordance with that Section, subject to the following standards and conditions:

- A. A site plan shall be submitted to the Planning Commission showing the location, height, spacing, uses, and architectural inter-relationships of all buildings, open spaces and their landscaping; utility lines, streets, driveways, and off-street parking and unloading spaces, unique or man-made features, and physical conditions of the site, accompanied by a statement setting forth the nature of all proposed modifications, changes or supplements to existing zoning Regulations, and such other information as the Planning Commission may deem necessary.
- B. A Planned Unit Development application shall also include both maps and a written statement and must show enough of the area surrounding the proposed PUD to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed.
- C. The Planning Commission shall hold at least one public hearing, upon public notice, prior to approval.
- D. The Board of Adjustment may combine its Conditional Use hearing with the Planning Commission's PUD hearing.
- E. Any permitted and conditional uses allowed in the district where the PUD is located, may be included in the PUD, subject to approval under this Section. Dwelling units may be of varied types.
- F. The PUD shall be consistent with the Town Plan.
- G. The minimum size of a PUD shall be five acres.
- H. The overall density of the project shall not exceed the number of dwelling units and other uses which could be permitted, in the Planning Commission's judgment, if the land were conventionally developed in accordance with these Regulations. The town may allow the proportionate number of families according to the amount of acreage.

- I. The Planning Commission may increase or decrease the setback requirements if, in its judgment, the special circumstances of a proposed development would make such requirement inappropriate. Side and rear setback requirements, as listed in Article III and as used in this Section, shall be interpreted as the side and rear setback requirement required for the PUD as a whole and not as the setback requirements for each particular structure placed in such PUD.
- J. The Planning Commission may allow for a greater concentration of density, or intensity of residential land use within some Section or Sections of the development than upon others, which shall be offset by a lesser concentration in any other Section.
- K. Where a PUD is to be located in more than one zoning sub-district, the lot sizes and the number of allowable dwelling units must be separately calculated for each individual zone in the PUD.
- L. Mixed uses shall be so arranged as to insure visual and acoustical privacy to residents in the development.
- M. Roadways, parking and unloading facilities shall be designed and constructed so as not to cause unreasonable highway congestion or unsafe traffic conditions. The parking requirements of Article VI shall apply in all Districts.
- N. Water and utilities shall be demonstrated to be adequate, and all sewage and other effluent disposal shall be designed by a professional engineer so it will not become a public health hazard, so that it will comply with 410.
- O. Unique natural features of the site shall be preserved.
- P. If a Planned Unit Development application results in land available for park, recreation, open space or other municipal purposes, the Planning Commission as a condition of its approval may establish such conditions on the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes.
- Q. The Planning Commission may attach such reasonable conditions and safeguards as may be necessary to implement the purposes of 24 V.S.A. Chapter 117 and these Regulations, in order to protect the public health, safety and welfare. These may include screening and landscaping.
- R. The Planning Commission may require from the owner, for the benefit of the Town, a performance bond with a good and sufficient surety, in an amount sufficient to cover the full costs of public or private roadways and utility lines, in situations where buildings are to be constructed prior to the completion of such roadways or utility lines.
- S. The Planning Commission shall also have the same powers in any Planned Unit Development application with respect to adequacy of traffic access, circulation and parking, landscaping and screening, and such other items as it has in a Site Plan Review procedure, to the extent not already provided for in this Section.

- T. If the PUD contains units to be owned as condominiums, the applicant shall submit a copy of the Condominium Declaration and Bylaws proposed for the project.
- U. The applicant shall submit a copy of any restrictive covenants proposed to run with ownership of the project or portions thereof.

## ARTICLE IX: SITE PLAN APPROVAL

### Section 901 - 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, accessory structures and uses subject to conditions until the Planning Commission grants Site Plan Approval.

#### A. Submission of Site Plan Map and Supporting Data

The Owner shall submit five (5) 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:

1. Name and address of the owner of record and adjoining lands. Name and address of person or firm preparing the map (if different). Scale of map, north point and date.
2. Survey or sketch of the property showing existing features, including contours (if available), structures, roads, utility easement, rights of way, land use and deed restrictions.
3. 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.
4. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.

#### B. Site Plan Review Procedure

In considering its action, the Planning Commission shall consider and may impose appropriate conditions and safeguards with respect to the adequacy of pedestrian and vehicular access, circulation and parking, landscaping and screening, protecting the utilization of renewable energy resources and other matters as specified in these Regulations.

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

1. Maximum safety of pedestrian and vehicular circulation between the site and the street network including location, number and width of access points, curve radii at access points, acceleration or deceleration lanes on adjacent public streets, sight distance improvements, shared access with adjoining properties, and location of sidewalks and/or other walkways. 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.

2. Adequacy of circulation, parking and loading facilities. Adequacy of on-site circulation, parking, and loading facilities, with particular attention to safety including aisle widths to accommodate emergency vehicles, traffic movement patterns and location of parking areas to prevent conflicts with entering and exiting traffic onto a public street, location of loading docks and number and size of parking spaces.

Particular consideration shall be given to the items in (l) above and effect of noise, glare, or odors on adjoining properties. Refuse and service areas should be included in this consideration. Provisions for snow removal should also be made

3. Adequacy of landscaping, screening and setbacks with regard to achieving maximum compatibility and protection to adjacent property. 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, soils conditions and light on the site.
  4. Protection of existing or proposed renewable energy resources, such as solar collectors and windmills, on this and adjoining properties.
  5. Adequate stormwater management measures to ensure that no additional stormwater runoff is generated beyond the boundaries of the property and that existing drainage patterns are not altered in a manner which impacts neighboring properties, town highways or surface waters. Plans for handling stormwater runoff shall utilize the best available technology to minimize off-site stormwater runoff, increase on-site infiltration, and encourage natural filtration functions.
- C. The planning commission shall act to approve or disapprove any such site plan within sixty days after the date upon which it receives the proposed plan and failure to so act within such period shall be deemed approval.
- D. Copies of the Planning Commissions decision, along with findings of fact shall be sent to the applicant.

## ARTICLE X: GENERAL REGULATIONS

Only those uses permitted or permitted subject to conditions in accordance with these Regulations shall be allowed in the town of Hubbardton. All other uses are prohibited.

### Section 1001 - Signs

- A. All signs erected in the Town of Hubbardton shall conform to the provision of Chapter 21 of Title 10 of the Vermont Statutes Annotated.
- B. Except where otherwise provided by law, the maximum dimensions of any sign located or erected in the Town of Hubbardton shall be:
  - 1. Area: maximum, fifteen (15) square feet per parallel side
  - 2. Height above highway grade: fifteen (15) feet, except that a sign on a building may extend six (6) feet above the top of the roof, but in no case shall the highest point on any sign exceed forty (40) feet.
  - 3. No sign shall be erected within twenty-five (25) feet of side or rear yard setback, and there shall be no more than two (2) signs per business.
  - 4. Signs on Town Highways shall not be erected closer than thirty (30) feet from the center of the traveled portion of the highway.
  - 5. No "On Premises" sign shall be erected more than five hundred (500) feet from the main entrance to the business or activity being advertised, and in no case shall such sign be erected closer to the main entrance of another business or activity than to the business or activity advertised.
- A. No sign or device shall overhang any public street or right of way.
- B. No sign or device shall be illuminated so as to constitute a hazard to safety or health or so as to adversely affect neighboring property or the occupants thereof.
- C. No sign erected pursuant to this section shall be artificially illuminated in any manner, internally or externally, without prior review and approval of the Board of Adjustment. In considering such approval, approval with conditions or disapproval the Board may have regard to the following factors:
  - 1. Residential and/or commercial character of the neighborhood and the zoning district in which the sign is to be located.
  - 2. Effect of the illumination on traffic, parking and neighboring properties, including those properties not necessarily abutting the premises on which the sign is to be located.

3. The interest of the town in preserving the rural appearance of a particular area, roadway or portion there of along which the sign is to be erected.
4. The need for such illumination as it may affect the applicant's purpose for which the sign is intended.

#### Section 1002 - Home Occupation

- A. Residents may use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character of those areas as long as:
1. The dwelling and the lot maintain a residential appearance at all times;
  2. The home occupation is clearly secondary to the use of the site for residential purposes. Not more than 500 sq. ft. or 50 percent of the floor area of the dwelling (whichever is greater) shall be used for the home occupation;
  3. The home occupation is operated by a person who is a legal resident of the site of the dwelling. In the case of seasonal residents, the home occupation may be operated only at those times when the seasonal resident is occupying the dwelling on the site.
  4. No more than 2 additional persons, who are not family members presently residing on the site may be employed in the business;
  5. The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in the applicable zoning district.
  6. Exterior displays or sign, other than those normally permitted in the district, or exterior storage of materials are not permitted.
- B. A zoning permit is required for all Home Occupations. A permitted home occupation is granted to the applicant for the length of time that the applicant occupies the dwelling. The permit shall expire upon relocation by the applicant and shall neither remain with subsequent occupants of the dwelling nor transfer to a new location with the original applicant.

#### Section 1003 - Accessory Building

An accessory building shall comply with the required lot setbacks. Such buildings shall not exceed twenty (20) feet in height, except for agricultural buildings. Garages attached or built into dwellings are considered part of the principal building. Any accessory building of less than 80 sq. ft. does not require a permit.

#### Section 1004 - Satellite Dishes

Satellite dish antennas with diameter measuring less than one (1) meter may be installed in a manner consistent with typical television antennas.

Section 1005 - Use of Travel Trailers

A travel trailer shall not be parked and occupied for more than one (1) month, in a 12-month period, in a Residential and Shorelands District, except that a mobile home or trailer of less than thirty (30) feet in length may be parked if not occupied longer than the above-stated time period.

Section 1006 - Reduction of Lot Area

A lot shall not be changed in size or shape so that the requirements of this ordinance are no longer complied with. The provisions of this section shall not apply when a portion of a lot is taken for a public purpose.

Section 1007 - Existing Small Lots

Any lot in individual, 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.

(A) If such lot subsequently comes under common ownership with one or more contiguous lots, the lot shall be deemed merged with the contiguous lot for purposes of this chapter. However, such lot shall not be deemed merged and may be separately conveyed, if:

(i) the lots are conveyed in their preexisting, nonconforming configuration; and

(ii) on the effective date of any zoning Regulations, each lot had been developed with a water supply and wastewater disposal system; and

(iii) at the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and

(iv) the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems in case a wastewater system fails, which means the system functions in a manner:

(I) that allows wastewater to be exposed to the open air, pool on the surface of the ground, discharge directly to surface water, or back up into a building or structure unless the approved design of the system specifically requires the system to function in such a manner;

(II) so that a potable water supply is contaminated or rendered not potable;

(III) that presents a threat to human health; or



(IV) that presents a serious threat to the environment.

(B) If, subsequent to separate conveyance, as authorized under subdivision (1)(A) of this section, a wastewater system fails, the owner shall be required to obtain from the secretary of natural resources a wastewater permit as required under the subdivision Regulations or a certification that the wastewater system has been modified or replaced, with the result that it no longer constitutes a failed system.

Section 1008 - Required Frontage on, or access to, Public Roads or Waters

Land development shall be permitted only on lots which either have frontage on a public road or public waters or, with approval of the planning commission, access to such a road or waters by a permanent easement or right-of-way.

All such access, except legally pre-existing access, must be at least twenty (20) feet in width.

Section 1009 - Special Public Use Exceptions

In Addition to meeting any state & federal requirements the following shall meet all the requirements of section VIII Site Plan Approval and the coverage requirements of section V unless superseded by state law.

- A. Public utility power generating plants and transmission lines;
- B. State owned and operated institutions and facilities;
- C. Public and private schools and other educational institutions certified by the Vermont Department of Education;
- D. Churches, convents, and parish houses;
- E. Public and private hospitals
- F. Regional solid waste management facilities certified under 10 V.S.A chapter 159
- G. Hazardous waste management facilities for which a notice of intent to construct has been received under section 6606a of Title 10.

To protect the privacy of adjoining property owners, additional yard space or setbacks of the use from the property line other than what is already required in the district may be required.

The density, size, height or bulk of buildings may be increased or decreased as needed to ensure compatibility with established patterns of land use in the district, and to ensure orderly growth and development in the community.

Section 1010 - Solar Access

Solar Access. No development shall be permitted which would eliminate the year-round use of existing or approved (but not yet constructed) solar power or wind generation devices that are or are proposed to be mounted on residential structures.

Section 1011 – Commercial and Industrial Development Screening

Specific Landscaping Requirements.

1. The Town of Hubbardton supports a “good neighbor policy “ in relation to the siting of commercial and industrial development projects, which includes energy projects. A “good neighbor policy” entails first, to the greatest extent possible, using existing topography to shield the project from neighbors and vantage points. Then, if the project is still visible to neighbors and vantage points, the “good neighbor policy” would direct the developer to use screening (vegetative or otherwise consistent with the local architecture) to shield the project from neighbors and vantage points.
2. All plantings, when initially installed, are to be of a size and shape approved by the Board of Adjustment. At installation the plantings must be a height that will screen the facility and any accompanying chain link fences from visibility. Screenings must prevent the visibility of the facility at any time of year.
3. If the Board of Adjustment determines that plantings are not appropriate, it may approve a suitable fence.
4. The remainder of the yard space shall be landscaped and maintained in good appearance.
5. Where new commercial uses are located adjacent to residential buildings, there shall be plantings or attractive solid fencing to screen out all outdoor lighting from the view of the adjacent residential buildings.
6. All landscaping shall be completed and maintained in accordance with the site plan as approved by the Board of Adjustment. Any dead or diseased planting shall be replaced as soon as seasonally possible.
7. All new parking lots may be required to be screened by a strip not less than 15 feet in width with suitable plantings, screening or landform.
8. There shall be a 100% surety bond for the planting / landscaping/ screening components

Section 1012 – Solar Setback

Pursuant to 30 VSA section 248 (s) ground mounted solar arrays exceeding 150 kW in size shall be set back from municipal road and highway boundaries at least 100 feet, and from all other property boundaries at least 50 feet.

Section 1013 - Day Care Family Home

Pursuant to 24 V.S.A. Section 4409 (f), a state registered or licensed day care facility serving six or fewer children full time and up to four children part time shall be considered by right to constitute a permitted single-family residential use of property. Of this number up to six children may be provided care on a full-time basis and up to four children may be provided care on a part-time basis.

Section 1014 - Residential Care Home

Pursuant to 24 V.S.A. section 4409 (d): A state licensed or registered residential care home or group home serving not more than six persons who are developmentally disabled or physically handicapped, shall be considered by right to constitute a permitted single family residential use except that no such home shall be so considered if it locates within 1,000 feet of another such home.

Section 1015 - Equal Treatment of Housing

Nothing herein shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing, from the municipality, except upon the same terms and conditions as conventional housing is excluded.

Nothing herein shall have the effect of excluding from the municipality housing to meet the needs of the population as determined in Section 4382(c) of the Chapter 117 of Title 24 of the Vermont Statutes Annotated.

Nothing herein shall be construed to prevent the establishment of mobile home parks in accordance with chapter 153 of Title 10 of the Vermont Statutes Annotated.

Section 1016 - Accessory Apartment

- A. Occupancy is restricted to not more than two persons, one of whom is related by blood or marriage to the owner of the single family residence, is disabled (as defined in subdivision 251(2) of Title 18) or is at least 55 years of age;
- B. Floor space shall not exceed thirty percent (30%) of the floor space of the existing living area of the single family residence or four hundred (400) square feet whichever is greater; and,
- C. The primary single-family residence is occupied by the owner.
- D. The maximum number of units permitted under this provision is one (1).
- E. The unit is constructed within or attached to a primary single-family residence located in a district in which single-family residences are a permitted or conditional use.

Section 1017 - Lot Limitations

In all districts only one principal building shall be placed on a lot. This requirement shall not apply to compact subdivisions or to working farms where one additional residential structure is permitted for use by a farm employee and farm structures are also permitted.

Section 1018 - Lots in More Than One Zoning District

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.

Section 1019 - 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 prescribed for the district in which the lot is located.

The provisions of this section shall not apply when part of a lot is taken or acquired for a public purpose.

Section 1020 - Required Area of Yards

Space required under these Regulations to satisfy area, yard or other open space requirements in relation to one (1) building shall not be counted as a part of a required open space for any other building.

Section 1021 - Temporary Structures

Temporary permits may be issued by the Zoning Administrative Officer for a period not exceeding one (1) year, for temporary structure 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 (1) year.

## ARTICLE XI: ADMINISTRATION AND ENFORCEMENT

### Section 1101 - Administration and Enforcement

#### Administrative Officer (AO)

An Administrative Officer (AO) shall be appointed to administer this bylaw pursuant to 24 V.S.A. § 4448. The Administrative Officer in Hubbardton is the Zoning Administrator (ZA) and shall administer this bylaw literally and in doing so shall inspect development, maintain records, enforce this bylaw, and perform all other necessary tasks to carry out the provisions of this bylaw and the statutory requirements of 24 V.S.A. Chapter 117. The ZA shall not have the power to permit any land development that is not in conformance with this bylaw.

#### Appropriate Municipal Panel (AMP)

1. The Appropriate Municipal Panels (AMPs) for this bylaw shall be the Board of Adjustment and Planning Commission, which shall be appointed by the Selectboard in accordance with 24 V.S.A. § 4460.
2. The Board of Adjustment and Planning Commission shall have the duties and responsibilities as described in 24 V.S.A. Chapter 117 and as otherwise required by the municipal bylaws.

The Town has a Manual of Procedures for the Administration and Enforcement of the Zoning Regulations which provides more detail on the statutory requirements for administering a zoning Regulation and are based on the relevant provisions of 24 VSA 117.

### Section 1102 - Applications

- A. Applications are required for the division of a parcel into two (2) or more parcels, the construction, exterior reconstruction, conversion, structural alteration, relocation or enlargement of any building(s) or other structure(s), 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 shall commence only in compliance with all regulations in this bylaw for the district in which such building or land is located.
- B. Applications are not required for interior or exterior changes that do not change the permitted use or footprint of a structure.
- C. The Zoning Administrator should assist applicants, to extent possible, with local permits and requirements of these regulations. If other local permits or authorizations are required, the Administrative Officer should coordinate a unified effort on the behalf of the Town in administering its development review programs.
- D. All applications shall be submitted to the Zoning Administrator on forms furnished by him/her and shall be accompanied by five (5) copies [number of copies is optional] of a sketch plan, drawn to scale, 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 this Regulation.

- E. An application for any permit shall be accepted by the Zoning Administrator only if it is complete and is accompanied by payment in cash, check or money order made out to the municipality for the amount of the specified fee. Fees shall be established and reviewed by the Selectboard from time to time.

Section 1103 - Applications - Flood Hazard Overlay (FHO) District

In the FHO, in addition to the above, every application shall contain the following additional information in order to meet the requirements of the National Flood Insurance Program floodplain management regulations (44 CFR Parts 59 and 60):

A. Application Submission Requirements

All Applications for development shall include:

1. **Site Plan.** A site plan that depicts the proposed development, all water bodies, all (Hazard Overlay District/Hazard Area) boundaries, the shortest horizontal distance from the proposed development to the top of bank of any river, any existing and proposed drainage, any proposed fill, pre- and post-development grades, and the elevation of the proposed lowest floor as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
2. **Project Review Sheet.** A Vermont Agency of Natural Resources Project Review Sheet.
3. **Supplemental Application Requirements.** Some applications may require additional information based on the location and type of the development. The following information shall be developed and provided with an application, as required below:
  - a. **Base Flood Elevation (BFE).** BFE information is required for:
    - i. Replacement, substantially improved, or substantially damaged structures located within any Flood Hazard Overlay District, including Zone A, where no BFEs have been provided;
    - ii. Projects requiring elevation or dry-floodproofing above BFE;
    - iii. Additions to existing historic structures; and
    - iv. Any accessory structure proposed to be built in accordance with Section E.IV.D.4 and having building utility systems that will need to be protected from flood waters through elevation above the BFE.
  - b. **Floodway Data.** The following information is required for development located in the floodway. All floodway data shall be certified by a registered professional engineer. All submitted proposals shall include electronic input/output files and mapping showing cross-section locations.

- i. Hydraulic calculations demonstrating no rise in BFE or velocity for proposed new or expanded encroachments within the Floodway District.
  - ii. In accordance with 44 C.F.R. § 60.3(c)(10), where BFE data has been provided by FEMA, but no floodway areas have been designated, the applicant shall provide a floodway delineation that demonstrates that the proposed development, when combined with all existing and anticipated future development, will not increase the water surface elevation of the base flood by more than one foot at any point within the community.
- c. **Compensatory Flood Storage.** The following information is required for applications that require compensatory flood storage pursuant to Section E.IV.C:
- i. Designs shall provide equivalent storage volumes during peak flows up to and including the base flood discharge. This No Adverse Impact (NAI) volumetric analysis and supporting data shall be certified by a registered professional engineer.
  - ii. If it appears that the design may create an undue adverse impact to adjacent landowners or structures, a hydraulic analysis may be required to verify that a proposed development will not increase flood elevations or velocities of floodwaters. Hydraulic analyses and supporting data shall be provided by the applicant and certified by a registered professional engineer.

**B. Referrals**

1. Upon receipt of a complete application for new construction or a substantial improvement, the ZA shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner. The ZA and Board of Adjustment shall consider all comments from ANR.
2. Any application for a proposed conditional use or a request for a variance from these regulations shall be referred to the ZBA/DRB in accordance with 24 V.S.A. § 4460.
3. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the River Management Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner.

Section 1104 - Notice of Hearing

Any public notice required for public hearing under this Zoning Regulation shall be given in accordance with 24 V.S.A. § 4444.



Section 1105 - Decisions

1. Decisions on applications that go to the Board of Adjustment or Planning Commission for review shall be made in accordance with 24 V.S.A. § 4464.
2. The Board of Adjustment shall consider comments from the ANR when making a decision on an application.

Section 1106 - Permits

A permit shall be issued by the ZA only in accordance with 24 V.S.A. Chapter 117.

Section 1107 - Variances

Variances may be granted in writing by the Board of Adjustment only in accordance with all the criteria in 24 V.S.A. § 4469 after a public hearing noticed in accordance Section II.C [Public Notice]. consistent with 24 V.S.A. § 4464. If the proposed development is located within any Flood Hazard Overlay District, the proposal shall comply with 44 C.F.R. § 60.6.

1. Any variance issued in the Flood Hazard Area shall not increase flood heights and shall inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the BFE increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

Section 1108 - Appeals

Appeals from any decision or act of the ZA in connection with this bylaw shall be made as provided for in 24 V.S.A. § 4465. Additional provisions applicable to appeal of a substantial improvement or substantial damage determination made by the ZA can be found in [Substantial Improvement and Substantial Damage Determinations, Post Flood Procedures], from Section 408

Section 1109 - Enforcement

1. This bylaw shall be enforced in accordance with 24 V.S.A. §§ 1974a, 4451, and 4452. All notices of violation for properties within the Special Flood Hazard Area shall be provided to the State NFIP Coordinator.
2. No new flood insurance shall be provided for any property which the Federal Insurance Administrator finds has been declared to be in violation of local flood hazard area regulations. If any appeals have been resolved, but the violation remains, the ZA shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended. New and renewal flood insurance shall be denied to a structure upon a finding by the Federal Insurance Administrator of a valid declaration of a violation.

## ARTICLE XII: OTHER REGULATIONS

### Section 1201 - Interpretation of Regulation

The provisions of these Regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except as provided to the contrary in the Act or these Regulations, it is not intended by these Regulations to repeal, annul or in any way impair any Regulations or permits previously adopted or issued, provided, however, that where these Regulations impose a greater restriction upon the use of a structure or land than are required by any other statute, ordinance, rule, Regulations, permit, easement or agreement, the provisions of these Regulations shall control.

### Section 1203 - Fees

Fees may be established by the Selectboard in amounts necessary to cover all costs of the Administrative Officer, the Board of Adjustment and the Planning Commission for such items as processing applications, including costs of material, administrative time, and reasonable overhead such as postage, telephone, etc.

### Section 1204 - Amendments

Any provision of this Regulation, as well as the boundaries of the various zoning districts established herein, may be amended or repealed subject to the provisions of Sections 4403 and 4404(c) of the Act.

### Section 1205 - Disclaimer of Liability

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

These Regulations shall not create liability on the part of the Town of Hubbardton or any local official or employee thereof for any flood damages that result from reliance on this Regulation or any administrative decisions lawfully made there under.

### Section 1206 - Severability

If any provision of this Regulation is held invalid, the invalidity does not affect other provisions or applications of this Regulation which can be given effect without the invalid provision or application.

### Section 1207 - Effective Date

This Regulation shall take effect upon approval in accordance with the voting and other procedures contained in Section 4404 of the Act.

### Section 1208 - Precedence of Regulation

*The provisions of this bylaw shall not in any way impair or remove the necessity of compliance with any other local, state or federal laws or regulations.* The provisions of this Regulation shall take precedence over any conflicting and less restrictive local laws.

#### Section 1209 - Exemptions

No zoning permit shall be required for the following activities:

1. Required Agricultural Practices (RAPs) including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with 24 VSA §4413(d). Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the Administrative Officer prior to any construction, as required for AAPs. Such structures shall meet all setback requirements under these regulations, unless specifically waived by the Secretary.
2. Accepted management practices (AMPs) for silviculture (forestry) as those practices are defined by the Commissioner of Forests, Parks and Recreation, in accordance with 24 VSA §4413(d).
3. Power generation and transmission facilities, which are regulated under 30 V.S.A. §248 by the Vermont Public Service Board. Such facilities, however, should conform to policies and objectives specified for such development in the Municipal Plan.
4. Hunting, fishing, and trapping as specified under 24 V.S.A §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs.

#### Section 1210: Limitations on Municipal Bylaws

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

- a. State or community owned and operated institutions and facilities
- b. Public and private schools and other educational institutions certified by the Agency of Education
- c. Churches and other places of worship, convents, and parish houses
- d. Public and private hospitals
- e. Regional solid waste management facilities certified under 10 VSA chapter 159
- f. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

B. Except for State-owned and -operated institutions and facilities, a municipality may regulate each of the land uses listed in subdivision (A) of this subsection for compliance with the National Flood Insurance Program and for compliance with a municipal ordinance or bylaw regulating development in a flood hazard area or river corridor, consistent with the requirements of subdivision 2291(25) and 24 VSA 4424. These regulations shall not have the effect of interfering with the intended functional use.

- a. A bylaw under this chapter shall not regulate public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.

b. Except as otherwise provided by this section and by 10 V.S.A. § 1976, if any bylaw is enacted with respect to any land development that is subject to regulation under State statutes, the more stringent or restrictive regulation applicable shall apply.

c. A bylaw under this chapter shall not regulate required agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets or accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices which are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation.

## ARTICLE XIII: DEFINITIONS

### Section 1301 - 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 "building" includes "structure"; the word "shall" is mandatory; the words "occupied" or "used" shall be considered as though followed by "or intended, arranged, or designed to be used or occupied"; the word "person" includes "individual, partnership, association, corporation, or any other incorporated or unincorporated organization or group". The Board of Adjustment shall clarify doubt as to the precise meaning of any word used in these Regulations.

**Accessory Building or Use:** A building, structure or use on the same property as a principal building used for purposes normally incidental to those of the principal building.

***“Accessory dwelling”*** means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. See 24 V.S.A. § 4412(1)(E) for more information.

***“Accessory structure”*** means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use or structure on a lot, 2) located on the same lot as the principal structure or use, 3) clearly and customarily related to the principal structure or use, and 4) only used for vehicle parking, storage, or primarily building access. Examples include, garages, garden and tool sheds, and playhouses, but do not include “accessory dwellings.”

**Administrative Officer:** Refers to the Zoning Administrator or the person appointed to administer the Zoning Regulations. This person is recommended by the Planning Commission and appointed by the Board of Selectmen.

**Administrator, FIA:** Refers to the Federal Insurance Administration.

**Appurtenant:** Connected or share a common wall

***“Area of special flood hazard”*** is synonymous in meaning with the term “special flood hazard area” for the purposes of this bylaw.

***“Associated transportation and utility networks”*** means those transportation and utility networks connected to a bridge, culvert, or utility for the purpose of crossing a river or stream and do not include transportation or utility networks within the river corridor that merely run parallel to a river or stream.

**Attached:** Having a common wall and/or roof.

**Auto Service Station with Retail Store/ Mini Mart:** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile and manufactured maintenance activities such as engine overhauls, automobile and manufactured painting, and

body fender work are conducted. This includes a retail store with gasoline pumps as a secondary use, often referred to as a mini-mart.

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

**“Base Flood Elevation” (BFE)** is the elevation of the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

**“Basement”** means any area of a building having its floor elevation below ground level on all sides, including crawlspaces.

**“BFE”** see “Base Flood Elevation.”

**Bed and Breakfast:** A lodging facility located within a residential dwelling with accommodations for up to 10 transient guests.

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

**Building Height:** The vertical distance from the average finished grade surrounding the buildings to the highest point of the roof beams in flat roof; to the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves. Towers, steeples, cupolas, chimneys, antennas, silos and similar structures are exempt from height considerations.

**Building:** Any structure enclosed by exterior walls and covered by a roof constructed or used for residence, business, and other public or private purposes.

**“Channel”** means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

**“Compensatory storage”** means a volume not previously used for flood storage and which shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream, or creek.

**“Common plan of development”** means where a structure will be refurbished or constructed under one approved plan or permit, but in separate stages, phases, or in combination with other construction activities. Such work may be planned unit by unit and may take place at different times, on different schedules.

**“Construction trailer”** means a vehicle which is: (1) built on a single chassis; (2) 500 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable; and (4) designed for use as a temporary office facility used to support management of a construction project, and not as a permanent structure.

**Cottage Industry:** An activity, carried out in a dwelling or accessory structure, such as home offices, repair services, business and personal services, and goods produced or manufactured on site and which meets the conditions of Article 5. Cottage industries also include a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

**“Critical facilities”** means facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities

**Day care facility:** Any place operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care and supervision of children under sixteen years of age outside their homes for periods of less than twenty-four hours a day by a person other than a child's own parent, guardian or relative, but not including a kindergarten approved by the state board of education or a family child care facility.

**“Development”** means any human-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Dwelling:** Any building used by humans for habitation.

**Dwelling, One-Family:** Detached building used as living quarters by one family.

**Dwelling, Two-family:** Single building used as living quarters by two families, living independently of each other.

**Dwelling, Multifamily:** A dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, group homes, row houses, and condominiums; also multiple dwellings.

**Dwelling Unit:** Any dwelling or portion thereof used by one family and providing complete housekeeping facilities for the family.

**“Encroachment”** means activities or construction including fill, substantial improvements, and other development that may cause an increase in flood levels.

**Environmental Court.** The court to whom appeals are taken from decisions of the Planning Commission or Board of Adjustment (24 V.S.A 4471).

**“Equilibrium condition”** means the width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading the channel bed elevation.

**Family:** Two or more persons living together as a single housekeeping unit.

**Family Child Care Facility:** A state registered day care facility, which provides for care on a regular basis in the caregiver's own residence for not more than six children full time and four children part time at any one time. For the purpose of this subdivision, pursuant to 33 V.S.A. section 3511 care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver; except:

- A. These part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days which occur during the school year; and
- B. During the school summer vacation, up to 12 children may be cared for provided that at least six of these children are school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (age 7 and older) and who reside in the residence of the caregiver.

**“Fill”** means any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. Temporary storage of material for less than 180 days is not considered fill.

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



**“Flood fringe”** means the portion of the flood hazard area that is outside of the floodway but still inundated by the base flood (the flood having a one percent chance of being equaled or exceeded in any given year).

**“Flood hazard”** means those hazards related to damage from flood-related inundation or erosion.

**“Flood hazard area”** shall have the same meaning as “area of special flood hazard” under 44 C.F.R. § 59.1. “Area of special flood hazard” is synonymous with the term “special flood hazard area.”

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

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

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

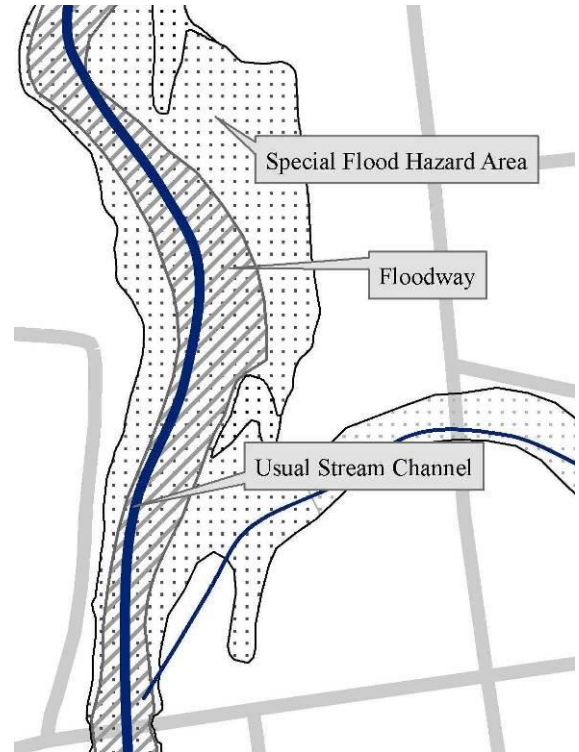
**“Floodproofing”** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

**“Fluvial erosion”** means the erosion or scouring of riverbeds and banks during high flow conditions of a river. Fluvial erosion is most likely to occur within the river corridor.

**“Functionally dependent use”** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

**Gas Station:** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile and manufactured maintenance activities such as engine overhauls, automobile and manufactured painting, and body fender work are conducted. This does not include a retail store with gasoline pumps as a secondary use, often referred to as a mini-mart.



**Group Home:** A residential care home or group home to be operated under state licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. 4501, shall be considered by right to constitute a permitted single family residential use of property, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home.

**“Grading”** means the movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the hazard area and such new material is not offset with an equal or greater removal of material from the portion of the site within the hazard area, the new material shall be considered “fill” and shall not be considered grading.

**Highway:** A public way; esp. a main direct road.

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

**Home Occupation:** Any use conducted entirely within a primary dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for living purposes and does not change the residential character thereof.

**“Infill development”** means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in an area that was not previously developed but is surrounded by existing development.

**Junk:** As defined in the Proctor Outdoor Storage of Junk and Junk Vehicles Ordinance.

**Junk Motor Vehicle:** As defined in the Outdoor Storage of Junk and Junk Vehicles Ordinance.

**Junk Yard:** Land or building used for the collecting, storage or sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, wrecking dismantling, storage, salvaging and sale of machinery parts. This use is specifically prohibited.

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

**“Letter of Map Change (LOMC)”** is a letter issued by FEMA officially removing a structure or lot from the flood hazard area based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area. A LOMC can include a Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), Letter of Map Revision based on Fill (LOMR-F), or a Letter of Map Revision for a Floodway (LOMR-FW).

**Line of Building:** The line of the face of the building nearest the lot line, including sun porches, and open or closed porches but not the following:

1. Outside steps, including landings
2. Fire escapes
3. Cellar hatchways
4. Handicap ramps
5. Chimneys

**Lot:** Any undivided interest in land, whether freehold or leasehold, including but not limited to interests created by trusts, partnerships, corporations, countenances and contracts.

**Lot Line:** Any line bounding a lot as herein defined. The Administrator may determine Lot lines for unusual lot configurations. (*Also see Yard*)

1. **Front Lot Line:** The line separating the lot from the street or road right-of-way. If a lot abuts more than one street, each line is a front lot line.
2. **Rear Lot Line:** The lot line most distant from the front lot line.
3. **Side Lot Line:** A lot line not a front or rear lot line.

**“Lowest floor”** means 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 44 C.F.R. § 60.3.

**Manufactured Home:** 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 structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, and is:

- Transportable in one or more sections; and
- At least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or
- Any structure that meets all the requirements of this subdivision except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code. 10 V.S.A. § 6201(1).

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

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

**Modular (or prefabricated) Home:** A factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles.

**"National Flood Insurance Program"** means the National Flood Insurance Program under 42 U.S.C. chapter 50 and implementing federal regulations in 44 C.F.R. parts 59 and 60. The National Flood Insurance Program aims to reduce the impact of flooding on private and public structures. It does so by providing affordable insurance to property owners in communities that adopt and enforce floodplain management regulations. These efforts help mitigate the effects of flooding on new and improved structures.

**"Natural and beneficial floodplain functions"** means the functions associated with the natural or relatively undisturbed floodplain that includes moderating flooding, retaining flood waters, and reducing erosion, sedimentation and flood related damage. Ancillary beneficial functions include support of ecosystem services such as wildlife habitat, water quality, and recharge of ground water.

**"New construction"** means structures for which the *start of construction* commenced on or after the effective date of this bylaw and includes any subsequent improvements to such structures.

**"Nonconforming structure"** means a structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer. Structures that were in violation of the regulations in effect at the time of their creation, and remain so, remain violations and are not nonconforming structures.

**“Nonconforming use”** means use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.

**“Nonconformity”** means a nonconforming use, structure, lot, or parcel.

**“Non-residential”** includes: businesses, churches, schools, nursing homes, pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, industrial structures, and warehouses.

**Official Zoning Map:** The one true copy of the Town Zoning Map located in the office of the Town Clerk.

**Park, Municipal:** Any park or recreation area or facility owned by the Town of Hubbardton.

**Parking Space:** A space, measuring ten feet by twenty-two feet, for off-street parking of a motor vehicle in conformance with these Regulations.

**Performance Bond:** A document issued either by a bonding or surety company approved by the legislative body or by the owner with security acceptable to the legislative body, in an amount sufficient to cover the full cost of said required improvements and their maintenance for a certain period of time as is estimated by the Planning Commission or such municipal departments or officials as the board may designate. Such bond or other security shall provide for, and secure to the public, the completion of any improvements which may be required and for the maintenance thereof.

**“Person”** means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

**Principal Building:** A building in which the primary use of the property on which it is located is conducted. Attachments are a part of a principal building.

**“Public water access”** means a public access to a water of the State and, except for toilet facilities, shall not include structures as defined in this bylaw.

**Recreation, Private:** Recreation uses privately owned and operated, including but not limited to picnic grounds, archery ranges, hiking and riding trails, hunting and fishing areas, wildlife sanctuaries, nature preserves, swimming areas and boat launching sites, golf driving range, golf pitch and putt course, par three golf courses, hunting preserves, skating rinks, swimming pools, parks, beaches, tennis courts, indoor bowling alley, theater, table tennis and pool hall, gymnasium, health club, hobby workshop, archery range, riding stables.

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

**“Redevelopment”** means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in a previously developed area. The term includes substantial improvements and repairs to substantially damaged buildings.

**“Replacement structure”** means a new building placed in the same footprint as the pre-existing building and does not include a change in use.

**Residential Apartment (Multi-family Structure):** A building or portion thereof, designed for occupancy by three or more families living independently of each other.

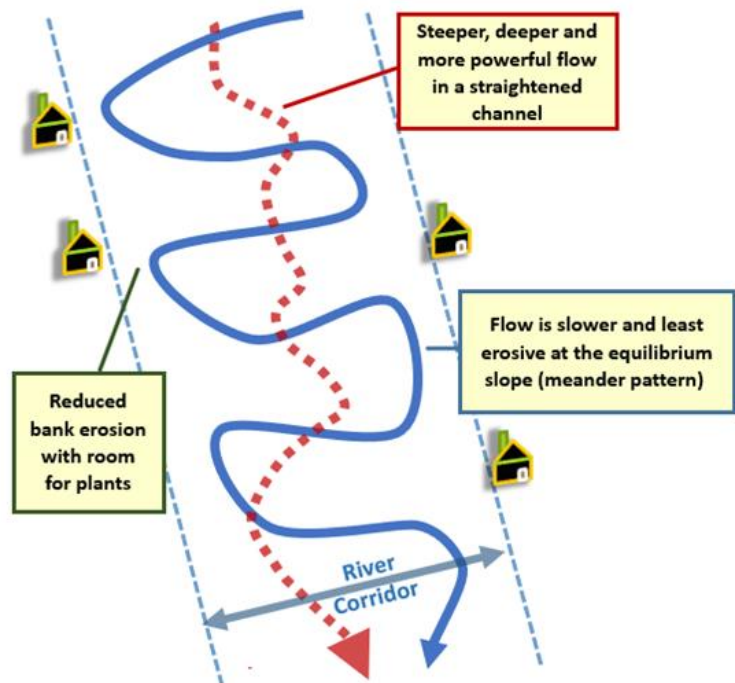
**Residential Care Home:** A place, excluding a licensed foster home, which provides, for profit or otherwise, room, board, and personal care to three or more residents unrelated to the home operator.

**Restaurant:** An establishment whose principal business is the selling of food and beverages to customers seated within or adjacent to the building. Drive-up and drive-through services are prohibited. On-sale liquor services are also prohibited (on-sale beer and wine are permitted as regulated by law).

**Right-of-Way:** A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, trail, water line, sanitary sewer, and / or other public utilities or facilities.

**“River”** means the full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches which experience perennial flow. “River” does not mean constructed drainageways, including water bars, swales, and roadside ditches.

**“River corridor”** means the land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition and for minimization of fluvial erosion hazards, as delineated by the Vermont Agency of Natural Resources in accordance with river corridor protection procedures. (10 V.S.A. § 1422).



**Self-Service Storage Facility.** A building or group of buildings consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods.

**Single Family Detached Dwelling:** A dwelling occupied by a single family in a single dwelling unit.

**Site Plan:** A plan, to scale, showing uses and structures proposed for a parcel of land as required by these Regulations. It includes lot lines, streets, building sites, open space, buildings, major landscape features, and proposed utility lines, if any.

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

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

**“Storage”** means the aggregation of materials, items, or objects whether natural or human-made; that is kept as a stockpile, collection, or inventory; where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials continues to be used for the same purpose; whether set upon the land or within a container, structure, or facility; and that would not otherwise be in compliance with these development standards.

**“Structure”** means a walled and roofed building, as well as a manufactured home, including gas or liquid storage tanks.

**Street:** A public thoroughfare, including road, highway, drive, land, avenue, place, boulevard, and any other thoroughfare that affords the principal means of access to abutting property.

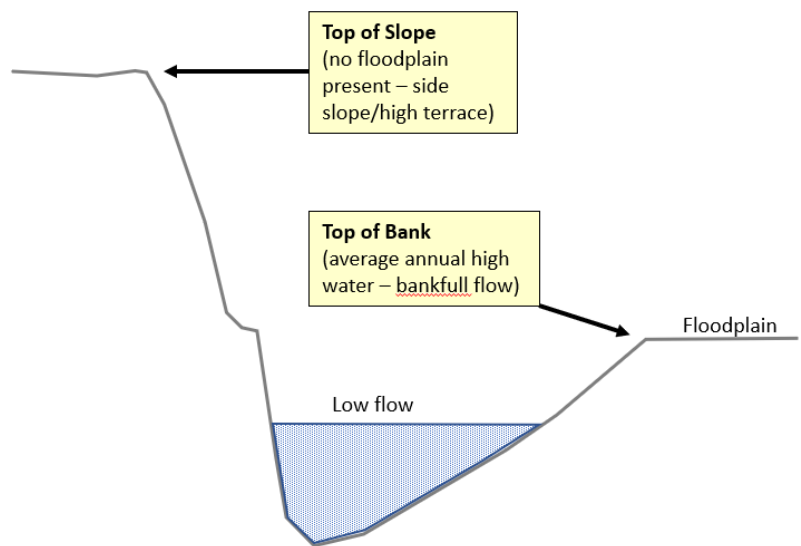
**“Substantial damage”** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**“Substantial improvement”** means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.”

**“Top of bank”** means the point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage.

**“Top of slope”** means a break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut, channel meet floodplains that have been abandoned or are undergoing abandonment.

**Temporary Structure:** A structure designed for use while a permanent structure is under construction, undergoing substantial repairs or reconstruction, or for a special event or conference.



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

**Trailer Park/Campground/R.V. Park:** Privately owned land leased to owners or occupants of transient trailers, recreational vehicles or tents.

**Trailer/Recreational Vehicle:** A vehicle intended to be used for a temporary dwelling, travel and recreational activities. It may be equipped to receive a supply of running water and be provided with bath facilities, flush toilet and sanitary connections.

**Two Family Detached Dwelling:** Building used as living quarters by two families living independently of each other, i.e. 2 baths, 2 kitchens, 2 entrances, etc.



**“Violation”** means the failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 C.F.R. § 60.3 is presumed to be in violation until such time as that documentation is provided.

**“Watercourse”** means any perennial stream and shall not include ditches or other constructed channels primarily associated with land drainage or water conveyance through or around private or public infrastructure.

**“Wet-floodproofing”** means permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding by allowing water to enter the structure in accordance with Technical Bulletin 7 published by FEMA. <https://www.fema.gov/media-library/assets/documents/3503>.

**Wind Energy Conversion System:** any device such as a wind charger, windmill or wind turbine which converts wind energy to a form of usable energy.

**Yard:** An open space at grade between a building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used. **Front Yard:** The yard between the front lot line and front line of a principal building extended to the sidelines of the lot. **Rear Yard:** The yard between the rear lot line and the rear line of a principal building extended to the sidelines of the lot. **Side Yard:** The yard between the side lot line and the side yard line of the principal building extended to the front and rear yards.

