

# **TOWN OF FRANKLIN DEVELOPMENT REGULATIONS**

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1 **ARTICLE 1. GENERAL PROVISIONS**

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2  
3 ***Section 1.1: Statutory Authorization & Enactment***

4 Unified Development Regulations for the Town of Franklin are hereby established in  
5 accordance with the Vermont Municipal and Regional Planning and Development Act  
6 (Title 24, Chapter 117, Subchapter 7, of Vermont Statutes Annotated) hereinafter  
7 referred to as "the Act". The regulations set forth in the text and map which follow shall  
8 be known and cited as the "Town of Franklin Development Regulations."  
9

10 ***Section 1.2: Purpose***

11 The purpose of these Regulations is to implement the Town of Franklin Municipal Plan,  
12 as most recently adopted; to further the purposes of the Act; to promote the health,  
13 safety, and general welfare of the inhabitants of the Town; to provide for orderly  
14 community growth; and to maintain and enhance the natural beauty and environment of  
15 the Town.  
16

17 ***Section 1.3: Applicability***

18 No land development (see definition in Article 10) shall commence within the jurisdiction  
19 of the Town of Franklin except in compliance with these Regulations. Any land  
20 development not authorized under these Regulations is prohibited.  
21

22 ***Section 1.4: Interpretation***

23 These Regulations shall not repeal, abrogate, or impair any other land use controls  
24 including but not limited to statutes, regulations, rules, ordinances, permits, easements,  
25 deed restrictions, and covenants. However, the provisions of these Regulations shall be  
26 minimum requirements that shall take precedence over any concurrent and less  
27 restrictive controls.  
28

29 ***Section 1.5: Amendment, Adoption & Effective Date***

30 These Regulations and any amendments shall be prepared and adopted in accordance  
31 with the procedures outlined in Sections 4441 and 4442 of the Act.  
32

33 ***Section 1.6: Severability***

34 The provisions of these Regulations are severable. If any provision or the application  
35 thereof to any person or circumstance is held invalid by a court of competent  
36 jurisdiction, such invalidity does shall not affect other provisions or applications of these  
37 Regulations.

1 **Section 1.7: Statutory Exemptions**

2  
3 The following uses and structures are specifically exempted from municipal land use  
4 and development regulations by Vermont State law. In accordance with the Act  
5 [§4413], no municipal Zoning Permit or approval under these Regulations shall be  
6 required for:

- 7  
8 1) Accepted agricultural and best management practices (AAPs, BMPs) as adopted in  
9 rules by the Agency of Agriculture (see [www.vermontagriculture.com](http://www.vermontagriculture.com)), including farm  
10 structures, as defined by the Secretary of Agriculture, Food and Markets in  
11 accordance with the Act (Title 6 §4810). However, written notification, including a  
12 sketch plan of the farm structure showing setback distances from road rights-of-way,  
13 property lines, and surface waters shall be made to the Zoning Administrator prior to  
14 any construction as required under the AAPs. Agricultural practices that are  
15 governed by the AAPs include, but are not limited to the following:  
16  
17 a) The confinement, feeding, fencing, and watering of livestock.  
18 b) The handling of livestock wastes and by-products.  
19 c) The collection of maple sap and production of maple syrup.  
20 d) The preparation, tilling, fertilization, planting, protection, irrigation and harvesting  
21 of crops.  
22 e) The ditching and subsurface drainage of farm fields and the construction of farm  
23 ponds.  
24 f) The stabilization of farm field streambanks constructed in accordance with the  
25 United States Department of Agriculture Natural Resources Conservation  
26 Service standards and specifications or other standards approved by the  
27 Commissioner.  
28  
29 2) Accepted management practices (AMPs) for silviculture (forestry) as defined by the  
30 Commissioner of Forests, Parks, and Recreation, pursuant to the Act.  
31  
32 3) Public utility power generating plants and transmission facilities that are regulated by  
33 the Vermont Public Service Board [under 30 V.S.A. §248], including net-metered  
34 wind generation facilities and solar panels.  
35  
36 4) Hunting, fishing or trapping on public or private land as specified by the state [under  
37 24 V.S.A. §2295]. This excludes facilities that may support such activities, such as  
38 firing ranges, rod and gun clubs, and fish and game clubs, which are subject to  
39 these Regulations.  
40

1 **ARTICLE 2. ADMINISTRATION & ENFORCEMENT**

---

2  
3 **Section 2.1: Staff, Boards, and Commissions**

4  
5 **A) Zoning Administrator.**

6  
7 A Zoning Administrator shall be nominated by the Planning Commission and  
8 appointed by the Selectboard for a term of three (3) years. The compensation of the  
9 Zoning Administrator shall be set according to Title 24 Section 932 and 933 V.S.A.  
10 and shall be subject to the personnel rules of the Town of Franklin. A Zoning  
11 Administrator may be removed for cause at any time by the Selectboard after  
12 consultation with the Planning Commission. A Zoning Administrator may hold any  
13 other office in the municipality other than membership in the Board of Adjustment  
14 and the Planning Commission.

15  
16 **1) Responsibilities of the Zoning Administrator.**

- 17  
18 a) The Zoning Administrator shall administer these Regulations literally and shall  
19 not have the power to permit any land development that is not in conformance  
20 with them.  
21 b) The Zoning Administrator shall coordinate a unified effort on behalf of the  
22 municipality in administering its development review programs.  
23 c) The Zoning Administrator shall provide an applicant with forms required to  
24 obtain any municipal permit or other municipal authorization that may be  
25 required by these Regulations or other municipal ordinances.  
26 d) The Zoning Administrator shall inform any person applying for municipal  
27 permits or authorizations that the person should contact the regional permit  
28 specialist employed by the agency of natural resources in order to assure  
29 timely action on any related state permits; nevertheless, the applicant retains  
30 the obligation to identify, apply for, and obtain relevant state permits.

31  
32 **B) Planning Commission.**

33  
34 There shall be a Planning Commission established by the Selectboard according to  
35 Subchapters 9, 10, and 11 of the Act. The Planning Commission shall adopt rules of  
36 procedure and ethics policies in regard to conflicts of interest to guide its official  
37 conduct in conformance with the Act [Section 4323 and 4461] and Vermont's Open  
38 Meeting Law [1 V.S.A. 310-314].

39  
40 **1) Responsibilities of the Planning Commission.**

- 41 a) Prepare and update the Town Plan, undertake capacity studies and make  
42 recommendations on matters of land development, and perform other duties  
43 as described in 24 V.S.A. Section 4325;

- b) Prepare amendments to these regulations and other regulations as permitted by the Act;
- c) Hear and act on applications for access by right-of-way;
- d) Hear and act on applications for subdivision approval; and
- e) Hear and act on any uncertainties on the Zoning Map.

**C) Zoning Board of Adjustment.**

There shall be a Board of Adjustment established by the Selectboard according to Subchapters 9, 10, and 11 of the Act. The Zoning Board of Adjustment shall adopt rules of procedure and ethics policies in regard to conflicts of interest to guide its official conduct in conformance with the Act [Section 4323 and 4461] and Vermont's Open Meeting Law [1 V.S.A. 310-314].

**1) Responsibilities of the Zoning Board of Adjustment.**

- a) Hear and act on appeals of decisions of the Zoning Administrator,
- b) Hear and act on applications for a variance from these regulations, and
- c) Hear and act on applications for conditional use permits.

**Section 2.2: Fees**

The Selectboard shall establish a schedule of application fees and amend the schedule as needed to cover some or all of the cost of the administration and enforcement of these Regulations. The schedule of fees shall be posted in the offices of the Town Clerk and Zoning Administrator, and may be altered or amended only by resolution of the Selectboard.

**Section 2.3: Zoning Permit (Section 210)**

**A) Land Development Requiring a Zoning Permit.** No person shall undertake any land development as defined in Article 10, except as exempted below, without a valid Zoning Permit issued by the Zoning Administrator that specifically authorizes the action. Zoning Permits are issued for a specific parcel of land, and are not transferable to any alternate parcel. Zoning permits run with the land and are not affected by property transfers. Land development includes but is not limited to the following:

- 1) Construction, placement or relocation of a structure greater than 50 square feet.
- 2) A change to the exterior dimensions of an existing structure which changes the height or increases building area or square footage by greater than 50 square feet.
- 3) A change or expansion to the use of land or of structures thereon

- 1 4) New or expanded earth resource extraction or processing operations (See
- 2 Section 7.4).
- 3 5) The filling of land (See Section 6.1).
- 4 6) Places, relocates or changes an outdoor sign allowed according to Section 6.8.

5  
6 **B) Exemptions.** A Zoning Permit is not required for the following actions:

- 7 1) New structures or improvements to existing structures which involve 50 square
- 8 feet or less.
- 9 2) Actions associated with landscaping customary in yard areas.
- 10 3) Demolition of structures; however, compliance with Section 2.3(E) is required.
- 11 4) Certain signs (according to Section 6.9).

12  
13  
14 **C) Application Requirements.** Along with the permit fee and all other approvals

15 required by these Regulations, an application for a Zoning Permit must contain the

16 following:

- 17 1) A sketch or plan indicating:
  - 18 a) the shape, size, height, and location in exact relation to all property lines and
  - 19 to street or road lines of any structure to be constructed, altered, extended or
  - 20 moved, and of any structure already on the lot;
  - 21 b) the location of any proposed new boundary line on the lot; and
  - 22 c) the existing or intended use of all such structures and the land;
- 23 2) A list of names and most recent mailing addresses of all abutting property
- 24 owners within the same or neighboring communities as derived from the Grand
- 25 List;
- 26 3) A copy of a Wastewater and Potable Water Supply application or permit (if
- 27 issued) from the Vermont Department of Environmental, or written proof from the
- 28 Vermont DEC that such a permit is not required.
- 29 4) Any other information which the Zoning Administrator requires to ensure that the
- 30 provisions of these Regulations are met.
- 31
- 32
- 33
- 34

35  
36 **D) Zoning Permit Requirements.**

- 37 1) **Does the proposal require Planning Commission or Zoning Board of**
- 38 **Adjustment review?** If one or more approvals from the Planning Commission or
- 39 Zoning Board of Adjustment are required, such approval shall be obtained before
- 40 applying for a Zoning Permit.
- 41 2) **Does the proposal meet the zoning district use and dimensional**
- 42 **standards?** Before issuing a Zoning Permit, the Zoning Administrator shall
- 43 confirm that the use proposed is a permitted use according to Table 3.4(a) or has
- 44 received Conditional Use Approval from the Zoning Board of Adjustment. In
- 45 addition, the Zoning Administrator shall confirm that the proposal conforms to the
- 46

1 dimensional requirements, including setbacks, as listed in Table 3.4(b).  
2

3 **3) Does the proposal meet the standards in Article 6, Article 7, and Article 8?**

4 Before issuing a Zoning Permit, the Zoning Administrator shall confirm that the  
5 proposal conforms to the decision and conditions imposed in the DRB approval  
6 (if one exists) and meets the applicable standards in Article 6, Article 7 and  
7 Article 8.  
8

9 **4) Has the proposal obtained all other required permits or approvals?** Before  
10 issuing a Zoning Permit, the Zoning Administrator shall confirm that the proposal  
11 has obtained all required local permits and approvals, such as water supply  
12 allocations, approval for a curb cut on a Town highway, conformance with  
13 municipal road ordinances, subdivision approval, and any other required permits  
14 or approvals.

15 **a) Proof of Wastewater and Potable Water Supply Permit.** If the Zoning  
16 Administrator, the Planning Commission or the Zoning Board of Adjustment  
17 has not received a copy of a Wastewater and Potable Water Supply Permit  
18 from the Vermont Department of Environmental Conservation (DEC) or proof  
19 that such a permit is not required, the Zoning Permit and/or Board decision  
20 shall be conditioned on the issuance of a Wastewater and Potable Water  
21 Supply Permit. The Town of Franklin reserves the right to review and appeal  
22 all Wastewater and Potable Water Supply Permits, in addition to  
23 determinations by the DEC that a permit is not required.  
24

25 **E) Zoning Permit Expiration.** Zoning Permits shall be effective for a period of twelve  
26 (12) months. Active construction of the permitted land development must be  
27 completed within this 12-month effective period. If requested in writing, a single,  
28 one-year extension may be granted if active construction has continued for, but has  
29 not been completed within, the initial twelve (12) month period. If a Zoning Permit  
30 expires, a new Zoning Permit must be obtained.  
31

32 1) Within six months after the expiration of a zoning permit all construction materials  
33 used in connection with the land development subject to the zoning permit shall  
34 be removed from the site, and any remaining excavation shall be covered over or  
35 filled to the natural grade and seeded by the owner to prevent erosion.

36 **F) Statement of Appeal.** Each Zoning Permit shall contain a statement of the period  
37 of time within which an appeal may be taken according to Section 2.7.  
38

39 **G) Temporary Uses and Structures** (Section 427). Temporary permits may be issued  
40 by the Zoning Administrator for non-conforming uses and non-conforming structures  
41 incidental to construction projects, provided that the property owner shall remove the  
42 temporary structure or use upon the expiration of the construction project permit.  
43  
44

1 **Section 2.4: Zoning Permit Public Notice and Issuance**

2  
3 **A) Issuance.** Within thirty (30) days of submission of a completed application, fee, and  
4 all other required information and approvals, the Zoning Administrator shall either  
5 issue or deny the Zoning Permit, or refer the application to the appropriate Board.  
6 No Zoning Permit shall be issued by the Zoning Administrator for any land  
7 development which requires the approval of the Planning Commission or Zoning  
8 Board of Adjustment until such approval(s) have been obtained. If the Zoning Permit  
9 is denied, the Zoning Administrator shall so notify the applicant in writing, stating the  
10 reasons for denial. If the Zoning Administrator fails to act within the 30-day period, a  
11 Zoning Permit shall be deemed issued on the 31st day (Section 4448 of the Act).  
12

13 **B) Public Notice.**

14  
15 **1) Zoning Administrator Responsibilities.** Within three days following the  
16 issuance of a Zoning Permit, the Zoning Administrator shall deliver a copy to the  
17 Listers and post a copy of the Zoning Permit in the Town Clerk’s office until the  
18 expiration of the appeal period or in the event that a notice of appeal has been  
19 filed, until final adjudication of that appeal.  
20

21 **2) Applicant Responsibilities.** The applicant must also post a Zoning Permit  
22 notice, in the form prescribed by the Town of Franklin, within view of the public  
23 right-of-way most nearly adjacent to the subject property until the time for  
24 appeals has passed. The notice shall contain a statement of the appeal period  
25 and information as to where a full description of the project and approval can be  
26 found.  
27

28 **C) Flood Hazard Area Referral.** Development of land located within a Flood Hazard  
29 Area (as established in Article 3) shall comply with the referral requirements in  
30 Section 9.4(B).  
31

32 **Section 2.5: Public Hearing Notice Requirements**

33  
34 **A) Public Hearing.** In accordance with Section 4463(a) and 4464(a) of the Act, a  
35 warned public hearing is required for applications requiring approval of the Zoning  
36 Board of Adjustment or Planning Commission. Public notice shall be given not less  
37 than 15 days prior to the date of the public hearing in the following ways:  
38

39 1) Publication of the date, place, and purpose of the hearing in a newspaper of  
40 general circulation in the Town of Franklin and posting of the same information in  
41 three or more public places within the Town (responsibility of the Town),  
42 including posting within view from the public right-of-way most nearly adjacent to  
43 the property for which an application is being made (responsibility of the  
44 applicant).  
45

1 2) Written notification to the applicant and owners of all properties adjoining the  
2 property subject to development, without regard to public right-of-way. Written  
3 notification shall include a description of the proposed project and shall be  
4 accompanied by information that clearly informs the recipient where additional  
5 information may be obtained, and that participation in the local proceeding is a  
6 prerequisite to the right to take any subsequent appeal.  
7

8 All public notices will be created by the Town of Franklin Zoning Office. Town  
9 personnel will be responsible for posting all public notices, except that the applicant  
10 shall be responsible for posting the notice within view of the public right of way  
11 nearest to the property for which the application is being made.  
12

13 **B) Coordinated Review.** In accordance with Section 4462 of the Act, in cases where a  
14 proposed project will require more than one type of development review, the  
15 Planning Commission and Zoning Board of Adjustment may warn and hold a  
16 combined hearing for the purpose of reviewing and acting on the proposal. The  
17 Zoning Administrator shall identify proposed projects appropriate for combined  
18 review and assist applicants in preparing and submitting coordinated applications to  
19 facilitate combined review. Notice for a combined review hearing shall be made in  
20 accordance with Section 4464(a)(1) of the Act. The hearing notice shall include a  
21 statement that the hearing will be a combined review of the proposed project and list  
22 each review processes that will be conducted at the hearing. As applicable, the  
23 combined review process shall be conducted in the following order:

- 24 1) Subdivision Approval
  - 25 2) Access by Right-of-Way Approval
  - 26 3) Planned Unit Development Approval
  - 27 4) Conditional Use Review
  - 28 5) Requests for Variances
- 29

30 All hearing and decision requirements, and all deadlines applicable to each review  
31 process, shall apply. Separate written decisions may be issued for each review  
32 conducted as part of the combined review, but shall be coordinated for consistency  
33 where appropriate.  
34

## 35 **Section 2.6: Decisions**

36

37 Any action or decision of the Planning Commission or Zoning Board of Adjustment shall  
38 be taken by the concurrence of a majority of the members of the Board. In accordance  
39 with the Act (Section 4464(b)), the Planning Commission or Zoning Board of Adjustment  
40 shall issue a decision within 45 days after the adjournment of the hearing. Failure to  
41 issue a decision within the 45-day period shall result in deemed approval effective on  
42 the 46th day (Section 4448 of the Act).  
43

44 Copies of the decision shall be sent to:  
45

- 1 a) the applicant (by certified mail);
- 2 b) the appellant in the case of an appeal (by certified mail);
- 3 c) every person or party who appeared and was heard at the hearing;
- 4 d) the Zoning Administrator; and
- 5 e) the Town Clerk for filing as part of the public records of the Town.

## 7 **Section 2.7: Appeals**

8  
9 **A) Appealing Decisions Made by the Zoning Administrator.** The applicant or any  
10 interested person (as defined in the Act Section 4465(b)) may appeal any decision  
11 or act taken by the Zoning Administrator by filing a written notice of appeal with the  
12 Board of Adjustment within 15 days of the act or decision.

13  
14 1) A notice of appeal filed under this section shall include the following information  
15 in accordance with Section 4466 of the Act:

- 16 a) the name and address of the appellant;
- 17 b) a brief description of the property with respect to which the appeal is taken;
- 18 c) a reference to the applicable provisions of these regulations;
- 19 d) the relief requested by the appellant; and
- 20 e) the alleged grounds why such relief is believed proper under the
- 21 circumstances.

22  
23  
24 2) The Board of Adjustment shall set a date, time, and place for a public hearing on  
25 an appeal which shall be within 60 days of filing of the notice of appeal according to  
26 Section 4465 of the Act. Public notice, public hearing, and decision requirements  
27 according to this Article apply.

28  
29 **B) Appealing Decisions Made By the Planning Commission or Board of**  
30 **Adjustment.** The applicant or any other interested person who has participated in a  
31 municipal regulatory proceeding as defined in the Act Section 4471(a) may appeal  
32 any decision of the Board of Adjustment or the Planning Commission within 30 days  
33 of such decision to the Vermont Environmental Court.

34  
35 Within thirty (30) days following the date of decision rendered by the Board of  
36 Adjustment or Planning Commission, notice of the appeal (which shall include the  
37 same information as required in Section 2.7(A) above) shall be filed by:

- 38 1) Certified mail, with fees, to the Environmental Court;
  - 39 2) Mailing a copy to the Town Clerk, who shall provide a list of interested persons to  
40 the appellant within 5 working days;
  - 41 3) Upon receipt of the list of interested persons, the appellant shall, by certified mail,  
42 provide a copy of the notice of appeal to every interested person.
- 43  
44

1 **Section 2.8: Violations**

2  
3 A) Violations of these Regulations shall be regulated as prescribed in Sections 4451  
4 and 4452 of the Act.

5  
6 B) The Zoning Administrator shall initiate appropriate action in the name of the  
7 municipality upon violation of these Regulations.

8  
9 C) Any person who violates these Regulations shall be fined not more than \$100 for  
10 each offense. Each day a violation is continued shall constitute a separate offense.  
11 In the case of a subdivision, each violating lot which is part of a sale or agreement  
12 for sale or transfer shall be considered a separate offense.

13  
14 D) No action may be brought unless the alleged offender has had at least 7 days  
15 warning notice by certified mail. The notice shall state that a violation exists, that the  
16 alleged offender has an opportunity to cure the violation within 7 days, and that the  
17 alleged offender will not be entitled to an additional warning notice for a violation  
18 occurring after the 7 days.

19  
20 E) An action may be brought without the 7-day notice and opportunity to cure if the  
21 alleged offender repeats the violation within 12 months of an initial 7-day warning  
22 notice.

23  
24  
25  
26  
27

1 **ARTICLE 3. ZONING DISTRICTS & DISTRICT REGULATIONS**  
2

---

3 **Section 3.1: Establishment of Zoning Districts & Official Map**  
4

5 A) The Town is hereby divided into the following four zoning districts:

- 6 • Village;
- 7 • Rural Residential/Agricultural;
- 8 • Shoreland/ Recreation; and
- 9 • Conservation.

10  
11 In addition, a Flood Hazard Overlay District is established to protect the Town's flood  
12 hazard areas. The overlay district imposes an additional layer of regulations upon  
13 the affected lands.  
14

15 B) The location and boundaries of zoning districts are established as shown on the  
16 Official Franklin Zoning Map and the Town of Franklin Flood Insurance Rate Maps  
17 (published by the Federal Emergency Management Agency). The locations of the  
18 zoning districts on the Franklin Zoning Map located in the Town Clerk's Office shall  
19 be the final authority as to the zoning status of all land and water areas in the Town.  
20

21 C) The Official Zoning Map shall be identified by the signatures of the Selectboard,  
22 attested by the Town Clerk. No changes of any nature shall be made on the Official  
23 Zoning Map except in conformance with the zoning amendment procedures and  
24 requirements set forth in the Act, Sections 4441 and 4442.  
25

26 **Section 3.2: Zoning District Objectives**  
27

28 **A) VILLAGE DISTRICT.** The purpose of this district is to affirm Franklin's commitment  
29 to its existing historical centers by accommodating intensive, high-density residential  
30 and commercial development. The Villages of Franklin and East Franklin shall  
31 remain the focus of activity in the Town, and are areas of first priority for municipal  
32 service development.  
33  
34

35 **B) RURAL RESIDENTIAL/AGRICULTURE DISTRICT:** The purpose of this district is  
36 to accommodate sufficient low-density rural development to meet housing needs  
37 over the next five years. Land in this district has access by improved public  
38 highways and is currently committed to extensive rural residential development,  
39 although agriculture is still the predominant land use in much of the district.  
40

41 **C) SHORELAND/RECREATION DISTRICT:** The purpose of this district is to protect  
42 the historic character and environmental quality of Lake Carmi and its shoreline by  
43 maintaining the area primarily for seasonal, recreational use. The area includes

1 private and rental dwellings which are used principally for summer residents. This  
2 district includes all lands within 500 feet of the mean water mark of Lake Carmi.  
3

4 **D) CONSERVATION DISTRICT:** The purpose of this district is to protect lands which,  
5 because of their location, topography and soil limitations make them unsuitable for  
6 intensive development. Included are areas of steep slopes and swamp lands.  
7 Designation of this district is intended to protect the scenic and natural resource  
8 value of lands which mostly lack direct access to public roads, are important for  
9 wildlife and wildlife habitat, and which are poorly suited for development. Thus,  
10 provision has been made only for limited development in these areas.  
11

12 **E) FLOOD HAZARD AREA OVERLAY DISTRICT:** The purpose of this district is to  
13 prevent land development which would increase flooding, and reduce losses as a  
14 result of damage from flooding. Designation of this district is also required for the  
15 Town to be eligible for the National Flood Insurance Program.  
16

### 17 ***Section 3.3: Interpretation of Zoning District Boundaries***

18  
19 Where uncertainty exists as to the boundaries of districts as shown on the Official  
20 Zoning Map, the following rules shall apply:  
21

22 A) Boundaries indicated as approximately following the center lines of roads, streams,  
23 transportation and utility rights-of-way shall be construed to follow such center lines.  
24 The abandonment of roads and/or rights-of-way shall not affect the location of  
25 boundaries.  
26

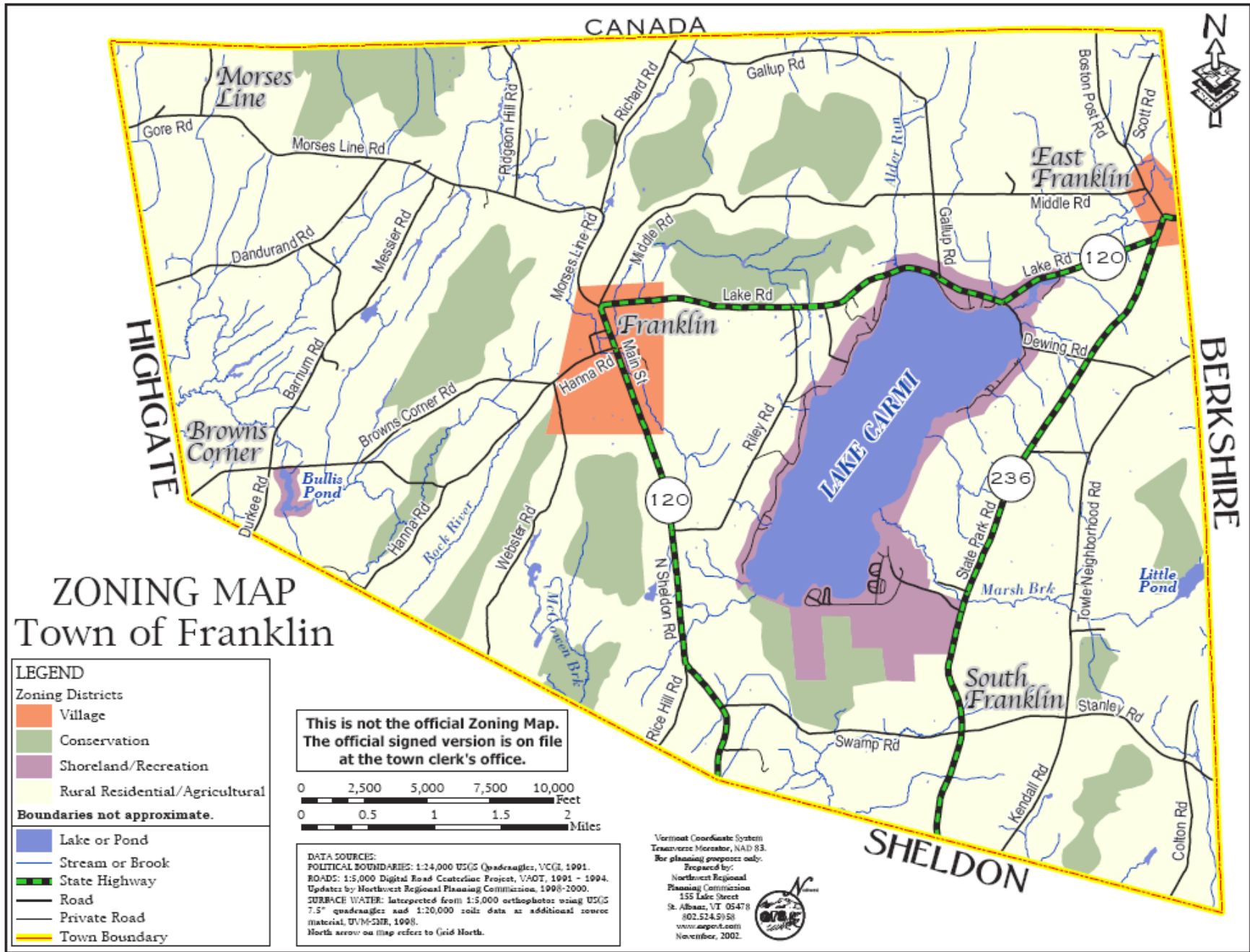
27 B) Boundaries indicated as approximately following lot lines shall be construed to follow  
28 such lot lines.  
29

30 C) Boundaries indicated as following shorelines shall be construed as following the  
31 shoreline at the mean (average) lake level.  
32

33 D) Boundaries indicated as parallel to, or as extensions of features in A), B), and C)  
34 above shall be so construed.  
35

36 E) When the Zoning Administrator cannot definitely determine the location of a district  
37 boundary line by the above rules or by the scale or dimensions on the Official Zoning  
38 Map, the Planning Commission shall interpret the district boundaries.  
39

40 F) Where a district boundary line divides a lot in single ownership on and after the  
41 effective date of these Regulations or of amendments thereto, the Board of  
42 Adjustment may permit, as a conditional use, the extension of the regulations for  
43 either portion of the lot not to exceed 30 feet beyond the district line into the  
44 remaining portion of the lot.



1 **Section 3.4: Zoning District Land Use, Density and Dimensional**  
2 **Standards**

3  
4 **A) Allowable Land Uses.** The prescribed uses and structures for each district are  
5 classified as **permitted** or **conditional**, and shall be regulated as follows:  
6

- 7 1) Permitted uses require a Zoning Permit from the Zoning Administrator.  
8
- 9 2) Uses that require Conditional Use Approval require such approval from the  
10 Zoning Board of Adjustment before the Zoning Administrator may issue a Zoning  
11 Permit. For uses requiring multiple approvals, review may be coordinated in  
12 accordance with Section 2.5(B).  
13
- 14 3) Uses not listed as permitted or conditional in any district may be considered by  
15 the Zoning Board of Adjustment as a Conditional Use if the proposed use is of  
16 the same general character as those permitted or conditional in the district in  
17 which the use is proposed. This section shall not be construed to allow a use to  
18 be considered in a district when it is clear that the use is permitted or conditional  
19 in a different district.  
20

21 **B) Principal Uses per Lot.** There shall only be one principal use per lot, unless the lot  
22 is approved as a PUD according to Section 4.4.  
23

24 **C) Dimensional Standards.** All lots and structures shall comply with the dimensional  
25 standards in Table 3.4(b), except the dimensional standards in Table 3.4(c) shall  
26 apply to specific conditional uses as listed.

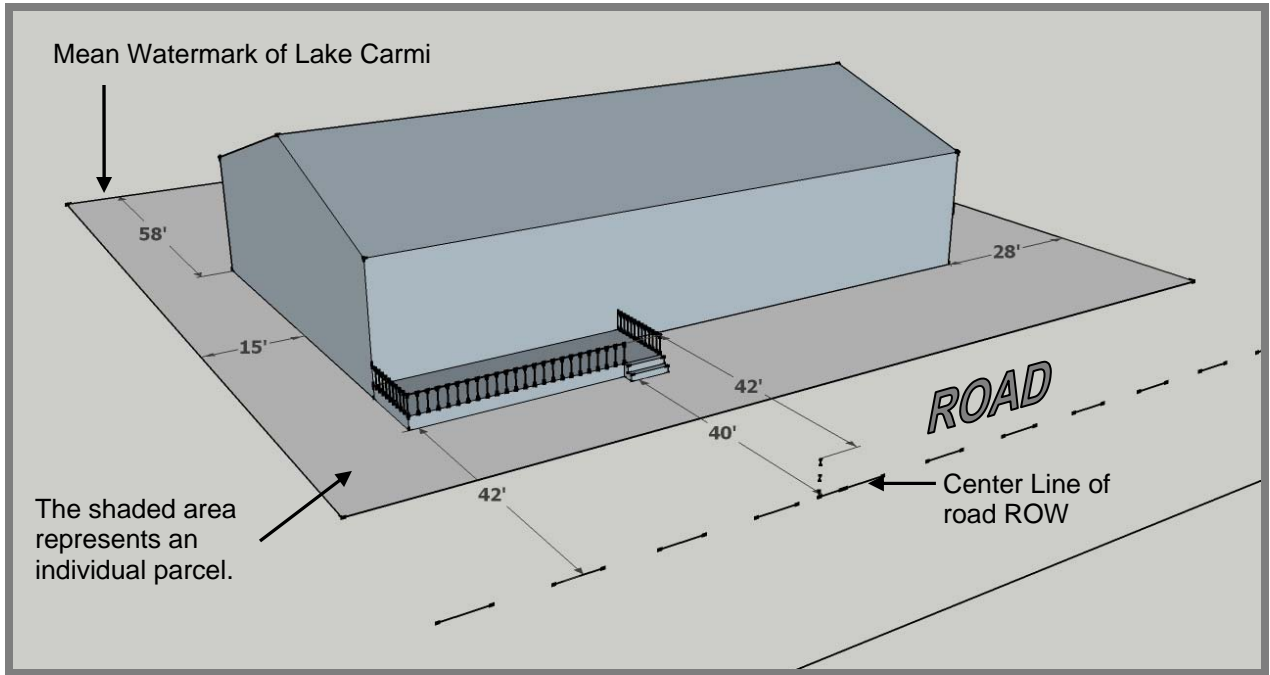
27 **1) Nonconformities.**

- 28 a) Pre-existing lots that do not conform to the minimum lot size or the minimum  
29 frontage requirement shall be considered pre-existing non-conforming lots  
30 and shall be reviewed according to Article 8. Development on pre-existing  
31 lots without frontage shall be reviewed according to Section 6.8(A).  
32
- 33 b) Pre-existing structures that do not conform to the minimum setback  
34 requirements shall be considered pre-existing non-conforming structures and  
35 shall be reviewed according to Article 8.

36 **2) Measuring Setbacks.** When determining dimensional standards, setbacks shall  
37 be measured horizontally from the furthest protruding point of a structure to the  
38 property line, center line of the right-of-way, and/or mean water mark of Lake  
39 Carmi, as applicable. See Figure 3.4 Measuring Setbacks below.  
40  
41  
42  
43  
44  
45

1  
2

**Figure 3.4 Measuring Setbacks**



3  
4  
5

**Table 3.4(a) Allowable Land Uses**

P (Permitted Use), C (Conditional Use), E (Exempt, No Zoning Permit Required)

	Village District (V)	Rural Residential/ Agriculture (R/A)	Shoreland/ Recreation (S/R)	Flood Hazard Overlay (F)	Conservation (C)
<b>Residential Uses</b>					
Single Family Dwelling	P	P	C	C	C
Single Family Seasonal Dwelling	<u>P</u>	<u>P</u>	C	X	<u>P</u>
Two-Family Dwelling	<u>P</u>	P	C	X	X
Two Family Seasonal Dwelling	X	X	C	X	X
Multi-Family Dwelling	C	<u>C</u>	X	X	X
Accessory Dwellings	P	P	P	See Section 7.1	See Section 7.1
Rooming/Boarding House	P	P	X	X	X
Home Occupations	P	P	<u>C</u>	<u>C</u>	<u>C</u>
<u>Bed and Breakfast</u>	<u>P</u>	<u>P</u>	<u>C</u>	X	<u>C</u>
Mobile Home Park	C	C	X	X	X
<b>Commercial (C)</b>					
<u>Lodging Establishment</u>	<u>C</u>	<u>C</u>	<u>C</u> <sup>1</sup>	X	X
Marina	X	X	C	X	X
<u>Gasoline Station, Motor Vehicle Repair/Service, and/or Motor Vehicle Sales</u>	<u>C</u>	<u>C</u>	X	X	X
<u>Personal or Professional Service/Business</u>	<u>C</u>	<u>C</u>	X	X	X
Restaurant	C	<u>C</u>	C	X	X
Retail Establishment	C	C	X	X	X
<b>Industrial Uses (I)</b>					
Light Industry	C	C	X	X	X
<u>Earth Resource Extraction</u>	<u>C</u>	<u>C</u>	X	X	X

<sup>1</sup> Seasonal Lodging Only

**Table 3.4(a) Allowable Land Uses**

P (Permitted Use), C (Conditional Use), E (Exempt, No Zoning Permit Required)

	Village District (V)	Rural Residential/ Agriculture (R/A)	Shoreland/ Recreation (S/R)	Flood Hazard Overlay (F)	Conservation (C)
<b>Public Uses (P)</b>					
Public Facility	C	C	C	X	X
Community Facility	C	C	C	X	X
<u>Place of Worship</u>	<u>C</u>	<u>C</u>	<u>C</u>	X	X
<b>Recreational Uses</b>					
Recreation Facility/Outdoor	<u>C</u>	<u>C</u>	C	X	X
Recreation Facility/Outdoor with no structures	C	<u>C</u>	<u>C</u>	C	X
<u>Recreation Facility/Indoor</u>	C	<u>C</u>	X	X	X
Campground		C	C		
<b>Other Uses</b>					
<u>Agricultural Structure</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>
Accessory Uses & Structures	P	P	P	X	C
<u>Residential Care Home or Group Home</u>	<u>See Section 7.11</u>				
<u>Family Child Care Home or Facility</u>	<u>See Section 7.5</u>				
<u>Public Parking Lot</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Club</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

<b>Table 3.4(b) Dimensional Standards for Structures and Lots</b>				
	Village District (V)	Rural Residential/ Agriculture (R/A)	Shoreland/ Recreation (S/R)	Conservation (C)
<b>Minimum Lot Area</b>	Off-lot Water & Sewer: 20,000 Sq. Ft. On-lot Water & Sewer: 40,000 Sq. Ft.	SF Dwelling: 40,000 Sq. Ft. 2F Dwelling: 60,000 Sq. Ft.	SF <i>Seasonal</i> Dwelling: 14,000 SF or 20,000 Sq. Ft. <sup>(2)</sup> SF <i>Year Round</i> Dwelling: 40,000 Sq. Ft. <sup>(1)</sup> 2F <i>Seasonal</i> Dwelling: 40,000 Sq. Ft. <sup>(1)</sup> 2F <i>Year Round</i> Dwelling: 60,000 Sq. Ft.	10 Acres
<b>Minimum Frontage</b>	100 Feet	140 Feet	SF Seasonal Dwelling: 100 Feet SF Year Round Dwelling & 2F Dwelling: 140 Feet	140 Feet
<b>Setback, Front</b>	30 Feet <sup>(3)</sup>	40 Feet	Public Road: 40 Feet Private Road: 15 Feet	40 Feet
<b>Setback, Yard</b>	15 Feet <sup>(3)</sup>	30 Feet	SF Seasonal Dwelling: 15 Feet SF Year Round Dwelling & Two Family Seasonal Dwelling: 30 Feet	30 Feet
<b>Setback, Stream</b>	50 Feet	50 Feet	50 Feet	100 Feet
<b>Setback, Shoreline</b>	N/A	N/A	SF Seasonal Dwelling: 25 Feet SF Year Round Dwelling & 2F Seasonal: 50 Feet	N/A

- (1) For lot sizes less than 40,000 SF, a waiver may be obtained from the Zoning Board of Adjustment under Conditional Use Review if all other requirements have been met.
- (2) If there are multiple standards given, the lower number for a use shall apply to dwellings that have off-lot water and sewer while the higher number for a use shall apply to dwellings that have on-lot water and sewer.
- (3) For Multi-family Dwellings, an additional five feet per dwelling unit is required in addition to the base standard of 15 or 30 feet.

**Table 3.4(c) Dimensional Standards for Specific Conditional Uses**

	<b>Minimum Lot Size</b>	<b>Setback from road ROW</b>	<b>Yard</b>	<b>Frontage on road or water</b>	<b>Setback from Shore or Stream Bank</b>
Lodging Establishment	5,000 sq. ft. per unit	40 Feet	30 Feet	150 Feet	100 Feet
Restaurant	1 Acre	40 Feet	30 Feet	150 Feet	100 Feet
Recreation Facility/Indoor	1 Acre	40 Feet	30 Feet	150 Feet	100 Feet
Recreation Facility/Outdoor	2 Acres	50 Feet	50 Feet	200 Feet	100 Feet
Community Facility	1 Acre	40 Feet	30 Feet	150 Feet	100 Feet
Club					
Place of Worship	1 Acre	40 Feet	30 Feet	150 Feet	100 Feet
Retail Establishment	1 Acre	40 Feet	30 Feet	150 Feet	100 Feet
Personal or Professional Service/Business	1 Acre	40 Feet	30 Feet	150 Feet	100 Feet
Public Facility (See Section 7.10)	1 Acre	60 Feet	30 Feet	150 Feet	100 Feet
Light Industry, Earth Resource Extraction	2 Acres	60 Feet	40 Feet	200 Feet	100 Feet
Gasoline Station, Motor Vehicle Repair/Service and/or Motor Vehicle Sales (See Section 7.6)	2 Acres	100 Feet	40 Feet	200 Feet	100 Feet
Marina (See Section 7.8)	2 Acres	40 Feet	30 Feet	100 Feet	Not applicable
Campground (See Section 7.3)	5 Acres	200 Feet	50 Feet	200 Feet	100 Feet
Mobile Home Park	See Section 7.9				100 Feet

1 **ARTICLE 4. DEVELOPMENT REVIEW**

---

2  
3 **Section 4.1: Conditional Uses (Section 260)**

4  
5 **A) Applicability.** The following uses require Conditional Use Approval from the Zoning  
6 Board of Adjustment before a Zoning Permit may be issued:

- 7
- 8 • Initiating a new use that is listed in Table 3.4(a) as conditional (C).
  - 9 • Changing an existing use to a different use that is listed as conditional (C) in  
10 Table 3.4(a).
  - 11 • Expanding or modifying an existing conditional use so that it no longer  
12 conforms to its existing Conditional Use Approval. (Alterations or minor  
13 changes to an existing conditional use permit, that are not a “change of use”  
14 may be permitted by the Zoning Administrator as a permitted use under these  
15 regulations)
  - 16 • Nonconformities according to Article 8
  - 17 • Any other land development requiring Conditional Use Review according to  
18 these Regulations.

19 **B) Purpose.** Conditional use review ensures compliance with standards addressing  
20 the impact of proposed land uses on adjacent properties, the neighborhood or  
21 district in which the project is located, and the community at large [Section 4414 (3)  
22 of the Act]. Standards and conditions emphasize those considerations in which off-  
23 site impacts of a proposed project can be identified, avoided and/or mitigated.

24  
25  
26 **C) Application Requirements.** The applicant shall submit four (4) sets of site plan  
27 maps and supporting data to the Board of Adjustment which shall include the  
28 following information presented in drawn form and accompanied by written text:

- 29
- 30 1) An accurate map of the property showing existing features, including,  
31 structures, septic system(s), large trees, streets, utility easements, off-street  
32 parking areas, rights-of-way, land use, and deed restrictions and such other  
33 features as the Board considers necessary for a proper evaluation of the  
34 application.
  - 35
  - 36 2) Name and address of the owner of record and those of adjoining lands.
  - 37
  - 38 3) Name and address of the person or firm preparing the map, scale of map,  
39 north arrow, and date of map preparation;
  - 40
  - 41 4) Site plan showing proposed structure locations and land use areas, streets,  
42 driveways, traffic circulation, parking and loading spaces, pedestrian walks,  
43 site grading, and landscaping;

1  
2 5) Construction sequence and time schedule for completion of each phase of  
3 development.  
4

5 **D) Review Process.** The Zoning Board of Adjustment must hold a public hearing  
6 before issuing a decision for a Conditional Use Application. Public notice, public  
7 hearing, and decision requirements according to Sections 2.5 and 2.6 apply.  
8

9 **E) Review Standards.** When determining the appropriateness of a proposed  
10 conditional use, the Board of Adjustment shall determine that the development or  
11 use will not have an undue adverse effect on any of the following general conditional  
12 use criteria:  
13

14 **1) *The capacity of existing or planned community facilities.*** The demand for  
15 community services and facilities resulting from the proposed development shall  
16 not exceed the existing or planned capacity of existing facilities or services;  
17

18 **2) *The character of the area affected.*** A conditional use may not, by its nature,  
19 scale, or conduct, adversely change the character of the area as it exists or  
20 would exist if fully developed in accordance with the Franklin Town Plan, and as  
21 defined by the purposes of the zoning district in which the project is located;  
22

23 **3) *Traffic on roads and highways in the vicinity.*** The estimated traffic generated  
24 by the conditional use shall not exceed the estimated volume of traffic that would  
25 be generated by any use which is permitted by right in the district. When the  
26 capacity of a road to accept increased traffic is limited, the conditional use shall  
27 not exhaust or exceed the remaining capacity of the road;  
28

29 **4) *Bylaws now in effect.*** A conditional use must comply with bylaws and  
30 regulations in effect at the time of submission of the application, including  
31 applicable standards in these Regulations, the Town Plan and any other Town  
32 Ordinances;  
33

34 **5) *Utilization of renewable energy resources.*** The Board will consider whether  
35 the proposed development will interfere with the sustainable use of renewable  
36 energy resources by diminishing the future availability of such resources or by  
37 eliminating nearby property owners' access to such resources; and  
38

39 **6) *Emergency Access.*** Fire and rescue must have year round access with an  
40 adequate and safe turn-around location.  
41

42 **F) Conditions.** In approving a conditional use, the Board of Adjustment may attach  
43 such conditions which it may deem necessary to implement the Act and/or the Town  
44 Plan as established in Section 4.3 below.  
45

1 **Section 4.2: Variances (Section 250)**

2  
3 **A) Applicability.** An applicant may apply to the Zoning Board of Adjustment for a  
4 variance from the provisions of these regulations for any structure in accordance  
5 with the standards in this Section.  
6

7 **B) Application Requirements.** The applicant shall submit an application prepared  
8 according to Section 4.1(C).  
9

10 **C) Review Process.** The Zoning Board of Adjustment must hold a public hearing  
11 before issuing a decision for a Variance. Public notice, public hearing, and decision  
12 requirements according to Sections 2.5 and 2.6 apply.  
13

14 **D) Standards.** The Board of Adjustment may render a decision in favor of the  
15 applicant only upon establishing **all** the following facts in its decision:  
16

- 17 1) That there are unique physical circumstances or conditions, including irregularity,  
18 narrowness, or shallowness of lot size or shape, or exceptional topographical or  
19 other physical conditions peculiar to the particular property, and that unnecessary  
20 hardship is due to such conditions, and not the circumstances or conditions  
21 generally created by the provisions of the zoning regulation in the neighborhood  
22 or district in which the property is located;  
23
- 24 2) That because of such physical circumstances or conditions, there is no possibility  
25 that the property can be developed in strict conformity with the provisions of the  
26 zoning regulation and that the authorization of a variance is therefore necessary  
27 to enable the reasonable use of the property;  
28
- 29 3) That the unnecessary hardship has not been created by the applicant;  
30
- 31 4) That the variance, if authorized, will not alter the essential character of the  
32 neighborhood or district in which the property is located, substantially or  
33 permanently impair the appropriate use or development of adjacent property,  
34 reduce access to renewable energy resources, nor be detrimental to the public  
35 welfare; and  
36
- 37 5) That the variance, if authorized, will represent the minimum variance that will  
38 afford relief and will represent the least deviation possible from the zoning  
39 regulation and from the Town Plan.  
40

41 **E)** In rendering a decision in favor of the applicant for a variance, the Board of  
42 Adjustment may attach such conditions which it may deem necessary to implement  
43 the Act and/or the Town Plan as established in Section 4.3 below.  
44

1 **Section 4.3: Specific Conditions for Variances & Conditional Uses**  
2 **(Section 270)**

- 3
- 4 A) The Board of Adjustment shall have the power to impose other reasonable  
5 conditions and safeguards as it deems appropriate and necessary when approving  
6 variances and conditional use applications including but not limited to:  
7
- 8 1) Limiting lot coverage or height of buildings because of undue obstruction to view  
9 and reduction of light and air to adjacent property;
  - 10
  - 11 2) Controlling the location and number of vehicular access points to development to  
12 minimize traffic hazards;
  - 13
  - 14 3) Requiring measures to minimize the adverse effects of land alterations on soil  
15 erosion, water quality, and scenic beauty as may be recommended by the  
16 County Forester, Vermont Department of Environmental Conservation, Natural  
17 Resource Conservation Service, District Highway Engineer, and other experts;  
18
  - 19 4) Requiring suitable landscaping where necessary to reduce noise and glare and  
20 to maintain the property in a character in keeping with the surrounding area;  
21
  - 22 5) Specifying a time limit for construction of improvements to land or structures,  
23 including conditions to phase residential developments to minimize the impact on  
24 schools and other community facilities and services;  
25
  - 26 6) Requiring a performance bond from the applicant to ensure that the project is  
27 constructed and maintained in compliance with the permit and these Regulations;  
28 and  
29
  - 30 7) Any additional conditions and safeguards which the Board of Adjustment deems  
31 necessary to implement the purposes of the Act, the Municipal Plan, or these  
32 Development Regulations.  
33

34 **Section 4.4: Planned Unit Developments (Section 421)**

- 35
- 36 **A) Applicability.** In accordance with Section 4417 of the Act, the Planning  
37 Commission may permit flexibility in the application of the density and dimensional  
38 standards in Article 3 of these regulations for Planned Unit Developments (PUD).  
39
- 40 **B) Purpose.** The purpose of PUDs shall be to encourage flexibility in design and  
41 unified treatment of the development site; to promote efficient use of land; to  
42 facilitate the efficient and economical provision of streets and utilities; and to  
43 conserve the natural resources and scenic qualities of the Town.  
44

1 **C) Review Process.** PUDs shall be reviewed according to the subdivision review  
2 process in Article 5. Public notice, public hearing, and decision requirements  
3 according to Section 2.5 and 2.6 apply. For PUDs that include one or more uses  
4 requiring Conditional Use Approval, these approvals shall also be required for the  
5 specific uses and shall be coordinated with PUD review to the extent practical.  
6

7 **D) Application Requirements.** Applications for PUDs shall comply with the  
8 application requirements for subdivisions. When a PUD does not include the  
9 subdivision of land, the Planning Commission may waive inapplicable application  
10 requirements. All PUDs shall require the following additional application  
11 requirements:  
12

- 13 1) A brief summary of the project that explains how it meets the purposes of a PUD.
- 14
- 15 2) Any request for flexibility in the application of density and dimensional standards  
16 in Article 3.
- 17
- 18 3) Plans for the permanent maintenance and/or management of open space areas  
19 included within the development.  
20

21 **E) General Review Standards.** The following general standards shall be met in order  
22 for the Planning Commission to approve the application:  
23

- 24 1) The project shall be consistent with the Franklin Town Plan.  
25
- 26 2) The minimum project size for any PUD shall be 10 acres or 10 times the  
27 minimum lot size for the applicable zoning district, whichever is greater.  
28
- 29 3) In any PUD, the number of units shall not exceed the number which could be  
30 permitted, in the Planning Commission's judgment, if the land were subdivided  
31 into lots in conformance with the applicable district requirements of these  
32 Regulations.  
33
- 34 4) Mixed uses shall be so arranged and buffered as to ensure visual and acoustical  
35 privacy to residents in and adjacent to the development.  
36
- 37 5) The minimum setback and yard requirements for the district in which the project  
38 is located shall apply to the periphery of the development unless the Planning  
39 Commission finds it necessary to impose further requirements for setbacks,  
40 landscaping, and screening to protect the rights of adjoining property owners.  
41
- 42 6) The development shall be proposed over a reasonable period of time to ensure  
43 that adequate municipal facilities and services are available.  
44
- 45 7) The development shall comply with the applicable Land Development Review  
46 Standards and Specific Use Standards in Articles 6 and 7.

1 **ARTICLE 5. SUBDIVISION APPROVAL**  
2

---

3 **Section 5.1: Purpose and Applicability.**  
4

5 **A) Purpose.** These regulations are adopted for the  
6 following purposes:  
7

- 8 1) To provide a common standard for the  
9 development of land;
- 10 2) To ensure that new development addresses  
11 the goals and policies expressed in the  
12 Franklin Town Plan, and conforms to these  
13 and other local regulations;
- 14 3) To control impacts on municipal services,  
15 local tax burden, and resource lands;
- 16 4) To ensure that development serves the public  
17 good, as well as the needs of the landowner.  
18

**Figure 5.1**

**Subdivision:** Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development.

19 **B) Applicability.** For all proposed subdivisions of land, subdivision approval from the  
20 Planning Commission is required prior to undertaking the following:  
21

- 22 1) Any contract for sale, development, or lease of any subdivided portion of a  
23 property;
- 24 2) Any grading, clearing, construction, land development, or other improvement  
25 (excluding forestry or agricultural activities) on a subdivided portion of a property;
- 26 3) Any permit for construction of a structure on a subdivided portion of property; or  
27 4) The filing of a subdivision plat with the Town.

28 **Section 5.2: Administrative Review of Two (2) Lot Subdivisions.**  
29

30 **A) Applicability.** The Zoning Administrator may conduct an Administrative Review of  
31 two (2) lot subdivisions and make a recommendation to the DRB for approval of the  
32 project final plan.  
33

34 **B) Application Requirements.** Two (2) lot subdivisions shall require the same  
35 application requirements as other subdivisions according to Section 5.4.  
36

37 **C) Review Standards.** The Administrative Review shall consider whether the proposal  
38 meets all applicable requirements of these Regulations.

- 39 a) Following the review, the Zoning Administrator shall present a draft written  
40 decision with appropriate conditions to the Planning Commission.
- 41 b) The Planning Commission will then schedule a public hearing, warned  
42 according to Section 2.5, to review the draft decision and either deny the

1 subdivision, make amendments, or approve the subdivision and sign the  
2 written decision and Survey Plat. When amendments are required, the  
3 written decision shall be issued within 45 days in accordance with Section  
4 2.5. The applicant shall file the Survey Plat in accordance with Section  
5 5.4(F).  
6

### 7 **Section 5.3: Sketch Plan Review.**

- 8
- 9 **A) Applicability.** All subdivisions require Sketch Plan Review, except boundary lot  
10 adjustments, two-lot subdivisions, and amendments to approved subdivision plans.  
11 Sketch Plan Review may be waived by the Planning Commission upon request of an  
12 applicant for a subdivision of 3 lots or less.  
13
- 14 **B) Purpose.** Sketch Plan Review provides an opportunity for an applicant to discuss a  
15 proposed subdivision informally with the Planning Commission. The applicant may  
16 explore different approaches to subdivision design, and the Planning Commission  
17 can offer some indication that a proposal can be developed in conformance with  
18 applicable local regulations. A review at this preliminary stage of the process should  
19 highlight issues which need to be addressed in a formal application.  
20
- 21 **C) Fees/Number of Reviews.** In order to ensure the most complete and efficient  
22 review of projects and to provide public and municipal input at the earliest stages of  
23 project development, there shall be no fee for Sketch Plan Review, and more than  
24 one sketch plan review will be permitted.  
25
- 26 **D) Application Requirements.** An application for Sketch Plan Review shall be  
27 submitted to the Zoning Administrator at least 15 days prior to a regularly scheduled  
28 meeting of the Planning Commission. The Sketch Plan application shall consist of a  
29 statement which describes how the proposed subdivision addresses the goals and  
30 policies stated in the Town of Franklin Municipal Plan and a conceptual plot plan,  
31 which may be hand drawn to scale and which shall include the following information:  
32 1) Name and address of the owner of record and applicant.  
33 2) Name of owners or record of contiguous properties, including owners of parcels  
34 across a common public right-of-way.  
35 3) Boundaries and area of all contiguous land, including land separated by a  
36 public right-of-way, belonging to owner of record, and proposed  
37 subdivision.  
38 4) Existing and proposed layout of property lines; type and location of  
39 existing and proposed restrictions on land, such as easements and  
40 covenants.  
41 5) Provisions of the Zoning Regulations and any Zoning District boundaries  
42 applicable to the proposed subdivision.  
43 6) Location of existing and proposed homes and home sites, well sites, and  
44 septic systems.  
45 7) Location of existing and proposed drainage structures and drainage ways.

- 1 8) Type of, location, and approximate size of existing and proposed streets,  
2 utilities, and open space.
- 3 9) Natural features such as wetlands, shorelands, water courses, tree lines,  
4 rock outcroppings, rare/threatened plant or animal species, geological  
5 sites, historic sites, scenic roads or vistas.
- 6 10) Location map showing relation of proposed subdivision to adjacent  
7 property and surrounding area.
- 8 11) Date, true north arrow, and scale.

9  
10 **E) Application Review Meeting.** When a Sketch Plan Application is placed on the  
11 agenda of a Planning Commission meeting, the applicant, or a duly authorized  
12 representative, shall attend the meeting. The agenda shall serve as notice of the  
13 Sketch Plan Review. The Planning Commission shall review the application with the  
14 applicant and may discuss the requirements of these regulations for lot layout,  
15 building location, streets, improvements, drainage, sewerage, water supply, fire  
16 protection, resource protection, the availability of existing services, conformance with  
17 the planning standards of these regulations, the goals and policies of the Town Plan,  
18 or other relevant information. The Commission shall determine whether the  
19 subdivision should be reviewed as a Planned Unit Development.

20  
21 **F) Action on Sketch Plan.** The Planning Commission shall determine whether the  
22 Sketch Plan conforms to these Regulations and any other municipal regulations in  
23 effect. Within 45 days, the Planning Commission shall issue a determination in  
24 writing with specific recommendations for subsequent submissions. The  
25 determination shall be based on the standards in these Regulations. A Sketch Plan  
26 Determination authorizes the applicant to prepare a subdivision application  
27 according to Section 5.3 below.  
28

## 29 ***Section 5.4: Subdivision Review Process***

30  
31 **A) Applicability.** Applications for subdivision review shall be submitted within 6  
32 months from the date that a Sketch Plan determination is issued by the Planning  
33 Commission. At the expiration of six (6) months from issuance of a determination,  
34 the applicant shall be required to resubmit a sketch plan in accordance with Section  
35 5.2.  
36

37 **B) Application.** The applicant shall submit three (3) copies of an application for  
38 approval of a subdivision to the Zoning Administrator. The application shall contain  
39 those items set forth below, plus any other items which may be required by the  
40 Planning Commission. The application shall conform to the sketch plan layout and  
41 determination to the extent practicable. The applicant may request approval of any  
42 deviations from the sketch plan layout and determination in writing as part of the  
43 subdivision review application.  
44

1 **1) Submittal Requirements.** The application shall consist of one or more maps or  
2 drawings which may be printed or reproduced on paper with all dimensions  
3 shown in feet or decimals of a foot, drawn to scale, showing or accompanied by  
4 the following information:

- 5  
6 a) Name and address of the proposed subdivision.  
7 b) Name and address of the owner of record of the property and of adjoining  
8 properties. Name and address of person or firm preparing the map. Scale of  
9 map, north arrow, and date. Name, address, and interest of the applicant in  
10 the subject property.  
11 c) Map or survey of the property, prepared by a landscape architect, registered  
12 land surveyor, registered civil engineer, or registered architect, showing:  
13 • number of acres within the proposed subdivision;  
14 • location of property lines;  
15 • existing easements, deed restrictions;  
16 • contours at intervals of 5 feet unless otherwise required by the Planning  
17 Commission at sketch plan review;  
18 • buildings;  
19 • wooded areas;  
20 • streets;  
21 • water courses; and  
22 • other existing physical features, including large trees and rock  
23 outcroppings.  
24 d) All parcels immediately adjacent to the proposed subdivision, including those  
25 separated by a public right-of-way, with the names and addresses of owners  
26 of record of such adjacent acreage.  
27 e) Location and size of any existing sewers and water mains, individual or  
28 community sewage disposal systems, wells, culverts, and drains on the  
29 property to be subdivided.  
30 f) Site development plan, prepared by a landscape architect, registered land  
31 surveyor, registered civil engineer, or registered architect, showing:  
32 • the proposed lot lines with size and dimensions and building envelopes;  
33 • the location of other proposed structures and their use;  
34 • streets;  
35 • driveways;  
36 • traffic circulation, and parking;  
37 • pedestrian ways;  
38 • a landscape plan, including site grading, landscape design, street trees,  
39 and screening;  
40 • utility lines;  
41 • lighting;  
42 • water supply sources, and sewage disposal areas; and  
43 • land to be set aside for public use.  
44 g) A detailed erosion control plan for development on slopes of 15% or greater.

- 1 h) Typical cross sections of the grading of roadways and of sidewalks. Road  
2 profiles of roadways within the subdivision.
- 3 i) Construction sequence and time schedule for completion of each phase of  
4 the subdivision.
- 5 j) Means of providing water supply to proposed subdivision, including any  
6 fireponds.
- 7 k) Means of disposal of septic wastes.
- 8 l) Stormwater management plan for collection and discharge of stormwater with  
9 written description and contours in sufficient detail to indicate clearly the  
10 method of stormwater management on the site.
- 11 m) Designs for any bridges or culverts which may be required.
- 12 n) Location of temporary markers adequate to enable the Commission to locate  
13 readily and appraise the basic layout in the field.
- 14 o) Any wetlands present on the property to be developed as indicated by the  
15 Vermont Significant Wetlands Inventory Maps available at the Town Clerk's  
16 Office or through the Vermont Department of Environmental Conservation  
17 and any significant wildlife habitat as identified by the Vermont Department of  
18 Fish & Wildlife.
- 19 p) A vicinity map drawn at the scale of not over 400 feet to the inch showing the  
20 relation of the proposed subdivision to the adjacent properties and to the  
21 general surrounding area.
- 22 q) The following supporting documentation:
- 23 i) Copies of proposed deeds, agreements, or other documents showing the  
24 manner in which any streets or open space, including park and recreation  
25 areas, are to be dedicated, reserved, and maintained, and in which  
26 significant natural resources are to be protected and maintained, as  
27 applicable, and a certificate from the Selectboard or Town Attorney that  
28 these documents are satisfactory. Such certificates shall not be construed,  
29 however, as acceptance by the Town of Franklin of any areas proposed to  
30 be dedicated to the Town.
- 31 ii) A plan showing any work required for existing streets or roads to meet the  
32 minimum standards established by these regulations, together with a  
33 statement of the proposed method of meeting the cost of such work and a  
34 time limit for such work approved by the Selectboard.
- 35 iii) An access permit from the Vermont Agency of Transportation or from the  
36 Town of Franklin approving any access or intersection.
- 37 iv) If the subdivision is to be served by public water supply or public sewage  
38 disposal, a statement from the municipal department or utility attesting to  
39 the availability of such service.
- 40 v) A draft of all restrictions of all types which will run with the land and  
41 become covenants.
- 42 vi) Any other documents required by the Planning Commission.
- 43

44 **C) Public Hearing.** A public hearing shall be held by the Planning Commission at the  
45 earliest available regularly scheduled meeting after a subdivision application is

1 submitted to the Zoning Administrator. The hearing shall be warned and noticed in  
2 accordance with the public notice provisions in Section 2.5.  
3

4 **D) Phasing.** At the time the Planning Commission grants approval, it may require the  
5 subdivision to be divided into two or more phases to be developed at separate times,  
6 and may impose such conditions as deemed necessary to ensure the orderly  
7 development of the subdivision and coordination with the planned and orderly  
8 growth of the Town as reflected in the Town Plan and any capital budget and  
9 program in effect.  
10

11 **E) Security to Ensure Performance.** The Planning Commission may require the  
12 applicant to provide security in an amount sufficient to cover the full cost of  
13 constructing any improvements required by the subdivision approval. The  
14 Commission may also require surety covering the maintenance of improvements for  
15 a period of 2 years, said surety to be equal to not less than 10% of the estimated  
16 cost of the improvements. An estimate of the full costs of such improvements and  
17 appropriate security shall be submitted prior to Final Approval. Security may be  
18 required in the form of:  
19

- 20 • A surety bond, issued by a surety company authorized to do business  
21 in Vermont, to be filed with the Selectboard in form and amount  
22 satisfactory to the Board;  
23
- 24 • A letter of credit, cash, escrow account, or savings bank book properly  
25 endorsed to the Town of Franklin in an amount to be determined by the  
26 Selectboard; or  
27
- 28 • A performance bond from the developer or contractor in an amount  
29 acceptable to the Selectboard.  
30

31 1) The performance guarantee shall not be released until the Planning Commission  
32 or their duly authorized representative has certified completion of the  
33 improvements in substantial accordance with the approved Final Plat and  
34 supporting documentation.  
35

36 2) The security shall run for a term to be fixed by the Planning Commission, but in  
37 no case for a period longer than three (3) years. With the consent of the owner,  
38 the term of such bond or security may be extended for an additional period not to  
39 exceed three (3) years.  
40

41 3) If any required improvements have not been installed or maintained as provided  
42 within the term of such performance security, the security shall be forfeited to the  
43 Town of Franklin and upon receipt of the proceeds thereof, the Town shall install  
44 or maintain such improvements as are covered by such security.  
45

1 **F) Filing of Final Plat** Upon Final Approval of the subdivision by the Planning  
2 Commission, the subdivider shall prepare a plat for recording in conformance with  
3 the requirements of 27 V.S.A. Chapter 17. The plat shall be on linen, mylar, or  
4 canvas-backed paper clearly and legibly drawn, and the size of the sheets shall be  
5 18 inches by 24 inches or a multiple thereof. Such sheets shall have a margin of two  
6 (2) inches outside of the border lines on the left side for binding and a one (1) inch  
7 margin outside the border along the remaining sides. Space shall be reserved for  
8 endorsement of all the appropriate agencies. Supporting documentation shall  
9 accompany the final plat in conformance with Sub-Section (3) below.

10  
11 **1) Endorsement.** The chairperson of the Planning Commission shall endorse in  
12 writing on said plat such approval and the date.

13  
14 **2) Filing.** The final plat with endorsement shall be filed by the applicant with the  
15 Town Clerk within 180 days of the Commission's Final Approval. After an  
16 approved plat is filed, no expiration of that approval or certification shall be  
17 applicable. After an approved plat by the clerk is filed, no expiration of that  
18 approval shall be applicable.

19  
20 **3) Final Plat Specifications.** The final subdivision plat shall conform in all aspects  
21 to the application as approved by the Planning Commission, including any  
22 conditions, and shall show:

- 23 • Proposed subdivision name or identifying title; name & address of owner of  
24 record and subdivider; name, license number, and seal of licensed land  
25 surveyor; boundaries of the subdivision and its general location in relation to  
26 existing streets or other landmarks; scale, date, and north arrow;
- 27 • Street names and lines, pedestrian ways, lots, reservations, easements,  
28 building envelopes, and area to be dedicated to public use;
- 29 • All public open space or recreation land for which offers of cession are made  
30 by the subdivider, and those spaces title to which is reserved by the  
31 subdivider;
- 32 • Total acreage of the subdivision and each proposed lot with lots numbered  
33 and identified;
- 34 • Easements and rights-of-way, including those for utilities, water mains, sewer,  
35 and drainage;
- 36 • Location of all utility poles, sewage disposal systems, water supply systems,  
37 and grading or other devices and methods for draining the area within the  
38 subdivision; and
- 39 • The following supporting documentation:
  - 40 ○ If required as a condition of Planning Commission approval, a  
41 performance bond or equivalent surety to ensure completion of  
42 improvements and their maintenance for a period of two years, with a  
43 certificate from the Selectboard or Town Attorney that it is satisfied  
44 either with the bonding or surety company, or with security furnished  
45 by the subdivider;

- Methods of dedication of proposed easements, rights-of-way, and open spaces which may be required by these regulations; and
- Final copies of all deed restrictions and covenants which are to run with the land.

**G) Revisions.** No changes, erasures, modifications, or revisions shall be made on any subdivision plat after final approval, unless said plat is first resubmitted to the Planning Commission in accordance with these regulations and the commission approves the modifications.

**H) Acceptance of Public Infrastructure.** Final Approval by the Planning Commission shall not be deemed to constitute or be evidence of any acceptance by the town of any street, easement, utilities, park, recreational area, or open space shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Selectboard.

### ***Section 5.5: General Subdivision Review Standards***

The Planning Commission shall evaluate any subdivision in accordance with the following general subdivision standards and the applicable Land Development Review Standards in Article 6. The Commission may require the subdivider to submit data addressing impacts related to these standards. In light of findings made on these standards, the Commission may require modification and phasing of the proposed subdivision or correction of any adverse impacts.

**A) Characteristics of the Land.** Land shall not be subdivided in such a way that structures, roads, and utilities occur on land that is unsuitable due to flooding, improper drainage, steep slopes greater than 25%, soils that are shallow to bedrock or have a high water table, rock formations, adverse earth formations or topography, utility easements or other features which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas. The site shall be found suitable for the proposed density of development.

**B) Compatibility.** The proposed development shall be compatible with land uses, lot configuration, road network, and natural features on surrounding properties.

**C) Topography.** Consideration in lot layout shall be given to topographic drainage and soils conditions. Steep slopes of 25% grade or greater are unsuitable for development of structures, roads, and public utilities.

**D) Lot Layout.**

- 1) **Lot Size & Density.** All lots shall conform to the dimensional standards in Article 3. Lot sizes and densities in these Regulations are a minimum standard, and lower densities may be required in some cases.

- 1       **2) Corner Lots.** Corner lots shall have sufficient width to permit a front yard setback  
2       on each street.
- 3       **3) Side Lot Lines.** Side lot lines shall generally be at right angles to straight streets,  
4       or radial to curved street lines.
- 5       **4) Lot Shape.** Lots with irregular shapes (curves, jogs, dog-legs, bowling alleys,  
6       etc.) shall not be approved unless warranted by conditions of topography,  
7       protection of natural resources, existing road location and/or shape or use of the  
8       tract being subdivided.
- 9
- 10      **E) Protection of Land Resources.** Subdivisions shall be designed to minimize  
11      adverse effects upon productive agricultural and forest land, scenic vistas and roads,  
12      and historic resources. Residential uses shall be sited so as to minimize conflicts  
13      with agricultural operations. The Planning Commission shall encourage lot layout  
14      that will conserve open areas in blocks large enough for productive agriculture and  
15      forestry. Planned Unit Development will be encouraged for major subdivisions.
- 16
- 17      **F) Municipal Impacts.** The anticipated tax return from the project must be equal to or  
18      exceed the cost of anticipated municipal services and facilities directly attributable to  
19      it. The proposed development will not place an unreasonable burden on the ability of  
20      local governmental units to provide municipal, governmental, or education services  
21      and facilities.
- 22
- 23      **G) Energy Conservation.** Developments should be designed to allow for energy-  
24      efficient siting of buildings and accesses.
- 25
- 26      **H) Open Land.** The Planning Commission may, in a subdivision having lots or  
27      potential sites for six (6) or more dwelling units, require that the subdivision plat  
28      show one or more areas of character, size, shape, and location suitable to be used  
29      as open space, park, or playground.
- 30
- 31      **1) Limitation.** The Commission may not require the total area of such open space  
32      to exceed 15 percent of the total area of the subdivision.
- 33
- 34      **2) Objectives.** The following objectives shall be used to guide the design and  
35      location of required open land:
- 36      a) Conservation of and access to natural features including river banks,  
37      streams, lakes, and ridge-tops.
- 38      b) Retention of fish and wildlife refuge areas, and nature observation  
39      areas.
- 40      c) Protection of water quality.
- 41      d) Protection of natural drainage ways and flood water retention areas.
- 42      e) Provision, in appropriate areas of population concentration, of areas of  
43      land for active recreational use.
- 44      f) Continued access to existing trails and greenways.

1 g) Provision for adequate controls to ensure the permanence of open  
2 space use in areas so designated through public acquisition of  
3 easement or other suitable type of agreement.  
4

5 **3) Design.** Open land shall be designed to take the greatest possible advantage of  
6 all existing natural features noted above, and to make such space easily  
7 accessible. When a property line of a subdivision abuts existing public or  
8 community open land, the Commission may require the new open land to form a  
9 continuation of the existing open area.  
10

11 **4) Access.** To provide for maintenance and authorized access, community open  
12 space shall abut or have direct access to a street through a right-of-way  
13 dedicated to such purpose. Such right-of-way shall not be less than 20 feet wide  
14 and shall be graded in a manner suitable for traffic or pedestrians and  
15 maintenance vehicles.  
16

17 **5) Development of Open Land.** Land to be used as public open land shall be left  
18 in condition for the purpose intended. The existing natural characteristics of open  
19 land shall not be altered from its original condition until a site plan shall have  
20 been approved by the Planning Commission. The Planning Commission, as a  
21 condition of approval, may establish such conditions as to the ownership, use,  
22 and maintenance of such land as it deems necessary to assure the preservation  
23 of such lands for their intended purpose.  
24  
25  
26

# ARTICLE 6. LAND DEVELOPMENT REVIEW STANDARDS

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## **Section 6.1: Abandonment of Structures (Section 401).**

Within one year after any structure which has been destroyed, demolished, or abandoned, all structural materials and debris shall be removed from the site, and any remaining excavation shall be covered over or filled to the natural grade and seeded by the owner to prevent erosion.

## **Section 6.2: Filling of Land (Section 408)**

In any district a Zoning Permit is required for the depositing of rock, concrete, stone, gravel, sand, cinders, stumps, and soil used for the filling of land. The Zoning Administrator may issue a permit provided the applicant demonstrates that the activity will not significantly alter existing drainage patterns, cause soil erosion, or result in any hazard or expense to the community. State laws governing the filling of land must be adhered to.

## **Section 6.3: Height Limits (Section 410)**

A) No structure shall exceed 35 feet in height. Height shall be measured from the average natural grade abutting the structure to the highest point of a structure with the exception of antennae, chimneys, and mechanical systems.

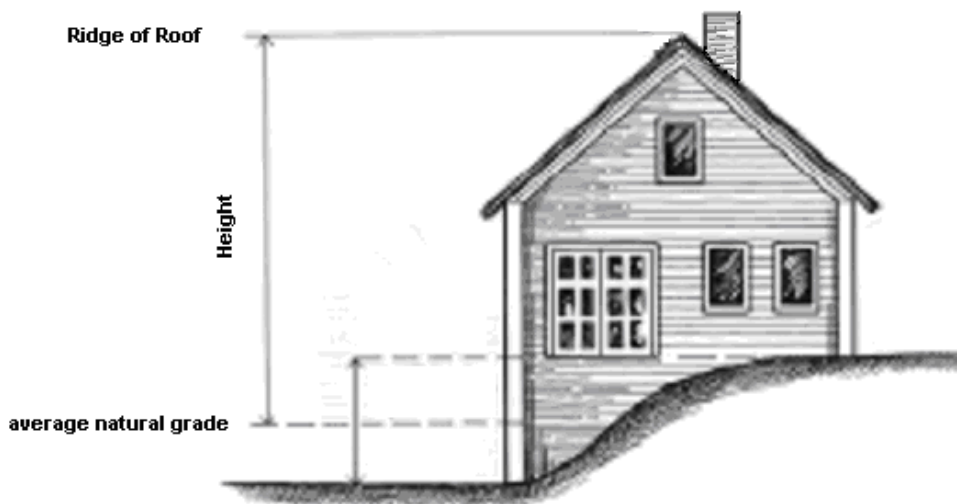


Figure 6.3: Measuring Height

- 1 B) Under Conditional Use Review, the Board of Adjustment may permit a structure to  
 2 exceed the applicable building height maximum provided that the structure does not  
 3 constitute a hazard, and provided that the portion above 35 feet shall remain  
 4 unoccupied except for normal maintenance.  
 5

6 **Section 6.4: Outdoor Lighting (Section 603)**

7  
 8 Outdoor lighting may be required where deemed necessary by the Planning  
 9 Commission or Zoning Board of Adjustment to illuminate areas such as streets,  
 10 sidewalks, and parking areas. Outdoor lighting fixtures shall be designed to direct light  
 11 downward and located and adjusted so as not to cast light directly on adjacent  
 12 roadways or properties.  
 13

14 **Section 6.5: Parking (Section 501)**

15  
 16 **A) General Standards.**

- 17 1) Non-residential parking lots shall be screened or hidden from public highway  
 18 view and the view of persons in residential districts.  
 19 2) No parking or motor vehicles shall be allowed in setback areas.  
 20 3) Commercial parking lots adjacent to residential uses shall be set back at least 50  
 21 feet from the nearest property or street line.  
 22

23 **B) Off-Street Parking Space Requirements (Section 502)**

- 24  
 25 1) For every building hereafter constructed, altered, extended, or changed in use,  
 26 off-street parking spaces shall be provided as set forth below. A required  
 27 driveway shall be at least 20 feet in width, except for one- and two-family uses.  
 28

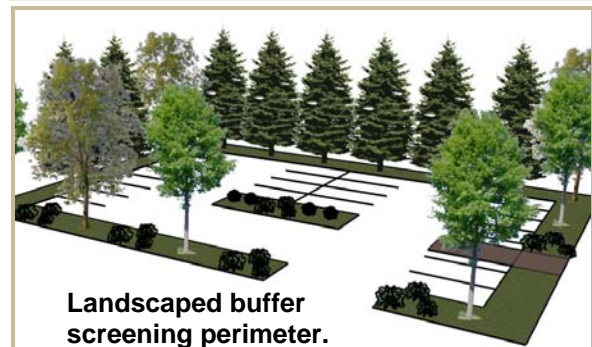
<b>Table 6.5: Minimum Off-Street Parking Spaces for Allowed Uses</b>	
<b>USE</b>	<b>REQUIRED PARKING SPACES</b>
Residential Uses - including PUD	2 per dwelling unit
Lodging Establishments, Bed and Breakfasts, and Rooming and Boarding Houses	1 per lodging unit
Residential Care Homes/Group Homes, Other Residential Care Facilities	1 per 3 beds plus 1 per employee
Clubs	1 per 4 members
Places of Worship, Schools, Public Assembly	1 per 6 seats or per 200 sq. ft. floor space whichever is greater
Personal or Professional Service/Business	1 per 200 sq. ft. floor space

Table 6.5: Minimum Off-Street Parking Spaces for Allowed Uses	
USE	REQUIRED PARKING SPACES
Retail Establishments	1 per 250 sq. ft. floor space
Restaurants	1 per 4 seats plus 1 per employee
Light Industry	2 per 3 employees on largest shift
Unspecified Uses	As required by the Board of Adjustment

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- 2) An off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.
- 3) In addition to the requirements stated above, all multi-family, commercial, and industrial developments must provide handicapped parking spaces in accordance with the Americans with Disabilities Act.
- 4) All off-street parking areas in excess of 10 parking spaces shall provide landscaped areas equal to at least 10 percent of the total parking area. Landscaped areas shall be regularly maintained, and must be integrated into the parking lot design rather than relegated to one concentrated location or to the edges of the parking lot (See Figure 6.5).

**Figure 6.5**



**C) Loading and Service Areas (Section 503)**

- 1) Where a proposed development will necessitate frequent or regular loading or unloading of goods, sufficient on-site service areas shall be provided. Service areas may be required for emergency vehicles, loading and unloading, waste disposal and collection, bus, taxi, or van service, and other purposes as may be necessitated by the proposed use.

- 1           2) All loading and service areas shall be located in such a manner so that parked  
2 vehicles will not block or obstruct sight visibility at intersections to or from any  
3 internal or external road or access.  
4

5           **Section 6.6: Pedestrian Traffic and Access (Section 602)**

6  
7           The proposal shall contain provision for pedestrian traffic which is adequate in terms of  
8 safety, convenience, access to points of destination, attractiveness, and connections  
9 with pedestrian ways on adjoining properties. Curbs and sidewalks may be required in  
10 the village districts, graded areas along one side of a street or access road may be  
11 required in rural areas.  
12

13           **Section 6.7: Performance Standards (Section 420)**

- 14  
15           A) No land or building in any zoning district shall be used or occupied in any manner so  
16 as to create dangerous, injurious, noxious or otherwise objectionable conditions  
17 which adversely affect the reasonable use of adjoining properties.  
18  
19           B) The following standards must be met by all uses in all districts. The burden of proof  
20 in meeting the standards shall fall upon the applicant. The use shall not:  
21  
22           1) Emit any intensity of odor which is considered both offensive and uncharacteristic  
23 of the area;  
24  
25           2) Emit any level of noise which is excessive at the property line and represents a  
26 significant increase in noise levels in the vicinity of the development so as to be  
27 incompatible with the surrounding area;  
28  
29           3) Emit any smoke, dust, dirt, or noxious gases which endanger the health, comfort,  
30 safety, or welfare of the public or adjoining property owners, or which causes  
31 damage to property, business, or vegetation;  
32  
33           4) Emit glare or reflection which impairs the vision of motor vehicle operators,  
34 constitutes a nuisance to other property owners, or which is detrimental to public  
35 health, safety, and welfare;  
36  
37           5) Present a risk as to fire, explosion, or safety which endangers the public or  
38 results in an increased burden upon municipal facilities;  
39  
40           6) Discharge sewage, septic, or other harmful wastes into any water course or into  
41 any sewage disposal system beyond its proper capacity.  
42

1 **Section 6.8: Roads, Driveways, and Access (Section 601)**

2  
3 **A) Access To Lots Without Frontage (Section 424)**

- 4  
5 1) No land development may be permitted on lots without either frontage on a public  
6 road, frontage on a private road approved under these Regulations, or an access  
7 by right-of-way approved under these Regulations.  
8  
9 2) Access by right-of-way to existing lots without frontage requires Planning  
10 Commission approval. Planning Commission approval shall happen concurrently  
11 with any other Board approvals required. If no other Board approvals are  
12 required, such approval shall require Subdivision Review (Sketch Plan Review  
13 may be waived).  
14 a) Access by right-of-way shall be at least fifty (50) feet in width to serve year-  
15 round development lots and at least twenty (20) feet to serve seasonal  
16 development and non-development lots.  
17  
18

19 **B) Public & Private Roads.** The standards of this section shall apply to all proposed  
20 public roads and to private roads serving more than three (3) lots. In addition, these  
21 standards may be applied to private driveways serving three or fewer lots when the  
22 Planning Commission determines that such standards are necessary to provide  
23 suitable access or to accommodate potential future subdivision.  
24

- 25 1) **Construction and Design Standards.** All roads must comply with the minimum  
26 State of Vermont A-76 design standards and the following specific standards for  
27 road design (where the standards in Table 6.8 differ from the A-76 standards,  
28 Table 6.8 shall govern).  
29

Table 6.8 Street/Road Standards		
	Village District	Outside Village District
Minimum ROW Width	50 feet	50 feet
Minimum Width of Travel Lanes	24 feet	18 feet
Minimum Angle of Intersection	75 degrees	75 degrees
Width with Parking - 1 Side	24 feet	18 feet
Width with Parking - 2 Sides	28 feet	NA
Street Slope	0.5 - 10%***	0.5 - 10%***

Table 6.8 Street/Road Standards		
	Village District	Outside Village District
Sight Distance at Intersections	200 feet	100 feet*
Graded Area or Shoulder	4 feet**	2 feet
<p>*Except at intersections with State or Town highways, in which case the sight distance should be 200 feet.</p> <p>**Not required where a curb and sidewalk are provided.</p> <p>***Steeper grades may be approved, but in no case shall they exceed 10% within 100 feet of an intersection with a town road or state highway.</p>		

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**2) Topography.** Roads shall be logically related to the topography so as to produce usable lots, reasonable grades, and safe intersections in appropriate relation to the proposed use of the land to be served by such roads.

**3) Intersections.** New intersections along one side of an existing street shall, if possible, coincide with any existing intersections on the opposite side of the street. Otherwise, "T" intersections are encouraged except that jog intersections with center line offsets of less than 200 feet shall not be permitted. All road intersections shall be as nearly at right angles as possible, and in no case shall be less than 75 degrees.

**4) Sight Distances.** Sight distances should be consistent with probable traffic speed, terrain, alignments, and climactic extremes. On any corner lot, within the triangular area formed by the intersection of two roads and an line joining them at points twenty-five feet away from their intersection, there shall be no obstruction to vision between the height of 3 feet and 10 feet above the average grade of each street.

**5) Access Management on Major Roads.** The Planning Commission shall encourage common access points serving multiple properties in order to limit the number of curb cuts onto major roads and state highways.

- The following shall apply to lands outside of the village limits:
- Parcels accessed from State Highways shall have no more than 1 access road or driveway for each 1,000 feet of highway frontage. All such accesses shall be subject to the approval of the Vermont Agency of Transportation.

- 1           • Parcels accessed from Class 2 Town roads, shall have no more than 1  
2           access road or driveway for each 500 feet of road frontage. All such accesses  
3           shall be subject to the approval of the Selectboard.  
4
- 5       **6) Through Traffic.** Minor roads shall be laid out in a manner which discourages  
6       their use by through traffic.  
7
- 8       **7) Dead Ends or Cul-De-Sacs.** Dead end roads are discouraged. No dead end  
9       road shall be permitted without a suitable cul-de-sac at its terminus with a radius  
10       of not less than 35 feet, and no such road shall be longer than 1800 feet.  
11
- 12       **8) Connectivity.**  
13       1) The arrangement of roads shall connect to neighboring roads where  
14       topographically and physically feasible in order to make possible necessary  
15       fire protection, movement of traffic, and construction or extension of utilities  
16       and public services.  
17       2) Where adjacent properties are not fully developed, the Planning Commission  
18       may require that traveled ways and/or rights-of-way be extended to property  
19       lines.  
20       3) The Planning Commission may require two access points for large  
21       subdivisions of greater than ten (10) lots to protect the public health, safety,  
22       and welfare.  
23
- 24       **9) Accessibility.** All new occupied structures must be accessible by emergency  
25       and service vehicles.  
26
- 27       **10) Upgrading Existing Roads.** Where an existing road is inadequate or unsafe, the  
28       Planning Commission or Zoning Board of Adjustment may require the applicant  
29       to upgrade that access road to the extent necessary to serve additional traffic  
30       from the subdivision.  
31
- 32       **11) Stormwater Management.** A storm water system shall be provided which is  
33       designed to control and accommodate storm water collected on all proposed  
34       roads and/or parking areas.  
35
- 36       **15) Street Names & Signs.** All subdivision roads, whether public or private shall be  
37       named and identified by signs as required by the Town.  
38
- 39       **16) Curb Cuts (Section 504).** Any activity for which a Zoning Permit is required,  
40       and which involves the construction or modification of a driveway intersecting  
41       with a public right-of-way shall obtain an access permit from the Selectboard for  
42       access to town roads, or the Vermont Agency of Transportation for access on  
43       state highways, prior to the issuance of a Zoning Permit.  
44

1 **Section 6.9: Signs (Section 600)**  
2

3 **A) Applicability.** A building permit shall be required prior to the construction, or  
4 replacement of any outdoor sign except the following:  
5

- 6 1) The follow signs are exempt:
  - 7 a) Signs installed by the Town or State on public roads
  - 8 b) Temporary auction, lawn or garage sale signs not to exceed two (2) in  
9 number and not to exceed 15 square feet in aggregate area. All such  
10 temporary signs shall be promptly removed when they have fulfilled their  
11 function.
  - 12 c) On any property being sold or developed, one temporary real estate or  
13 construction sign may be permitted, not to exceed 24 square feet in area and  
14 10 feet in height, providing such sign is promptly removed when it has fulfilled  
15 its function.
  - 16 d) Official business directional signs and non-advertising signs for directional,  
17 safety or public service purposes provided they are in conformance with State  
18 Statute (Title 10, Chapter 21).

19  
20 2) The following signs are prohibited in all Zoning Districts:  
21

- 22 a) Signs which impair highway safety
- 23 b) Signs which are animated, flashing, or intermittently illuminated,
- 24 c) Signs painted or placed on rock outcrops or similar natural features
- 25 d) Roof signs, and wall signs which extend above the roof line
- 26 e) Signs which project over public rights-of-way or property lines  
27

28 **B) Specific Sign Standards**  
29

30 **1) Signs in Rural Lands and Recreation District (Section 620)**  
31

- 32 a) One sign is permitted for each premise not to exceed eight (8) square feet in  
33 area and 6 feet in height, which announces the name, address, professional,  
34 or home occupation of the occupant of the premises.
- 35 b) No illuminated, flashing, or signs with moving parts are permitted.
- 36 c) No strings of lighting or pennants, or similar attention gathering media is  
37 permitted.  
38

39 **2) Signs in Village District (Section 630)**  
40

- 41 a) Two signs are permitted for each premise: one free-standing, and the other  
42 attached to the building. Maximum size of any sign shall be 30 square feet or  
43 a total of 50 square feet for the two signs. Maximum height of any free-  
44 standing sign shall be 20 feet.

- b) The primary purpose of all business signs shall be for identification of the business and products sold, and not for the purpose of making advertising claims.
- c) Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to vehicular traffic. Illumination shall be properly focused upon (or from within) the sign itself.
- d) No strings of lighting or pennants, or similar attention gathering media is permitted.

**C) Computation of Permissible Sign Area (Section 640).** When computing the total permissible sign area for any use:

- 1) Existing signs shall be included in the calculation of the total sign area.
- 2) Signs printed back-to-back shall be counted as one sign.
- 3) Signs consisting of freestanding letters or numerals, shall include any intervening spaces in area calculation.
- 4) Sign measurement shall be the area included within the extreme limits of the sign surface.

**Section 6.10: Site Preservation and Landscaping (Section 604)**

**A) Existing Features.** Site amenities such as trees, water courses or drainage ways, scenic roads, historic sites, unique geologic features, or any other features which the Planning Commission or Zoning Board of Adjustment feels are an asset to the site and/or community shall be preserved insofar as possible through harmonious design and appropriate construction methods in accordance with policies and goals set forth in the Town Plan.

**B) Ridgeline Development.** Developments on ridges and hilltops shall be strongly discouraged. Applicants shall present plans for mitigation of adverse aesthetic and environmental impacts from such development. The Planning Commission or Zoning Board of Adjustment may require applicants to specify building envelopes or clearing limits or limit the height of buildings to mitigate such impacts.

**C) Natural Cover.** Land shall be subdivided and improved so as to retain, insofar as possible, the natural contours and to conserve the natural cover and soil. No topsoil, sand, or gravel shall be removed from the site except in accordance with these Regulations.

**D) Erosion & Sediment Control.** All areas exposed during construction shall be protected in accordance with standards contained in the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites published by the Vermont

1 Department of Environmental Conservation, Agency of Natural Resources. A  
2 detailed erosion control plan shall be provided for development on slopes of 15% or  
3 greater.  
4

5 **Section 6.11: Storage of Flammable Liquids (Section 426)**  
6

- 7 A) The storage of any highly flammable liquid in tanks above ground with unit capacity  
8 greater than 550 gallons shall be prohibited, unless such tanks up to and including  
9 10,000 gallon capacity are placed not less than 80 feet from all property lines, and  
10 unless all such tanks of more than 10,000 gallons capacity are placed not less than  
11 200 feet from all property lines.  
12  
13 B) All tanks having a capacity greater than 550 gallons shall be properly retained with  
14 dikes having a capacity not less than 1 1/2 times the capacity of the tanks  
15 surrounded.  
16

17 **Section 6.12: Stormwater Management (Section 605)**  
18

- 19 **A) Removal of Spring or Surface Water.** The applicant shall remove, either by pipe or  
20 by open ditch, spring or surface water that may exist, either previous to or as a result  
21 of the development. Such drainage facilities shall be located in the road or street  
22 right-of-way when feasible, or in unobstructed easements of adequate width for  
23 maintenance. In design of the drainage system, natural waterways and  
24 drainageways shall be used to the fullest extent possible.  
25  
26 **B) Accommodation of Development Upstream.** Drainage facilities shall be designed  
27 to accommodate potential run-off from the entire upstream drainage area, based  
28 upon conditions of total potential development.  
29  
30 **C) Responsibility for Drainage Downstream.** To prevent flooding and erosion, the  
31 Planning Commission or Zoning Board of Adjustment may require the applicant to  
32 maintain the post-development peak storm water flows at pre-development levels  
33 and/or make down-gradient improvements.  
34  
35 **D) Storm Water Treatment.** The developer shall provide an appropriate level of storm  
36 water treatment to ensure that receiving waterways are not adversely affected.  
37  
38 **E) Design Storm.** All drainage facilities and easements shall be designed for the  
39 following storm frequency based upon the location of the facility or easement, except  
40 when the Planning Commission or Zoning Board of Adjustment determines it is  
41 appropriate to design for a less frequent event:  
42

43 Subdivision System: 10 Year Storm

44 Town Road System: 25 Year Storm

1 **Section 6.13: Utilities (Section 608)**

2  
3 **A) Connection & Supply.** All utility systems, existing and proposed, throughout the  
4 development shall be shown on the final plat. The applicant shall provide evidence  
5 of coordination in the design with the utility companies to ensure adequate supplies  
6 and connections.

7  
8 **B) Installation.** The Planning Commission or Zoning Board of Adjustment may require  
9 underground installation of power and telephone lines wherever it is appropriate to  
10 maintain and protect the visual character of an area or to maintain property values of  
11 adjacent property owners.

12  
13 **C) Easements.** Easements of sufficient width shall be provided so as to serve both the  
14 proposed development and existing and anticipated development. Such easements  
15 shall be shown on any final plat.

16  
17 **Section 6.14: Fire Ponds**

18  
19 Fire ponds may be required for major subdivisions remote from existing water sources  
20 adequate for fire fighting. Fire ponds within a subdivision shall be accessible for use in  
21 an emergency on other nearby properties. No fire ponds may be developed on lands  
22 designated as a wetland by the state or the National Wetlands Inventory.

1 **ARTICLE 7. SPECIFIC USE STANDARDS**  
2

---

3 ***Section 7.1: Accessory Dwellings (Section 405)***  
4

- 5 A) One accessory dwelling unit per owner-occupied single family dwelling shall be a  
6 permitted use in the Village, Rural Residential/Agriculture, and the  
7 Shoreland/Recreation Districts. In the Flood Hazard Overlay and the Conservation  
8 Districts, an accessory dwelling unit shall be a permitted use unless it involves a new  
9 accessory structure when it shall require conditional use review.  
10
- 11 B) An accessory dwelling unit shall be defined as an efficiency or one-bedroom  
12 apartment, located within or appurtenant to an owner-occupied single-family  
13 dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and  
14 provisions for independent living, including sleeping, food preparation, and  
15 sanitation, provided there is compliance with all the following:  
16
- 17 1) The property has sufficient wastewater capacity according to the Vermont  
18 Department of Conservation.  
19
  - 20 2) The unit does not exceed 30 percent of the total habitable floor area of the  
21 single-family dwelling.  
22
  - 23 3) Applicable setback, coverage, and parking requirements specified in these  
24 Regulations are met.  
25

26 ***Section 7.2: Campers (Section 402)***  
27

- 28 A) It shall be unlawful for any person to park a camper except in an approved  
29 campground, an approved camper sales lot, or on private property with the owner's  
30 consent.  
31
- 32 B) The owner of a camper may park it on private property provided it is not occupied:  
33
- 34 1) not used as a permanent dwelling; and
  - 35 2) not hooked up to water or sewer utilities for more than 30 days in any calendar  
36 year.  
37  
38  
39  
40

1 **Section 7.3: Campgrounds (Section 403)**

- 2
- 3 A) No person or persons shall construct or operate a new campground or expand or
- 4 alter an existing campground without first obtaining conditional use approval from
- 5 the Board of Adjustment and a permit from the Zoning Administrator.
- 6
- 7 B) Campgrounds shall provide lavatory, shower, and toilet facilities in compliance with
- 8 the appropriate State regulations. Sewage disposal must be in compliance with
- 9 Vermont Department of Environmental Conservation regulations.
- 10
- 11 C) A strip of land at least 40 feet wide shall be maintained as a landscaped area
- 12 abutting all campground property lines. No camping vehicle, tent, or service building
- 13 shall be located in this buffer area. In addition, a fence at least 4 feet high is required
- 14 along all campground property lines except public road frontage. The board of
- 15 adjustment may reduce or eliminate the landscaped area provision if such a
- 16 modification will make it possible to preserve a scenic view from the campground,
- 17 provided that privacy for adjacent property owners can be maintained.
- 18
- 19 D) Roads within the campground shall meet the following minimum standards:
- 20

<b>Minimum Road Standards for Campgrounds</b>		
	<b>One Way Road</b>	<b>Two-Way Roads</b>
Right of way Width	18 feet	33 feet
Gravel Depth	12 inches	12 inches
Gravel Width	10 feet	20 feet

- 21
- 22 E) A campground shall provide for individual vehicles, access driveways, and parking.
- 23

24 **Section 7.4: Earth Resource Extraction (Section 407)**

25

26 Commercial removal of topsoil, rock, sand, gravel, or similar material may be permitted

27 by the Board of Adjustment as a conditional use in certain zoning districts according to

28 Table 3.4(a) provided it finds that the plan for removal as submitted by the applicant

29 shall not cause any hazard to health, property, or property values. A performance bond

30 shall be required to ensure reclamation of the land upon completion of the excavation,

31 and topsoil, re-seeding, and re-forestation will be a requirement. In granting permission,

32 the Board of Adjustment may consider and impose conditions relating to the following

33 factors and others as they shall deem relevant:

34

- 35 1) Depth of excavation, in proximity to roads or adjacent properties;
- 36
- 37 2) Slope created by removal;
- 38

- 1 3) Effects upon surface drainage both onsite and on adjoining properties;
- 2
- 3 4) Hours of operation for blasting, trucking, and processing operations;
- 4
- 5 5) Effects upon use of adjacent properties due to noise, dust, or vibration;
- 6
- 7 6) Effects upon traffic conditions or physical damage to public highways;
- 8 7) Creation of a nuisance;
- 9
- 10 8) Temporary and permanent erosion control;
- 11
- 12 9) Effect upon ground and/or surface water quality;
- 13
- 14 10)Effect upon wildlife habitat and/or agricultural land; and
- 15
- 16 11)Safety and general welfare of the public.
- 17

18 **Section 7.5: Family Child Care Home or Facility**

- 19
- 20 A) A family child care home or facility means a home or facility where the owner or
- 21 operator is to be licensed or registered by the state for child care.
- 22
- 23 1) A family child care home serving no more than six (6) full-time children and four
- 24 (4) part-time children shall be considered to constitute a permitted single-family
- 25 residential use of property (i.e. Once a zoning permit for a single-family
- 26 residential use of property has been obtained, no permit is required for such a
- 27 family child care home or facility on that property, although any new structures or
- 28 structural alterations that would otherwise normally require a permit still require a
- 29 permit).
- 30
- 31 2) Family child care homes or facilities that serve more than 6 full-time and 4 part-
- 32 time children shall be considered Personal or Professional Service/Business
- 33 under these Regulations.
- 34

35 **Section 7.6: Gasoline Stations, Motor Vehicle Repair, and Motor**

36 **Vehicle Sales (Section 409)**

- 37
- 38 A) Because of the nature of the materials stored and sold by these uses and the nature
- 39 of the traffic patterns associated with them, gasoline stations, motor vehicle repair,
- 40 and motor vehicle sales shall comply with the following, regardless of the zoning
- 41 district in which they are located.
- 42
- 43 B) A lot shall not be located within 300 feet of any lot occupied by a school, hospital,
- 44 library, or religious institution.

- 1
- 2 C) Pumps, lubricating and other service devices shall be located at least 50 feet from
- 3 the street line and side and rear lot lines.
- 4
- 5 D) All fuel and oil shall be stored at least 35 feet from any property line.
- 6
- 7 E) All automobile parts and dismantled vehicles are to be stored within a building or
- 8 screened from public view.
- 9
- 10 F) There shall be no more than two access driveways from the street. The maximum
- 11 width of each access driveway shall be 40 feet.
- 12
- 13 G) A suitably curbed, landscaped area shall be maintained at least five feet in depth
- 14 along all street frontage not used as driveway.
- 15

16 **Section 7.7: Home Occupations**

- 17
- 18 **A) Home Occupations.** No provision of these Regulations shall infringe upon the right
- 19 of any resident to use a minor portion of a dwelling for an occupation which is
- 20 customary in residential areas and which does not change the character of the area.
- 21
- 22 1) A Home Occupation may be permitted as an accessory use in all districts. A
  - 23 zoning permit application shall be submitted to the zoning administrator so that a
  - 24 determination can be made as to whether the proposed use is, in fact, a home
  - 25 occupation as defined by these regulations.
  - 26
  - 27 2) In order to ensure that a home occupation will not change the character of the
  - 28 residential area, the owner must demonstrate that it will comply with all of the
  - 29 following standards:
    - 30 a) The home occupation shall be clearly incidental and secondary to the
    - 31 residential use of the property, and shall be conducted wholly within the
    - 32 principal and accessory structures, and shall occupy less than 25% of the
    - 33 entire floor area of such structures.
    - 34 b) The home occupation shall be carried on by residents of the dwelling unit.
    - 35 Two additional employees who is not a resident of the dwelling unit is
    - 36 permitted.
    - 37 c) All business activities or transactions associated with the home occupation
    - 38 shall be carried on entirely within the dwelling unit, no outside storage shall be
    - 39 permitted.
    - 40 d) No traffic shall be generated which would be uncharacteristic of the
    - 41 neighborhood.
    - 42 e) Parking for the home occupation shall be provided off-street and shall not be
    - 43 located in front yards.
    - 44 f) No objectionable noise, vibration, odor, smoke, dust, electrical disturbance,
    - 45 heat, or glare shall be produced by the home occupation.

- 1 g) Exterior displays or signs other than those normally permitted in the district  
2 shall be prohibited.  
3

4 **Section 7.8: Marinas (Section 416)**

- 5  
6 A) In addition to meeting the Shoreland/Recreation District requirements, a marina shall  
7 have a continuous shoreline frontage of at least 100 feet.  
8  
9 B) Marinas shall provide at least one off-street parking space for each rental boat,  
10 mooring, and berth.  
11  
12 C) Marinas shall provide garbage facilities and public toilets.  
13  
14 D) Marina facilities shall be screened and located so as to protect the privacy of  
15 adjacent property owners.  
16

17 **Section 7.9: Mobile Home Parks (Section 417)**

- 18  
19 A) No person shall construct, expand, or alter a mobile home park without obtaining  
20 conditional use approval from the Board of Adjustment.  
21  
22 B) In addition to materials required by Section 4.1, the application materials shall  
23 include a site plan and drawings prepared by a professional engineer showing the  
24 property lines and area of the park; a contour map showing the proposed grading of  
25 the park; a layout of roads, walkways, mobile home lots, parking areas, open space,  
26 water lines, sanitary sewer and storm sewer drainage facilities, garbage collection  
27 stations, and electrical distribution.  
28  
29 C) In granting a conditional use permit, the Board of Adjustment must find that the  
30 application conforms to the following standards:  
31  
32 1) A mobile home park shall have a contiguous area of not less than 10 acres or  
33 more than 30 acres.  
34  
35 2) The maximum density shall not exceed an average of one mobile home per  
36 30,000 square feet.  
37  
38 3) A strip of land at least 50 feet wide shall be maintained as a landscaped area  
39 abutting all mobile home park boundary lines. No mobile home unit, office, utility,  
40 or service building may be placed in this buffer area. However, the board may  
41 reduce or eliminate this landscaped area requirement if such modification or  
42 waiver will make it possible to preserve a scenic view from the park, provided  
43 that privacy for adjacent property owners can be maintained.  
44

- 1 4) The minimum lot size shall be 20,000 square feet unless all lots are provided with  
2 either off-site water or sewer, in which case the minimum lot size shall be 15,000  
3 square feet.
- 4
- 5 5) Each mobile home lot shall have at least 50 feet of frontage on a mobile home  
6 park road. All park roads shall be constructed to Class Two Town road  
7 standards.
- 8
- 9 6) A minimum of two parking spaces for each mobile home lot shall be provided.  
10 Each parking space shall be at least 9 feet wide by 22 feet long.
- 11
- 12 7) A non-porous pad of at least 4 inches thick shall be provided for each mobile  
13 home lot. A minimum yard of 15 feet and a minimum setback from the access  
14 road of 20 feet are required on each lot.
- 15
- 16 8) Sewage disposal, water supply, and garbage facilities shall comply with state  
17 regulations. All electric, telephone, and other utility lines shall be underground,  
18 unless the applicant can demonstrate that due to utility company standards or  
19 pricing procedures, an unreasonable financial hardship will be created.
- 20
- 21 9) Each mobile home park shall provide at least 1/3 of its total area for open space  
22 and recreational purposes for the use of park residents. The Board of  
23 Adjustment, as a condition of approval, may establish such conditions as to the  
24 ownership, use, and maintenance of such land as it deems necessary to assure  
25 the preservation of such lands for their intended purpose.
- 26

27 **Section 7.10: Public Facilities Limitations**

- 28
- 29 A) In accordance with the Act (Section 4413), the following public facilities may be  
30 regulated only with respect to location, size, height, building bulk, yards, courts,  
31 setbacks, density of buildings, off street parking and loading, traffic, noise, lighting,  
32 and landscaping or screening requirements, and only to the extent that the  
33 regulations do not interfere with the intended functional use:
- 34
- 35 1) State or community owned and operated institutions and facilities;
  - 36 2) Public and private schools and other educational institutions certified by the  
37 Vermont Department of Education;
  - 38 3) Churches and other places of worship (see definitions), convents, and parish  
39 houses;
  - 40 4) Public and private hospitals;
  - 41 5) Regional solid waste facilities certified by the State (10 V.S.A. chapter 159); and
  - 42 6) Hazardous waste management facilities for which a notice of intent to construct  
43 has been received under state law (10 V.S.A. 6606a).
  - 44

1 **Section 7.11: Residential Care Home or Group Home**

2  
3 A residential care home or group home, to be operated under state licensing or  
4 registration, serving not more than eight (8) persons who have a handicap or disability  
5 as defined in 9 V.S.A. Section 4501, shall be considered by right, to constitute a  
6 permitted single-family residential use of property (i.e. Once a zoning permit for a  
7 single-family residential use of property has been obtained, no permit is required for  
8 such a group home on that property, although any new structures or structural  
9 alterations that would otherwise normally require a permit still require a permit). The  
10 only exception is that no such home shall be so considered if it is located within one  
11 thousand (1,000) feet of another existing or permitted such home. Licensed or  
12 registered group homes serving more than eight persons who have a handicap or  
13 disability shall be considered Personal or Professional Service/Business under these  
14 regulations.

1 **ARTICLE 8. NONCONFORMITIES**

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2  
3 **Section 8.1: Existing Small Lots (Section 406)**

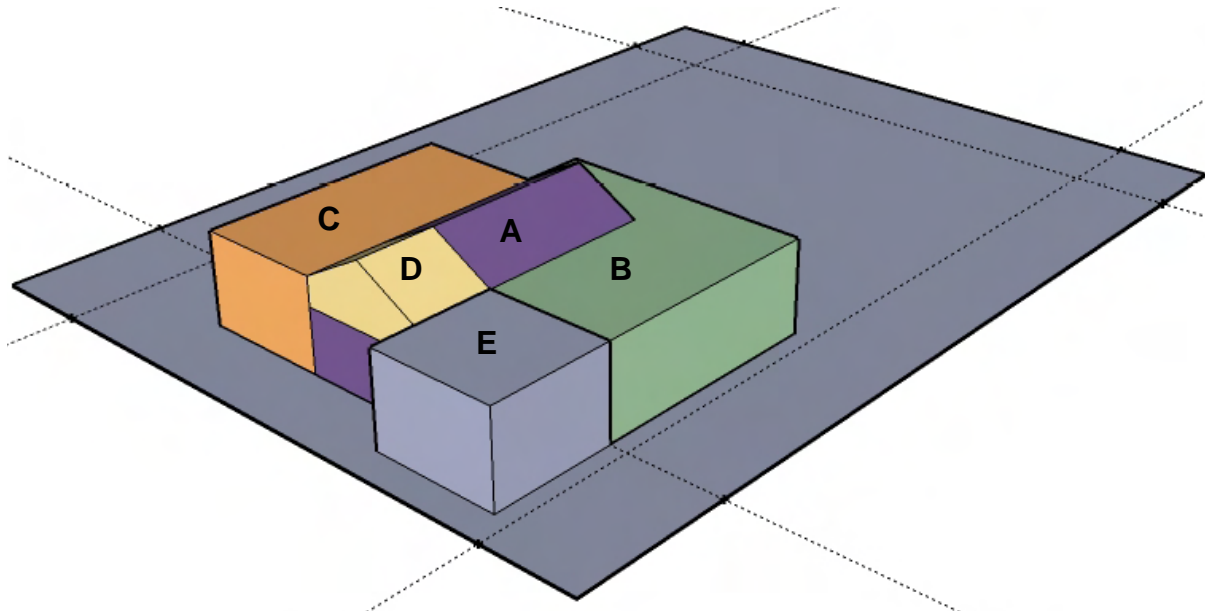
- 4  
5 A) Any lot in individual, separate and non-affiliated ownership from surrounding  
6 properties, in existence on the effective date of these Regulations, may be  
7 developed for the purposes permitted in the district in which it is located even though  
8 not conforming to minimum lot size requirements, if such lot is not less than one-  
9 eighth acre in area with a minimum width or depth dimension of forty feet.  
10  
11 B) If such a lot subsequently comes under common ownership with one of more  
12 contiguous lots, the lot shall be deemed merged with the contiguous lot for purposes  
13 of this zoning regulation. However, such lot shall not be deemed merged and may  
14 be separately conveyed, if:  
15  
16 1) the lots are conveyed in their preexisting nonconforming configuration; and  
17 2) on the effective date of these Regulations, each lot had been developed with a  
18 water supply and wastewater disposal system permitted by the Vermont  
19 Department of Environmental Conservation; and  
20 3) at the time of transfer, each water supply and wastewater system is functioning in  
21 a safe and adequate manner in accordance with the Wastewater and Potable  
22 Water Supply Permit; and  
23 4) The deeds of conveyance create appropriate easements on both lots for  
24 replacement of one or more wastewater systems, potable water systems, or  
25 both, in case there is a failed system or failed supply as defined in 10 V.S.A.  
26 Chapter 64.  
27

28 **Section 8.2: Non-Conforming Structures (Section 418)**

- 29  
30 A) Any non-conforming structure existing on the effective date of these Regulations  
31 may be allowed to continue indefinitely, but shall be subject to the following  
32 provisions. A non-conforming structure:  
33  
34 1) May be restored or reconstructed after damage from any cause provided that the  
35 intended use of the structure is a permitted use under the applicable zoning  
36 district and that the reconstruction does not increase the degree of non-  
37 conformance which existed prior to the damage. No Zoning Permit is required.  
38  
39 2) May be enlarged or expanded, upon approval of the Zoning Administrator by  
40 issuance of a Zoning Permit, provided that the intended use of the structure is a  
41 permitted use under the applicable zoning district and that the expansion does  
42 not increase the existing degree of non-conformance (See Figure 8.1).  
43

**Figure 8.1 Increasing the Degree of Nonconformity of a Structure**

The building 'A' is the original nonconforming structure because it encroaches into the setback. Additions 'B', 'C' and 'D' are allowed under these regulations because they do not encroach further into the setback than Building 'A'. Addition 'E' is not allowed under these regulations because it encroaches further into the setback than Building 'A'.



B) Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-conforming structure provided that such action does not increase the degree of non-conformance (See Figure 8.1).

C) The Board of Adjustment may permit, as a conditional use, the alteration or expansion of a non-conforming structure for the sole purpose of conformance with mandated environmental, safety, health, or energy codes.

### **Section 8.3: Non-Conforming Uses (Section 419)**

A) Any non-conforming use which exists on the effective date of these Regulations may be continued indefinitely, but shall be subject to the following provisions. A non-conforming use:

- 1) Shall not be changed to another non-conforming use without approval by the Board of Adjustment, and then only to a use which, in the opinion of the Board, is of the same or of a more conforming nature.
- 2) Shall not be re-established if such use has been discontinued for a period of at least one year or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.

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21  
22

- 3) Shall not be restored or continued for other than a conforming use after damage from any cause unless such non-conforming use is carried on uninterrupted in the undamaged part of the structure or unless:
  - a) The non-conforming use is reinstated by the commencement of construction within one year of such damage;
  - b) The construction or restoration of such structure is completed within two years; and
  - c) Approval is obtained from the Board of Adjustment.

Otherwise, the non-conforming use shall be deemed to have been discontinued.

- 4) Shall not be moved, extended, or enlarged unless the Board of Adjustment finds that such movement, extension, or enlargement:
  - a) Will not exceed 50% of its size as of the effective date of these Regulations and
  - b) Does not increase the degree of non-conformance.

C) The Board of Adjustment may permit, as a conditional use, the alteration or expansion of a non-conforming use for the sole purpose of compliance with mandated environmental, safety, health, or energy codes.

1 **ARTICLE 9. FLOOD HAZARD REGULATIONS**

---

2  
3 **Section 9.1: Lands to which these Standards Apply**

4  
5 These standards shall apply to development in the Flood Hazard Overlay District. This  
6 District includes the Special Flood Hazard Areas in and on the most current flood  
7 insurance studies and maps published by the Department of Homeland Security (DHS),  
8 Federal Emergency Management Agency (FEMA), and National Flood Insurance  
9 Program (NFIP), as provided by the Secretary of the Agency of Natural Resources  
10 pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be  
11 part of these regulations.  
12

13 The provisions of these Flood Hazard Regulations shall not in any way impair or remove  
14 the necessity of compliance with any other local, state, or federal laws or regulations.  
15 Where this flood hazard regulation imposes a greater restriction the provisions here  
16 shall take precedence.  
17

18 **A) Base Flood Elevations & Floodway Limits shall be determined as follows:**

- 19 1) Where available, base flood elevations and floodway limits (or data from which a  
20 community can designate regulatory floodway limits) provided by the National  
21 Flood Insurance Program and in the Flood Insurance Study and accompanying  
22 maps shall be used to administer and enforce these regulations. District  
23 boundaries shall be determined by the Zoning Administrator. Appeals with  
24 respect to the district boundaries can be made to the Board of Adjustment in  
25 accordance with § 807.  
26  
27 2) In Special Flood Hazard Areas where base flood elevations and floodway limits  
28 have not been provided by the National Flood Insurance Program in the Flood  
29 Insurance Study and accompanying maps, it shall be the responsibility of the  
30 applicant to develop the base flood elevation at the site using data provided by  
31 FEMA or available from State or Federal agencies.  
32  
33 3) In Special Flood Hazard Areas where floodways and/or Base Flood Elevations  
34 have not been determined, development shall not be permitted unless it is  
35 demonstrated that the cumulative effect of the proposed development, when  
36 combined with all other existing and anticipated encroachment, will not increase  
37 the water surface elevation of the base flood more than 1.00 foot at any point  
38 within the community. The demonstration must be supported by technical data  
39 that conforms to standard hydraulic engineering principles and certified by a  
40 registered professional engineer.  
41

42 **B) Warning and Disclaimer.** The Flood Hazard Overlay District standards in this  
43 section do not imply that land outside of the areas of special flood hazard or land

1 use permitted within Flood Hazard Overlay District will be free from flooding or flood  
 2 damages. These standards shall not create liability on the part of the Town of  
 3 Franklin or any town official or employee thereof for any flood damages that result  
 4 from reliance on the standards of this section or any administrative decision lawfully  
 5 made thereunder.  
 6

7 **Section 9.2: Development Permits in the Flood Hazard Overlay District**

8  
 9 A permit is required for all development within the Special Flood Hazard Area. For the  
 10 purposes of this Section, development is defined as any man-made change to improved  
 11 or unimproved real estate, including but not limited to buildings or other structures,  
 12 mining, dredging, filling, grading, paving, excavation or drilling operations or storage of  
 13 equipment or materials in accordance with Title 44 CFR 59.1.  
 14

Permitted and Conditionally Permitted Development in the Flood Hazard Overlay District		
<b>P = Permitted Use C = Conditional Use X = Prohibited</b>	<b>Special Flood Hazard Area</b>	<b>Floodway</b>
New residential or non-residential structures (including the placement of manufactured homes)	C	X
Substantial improvement, elevation, relocation, or flood proofing of existing structures	C	C
Non-Substantial Improvements to existing structures	P	C
Accessory structures	P	C
Building utilities	P	X
New or replacement storage tanks for existing structures	C	X
At grade parking for existing buildings	P	X
Fill as needed to elevate existing structure	P	C
Grading or excavation not otherwise integral to other listed land development; or the creation of a pond	C	X

**Permitted and Conditionally Permitted Development in the Flood Hazard Overlay District**

<b>P = Permitted Use C = Conditional Use X = Prohibited</b>	<b>Special Flood Hazard Area</b>	<b>Floodway</b>
Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing	C	C
Improvements to existing roads	C	C
Public utilities	C	X
Recreational vehicles	P	X

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**A) Exempted Development throughout the Special Flood Hazard Area and Floodway**

The following are prohibited throughout the Special Flood Hazard Area, including the floodway:

- The removal of a building or other structure in whole or in part;
- Maintenance of existing roads and storm water drainage; and
- All statutory exemptions in Section 1.7.

**B) Prohibited Development throughout Special Flood Hazard Area and Floodway**

The following are prohibited throughout the Special Flood Hazard Area, including the floodway:

- Storage of any explosive, flammable, hazardous, toxic, or floatable materials, or junk yards,
- Critical facilities;
- All development not exempted, permitted or conditionally permitted within the SPHA or Floodway
- New fill except where necessary to elevate structures above the base flood elevation.

**Section 9.3: Application Requirements**

**A)** In addition to the application requirements for permitted or conditional uses as applicable, applications for development within the Flood Hazard Area Overlay District shall also include the following information:

- 1) the location, on the site development plan, and associated elevations of all structures, roads, and water supply and wastewater facilities in relation to the channel, floodway, and base flood elevations;
- 2) a completed FEMA "Elevation Certificate" prepared by a registered surveyor, engineer, architect or other official authorized by the state to certify building elevations, for any building constructed after the publication of the Town's Flood Insurance Rate Maps;
- 3) where flood-proofing is proposed (as allowed only for nonresidential buildings), a completed FEMA "Flood-proofing Certificate" prepared by a registered professional engineer or architect who is authorized by the state to certify flood-proofing design and construction;
- 4) a hydraulic and hydro-geologic analysis for any development located within the floodway; and
- 5) a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

**B)** In accordance with § 4424 (2)(D) of the Act, no zoning permit for new construction or substantial improvement of land in the Flood Hazard District shall be issued until:

- 1) a copy of the application is mailed or delivered by the Zoning Administrator or by the Board of Adjustment, to the Agency of Natural Resources; and
- 2) either 30 days elapse following the mailing or the Agency of Natural Resources delivers comments on the application.

Any permit issued for development in the Special Flood Hazard Area will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

**C)** Proposals for development within the Special Flood Hazard Area must be submitted by the Zoning Administrator or appropriate municipal panel to the Vermont Agency of Natural Resources for comment in accordance with 24 V.S.A. §4424(D). A zoning application shall not be considered complete until such comments have been received or 30 days has elapsed since the application was submitted, whichever is sooner.

**D)** If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner.

1 **Section 9.4: Flood Hazard Area Development Standards**

2  
3 **A) All Development:**

- 4 1) All development in the Special Flood Hazard areas shall be reasonably safe
- 5 from flooding and:
- 6 2) Designed (or modified) and adequately anchored to prevent flotation, collapse,
- 7 or lateral movement of the structure during the occurrence of the base flood;
- 8 3) Constructed with materials resistant to flood damage;
- 9 4) Constructed by methods and practices that minimize flood damage; and
- 10 5) Constructed with electrical, heating, ventilation, plumbing and air conditioning
- 11 equipment and other service facilities that are designed and/or located so as to
- 12 prevent water from entering or accumulating within the components during
- 13 conditions of flooding.

14  
15 **B) Residential Development:**

- 16 1) New construction and existing buildings to be substantially improved that are
- 17 located in Zones A1-30, AE, and AH shall have the lowest floor, including
- 18 basement, elevated to or above the base flood elevation.
- 19 2) Manufactured homes to be placed and existing manufactured homes to be
- 20 substantially improved that are:
- 21 • located in a new manufactured home park or subdivision, outside of a
- 22 manufactured home park or subdivision, in an expansion to an existing
- 23 manufactured home park or subdivision, or in a manufactured home park or
- 24 subdivision which has incurred substantial damage from a flood shall be
- 25 elevated on a permanent foundation such that the lowest floor of the
- 26 manufactured home is elevated to no less than one foot above the base flood
- 27 elevation<sup>3</sup> and be securely anchored to an adequately anchored foundation
- 28 system to resist flotation, collapse, and lateral movement during the
- 29 occurrence of the base flood.
- 30 • located in an existing manufactured home park, where elevating a
- 31 replacement home to or above base flood elevation is not possible, the
- 32 lowest floor shall be supported by reinforced piers or other foundation
- 33 elements of at least equivalent strength that are no less than 48 inches in
- 34 height above grade<sup>4</sup> and be securely anchored to an adequately anchored
- 35 system to resist flotation, collapse, and lateral movement.

36  
37 **C) Non-residential Development:**

- 38 1) New construction located in Zones A1-30, AE, and AH shall have the lowest
- 39 floor, including basement, elevated to or above the base flood elevation.
- 40 2) Existing buildings to be substantially improved located in Zones A1-30, AE, and
- 41 AH shall have the lowest floor, including basement, elevated to or above the
- 42 base flood elevation or together with attendant utility and sanitary facilities be
- 43 designed so that below the base flood elevation the structure is watertight with
- 44 walls substantially impermeable to the passage of water and with structural
- 45 components having the capability of resisting hydrostatic and hydrodynamic
- 46 loads and effects of buoyancy. (Note: while buildings need only be floodproofed

1 to the base flood elevation for floodplain management purposes, the building  
2 must be floodproofed to an elevation at least one foot above the base flood  
3 elevation to receive credit for base flood protection for flood insurance rating  
4 purposes.

- 5 3) A permit for a building proposed to be floodproofed shall not be issued until a  
6 registered professional engineer or architect has reviewed the structural design,  
7 specifications and plans, and has certified that the design and proposed  
8 methods of construction are in accordance with accepted standards of practice  
9 for meeting the provisions of this subsection.

10  
11 **D) Subdivisions:**

- 12 1) New subdivision developments (including planned unit developments  
13 manufactured home parks) of more than 5 acres or 50 lots, whichever is less,  
14 shall:
- 15 • Include base flood elevation data
  - 16 • Minimize flood damage within the flood-prone area,
  - 17 • Locate and construct public utilities and facilities, such as sewer, gas,  
18 electrical, and water systems, to minimize or eliminate flood damage, and
  - 19 • Provide adequate drainage is provided to reduce exposure to flood hazards.

20  
21 **E) Enclosed Areas Below the Lowest Floor:**

- 22 1) Enclosed areas below the lowest floor which are subject to flooding shall be  
23 used solely for parking of vehicles, building access, or storage.
- 24 2) New construction and existing buildings to be substantially improved with fully  
25 enclosed areas below the lowest floor that are subject to flooding shall be  
26 designed to automatically equalize hydrostatic flood forces on exterior walls by  
27 allowing for the entry and exit of floodwaters.
- 28 3) Designs for meeting this requirement must either be certified by a registered  
29 professional engineer or architect or meet or exceed the following minimum  
30 criteria: A minimum of two openings having a total net area of not less than one  
31 square inch for every square foot of enclosed area subject to flooding shall be  
32 provided. The bottom of all openings shall be no higher than one foot above  
33 grade. Openings may be equipped with screens, louvers, valves, or other  
34 coverings or devices provided that they permit the automatic entry and exit of  
35 floodwaters.

36  
37 **F) Recreational Vehicles:** Recreational Vehicles placed on sites with special flood  
38 hazard areas shall either:

- 39 1) be on the site for fewer than 180 consecutive days,  
40 2) be fully licensed and ready for highway use, or  
41 3) be permitted in accordance with the elevation and anchoring requirements for  
42 “manufactured homes” in section B.2(b).

43  
44 **G) Accessory Structures:** A small accessory building that represents a minimal  
45 investment need not be elevated to the base flood elevation provided the structure  
46 meets the following requirements:

- 1) The structure must only be used for parking or storage,
- 2) The structure must have the required openings to allow floodwaters in and out,
- 3) The structure must be constructed using flood resistant materials below the Base Flood Elevation,
- 4) The structure must be adequately anchored to resist flotation, collapse, and lateral movement, and
- 5) All building utility equipment including electrical and heating must be elevated or floodproofed.

**H) Water Supply Systems:** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

**I) Sanitary Sewage Systems:** New and replacement 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.

**J) On-Site Waste Disposal Systems:** On-site wastewater disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**K) Watercourse Carrying Capacity:** The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

### ***Section 9.5: Standards for Review of Nonconforming Structures***

The Zoning Board of Adjustment may approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a regulated flood or other hazard area, subject to compliance with applicable federal and state laws and regulations, and provided that the following criteria are met:

**A)** The appropriate municipal panel finds that the repair, relocation, or enlargement of the nonconforming structure is required for the continued economically feasible operation of a nonresidential enterprise.

**B)** The appropriate municipal panel finds that the repair, relocation, or enlargement of the nonconforming structure will not increase flood levels in the regulatory floodway, increase the risk of other hazard in the area, or threaten the health, safety, and welfare of the public or other property owners.

**C)** The permit so granted states that the repaired, relocated, or enlarged nonconforming structure is located in a regulated flood or other hazard area, does not conform to the regulations pertaining to that area, and will be maintained at the risk of the owner.

1 **Section 9.6: Variances to the Development Standards**

2  
3 Variances shall be granted by the Board of Adjustment only in accordance with 24  
4 V.S.A. § 4469 and in accordance with the criteria for granting variances found in 44  
5 CFR, Section 60.6, of the National Flood Insurance Program regulations. A decision in  
6 favor of the appellant shall be granted if all the following facts are found, and the  
7 supporting findings are specified in the decision:  
8

- 9 **A)** Variances are generally limited to a lot size less than one-half acre relating to  
10 historical structures (provided the proposed repair or rehabilitation will not preclude  
11 the structure’s continued designation as an historic structure), or a necessary  
12 development functionally dependent on stream access;  
13
- 14 **B)** Tthe variance, if authorized shall be issued by the AMP only upon:
  - 15 1) determination that failure to grant the variance would result in exceptional  
16 hardship to the applicant; and,
  - 17 2) determination that the variance will not result in increased flood heights,  
18 increased susceptibility to flooding or erosion, additional threats to public safety  
19 or infrastructure (including emergency services during flood events), or  
20 extraordinary public expense;
  - 21 3) the variance will not increase the potential of materials being swept onto other  
22 lands or into the stream and causing damage to others;  
23
- 24 **C)** The variance if granted will represent the minimum variance that will afford relief  
25 and will represent the least deviation possible from the bylaw and from the plan;  
26
- 27 **D)** Any variance issued will inform the applicant in writing over the signature of a  
28 community official that the issuance of a variance to construct a structure below the  
29 base flood elevation increases risk to life and property and will result in increased  
30 flood insurance premiums up to amounts as high as \$25 for \$100 of coverage.  
31 Such notification shall be maintained with a record of all variance actions.  
32

33 **Section 9.7: Recording Requirements**

34  
35 The Zoning Administrator shall maintain a record of development within the Flood  
36 Hazard Area Overlay District including:  
37

- 38 **A)** All permits issued for development in areas of special flood hazard;
- 39  
40 **B)** The elevation, in relation to mean sea level, of the lowest floor, including basement,  
41 of all new or substantially improved buildings;
- 42  
43 **C)** The elevation, in relation to mean sea level, to which buildings have been  
44 floodproofed;  
45

- 1 D) All flood proofing certifications required under this regulation; and
- 2
- 3 E) All variance actions, including justification for their issuance.
- 4

5 **Section 9.8: Violation of Flood Hazard Area Regulations**

- 6
- 7 A) Where a violation of the Flood Hazard Overlay District standards and regulations
- 8 has not been cured after a warning notice has been sent in accordance with (D)
- 9 above, the Zoning Administrator shall submit a declaration to the Administrator of
- 10 the NFIP requesting a denial of flood insurance. Section 1316 of the National Flood
- 11 insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a
- 12 property declared by a community to be in violation of their flood hazard area
- 13 regulations. The declaration shall consist of:
- 14 1) the name of the property owner and address or legal description of the property
- 15 sufficient to confirm its identity or location,
- 16 2) a clear and unequivocal declaration that the property is in violation of a cited
- 17 State or local law, regulation, or ordinance,
- 18 3) a clear statement that the public body making the declaration has authority to do
- 19 so and a citation to that authority,
- 20 4) evidence that the property owner has been provided notice of the violation and
- 21 the prospective denial of insurance, and
- 22 5) a clear statement that the declaration is being submitted pursuant to Section
- 23 1316 of the National Flood Insurance Act of 1968, as amended.
- 24

25 **Section 9.9: Flood Hazard Definitions**

26  
27 Definitions in this section apply only to the Flood Hazard Regulations in this article.  
28 Additional definitions are found in Article 10.

29  
30 **AREA OF SPECIAL FLOOD HAZARD:** See special flood hazard area.

31  
32 **BASE FLOOD:** The flood having a one percent chance of being equaled or exceeded in  
33 any given year (commonly referred to as the 100-year flood).

34  
35 **BASE FLOOD ELEVATION (BFE):** The height of the base flood, usually in feet, in  
36 relation to the National Geodetic Vertical Datum of 1929, the North American Vertical  
37 Datum of 1988, or other datum referenced in the Flood Insurance Study report, or  
38 average depth of the base flood, usually in feet, above the ground surface.

39  
40 **BASEMENT:** Any area of the building having its floor elevation below ground level on  
41 all sides. A "walk-out" basement whose floor is at ground level on at least one side of  
42 the house, usually with a door on that side is not considered a "basement" for the  
43 purpose of the flood hazard regulations.

44

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

3  
4 **CRITICAL FACILITIES:** Include police stations, fire and rescue facilities, hospitals,  
5 shelters, schools, nursing homes, water supply and waste treatment facilities, and other  
6 structures the community identifies as essential to the health and welfare of the  
7 population and that are especially important following a disaster. For example, the type  
8 and location of a business may raise its status to a Critical Facility, such as a grocery or  
9 gas station that survive a flood and now are the only points for food and gas.

10  
11 **DEVELOPMENT:** Any human-made change to improved or unimproved real estate,  
12 including but not limited to buildings or other structures, mining, dredging, filling,  
13 grading, paving, excavation or drilling operations or storage of equipment or materials.

14  
15 **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home  
16 park or subdivision for which the construction of facilities for servicing the lots on which  
17 the manufactured homes are to be affixed (including, at a minimum, the installation of  
18 utilities, the construction of streets, and either final site grading or the pouring of  
19 concrete pads) is completed before the effective date of the initial floodplain  
20 management regulations adopted by a community.

21  
22 **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:**  
23 The preparation of additional sites by the construction of facilities for servicing the lots  
24 on which the manufacturing homes are to be affixed (including the installation of utilities,  
25 the construction of streets, and either final site grading or the pouring of concrete pads).

26  
27 **FILL:** Any placed material that changes the natural grade, increases the elevation, or  
28 diminishes the flood storage capacity at the site.

29  
30 **FLOOD:** (a) A general and temporary condition of partial or complete inundation of  
31 normally dry land areas from: the overflow of inland or tidal waters; the unusual and  
32 rapid accumulation or runoff of surface waters from any source; and mudslides which  
33 are proximately caused by flooding and are akin to a river of liquid and flowing mud on  
34 the surfaces of normally dry land areas, as when earth is carried by a current of water  
35 and deposited along the path of the current. (b) The collapse or subsidence of land  
36 along the shore of a lake or other body of water as a result of erosion or undermining  
37 caused by waves or currents of water exceeding anticipated cyclical levels or suddenly  
38 caused by an unusually high water level in a natural body of water, accompanied by a  
39 severe storm, or by an unanticipated force of nature, such as flash flood or abnormal  
40 tidal surge, or by some similarly unusual and unforeseeable event which results in  
41 flooding.

42  
43 **FLOOD INSURANCE RATE MAP (FIRM):** An official map of a community, on which  
44 the Federal Insurance Administrator has delineated both the special flood hazard areas  
45 and the risk premium zones applicable to the community. In some communities the

1 hazard boundaries are available in paper, pdf, or Geographic Information System  
2 formats as a Digital Flood Insurance Rate Map (DFIRM).

3  
4 **FLOOD INSURANCE STUDY:** An examination, evaluation and determination of flood  
5 hazards and, if appropriate, the corresponding water surface elevations or an  
6 examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood  
7 related erosion hazards.

8  
9 **FLOODPLAIN OR FLOOD-PRONE AREA:** Any land area susceptible to being  
10 inundated by water from any source (see definition of “flood”).

11  
12 **FLOOD PROOFING:** Any combination of structural and non-structural additions,  
13 changes, or adjustments to structures which reduce or eliminate flood damage to real  
14 estate or improved real property, water and sanitary facilities, structures and their  
15 contents.

16  
17 **FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas  
18 that must be reserved in order to discharge the base flood without cumulatively  
19 increasing the water surface elevation more than one foot at any point. Please note that  
20 where the Special Flood Hazard Areas have established base flood elevations, the  
21 extent of FEMA floodways may be shown on a separate series of panels

22  
23 **FUNCTIONALLY DEPENDENT USE:** A use which cannot perform its intended purpose  
24 unless it is located or carried out in close proximity to water.

25  
26 **HISTORIC STRUCTURE:** Any structure that is: (a) listed individually in the National  
27 Register of Historic Places (a listing maintained by the Department of the Interior) or  
28 preliminarily determined by the Secretary of the Interior as meeting the requirements for  
29 individual listing on the National Register; (b) certified or preliminarily determined by the  
30 Secretary of the Interior as contributing to the historical significance of a registered  
31 historic district or a district preliminarily determined by the Secretary to qualify as a  
32 registered historic district; (c) individually listed on a state inventory of historic places in  
33 states with historic preservation programs which have been approved by the Secretary  
34 of the Interior; or (d) individually listed on a local inventory of historic places in  
35 communities with historic preservation programs that have been certified either: (i) by  
36 an approved state program as determined by the Secretary of the Interior or (ii) directly  
37 by the Secretary of the Interior in states without approved programs.

38  
39 **LETTER OF MAP AMENDMENT (LOMA):** A letter issued by the Federal Emergency  
40 Management Agency officially removing a structure or lot from the flood hazard zone  
41 based on information provided by a certified engineer or surveyor. This is used where  
42 structures or lots are located above the base flood elevation and have been  
43 inadvertently included in the mapped special flood hazard area.

44  
45 **LOWEST FLOOR:** The lowest floor of the lowest enclosed area, including basement,  
46 except an unfinished or flood resistant enclosure, usable solely for parking of vehicles,

1 building access or storage in an area other than a basement area is not considered a  
2 building's lowest floor provided that such enclosure is not built so as to render the  
3 structure in violation of the applicable non-elevation design requirements of 44 CFR  
4 60.3.

5  
6 **MANUFACTURED HOME:** A structure, transportable in one or more sections, which is  
7 built on a permanent chassis and is designed for use with or without a permanent  
8 foundation when attached to the required utilities. The term "manufactured home" does  
9 not include a "recreational vehicle".

10  
11 **MANUFACTURED HOME PARK OR SUBDIVISION:** For development in the Flood  
12 Hazard Area Overlay District, a **manufactured home park or subdivision** shall mean  
13 a parcel (or contiguous parcels) of land divided into two or more manufactured home  
14 lots for rent or sale and a **new manufactured home park or subdivision** shall mean a  
15 manufactured home park or subdivision for which the construction of facilities for  
16 servicing the lots on which the manufactured homes are to be affixed (including at a  
17 minimum, the installation of utilities, the construction of streets, and either final site  
18 grading or the pouring of concrete pads) is completed on or after the effective date of  
19 the floodplain management regulations adopted by a community.

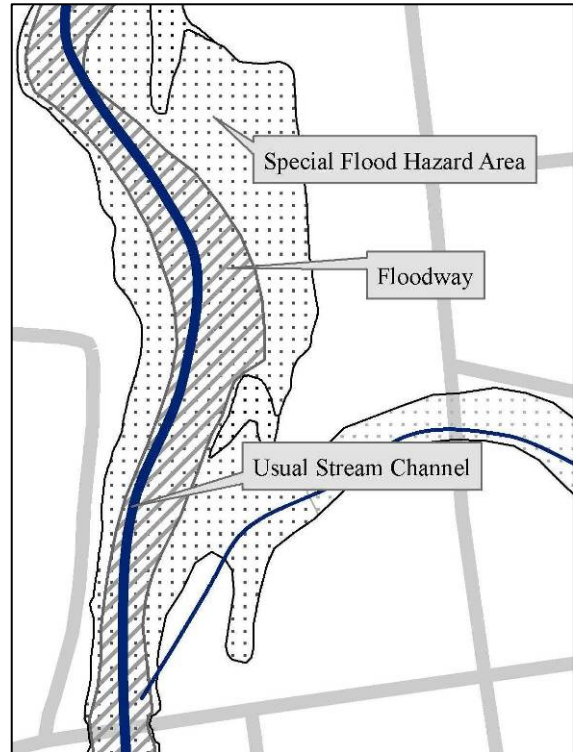
20  
21 **MINOR IMPROVEMENT:** Any repairs, reconstruction, or improvement of a structure  
22 (other than customary maintenance), the cost of which is less than fifty (50) percent of  
23 the market value of the existing structure.

24  
25 **NEW CONSTRUCTION:** Structures for which the start of construction commenced on  
26 or after the effective date of the floodplain management regulation adopted by a  
27 community and includes any subsequent improvements to such structures. For the  
28 purposes of determining insurance rates, "new construction" means structures,  
29 including manufactured homes, for which the "start of construction" commenced on or  
30 after the effective date of an initial FIRM or after December 31, 1974, whichever is later,  
31 and includes any subsequent improvements to such structures.

32  
33 **NON-RESIDENTIAL:** Includes, but is not limited to: small business concerns, churches,  
34 schools, nursing homes, farm buildings (including grain bins and silos), pool houses,  
35 clubhouses, recreational buildings, government buildings, mercantile structures,  
36 agricultural and industrial structures, and warehouses.

37  
38 **RECREATIONAL VEHICLE:** A vehicle which is: (a) Built on a single chassis; (b) 400  
39 square feet or less when measured at the largest horizontal projection; (c) Designed to  
40 be self-propelled or permanently towable by a light duty truck; and (d) Designed  
41 primarily not for use as a permanent dwelling but as a temporary living quarters for  
42 recreational, camping, travel, or seasonal use.

1 **SPECIAL FLOOD HAZARD AREA:** The  
2 floodplain within a community subject to a 1  
3 percent or greater chance of flooding in any  
4 given year. For purposes of these regulations,  
5 the term “area of special flood hazard” is  
6 synonymous in meaning with the phrase  
7 “special flood hazard area”. This area is  
8 usually labeled Zone A, AO, AH, AE, or A1-30  
9 in the most current flood insurance studies  
10 and on the maps published by the Federal  
11 Emergency Management Agency. Maps of  
12 this area are available for viewing in the Town  
13 Office or online from the FEMA Map Service  
14 Center: [msc.fema.gov](http://msc.fema.gov). Base flood elevations  
15 have not been determined in Zone A where  
16 the flood risk has been mapped by  
17 approximate methods. Base flood elevations  
18 are shown at selected intervals on maps of  
19 Special Flood Hazard Areas that are  
20 determined by detailed methods. Please note,  
21 where floodways have been determined they  
22 may be shown on separate map panels from  
23 the Flood Insurance Rate Maps.  
24



25 **START OF CONSTRUCTION:** Includes substantial improvement, and means the date  
26 the building permit was issued provided the actual start of construction, repair,  
27 reconstruction, rehabilitation, addition placement, or other improvement was within 180  
28 days of the permit date. The actual start means either the first placement of permanent  
29 construction of a structure on a site, such as the pouring of slab or footings, the  
30 installation of piles, the construction of columns, or any work beyond the stage of  
31 excavation; or the placement of a manufactured home on a foundation. Permanent  
32 construction does not include land preparation, such as clearing, grading and filling; nor  
33 does it include the installation of streets and/or walkways; nor does it include excavation  
34 for a basement, footing, piers, or foundations or the erection of temporary forms; nor  
35 does it include the installation on the property of accessory buildings, such as garages  
36 or sheds not occupied as dwelling units or not part of the main structure. For a  
37 substantial improvement, the actual start of construction means the first alteration of any  
38 wall, ceiling, floor, or other structural part of a building, regardless whether that  
39 alteration affects the external dimensions of the building.  
40

41 **STRUCTURE:** A walled and roofed building, as well as a manufactured home, and any  
42 related built systems, including a gas or liquid storage tanks.  
43

44 **SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the  
45 cost of restoring the structure to its before-damaged conditions would equal or exceed  
46 50 percent of the market value of the structure before the damage occurred.

1  
2 **SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or other  
3 improvement of a structure after the date of adoption of these regulations, the cost of  
4 which, over three years, or over a the period of a common plan of development,  
5 cumulatively equals or exceeds 50 percent of the market value of the structure before  
6 the “start of construction” of the improvement. This term includes structures which have  
7 incurred “substantial damage”, regardless of the actual repair work performed. The  
8 term does not, however, include either: (a) Any project for improvement of a structure to  
9 correct existing violations of state or local health, sanitary, or safety code specification  
10 which have been identified by the local code enforcement official and which are the  
11 minimum necessary to assure safe living conditions or (b) Any alteration of a “historic  
12 structure”, provided that the alteration will not preclude the structure’s continued  
13 designation as a “historic structure.”

14  
15 **VIOLATION:** The failure of a structure or other development to be fully compliant with  
16 these regulations. A structure or other development without the elevation certificate,  
17 other certifications, or other evidence of compliance required in 44 CFR 60.3 is  
18 presumed to be in violation until such time as that documentation is provided.  
19

1 **ARTICLE 10: DEFINITIONS**  
2

3 ***Section 10.1: Interpretation (Section 700)***  
4

5 Except where specifically defined herein, all words used in these regulations shall carry  
6 their customary meaning. The word "shall" is mandatory and the word "may" is  
7 permissive. Any interpretation by the Zoning Administrator may be appealed to the  
8 Board of Adjustment for a declaratory ruling. In such cases, the Board shall base its  
9 ruling upon the following definitions, state statute, and the need for reasonable and  
10 effective implementation of these Regulations.  
11

12 ***Section 10.2: Definitions (Section 710)***  
13

14 **ACCESSORY USE/STRUCTURE:** A use or structure which is incidental and  
15 subordinate to the principal use or structure and located on the same lot. Examples -  
16 swimming pools, barns, garages, tool sheds and other out buildings.  
17

18 **ACRE:** For the purpose of these Regulations, an acre shall mean 40,000 square feet.  
19

20 **AGRICULTURE:** Land or structures used for cultivating the soil and producing crops or  
21 raising livestock, for the purpose of economic gain, including the sale of such farm  
22 crops, horticultural products, livestock, or forest products raised on the property. Does  
23 not include slaughterhouses.  
24

25 **ALTERATION:** Structural change, rearrangement, change of location, or addition to a  
26 building.  
27

28 **BED AND BREAKFAST:** An existing residential building that is used as a residence  
29 and which contains sleeping rooms, with or without individual sanitary facilities, for  
30 rental accommodation for durations not typically more that two (2) weeks, which serves  
31 breakfast to guests and may serve other meals to guests.  
32

33 **BUILDING:** Structure not readily moveable consisting of a roof supported by columns or  
34 walls intended for the shelter or enclosure of persons, animals, or personal property.  
35

36 **BUILDING FRONT LINE:** Line parallel to the traveled portion of the street line  
37 transecting that point of the building which is closest to the traveled portion of the street  
38 line. Where a lot fronts on public waters but not a public road, "mean high water line"  
39 shall replace "street line" in the definition.  
40

41 **BUILDING HEIGHT:** Vertical distance measured from the average elevation of the  
42 proposed finished grade at the front of the building to the highest point of the roof for flat

1 and mansard roofs, and to the average height between eaves and ridge for other types  
2 of roofs.  
3  
4 **BUILDING REAR LINE:** Line parallel to the street line transecting that point of the  
5 building which is farthest from the street line. Where a lot fronts on public waters but not  
6 a public road, "mean high water line" shall replace "street line" in the definition.  
7  
8 **BUILDING SIDE LINE:** Line parallel to the nearest side lot line transecting that point of  
9 the building which is nearest the side lot line.  
10  
11 **CAMPER:** Any motorized or nonmotorized vehicle mounted on wheels and used as  
12 sleeping, camping, or living quarters. Includes a camper body mounted on a truck, but  
13 not a mobile home.  
14  
15 **CAMPGROUND:** Any lot or property which is used for the purpose of providing  
16 temporary access to 4 or more campers, recreation vehicles, or tents for vacation or  
17 recreation purposes.  
18  
19 **COMMERCIAL:** An activity involving the provision of facilities, goods, or services (other  
20 than by municipal, state, or federal governments) to others in exchange for payment of  
21 a purchase price, fee, contribution, or other object or consideration having value.  
22  
23 **COMMUNITY FACILITY:** Any meeting hall, place of assembly, museum, art gallery,  
24 library, school, church, or other similar type of establishment which is not operated  
25 primarily for profit, excluding government facilities.  
26  
27 **CONSTRUCTION:** Substantial exterior improvements or new assembly or placement of  
28 a structure on a site, including any related site preparations, excavation, and grading.  
29  
30 **DEVELOPMENT:** The division of a parcel of land into two or more parcels; new  
31 construction, substantial improvement, replacement, or relocation of any structure;  
32 enlargement of any mining, excavation, or landfill; and any change in the use of any  
33 structure or land, or extension of the use of land.  
34  
35 **DWELLING UNIT:** One or more rooms, designed, occupied, or intended for occupancy  
36 as a separate living quarter, with cooking, sleeping, and sanitary facilities provided  
37 within the dwelling unit for exclusive use of a single household.  
38  
39 **DWELLING UNIT, SEASONAL:** A dwelling unit which is not a primary residence of the  
40 owner or occupant, and is occupied only on a part-time, seasonal basis for no more  
41 than 6 consecutive months out of the year.  
42  
43 **DWELLING UNIT, YEAR-ROUND:** A dwelling unit which is the primary residence of the  
44 owner or occupant, and is occupied for more than 6 consecutive months out of the year.  
45  
46 **DWELLING, TWO UNIT:** A building on a lot containing two dwelling units.

1  
2 **DWELLING, MULTI-UNIT:** A building on a lot containing more than two dwelling units.  
3 This includes condominium style attached dwelling units.  
4  
5 **DWELLING, ACCESSORY:** An efficiency or one bedroom apartment located within or  
6 appurtenant to a single family dwelling, that is clearly subordinate to a single family  
7 dwelling, and has facilities and provisions for independent living, including sleeping,  
8 food preparation, and sanitation.  
9  
10 **ESSENTIAL PUBLIC SERVICES:** Construction & maintenance of power poles,  
11 distribution lines, alarm systems, or other similar equipment and accessories necessary  
12 for the general public welfare.  
13  
14 **EXCAVATION:** Any breaking of ground and extraction or movement of earth or rock, or  
15 any alteration of existing drainage patterns which substantially affects adjacent  
16 properties. Common agricultural tillage, ground care, gardening or excavations in  
17 cemeteries shall be exempt.  
18  
19 **FAMILY:** One or more persons living as a household unit, but not including individuals  
20 or groups occupying rooming and boarding houses, clubs, motels, or hotels.  
21  
22 **FRONTAGE:** The length of the front lot line for a single parcel of land which runs  
23 contiguous to and parallel with public right-of-way or private street or easement which it  
24 borders.  
25  
26 **FRONT YARD SETBACK:** The distance from the building front line to the edge of the  
27 travelled roadway. Where a lot fronts on public waters but not a public road, the front  
28 yard setback shall be measured from the building front line to the mean high water  
29 mark.  
30  
31 **HOME INDUSTRY:** A commercial, manufacturing, or industrial use which is housed in  
32 an accessory building to a residential dwelling or on a lot adjacent to the lot containing  
33 the permanent residential dwelling unit of the business owner.  
34  
35 **HOME OCCUPATION:** A minor portion of a dwelling unit used for an accessory  
36 business that is customary in residential areas and that does not have an undue  
37 adverse effect upon the character of the residential area in which the dwelling is  
38 located.  
39  
40 **INTERESTED PERSON:** A party who may legally appeal to the board of adjustment or  
41 Environmental Court as prescribed by Section 4465b of the Act generally including any  
42 of the following: the party owning title to the subject property, or the designated agent of  
43 said party; a person owning or occupying property in the immediate neighborhood per  
44 the Act, Section 4465(b)(3); any 10 property owners in the town who file a petition with  
45 the board of adjustment per the Act Section 4465(b)(4); the selectboard of the town, or  
46 of any adjoining town; and certain state agencies.

1  
2 **LIGHT INDUSTRY:** A light manufacturing or warehousing facility customary in a rural  
3 community which does not generate traffic more than a yearly average of 50 vehicles  
4 per day. Light Industry includes but is not limited to saw mills, slaughter houses, lumber  
5 yards, and other similar uses customary in a rural community.  
6  
7 **LODGING ESTABLISHMENT:** A building or buildings containing rooms which are  
8 rented for money or other compensation as sleeping units for transients, each sleeping  
9 unit consisting of at least a bedroom and a bathroom (shared bathrooms are also  
10 permitted). Included are hotels, motels, tourist courts, cabins, motor lodges, and the  
11 like.  
12  
13 **LOT:** A designated parcel, tract or area of land, established by plat, subdivision, or as  
14 otherwise allowed by law, to be separately owned, used, developed or built upon. A lot  
15 divided by a State or Town Highway does not automatically create a subdivision of that  
16 lot.  
17  
18 **LOT AREA:** Total area within the property lines excluding any part thereof lying within  
19 the boundaries of an existing or proposed street.  
20  
21 **MARINA:** A place for docking, mooring, storing, selling, servicing, or repairing boats,  
22 including the sale of fuel and supplies, and provision of lodging, food, beverages, and  
23 entertainment as accessory uses.  
24 **MOBILE HOME:** A prefabricated dwelling unit which is designed for long-term and  
25 continuous residential occupancy, is designed to be moved on wheels as a whole or in  
26 sections, and is ready for occupancy upon arrival at the site except for incidental  
27 unpacking, assembly, connections with utilities, and placement on supports or  
28 foundation.  
29  
30 **MOBILE HOME PARK:** Any parcel of land under single or common ownership or  
31 control which contains, or is designed, laid out, or adapted to accommodate two or more  
32 mobile homes, but not including a premises used solely for the display or sales of  
33 mobile homes.  
34  
35 **MOTEL:** A commercial building or group of buildings which provides overnight lodging  
36 facilities to the general public for compensation, with or without meals. Includes hotels,  
37 tourist courts, motor lodges.  
38  
39 **MOTOR VEHICLE & EQUIPMENT SALES & SERVICE:** An establishment providing  
40 sales and servicing of automobiles, trucks, farm, and construction equipment, and other  
41 motorized vehicles. Includes dealerships, body shops, mobile home and camping  
42 vehicle sales & service establishments.  
43  
44 **NON-CONFORMING STRUCTURE:** Structure not conforming to the zoning regulations  
45 covering bulk, dimensions, height, area, yards, density, or off-street parking or loading  
46 requirements, where such structure complied with all applicable laws, ordinances, and

1 regulations prior to enactment of these regulations as amended. 24 V.S.A.  
2 Section4412(7)

3  
4 **NON-CONFORMING USE:** Use of land or structure which does not conform to all  
5 zoning regulations where such use conformed to all applicable laws ordinances, and  
6 regulations prior to enactment of these regulations as amended. 24 V.S.A.  
7 Section4412(7)

8  
9 **PARCEL:** See Lot.

10  
11 **PARKING SPACE:** Off-street area of not less than 200 square feet exclusive of loading,  
12 access, and maneuvering areas, landscaped areas, etc., to be used as a temporary  
13 storage space for one motor vehicle at a time.

14  
15 **PERSONAL OR PROFESSIONAL SERVICE/BUSINESS:** Establishments engaged in  
16 providing services involving the care of a person, personal goods or providing services  
17 based on a recognized profession.

18  
19 **PLANNED UNIT DEVELOPMENT (PUD):** An area of land to be developed as a single  
20 entity for a number of dwelling units and/or commercial or industrial uses, the plan for  
21 which does not correspond in lot size or bulk, lot coverage, setbacks, and open space to  
22 the regulations established in the districts where such developments are allowed.

23  
24 **PRINCIPAL STRUCTURE/USE:** A structure or use directly involved with the primary  
25 purpose of ownership on a particular lot, which, together with its accessory  
26 structures/uses, constitutes all structures and uses of said lot.

27  
28 **PUBLIC FACILITIES:** Includes the construction and alteration of municipal, state, or  
29 federal government facilities or other quasi-public institutions. Includes correctional  
30 institutions, hazardous waste management facilities, water supply and sewage  
31 treatment facilities, and facilities for police, fire, and ambulance. Excludes public utility  
32 power generating plants and transmission facilities regulated under 30 V.S.A. Section  
33 248.

34  
35 **PUBLIC PARKING LOT:** A parking area whether within a covered structure or outside  
36 available to the general public, with or without payment of a fee. Includes parking lots  
37 and parking garages.

38  
39 **RECREATION FACILITY/INDOOR:** Includes bowling alley, theater, table tennis and  
40 pool hall, skating rink, gymnasium, swimming pool, hobby workshop, and other public or  
41 commercial indoor recreation.

42  
43 **RECREATION FACILITY/OUTDOOR:** Includes golf course, golf driving range,  
44 shooting/archery range, swimming pool, skating rink, tennis court, riding stable, park,  
45 beach, recreation stadium, ski trails, and other places of outdoor public or commercial  
46 recreation.

1  
2 **RESIDENTIAL CARE HOME/GROUP HOME:** A state licensed or registered residential  
3 care home serving not more than 8 persons who are handicapped or developmentally  
4 disabled as defined in 9 V.S.A. Section 4501. In accordance with the Act [Section  
5 4412G], such a group home shall be considered by right to constitute a permitted single  
6 family residential use of property, except that no such home shall be so considered if it  
7 is located within 1,000 feet of another such home within the Growth Center. For the  
8 purposes of these Regulations, a group home shall also include an emergency shelter  
9 for up to 8 adults and/or children.  
10  
11 **RESTAURANT:** An establishment where food and/or drink are prepared and served on-  
12 site and may be consumed on or off-site.  
13  
14 **RETAIL ESTABLISHMENT:** Any enclosed business concerned primarily with the sale  
15 of produce, products, goods, equipment, or commodities. Excludes drive-in facilities,  
16 free-standing retail stands, gasoline or motor vehicle service stations, motor vehicle  
17 sales facilities, restaurants, and junk yards.  
18  
19 **ROOMING/BOARDING HOUSE:** A dwelling unit residential building where more than  
20 two persons are supplied with and charged for meals or sleeping accommodations or  
21 both.  
22  
23 **SETBACK:** The nearest distance measured horizontally from the furthest protruding  
24 point of a structure to the property line, center line of the right-of-way, and/or mean  
25 water mark of Lake Carmi, as applicable.  
26  
27 **SIGN:** Any device, structure, building, or part thereof, which is used to bring a subject to  
28 the attention of the public.  
29  
30 **SITE PLAN:** A drawing to scale of a proposed development and surrounding area  
31 including information required by Article II of these regulations and any other information  
32 which may be required to determine compliance with the provisions of these  
33 Regulations.  
34  
35 **STREET:** Public way for vehicular traffic which affords the principal means of access to  
36 abutting properties.  
37  
38 **STRUCTURE:** An assembly of materials for occupancy or use, which requires a fixed  
39 location on the ground in order to be used. Included in addition to buildings are signs,  
40 garages, carports, porches, walls, swimming pools, and any other out-buildings or  
41 building features. Not included are sidewalks, driveways, fences, and temporary docks  
42 or floats.  
43  
44 **SUBSTANTIAL IMPROVEMENT:** Exterior construction, reconstruction, addition,  
45 alteration, or replacement of a structure which results in new floor space or building  
46 area.

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10

**USE:** Specific purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or is intended to be occupied.

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

**YARD/FRONT:** Yard between street line and building front line.

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