

City Manager ..... (802) 334-5136  
 334-3891  
 City Clerk/Treasurer ..... 334-2112  
 334-3892  
 Public Works ..... 334-2124  
 Zoning Adm./Assessor ... 334-6992  
 Recreation/Parks ..... 334-6345  
 Fax ..... 334-5632



City of Newport  
 222 Main Street  
 Newport, Vermont 05855

**CITY OF NEWPORT**  
**NOTICE OF PUBLIC HEARING**

Notice is hereby given to the residents of the City of Newport, VT that the Newport City Planning Commission will hold a public hearing in the Council Room of the Municipal Building on Tuesday March 26, 2013 at 7:00 p.m. This hearing will be held for public review of and comment on the revised zoning bylaw pursuant to Title 24 VSA, Chapter 117.

The purpose of the proposed zoning bylaw revision is to provide for the future growth and development of the City of Newport. The revised zoning bylaw, if and when adopted, will affect all lands within the City of Newport.

**Proposed Zoning Bylaw Amendments**

**1) Modifications to Two Lot Subdivision—reduce allowable minimal lot size**

**Article 6: §603 Two Lot Subdivisions.** *The amendment allows the Zoning Administrator (ZA) to permit a two lot subdivision with one of the resulting lots meeting not less than 90% of dimensional requirements of the zoning district and the remaining lot maintaining 100% of the dimensional requirement of the zoning district.*

Copies of the proposed zoning bylaw revision may be obtained from the office of the Zoning Administrator. Dated in Newport City, Vermont, March 8, 2013.

Newport City Planning Commission

*cert.*  
 7006 34.50 0000 8427  
 8109  
 RECEIVED  
 MAR 14 2013  
 Department of Economic  
 Housing and Community Development



# **Newport City Zoning & Subdivision Bylaw**

# NEWPORT CITY ZONING & SUBDIVISION BYLAW

Adopted - August 30, 1971

Total Revision Adopted - September 9, 1996

Amended - August 18, 1997

Amended - January 19, 1998

Amended - May 3, 1999

Amended - September 7, 1999

Amended - September 20, 1999

Amended - December 20, 1999

Amended - August 21, 2000

Amended - October 21, 2000

Amended - November 6, 2000

Amended - December 18, 2000

Amended - April 2, 2001

Amended - July 2, 2001

Amended - August 20, 2001

Amended - March 11, 2002

Amended - April 15, 2002

Amended - August 5, 2002

Amended - October 21, 2002

Amended - January 20, 2003

Amended - September 20, 2004

Amended - January 16, 2006

Amended - May 22, 2006

Amended - July 10, 2006

Amended - March 19, 2007

Amended - April 23, 2007

Amended - February 3, 2009 June 15 2009

Amended - June 28, 2009-Nov.1 2009

Amended with Form Based Code - Nov.1, 2010

Effective - Dec. 6, 2010

Amended with—March 5, 2013

Effective -

- §205.02 – changed rear yard minimum to 20 ft abutting railroad
- §205.03 – changed rear yard minimum to 20 ft abutting railroad
- §317 – rewritten
- §330.02 – rewritten
- §345 – added
- §509.03 – rewritten to allow decks closer than 75 ft from water
- §702 – added definitions for Historic Building and Outdoor Waterstove, changed definition of Personal Wireless Telecommunication Service Provider
- Zoning district boundaries – Map 117 Lot 23 changed to Commercial Zone B

Date Amended: 7/10/06

Effective Date: 7/31/06

Sections affected:

- §205.08 – added clinic as permitted use
- §702 – added definition of Bulkhead

Date Amended: 5/22/06

Effective Date: 6/12/06

Sections affected:

- §324 – minor rewording
- §330 – allowed less landscaping area abutting a railroad
- §336 – rewrite to be compatible will fill allowed by state
- §702 – changed definitions for nonconformity and nonconforming lot, use, and structure
- Zoning district boundaries – Map 139 Lot 027 changed to GR, Map 117, Lot 018 C-B and UR zones reconfigured

Date Amended: 1/16/06

Effective Date: 2/07/06

Sections affected:

- Major rewrite to conform with new state statutes
- Reorganized and renumbered many sections
- Minor and major changes to numerous sections

Date Amended: 9/20/04

Effective Date: 10/12/04

Sections affected:

- §338 – revised requirements for Fences, Walls and Hedges
- §342 – revised Small Shed Exemptions
- §346 – made conditional use and other minor amendments
- §606 – exempted some change of uses in Com zone A from site plan review
- Zoning district boundaries – changed Gardner Park, Prouty Beach, and Pomerleau Park to U-REC, Map 131 lots 4 & 4.001 to Commercial zone B, Map 106 lots 40 & 41 & 1.56 ac of Map 113 lot 174 to Industrial

Date Amended: 1/20/03

Effective Date: 2/11/03

Sections affected:

- §502 – revised Condominium definitions
- §205 – added Condominium uses
- §328 – minor revision for parking in Commercial districts

Date Amended: 10/21/02

Effective Date: 11/12/02

Sections affected:

- §346 – added Personal Wireless Telecommunication Facilities regulations
- §205 – GR zone changed lot coverage to 25%
- Zoning district boundaries - changed the zoning district on the northerly side of Coventry Street near the cemetery from Urban Residential to Commercial Zone A.

Date Amended: 11/06/00  
 Effective Date: 11/28/00  
 Sections affected:

- **Zoning district boundaries - changed Map 119 Lots 9 & 10 to Public Health/Office.**

Date Amended: 10/21/00  
 Effective Date: 11/12/00  
 Sections affected:

- **§342.02 – added Special Permits for Sheds Without Required Setbacks.**

Date Amended: 8/21/00  
 Effective Date: 9/12/00  
 Sections affected:

- **§205 – C zone added Single Family Dwelling as a conditional use.**
- **§502 – added definitions for “shed” and “lean-to”.**

Date Amended: 12/20/99  
 Effective Date: 1/11/00  
 Sections affected:

- **§205 – C zone Bars changed to a conditional use.**
- **§205 – C zone Multi-family, boarding house, & home occupation removed**
- **§205 – GR, UR & URec zones increase minimum lot size for two & multi-family dwellings**
- **§328.06 added – eased parking requirements for permitted uses in commercial district**
- **§345 Yard Sales – added to the bylaw**

Date Amended: 9/20/99  
 Effective Date: 10/12/99  
 Sections affected:

- **Zoning district boundaries – enlarged commercial zone along Union St.**

Date Amended: 9/7/99  
 Effective Date: 9/29/99  
 Sections affected:

- **§344 Residential Care Homes – added to the bylaw**

Date Amended: 5/3/99  
 Effective Date: 5/25/99  
 Sections affected:

- **Zoning district boundaries – enlarged commercial zone along East Main St.**
- **§202 - minor revisions**
- **§328 - revised 328.01 - added 328.04 & 328.05**

Date Amended: 1/19/98  
 Effective Date: 2/10/98  
 Sections affected:

- **§205 – UR zone added ‘Public Buildings’ as a conditional use**

Date Amended: 8/18/97  
 Effective Date: 9/9/97  
 Sections affected:

- **Zoning district boundaries – changed to follow property lines on Tax Maps**
- **§202 - revised**
- **§205 – CON zone added ‘Boat Storage’ as a conditional use**
- **§205 – URec zone added ‘Boat Storage’ as a conditional use**
- **§205 – C zone added ‘Marina’ as a permitted use**
- **§205 – LI zone minor revisions**
- **§330.08 Sandwich Board/Portable Signs - added to the bylaw**

**NEWPORT CITY, VERMONT  
ZONING & SUBDIVISION BYLAW**

**Table of Contents**

**INTRODUCTION ..... 1**

**ARTICLE 1: ENACTMENT AND INTENT ..... 1**

§101 Enactment..... 1

§102 Intent.....1

§103 Purpose ..... 1

§104 Application/Employment of Zoning and Subdivision Bylaw ..... 1

**ARTICLE 2: FORM BASED CODE**

§201 Establishment of FBC and Regulating Map.....3

§202 Form Based Code District Regulations.....3

§203 Intent.....3

§204 Process/Administration/Issuance.....3

§205 Streetscape Requirements.....4

§206 Lots, Blocks, Streets and Alleys.....5

§207 Buildings..... 5

§208 Building Breaks.....6

§209 Parking.....6

§210 Retail General Intentions.....7

§211 Forms and Standards.....8

**ARTICLE 3: ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES..... 24**

§301 Establishment of Zoning Districts ..... 24

§302 Zoning District Boundary ..... 24

§303 Interpretation of District Boundaries ..... 24

§304 Establishment of Conventional Zoning Districts ..... 24

§304.01 Conservation District..... 25

§304.02 General Residential District ..... 26

§304.03 Urban Residential District..... 27

§304.04 Urban Recreational District ..... 28

§304.05 Commercial B District..... 29

§304.06 Public Health/Office District..... 30

§304.07 Light Industrial District..... 31

§304.08 Industrial District..... 32

§304.09 Shoreland Control District..... 33

**ARTICLE 4: GENERAL REGULATIONS..... 34**

**ARTICLE 4-A: GENERAL REGULATIONS THAT APPLY SOLEY TO CONVENTIONAL CODE..... 34**

§401A Front Yard Setback..... 34

§402A Calculation Of Required Lot Area ..... 34

§403A Principal Uses On Lots ..... 34

§404A Building Coverage ..... 34

§405A Reduction Of Lot Area ..... 34

§406A Required Area Or Yards..... 34

**ARTICLE 6: SUBDIVISION REGULATIONS..... 57**  
**§601 Applicability ..... 57**  
**§602 Administration and Enforcement..... 57**  
**§603 Two-Lot Subdivisions ..... 57**  
**§804 Boundary Lined Adjustments..... 58**  
**§605 Three or More Lot Subdivisions ..... 58**  
**§606 General Planning Standards ..... 61**  
**§607 Required Improvements and design standards ..... 61**

**ARTICLE 7: ADMINISTRATION AND ENFORCEMENT ..... 64**  
**§701 Administrative Officer ..... 62**  
**§702 Zoning Permit ..... 62**  
**§703 Penalties ..... 64**  
**§704 Development Review Board ..... 64**  
**§705 Conditional Uses..... 65**  
**§706 Waivers ..... 65**  
**§707 Variance..... 65**  
**§708 Site Plan Review ..... 67**  
**§709 Planned Unit Development..... 69**  
**§710 Planning Commission ..... 69**

**ARTICLE 8: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE ..... 71**  
**§801 Amendments ..... 71**  
**§802 Interpretation ..... 71**  
**§803 Effective Date..... 71**  
**§804 Separability ..... 71**  
**§805 Repeal..... 71**

**ARTICLE 9: DEFINITIONS ..... 72**  
**§901 Word Definitions ..... 72**  
**§902 Term Definitions ..... 72**

**INDEX..... 87**

- 104.02 Article 2 describes Form Based Code (FBC.)
- 104.03 Article 3 describes "Conventional" Code.
- 104.04 Article 4 is General Regulation
  - 1. Article 4-A is general regulations that apply solely to "Conventional" code.
  - 2. Article 4-B is general regulations that apply to both FBC and "Conventional" code.
- 104.05 Article 5 describes to Non-conformities and applies to both FBC and "Conventional" code.
- 104.06 Article 6 describes Subdivision Regulations
- 104.07 Article 7 describes Administration and Enforcement and applies to both FBC and "Conventional" code.
- 104.08 Article 8 describes Amendments, Interpretation, Effective date and applies to both FBC and "Conventional" code.
- 104.09 Article 9 is definitions and applies to both FBC and "Conventional" code.

### **A) Administrative Review**

Size Requirements: Projects on sites less than 40,000 square feet or with proposed building square footages less than 30,000 (total) square feet shall be reviewed administratively. If the permit application meets all of the standards of FBC and are also a permitted use, the Zoning Administrator shall issue a zoning permit. Permits will not be issued for building activity until review is completed and a determination made that the proposal is consistent with FBC requirements. All permits will be issued in accordance with standards set for Section 601 of Newport City Zoning & Subdivision Bylaw.

### **B) Special Requirement Permit Review -DRB.**

Special Requirement Permit --DRB review will be required for sites over 40,000 square feet or with proposed building square footages over 30,000 (total)square feet. Such sites/proposed projects will be required to meet the intent and conform to the FBC standards and will be evaluated in those terms. They also must meet the objectives described in Site Plan Review of the Newport City Zoning Bylaw.

The DRB review process for Special Requirement Permits may allow for deviations in the FBC standards-- Examples of these deviations may include problems related to topography or street grade, the location of alley and streets, building breaks and passages between buildings, signs, streetscape details, and design issues related to the inclusion of existing buildings. Where properties of less than 40,000 square feet have such difficulties they shall require DRB Review.

All permit issuance requirements shall be in accordance Title 24 VSA, Chapter 117 and Newport City Zoning & Subdivision Bylaw.

## **§205 Streetscape Requirements**

- In the built environment, the street and building façade receives more attention than the rest of the building. Streetscape elements, such as built edge, brick pavers, benches and waste-bins, throughout Newport's Designated Downtown and FBC districts must be consistent within a project and should be consistent from project to project within a building activity area.
- Building facades are the public "face" of every building and support the life of the street. Owners/developers are encouraged to utilize recommended Architectural Standards (appendix A) and streetscape amenities—such as planters and window boxes.
- Building rear façades, or the more private, rear portions of the lots (toward the alley) are considered valuable/contributing members to the public realm—to be developed, maintained and are required to adhere to appropriate Streetscape standards.
- Street furniture, bike racks, benches, trash receptacles are required--see BES for specific requirements.
- Street trees are part of an overall streetscape; tree requirements are determined by street type and location—See Tree Chart (appendix B).

## **§206 Lots, Blocks, Streets and Alleys**

### §208 Building Breaks

The physical design of a building facade should vary minimally at intervals determined by the form standard. Variations can be achieved by utilizing the following techniques:

- Architectural division into multiple buildings,
- Break or articulation of the façade--*Building Break Types* (see diagram, §211.07
  1. Façade height change
  2. Vertical surface shift
  3. Horizontal surface shift /adjustment—section change
  4. Significant material change
  5. Arcade/gallery
- Significant change in facade design,
- Placement of window and door openings, or position of awnings and canopies.

### §209 Parking

#### General goals and standards:

- Enable people to park once at a convenient location and to access a variety of commercial enterprises in pedestrian-friendly environments by encouraging shared parking.
- Reduce diffused, inefficient, single-purpose reserved parking.
- Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas.
- Maximize on-street parking. Provide flexibility for redevelopment of small sites and for the preservation of historic buildings.
- Promote prototype projects using flexible and creative incentives.

#### Garage and Parking Entrances

- Any garage and/or vehicle (autos, trailers, boats, etc.) parking areas-except where parking is located in an ancillary structure enclosed in a rear-loading town-house garage, or in a below-grade garage – on private property shall not be located within 25 feet from any build-to-line (except for basement garages) and screened from the street by a *street wall*.
- Parking access shall be from an alley when possible. Designated garage entries and alleys shall be the sole means of automobile access to a site unless otherwise approved by a DRB special requirement permit.
- Garage doors on residential parking shall not be at an angle of less than 90 degrees from the primary front build-to-line or right of way unless otherwise approved by DRB special requirement permit.
- These requirements are not applicable to on-street parallel or angled parking.

#### Parking Types

##### In general, allowed parking is as follows:

- Behind-structure, surface parking: ground-level public or private parking lot that is located in the rear yard behind a building. When possible, access to the parking shall be taken from an alley.
- Parking structure: a building where the primary function is to provide parking. Ground-level, building edge at primary and secondary street fronts shall maintain a pedestrian-related use.

**§211 Forms and Standards.**

**211.01 Form 1**

**211.02 Form 2**

**211.03 Form 3**

**211.04 Form 4**

**211.05 Form 5**

**211.06 Form 6**

**211.07 Building Break and Storefront Standards**

**211.08 Frontage Types**

**211.09 Street Types and Street Type Standards-Primary Public Streets**

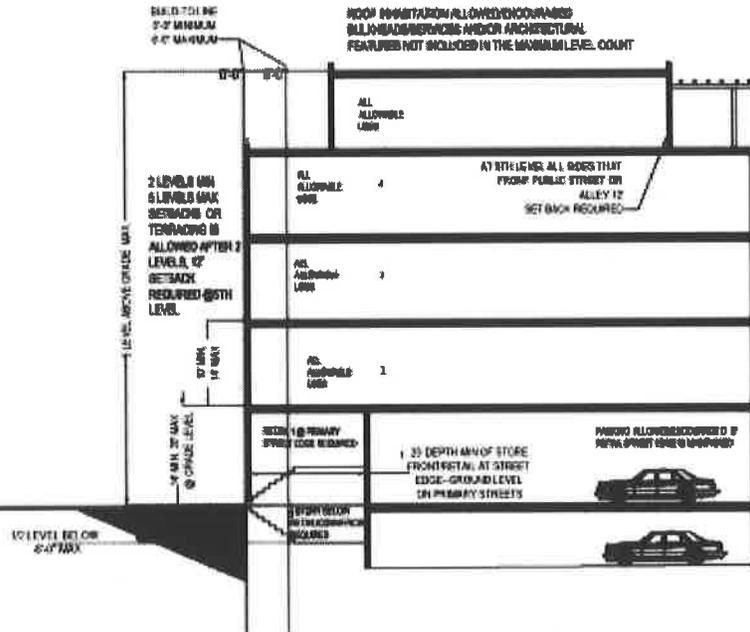
**211.10 Street Types and Street Type Standards-Secondary Public Streets**

**211.11 Street Types and Street Standards-Primary Transit Streets**

**211.12 Street Types and Street Standards-Primary Transit Streets**

**211.13 Alley Standards**

### 211.01 FORM 1 BUILDING ENVELOPE STANDARDS (BES) (CONT.) NORTH SIDE OF STREET.



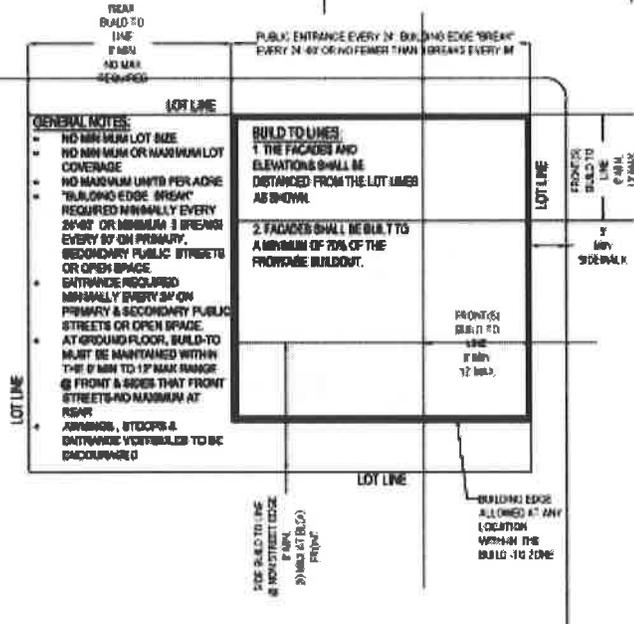
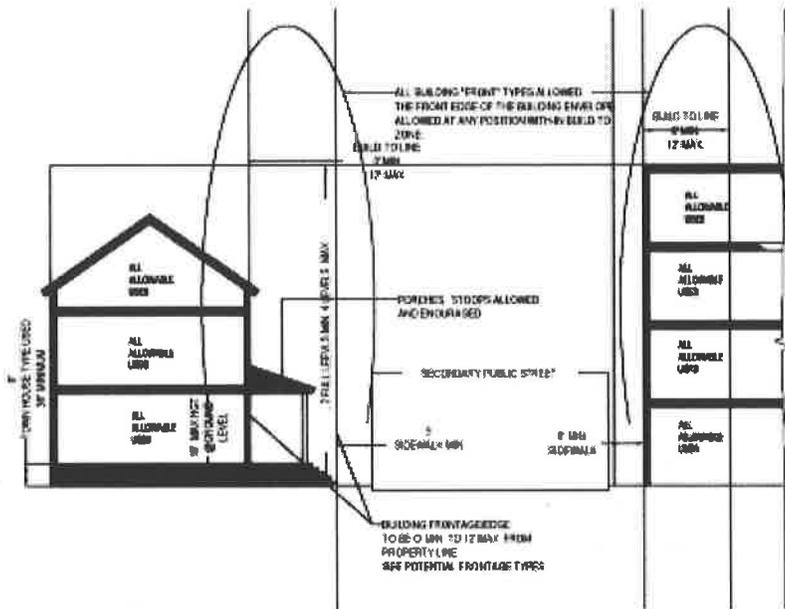
NOTE: ALL USES ARE PERMITTED EXCLUDING USES THAT ARE NOT PERMITTED.

USE TABLE-	
1. ADULT BOOKSTORE, VIDEO, CABINET.	NOT PERMITTED
2. RELIGIOUS INSTITUTIONS* SEE DEFINITION	NOT PERMITTED
3. SCHOOLS* SEE DEFINITION	NOT PERMITTED
4. HEAVY INDUSTRY OR BUSINESSES THAT RELY ON A LARGE AMOUNT OF TRUCK TRAFFIC.	NOT PERMITTED

\* NOT PERMITTED ON GROUND FLOOR

# 211.03 FORM 3 URBAN MULTI-USE BUILDING ENVELOPE STANDARDS (PAGE 1 OF 2)

**PURPOSE:**  
THE PURPOSE OF THIS ZONE IS TO CREATE A STREET ORIENTED PUBLIC REALM THAT ENCOURAGES A DENSE MULTI-USE MULTI-PURPOSE BUILT ENVIRONMENT. RESIDENTIAL, STOREFRONT AND COMMERCIAL USES ENCOURAGED. THE OVERALL EMPHASIS IS ON MEDIUM FOOT TRAFFIC PEDESTRIANISM. PARKING (NOT INCLUDING ON-STREET PARKING) SHALL BE AWAY (OR HIDDEN) FROM THE STREET



**GENERAL NOTES:**

- NO MINIMUM LOT SIZE
- NO MINIMUM OR MAXIMUM LOT COVERAGE
- NO MAXIMUM UNITS PER ACRE
- "BUILDING EDGE BREAK" REQUIRED MINIMALLY EVERY 20' OR MAXIMUM 3 BREAKS EVERY 80' ON PRIMARY, SECONDARY PUBLIC STREETS OR OPEN SPACE.
- ENTRANCE REQUIRED MINIMALLY EVERY 20' ON PRIMARY & SECONDARY PUBLIC STREETS OR OPEN SPACE.
- AT GROUND FLOOR, BUILD-TO MUST BE MAINTAINED WITHIN 7'-8' 8" MIN TO 12' MAX RANGE @ FRONT & SIDES THAT FRONT STREETS-NO MAXIMUM AT REAR.
- AWNINGS, STOPS & ENTRANCE VERTICALS TO BE ENCOURAGED

**BUILD TO LINES:**

1. THE FACADES AND ELEVATIONS SHALL BE DISTANCED FROM THE LOT LINES AS SHOWN.
2. FACADES SHALL BE BUILT TO A MINIMUM OF 70% OF THE FRONTAGE BUILDOUT.

**SPECIAL REGULATIONS**

**GROUND FLOOR STANDARDS**

- A. SIGNAGE SHALL BE REQUIRED ON PRIMARY STREETS-PUBLIC ENTRANCE ONE PER 20' MIN.
- B. NO LESS THAN 30% OF FACADE (IN EACH DIRECTION HORIZONTAL AND VERTICAL DIMENSION) SHALL BE GLAZED (EXAMPLE IF FACADE IS 10' WIDE THE TOTAL GLAZING WIDTH WILL BE NO LESS THAN 3' SAME FOR HORIZONTAL DIRECTION).

**PARKING LOCATION STANDARDS**

NEW CONSTRUCTION RESULTING IN ADDITIONAL SQUARE FOOTING OR AN INCREASE IN RESIDENTIAL UNITS MUST COMPLY WITH PARKING STANDARDS.

- A. PARKING SPACES MAY BE LOCATED OFF-SITE WITHIN 1,000 FEET OF THE PROPOSED USE.
- B. PARKING SPACES MAY BE LEASED FROM THE CITY OR A PRIVATE LANDOWNER.
- C. NEW PARKING SPACES SHALL BE SCREENED FROM THE PUBLIC REALM/STREET.
- D. NEW PARKING UNDER STRUCTURE DISCOURAGED.

**STREET TREE STANDARDS**

ALL STREETS MUST BE COMPLIANT WITH A PROJECT.

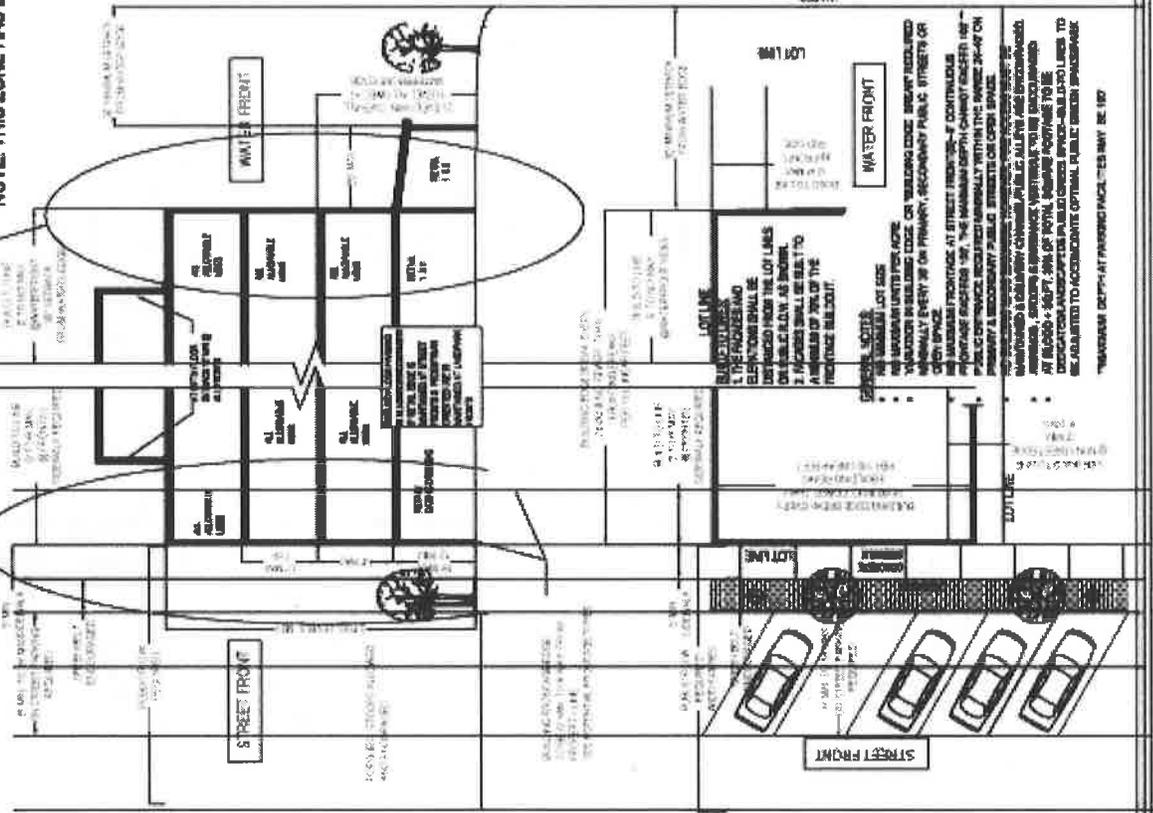
- A. STREET TREES SHALL BE PLANTED AT AN AVERAGE SPACING OF 30' ON CENTER.
- B. UNPAVED GROUND AREA ALONG THE FRONTAGE SHALL BE PLANTED WITH ORNAMENTAL OR FLORISSING VEGETATION.
- C. SIDEWALKS SHALL BE CONCRETE A MINIMUM OF 6 FEET WIDE. ALL OTHER REQUIREMENTS DETERMINED BY STREET STANDARDS-PER STREET ORGANIZATION.
- D. STREET FURNITURE SHALL INCLUDE:
  - 1 BENCH FOR EVERY 100 FEET OF FRONTAGE & 1 BIKE RACK PER NON-RESIDENTIAL PROJECT MIN.
  - 1 BIKE RACK FOR EVERY 100 FEET OF FRONTAGE
  - A MINIMUM OF 1 WASTE BIN AT EACH BLOCK CORNER.

# 211.04 FORM 4 URBAN WATER FRONT 1

## BUILDING ENVELOPE STANDARDS

NOTE: THIS ZONE HAS 2 DISCRETE FRONTS

**PURPOSE:**  
THE PURPOSE OF THIS ZONE IS TO CREATE A STREET ORIENTED PUBLIC SPACE THAT ENCOURAGES OPEN PUBLIC RECREATION SPACE ORIENTED TOWARD THE WATERFRONT. PARKING NOT INCLUDING ON STREET PARKING SHOULD BE AWAY (OR HIDDEN) FROM THE STREET

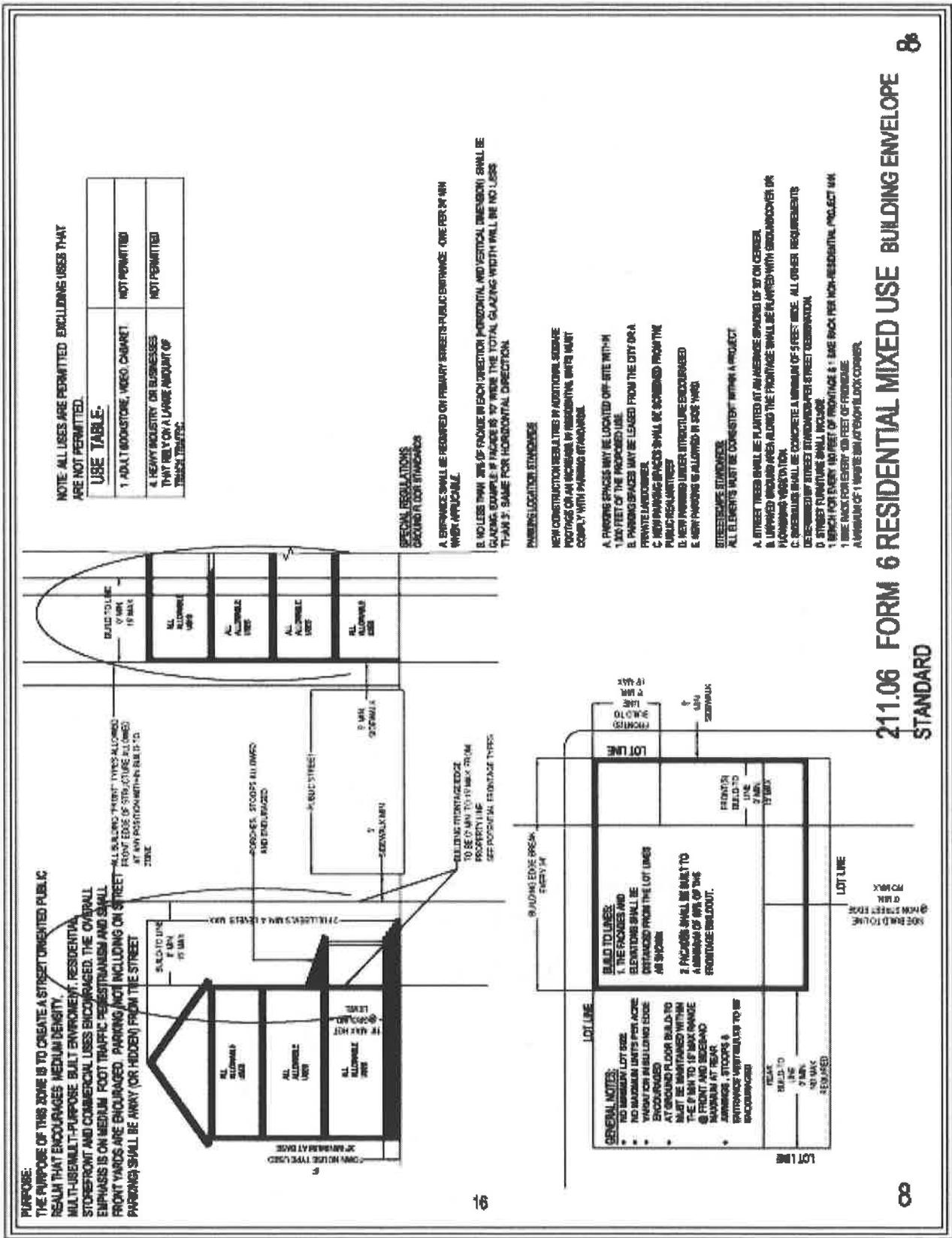


NOTE: ALL USES ARE PERMITTED EXCLUDING USES THAT ARE NOT PERMITTED.

USE TABLE	PERMITTED	NOT PERMITTED
1. PRIVATE RESIDENCE, HOME OFFICE	PERMITTED	NOT PERMITTED
2. RESIDENTIAL INSTITUTIONS*	PERMITTED	NOT PERMITTED
3. SCHOOLS*	PERMITTED	NOT PERMITTED
4. HEAVY INDUSTRY OR BUSINESS THAT RELY ON ALARME AMOUNT OF TRUCK TRAFFIC.	PERMITTED	NOT PERMITTED

\* NOT PERMITTED ON GROUND FLOOR

- SPECIAL REGULATIONS**
- GENERAL DEVELOPMENT STANDARDS**
    - A. BUILDINGS SHALL BE SET BACK FROM THE STREET FRONTAGE BY A MINIMUM OF 10 FEET.
    - B. BUILDINGS SHALL BE SET BACK FROM THE WATERFRONT BY A MINIMUM OF 10 FEET.
    - C. BUILDINGS SHALL BE SET BACK FROM THE WATERFRONT BY A MINIMUM OF 10 FEET.
  - PARKING**
    - A. PARKING SPACES SHALL BE LOCATED OFF-STREET WITHIN 100 FEET OF THE PROPOSED LOT.
    - B. PARKING SPACES SHALL BE LOCATED AWAY FROM THE CITY OR A PRIVATE LANDSCAPE.
    - C. PARKING SPACES SHALL BE IN A PUBLIC PARKING LOT OR A PUBLIC PARKING SPACE (ON-STREET PARKING SHALL BE INCOURAGED FROM THE PUBLIC FRONT STREET FRONT).
    - D. NEW PARKING UNDER STRUCTURE ENCOURAGED (TUCKER UNDER PARKING TYPE).
    - E. ALL NEW PARKING STRUCTURES SHALL MAINTAIN 8 FEET AT GROUND FLOOR USE RETAIL REQUIRED.
  - STREET FRONTAGE**
    - A. ALL BUILDINGS MUST BE CONSISTENT WITH A PROJECT.
    - B. STREET FRONTS SHALL BE PLANNED ALONG STREET FRONTS SPACING APPROX. A. PLANNED SPACING SHALL BE PLANNED ALONG THE FRONTAGE SHALL BE PLANNED WITH GROUND COVER OR PLANTING VEGETATION.
    - C. BUILDINGS SHALL BE CONCRETE A MINIMUM OF 5 FEET WIDE. ALL OTHER BUILDINGS SHALL BE DETERMINED BY STREET SPACING PER STREET DESIGNATION.
    - D. STREET FRONTAGE SHALL INCLUDE:
      - 1. BENCH FOR FRONTAGE OF FRONTAGE & 1 USE IN ALL PUBLIC SPACES.
      - 2. BENCH FOR FRONTAGE OF FRONTAGE & 1 USE IN ALL PUBLIC SPACES.
      - 3. BENCH FOR FRONTAGE OF FRONTAGE & 1 USE IN ALL PUBLIC SPACES.
      - 4. BENCH FOR FRONTAGE OF FRONTAGE & 1 USE IN ALL PUBLIC SPACES.



NOTE: ALL USES ARE PERMITTED EXCLUDING USES THAT ARE NOT PERMITTED.

**USE TABLE:**

1 ADULT BOOKSTORE, VIDEO CABINET	NOT PERMITTED
4 HEAVY INDUSTRY OR BUSINESSES THAT RELY ON A LARGE AMOUNT OF TRUCK TRAFFIC	NOT PERMITTED

**SPECIAL REGULATIONS CONCERNING LOT DIMENSIONS**

- A. ENTRANCES SHALL BE LOCATED ON PRIMARY SIDEWALK PUBLIC ENTRANCE - ONE PER 24' MIN WIDTH APPLICABLE.
- B. NO LESS THAN 20% OF FRONTAGE IN EACH DIRECTION HORIZONTAL AND VERTICAL DIMENSION SHALL BE GLAZING. EXAMPLE IF FRONTAGE IS 70' THEN THE TOTAL GLAZING WIDTH WILL BE NO LESS THAN 14'. SAME FOR HORIZONTAL DIRECTION.

**PARKING LOCATION STANDARDS**

NEW CONSTRUCTION REGULATES BY ADDITIONAL SQUARE FOOTAGE ON AN INCREMENT BY RESIDENTIAL UNITS MUST COMPLY WITH PARKING ATTACHMENT.

- A. PARKING SPACES MAY BE LOCATED OFF-SITE WITHIN 150 FEET OF THE PROPOSED LOT.
- B. PARKING SPACES MAY BE LEASED FROM THE CITY OR A PRIVATE LANDOWNER.
- C. NEIGHBORHOOD SPACES SHALL BE SCREENED FROM THE PUBLIC RIGHT-OF-WAY.
- D. NEW PARKING UNDER STRUCTURE IS ENCOURAGED.
- E. NEW PARKING IS ALLOWED IN SIDE YARD.

**STREETSCAPE STANDARDS**

- A. ALL ELEMENTS MUST BE CONSISTENT WITHIN A PROJECT.
- B. STREET TREES SHALL BE PLANTED AT AN AVERAGE SPACING OF 30' ON CENTER.
- C. UNPAVED AREAS ALONG THE FRONTAGE SHALL BE PLANTED WITH BROADLEAF OR PLANTING VARIATION.
- D. SIDEWALKS SHALL BE CONCRETE A MINIMUM OF 5 FEET WIDE. ALL OTHER REQUIREMENTS DESCRIBED BY STREET STANDARDS PER STREET DETERMINATION.
- E. STREET FURNITURE SHALL INCLUDE:
  - 1. BENCH FOR EVERY 100 FEET OF FRONTAGE & 1 BENCH PER NON-RESIDENTIAL PROJECT 1/4 MILE.
  - 2. BENCH FOR EVERY 50 FEET OF FRONTAGE.
  - 3. A MINIMUM OF 1 WASTE BIN AT EVERY BLOCK CORNER.

**PURPOSE:** THE PURPOSE OF THIS ZONE IS TO CREATE A STREET ORIENTED PUBLIC REALM THAT ENCOURAGES MEDIUM DENSITY, MULTI-USE MULTI-PURPOSE BUILT ENVIRONMENT. RESIDENTIAL, STOREFRONT AND COMMERCIAL USES ENCOURAGED. THE OVERALL EMPHASIS IS ON MEDIUM FOOT TRAFFIC RESTRAINT AND SMALL FRONT YARDS ARE ENCOURAGED. PARKING (NOT INCLUDING ON STREET PARKING) SHALL BE AWAY (OR HIDDEN) FROM THE STREET.

**GENERAL NOTES:**

- NO MAXIMUM LOT SIZE
- NO MAXIMUM UNITS PER ACRE
- YARD FOR REBUILDING EDGE ENCOURAGED
- AT GROUND FLOOR BUILD TO BE BUILT WITHIN THE FRONT YARD TO 15' MAX FROM SIDEWALK AT REAR ENTRANCE. STORIES & ENTRANCE APERTURES TO BE ENCOURAGED

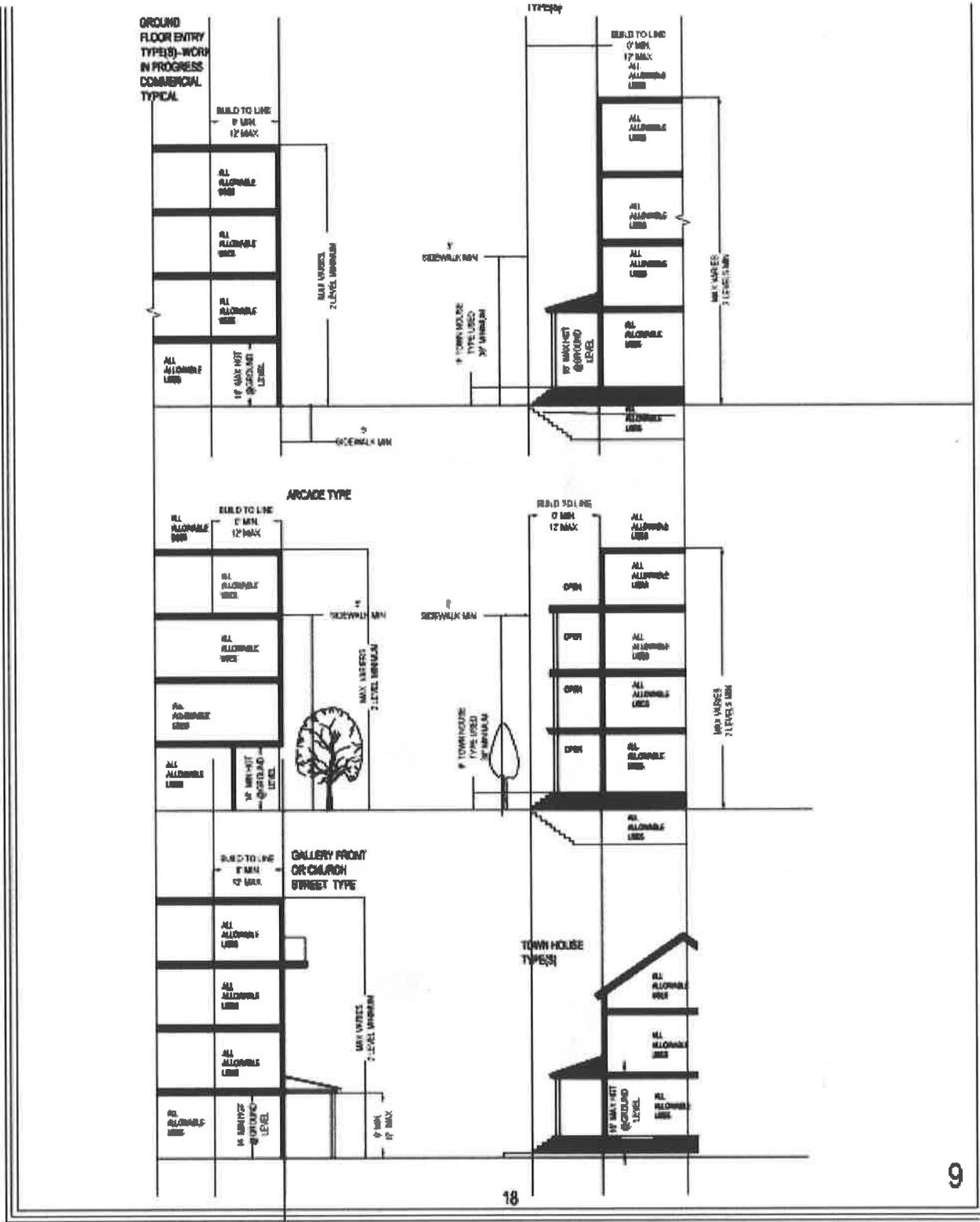
**BUILD TO LINES:**

- 1. THE FRONT AND ELEVATIONS SHALL BE DETACHED FROM THE LOT UNDER AN SHEDD
- 2. FACADES SHALL BE BUILT TO A MINIMUM OF 10' TO THE FRONTAGE BUILDOUT.

**GENERAL REGULATIONS:**

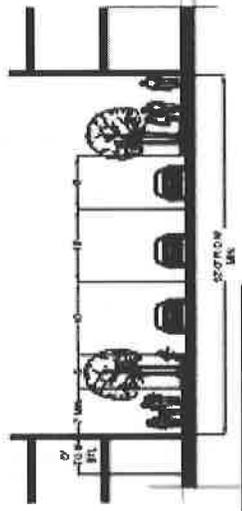
- REAR YARD: 7' MIN TO 15' MAX
- BUILD TO LINE: 7' MIN TO 15' MAX
- REAR YARD: 450 SPSD

**211.06 FORM 6 RESIDENTIAL MIXED USE BUILDING ENVELOPE STANDARD**

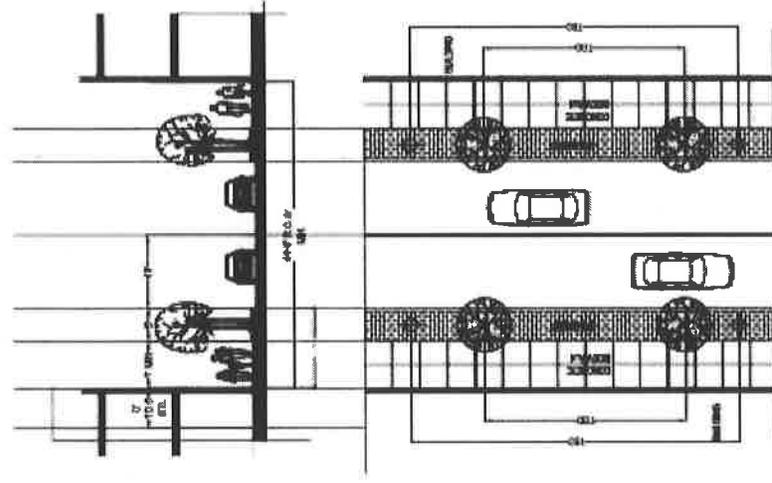
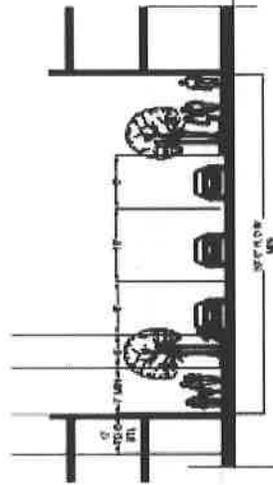


### 211.10 STREET TYPES & STREET TYPE STANDARDS

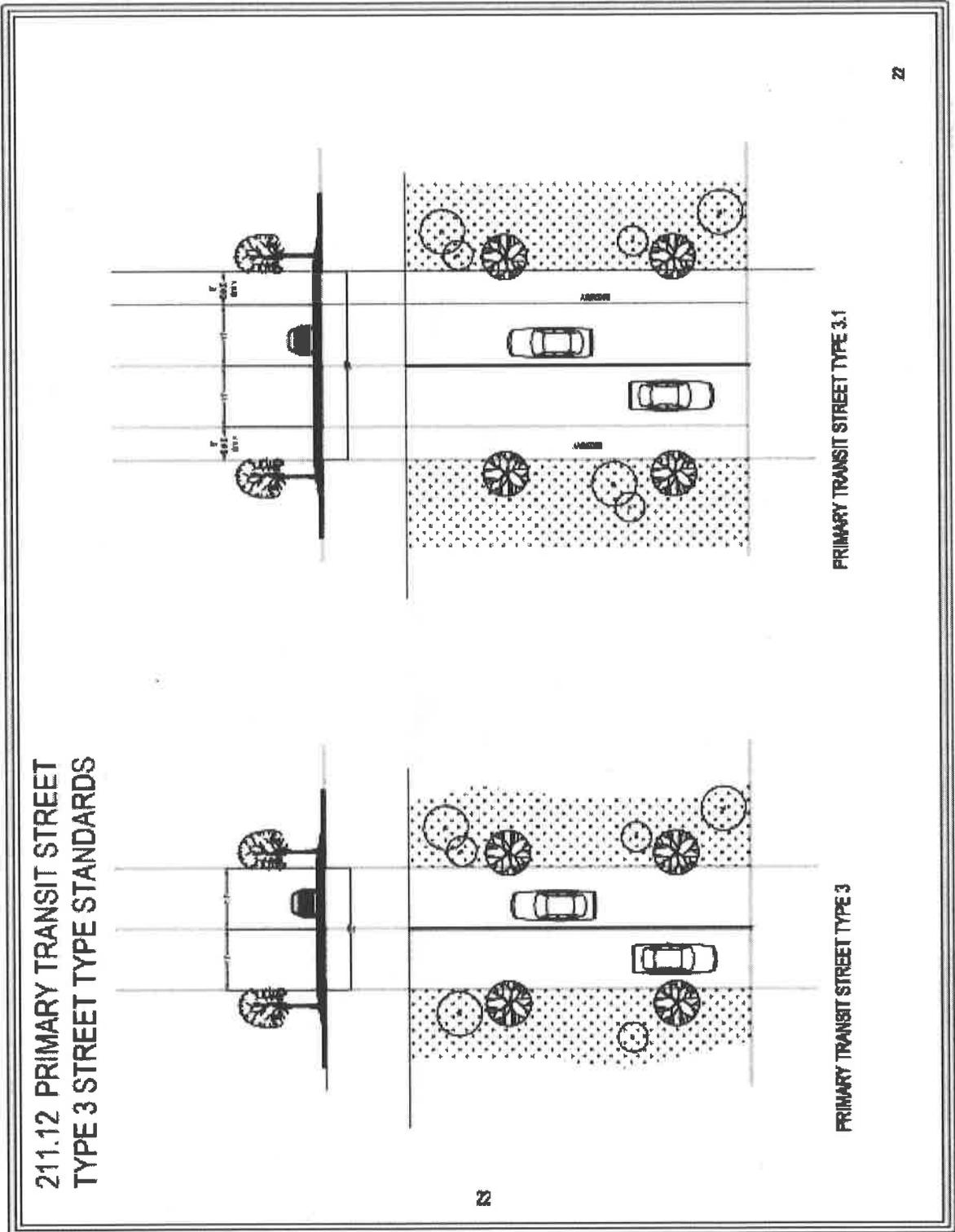
**SECONDARY PUBLIC STREET TYPE 1  
TWO WAY TRAFFIC, ONE SIDE ON STREET PARKING**



**SECONDARY PUBLIC STREET TYPE 2  
ONE WAY TRAFFIC, TWO SIDE ON STREET PARKING  
(BACKBAY BOSTON MODEL)**



**PRIMARY PUBLIC STREET TYPE 3  
(DISCOURAGED)**



**ARTICLE 3: ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES--CONVENTIONAL CODE**

**§301 Establishment of Zoning Districts Conventional Zoning**

Newport is hereby divided into the following Zoning Districts as shown on the City Zoning Map:

"CON"	Conservation District	"UR"	Urban Residential
"C-B"	Commercial Zone B	"LI"	Light Industrial
"GR"	General Residential	"U-REC"	Urban Recreational
"PHO"	Public Health/Office	"IND"	Industrial

**§302** The general location and boundaries of zoning districts are shown on the reduced Zoning Map that is provided with this document. The Zoning District Boundaries as depicted on Newport City Tax Maps, located in the Zoning Administrator's Office, are the Official Zoning Maps and are hereby made a part of this bylaw.

**§303 Interpretation of District Boundaries**

- 303.1** All zoning district boundaries that are formed by roads shall be deemed to follow the road centerline.
- 303.2** All zoning district boundaries that are formed by railroads shall be deemed to follow the centerline of the main line.
- 303.3** All zoning district boundaries that are formed by natural bodies of water shall be deemed to follow the high water mark.
- 303.4** If uncertainty exists with respect to the location of any district boundary on the official Regulating Plan and Zoning Map, the Development Review Board shall determine the location of such boundary.

**§304 Establishment of Conventional Zoning Districts**

The following subsections describe the purpose of each district and delineate the permitted and conditional uses in that district as well as other specific district standards.

**304.02 General Residential District "GR"**

**Objective:**

This district is designed principally for residential development. Areas that it covers have either municipal water and sewer services available or are where the installation of these facilities on-site is feasible. Residential and other compatible and complementing uses are permitted in this district at densities dependent upon municipal water and sewer availability. This district is intended to house the majority of the community's permanent residents at densities consistent with the utilities provided.

**Permitted Uses:**

- |                             |                            |
|-----------------------------|----------------------------|
| 1. Accessory Apartment      | 6. Dwelling, single family |
| 2. Accessory use/structure  | 7. Home occupation         |
| 3. Agribusiness             | 8. Religious institution   |
| 4. Bed and Breakfast        | 9. School                  |
| 5. Condominium, residential | 10. Subdivision of Land    |

**Conditional Uses:**

- |  |  |
|--|--|
| 1. Adult Day Care                      | 7. Essential services                            |
| 2. Campground                          | 8. Neighborhood store                            |
| 3. Licensed Day Care                   | 9. Nursery school                                |
| 4. Dwelling, multi-family <sup>1</sup> | 10. Personal wireless telecommunication facility |
| 5. Dwelling, two family <sup>1</sup>   | 11. Recreation facility                          |
| 6. Elderly Housing                     | 12. Transitional Housing                         |
|  | 13. Shelter                                      |

**Minimum Area and Dimensional Requirements:**

Lot Designation <sup>2</sup> :	A	B	C
Lot Area Minimum (sq ft):	10,000	30,000	40,000
Lot Frontage Minimum (ft):	100	100	100
Lot Depth Minimum (ft):	100	100	200
Front Yard Minimum (ft):	30	30	30
Rear Yard Minimum <sup>3</sup> (ft):	30	30	30
Side Yard Minimum (ft):	20	20	20
Coverage Maximum (% of lot):	25	25	25
Building Height Maximum (ft):			
Accessory use/structure	20	2025	
All other uses	35	3540	

**Footnote(s):**

<sup>1</sup> Minimum lot size for two-family and multi-family dwellings – 10,000 sq. ft. for a single residential unit, plus 2,000 sq. ft. for every additional unit, plus one sq. ft. for every sq. ft. increase in the building footprint.

<sup>2</sup> Lot Designation key:

A = public water **AND** sewer available;

B = public water **OR** sewer available;

C = on-site water **AND** sewer.

<sup>3</sup> The rear yard minimum abutting a railroad track is 20 ft

**304.04 Urban Recreational District "U-REC"**

Objective:

This district is designated to take advantage of the attractive natural features of Newport, such as the lake adjacent to the urban core, where municipal water and sewer facilities are available. To complement this, compatible public and private, retail, recreational, and accessory uses are permitted.

Permitted Uses:

- |                            |                         |
|----------------------------|-------------------------|
| 1. Accessory Apartment     | 10. Hotel               |
| 2. Accessory use/structure | 11. Marina              |
| 3. Auditorium              | 12. Motel               |
| 4. Bar                     | 13. Public assembly     |
| 5. Boathouse               | 14. Recreation facility |
| 6. Club                    | 15. Restaurant          |
| 7. Community center        | 16. Retail boutiques    |
| 8. Condominium, commercial | 17. Subdivision of Land |
| 9. Home occupation         |                         |

Conditional Uses:

- |  |                                      |
|--|--------------------------------------|
| 1. Boat Storage                        | 4. Dwelling, single family           |
| 2. Condominium, residential            | 5. Dwelling, two family <sup>1</sup> |
| 3. Dwelling, multi-family <sup>1</sup> | 6. Personal services                 |

Minimum Area and Dimensional Requirements:

Lot Area Minimum (sq ft):	5,000
Lot Frontage Minimum (ft):	50
Lot Depth Minimum (ft):	50
Front Yard Minimum (ft):	30
Rear Yard Minimum (ft):	0
Side Yard Minimum (ft):	0
Coverage Maximum (% of lot):	50
Building Height Maximum (ft):	35

Footnote(s):

<sup>1</sup> Minimum lot size for two-family and multi-family dwellings – 10,000 sq. ft. for a single residential unit, plus 2,000 sq. ft. for every additional unit, plus one sq. ft. for every sq. ft. increase in the building footprint.

**304.06 Public Health/Office District "PHO"**

Objective:

This district is designed to allow for the location of public health care facilities, religious institutions and educational facilities. Also permitted, with conditional use approval by the Development Review Board, are noncommercial residential structures that serve in an accessory capacity to the permitted uses.

Permitted Uses:

- |                             |                            |
|-----------------------------|----------------------------|
| 1. Accessory uses/structure |                            |
| 2. Adult Day Care           | 7. Nursing homes           |
| 3. Clinics                  | 8. Offices                 |
| 4. Condominium, commercial  | 9. Parking Lot/Garage      |
| 5. Hospitals                | 10. Religious institutions |
| 6. Licensed Day Care        | 11. Schools                |
|                             | 12. Subdivision of Land    |

Conditional Uses:

1. Dormitories<sup>1</sup>
2. Personal wireless telecommunication facility

Minimum Area and Dimensional Requirements:

Lot Area Minimum (sq ft):	12,000
Lot Frontage Minimum (ft):	100
Lot Depth Minimum (ft):	100
Front Yard Minimum (ft):	30
Rear Yard Minimum (ft):	20
Side Yard Minimum (ft):	20
Coverage Maximum (% of lot):	30
Building Height Maximum (ft):	
Accessory use/structure:	25
All other uses:	72

Footnote(s):

<sup>1</sup> Must be accessory to permitted uses 3, 5, 7, 10, or 11.

**304.08 Industrial District "IND"**

Objective:

This district allows for the establishment of manufacturing employment opportunities in the community. An area must be provided for this type of development taking into consideration truck access and the availability of utilities. High-density employment activities should be concentrated in this area.

Permitted Uses:

- |                              |                                 |
|------------------------------|---------------------------------|
| 1. Accessory use/structure   | 9. Motor vehicle service/repair |
| 2. Car wash                  | 10. Office                      |
| 3. Condominium, industrial   | 11. Parking Lot/Garage          |
| 4. Contractor's yard         | 12. Public buildings            |
| 5. Essential services        | 13. Subdivision of Land         |
| 6. Freight/trucking terminal | 14. Veterinary clinic           |
| 7. Gasoline station          | 15. Warehouse                   |
| 8. Manufacturing             | 16. Wholesale use               |

Conditional Uses:

1. Hazardous waste management facilities
2. Other industrial and/or commercial uses upon the finding by the Development Review Board that such use is of the same general character as those permitted and which will not be detrimental to the other uses within the district or to the adjoining land uses. In the case of Planned Unit Developments, the Development Review Board shall make the determination on approved uses.
3. Personal wireless telecommunication facility
4. Regional solid waste management facilities
5. Shelter
6. Transitional Housing

Minimum Area and Dimensional Requirements:

Lot Area Minimum (sq ft):	40,000
Lot Frontage Minimum (ft) <sup>1</sup> :	100
Lot Depth Minimum (ft):	150
Front Yard Minimum (ft):	50
Rear Yard Minimum (ft) <sup>2</sup> :	25
Side Yard Minimum (ft) <sup>2</sup> :	25
Coverage Maximum (% of lot):	60
Building Height Maximum:	
(a) Accessory use/structure	25
All other uses	72

Footnote(s):

<sup>1</sup> 175 ft when the lot line in question abuts a residential district.

<sup>2</sup> Any building must have a minimum side and rear yard setback of 100 ft from any residential district.

**ARTICLE 4: GENERAL REGULATIONS****ARTICLE 4-A: General regulations that apply solely to “Conventional” code****§401 A Front Yard Setback.**

Any yard bordering a public right-of-way shall be considered a front yard. Front yard setbacks are measured from the front lot line to the front of the building. See also the definition for Yard, Front in §902 of this bylaw.

**§402 A Calculation Of Required Lot Area**

When creating one or more lots, such lots shall be of sufficient area and dimensions to comply with the minimum lot area and dimensional requirements set forth in this bylaw for the district in which such lots are located. Existing or proposed rights-of-way or public sites shall NOT be included as part of a lot for the purpose of compliance with the minimum area and dimensional requirements.

**§403 A Principal Uses On Lots**

In the General Residential, Urban Residential, Conservation, and Public Health/Office zoning districts there shall be only one principal use or structure on a lot unless otherwise approved under the Planned Unit Development provisions §709.

**§404 A Building Coverage**

The ground area covered by all principal and accessory structures, including porches, decks, carports, garages, sheds and all other structures open at the sides but roofed shall be used when determining the percentage of building coverage of a lot.

**§405 A Reduction Of Lot Area**

No lot shall be so reduced in area such that the area, yards, lot width, frontage, coverage or other requirements of this bylaw shall be smaller than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose.

**§406 A Required Area Or Yards**

Space required under this bylaw to satisfy area, yard, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other structure.

**§407 A Lots With Frontage On More Than One Street**

Any yard adjoining a street shall be considered a front yard for the purposes of this bylaw. However, only one front yard is required to comply with the minimum depth requirement. All other front yards shall either equal the minimum front yard setback, or be at least 25 feet in depth, whichever is less.

## **ARTICLE 4-B: General regulations that apply to both FBC and “Conventional” code.**

### **§401 B Low and Moderate Income Housing**

This bylaw shall not have the effect of excluding low and moderate income housing.

### **§402 B Exemptions**

**402.01** Land development that shall not require a zoning permit is listed in §702.

**402.02** Exterior steps, stairs, landings less than 25 square feet in area and handicap access ramps are exempt from the setback requirements set forth in §304 of this bylaw and may be erected without a permit.

### **§403 B Existing Small Lots**

Any lot in existence prior to the enactment of the Newport City Zoning Bylaw on August 30, 1971 or legally subdivided since enactment that no longer conforms to minimum lot size requirements of the current Newport City Zoning Bylaw may be developed for the purposes permitted in the district in which it is located, provided that the lot is more than one-eighth acre in area and has minimum width and depth dimensions of at least 40 feet. Such lots shall NOT be deemed merged and MAY be separately conveyed even if they are in common ownership with a contiguous lot.

Lots that are less than one-eighth acre in area or have a width or depth dimension of less than 40 feet shall be deemed merged and may not be separately conveyed if they come under common ownership with a contiguous lot.

### **§404 B Required Frontage on, or Access to Public Roads or Waters**

No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with site plan approval of the Development Review Board, access to such a road or waters by a permanent easement or right-of-way at least 20 feet in width, in accordance with Title 24 VSA §4412. If, however, the land development is sufficient for two or more lots meeting the Minimum Area and Dimensional Requirements for the Zoning District in which the land development is located, the minimum width of the permanent easement or right-of-way shall be at least 50 feet.

### **§405 B Residential Homes**

**§405.01 Residential Care Homes:** A residential care home or group home, to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 VSA §4501, shall be considered to constitute a permitted single family residential use of property, except that no such home shall be so considered if it locates within 500 feet of another existing or permitted home. A residential care home or group home, to be operated under state licensing or registration, serving nine or more who have a handicap or disability, as defined in 9 VSA §4501, shall be reviewed as a multi family dwelling and shall be subject to conditional use and site plan review.

- Public and private schools and other educational institutions certified by the state department of education.
- Churches and other places of worship, convents, and parish houses.
- Public and private hospitals.
- Regional solid waste management facilities certified under 10 VSA. Chapter 159.
- Hazardous waste management facilities for which a notice of intent to construct has been received under 10 VSA §6606(a).

#### **§410 B Lots In Two Zoning Districts**

Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than 30 feet into the more restricted part, provided the lot has frontage on a street in the less restricted district.

#### **§411 B Waterfront Lots**

Waterfront lots may have a one-story boathouse for the sole purpose of boat storage, any portion extending past the high water mark must receive permission from the appropriate State and Federal agencies.

#### **§412 B Location Of Driveways**

All driveways accessing a public right-of-way, either new or redesigned, shall first be reviewed by the Director of Public Works with regard to location, grade, slope and drainage. This shall not apply to resurfacing.

#### **§413 B Temporary Uses and Structures**

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

#### **§414 B Abandonment of Structures**

Within six months after work on an excavation for a building has begun, or within six months after a permanent or temporary building or structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or fenced in accordance with §415B. All filling or regrading done in connection with this section shall first be approved by the Director of Public Works.

#### **§415 B Fences Around Excavation**

Excavations with slopes exceeding a one foot drop on a two foot run shall be protected from encroachment by a fence at least four feet in height of safe construction.

**§421 B Roadside Agricultural Stands**

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

- 421.01** No stand shall be in place between November 1st and April 30th.
- 421.02** No stand shall be nearer the front or side lot lines than 20 feet.
- 421.03** Off-street parking space shall be provided for at least two motor vehicles.

**§422 B Off-Street Parking Space Requirements**

- 422.01** Whenever an existing structure, other than a one or two family dwelling, is altered, extended or changed in use, or a new structure is erected on an existing foundation, the Development Review Board, under site plan review, shall review the existing and related parking arrangements and may require additional parking.
- 422.02** The Development Review Board may also require modifications to the width of the access driveway to the parking lot.
- 422.03** The number of parking spaces required for new structures being erected on lots not previously developed shall be determined from the table below. The driveway providing access to such parking lots, except one or two-family dwellings, shall be at least 20 feet in width.
- 422.04** Parking spaces shall be dimensionally adequate to contain the vehicle for which it is intended. For a private vehicle this dimension is nine feet by 20 feet. Under site plan review the Development Review Board may require larger dimensional parking spaces.
- 422.05** The parking arrangement shall permit the safe and convenient entry and exit from the parking space. The Development Review Board, under site plan review, shall review the proposed parking arrangement to ensure that this subsection of the bylaw is satisfied.
- 422.06** A parking space or parking lot shall comply with the landscaping requirements for the appropriate district.
- 422.07** With the approval of the Development Review Board parking spaces may be provided by the applicant on other property, provided such land lies within 1,000 feet of an entrance to the principal building.
- 422.08** Parking spaces for any number of separate uses may be combined in one parking lot, but the required space assigned to one use may not be assigned to another use at the same time of day with the approval of the Development Review Board.
- 422.09** Designated parking, restricted parking, and other notices shall be clearly provided by a sign or other marking and it shall be in compliance with section §424B.
- 422.10** All applications for permits wherein this bylaw requires a parking provision must include precise definition of parking to be provided; such as, a map drawn to scale of all related parking.
- 422.11** All applications with a parking provision requirement where parking is to be provided in an area of more than one business by utilizing existing or adjoining or nearby, within 100 feet, parking space(s); that is by:
  - sharing space(s)
  - extending or expanding space(s) and/or
  - creating new adjoining space(s)
  - must provide an Overall Adequacy of Parking Plan for all respective business and private users.

*In Forms 1, 2, 3, 4, 5 no additional parking will be required to change the use of an existing building to a PERMITTED USE provided there is no increase to the square footage of the building. This provision shall not apply for change of use to motel or hotel.*

Actual parking requirements appear on the next page.

**§423 B Off-Street Loading Space Requirements-- Applies to both FBC and Conventional code.**

- 423.01** Whenever an existing structure, other than a one or two family dwelling, is altered, extended or changed in use, or a new structure is erected on an existing foundation, the Development Review Board, under site plan review, shall review the existing off-street loading space arrangements and may require additional off-street loading spaces. The Development Review Board may also require modifications to the width of the access driveway to the off-street loading spaces.
- 423.02** Every building hereafter erected for the purpose of business, trade or industry shall provide off-street space that is either paved or has some other stable surface for the loading and unloading of vehicles as set forth below:
- 423.03** Agribusiness and Restaurants: one (1) off street loading space for roof covered floor area equal to 20,000 sq. ft. and one more for each whole number multiple of 20,000 sq. ft. For example, 82,149 sq. ft. would require 4 off street loading spaces.
- 423.04** Motel, Hotel, Hospital and Clinic: one (1) off street loading space for roof covered floor area equal to 15,000 sq. ft. and one (1) more for each whole number multiple of 15,000 sq. ft.
- 423.05** Bulk Fuel Storage, Contractors Yard, Retail Business, Light Manufacturing and Recycling Center: one (1) off street loading space for roof covered floor area equal to 10,000 sq. ft. and one (1) more for each whole number multiple of 10,000 sq. ft.
- 423.06** Freight/Trucking Terminal, Manufacturing, Warehouse, and Wholesale use: one (1) off-street loading space for roof covered area equal to 7,500 sq. ft. and one (1) more for each whole number multiple of 7,500 sq. ft.

**§424 B Signs-- Applies to both FBC and Conventional code.**

A permit must be issued by the Administrative Officer prior to the installation of any sign. No signs shall be permitted in any district except as specifically permitted herein as follows:

- 424.01** Signs in residential districts. The following signs are permitted when located on the immediate property:
- A. One professional or home occupation sign, not exceeding four square feet.
  - B. One temporary Real Estate sign, not exceeding six square feet.
  - C. Signs identifying any non-residential building or use in residential districts, not exceeding a total of 20 square feet.
  - D. Directional or informational sign, not exceeding four square feet.
  - E. Signs necessary for public safety or welfare.
  - F. One sign to identify residential developments not to exceed 32 square feet.
- 424.02** Signs in commercial and industrial districts. The following signs are permitted when located on the immediate property:
- A. All signs permitted by §424B.
  - B. Signs not larger in total area than one square foot for each lineal foot of building frontage occupied by the establishment.
  - C. One directory sign not exceeding ten square feet in area.
- 424.03** Wall, projecting, ground and roof signs.
- A. Every wall and/or roof sign shall
    - 1. Not exceed the highest point of the building's roof by more than four feet.
    - 2. Not exceed 200 square feet in area.
  - B. Every projecting sign shall:
    - 1. Not extend more than four feet from the building wall.
    - 2. Not be less than 10 feet above the surface of a public walkway area.
    - 3. Not exceed 32 square feet in area.
  - C. Every ground sign shall:

- D. Emit any smoke, in excess of Ringlemann Chart No. 2.
- E. Emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause injury or damage to property, business or vegetation.
- F. Cause, as a result of normal operations, a vibration which creates displacement of 0.002 of one inch.
- G. Lighting or signs that create glare, which could impair the vision of a driver of any motor vehicle.
- H. Cause a fire, explosion or safety hazard.
- I. Cause harmful wastes to be discharged into the sewer system, streams, or other bodies of water. Effluent disposal shall comply with the local and state sewer health standards.

**§426 B Above Ground Storage of Flammable Liquids-- Applies to both FBC and Conventional code.**

The storage of any highly flammable liquid or gas in above ground tanks with unit capacity greater than 550 gallons shall be prohibited, unless such tanks are placed not less than 80 feet from all property lines. All such tanks of more than 10,000 gallon capacity shall be placed not less than 200 feet from all property lines.

All tanks having a capacity greater than 550 gallons shall be properly retained with dikes having a capacity not less than one and one-half times the capacity of the tanks surrounded.

**§427 B Animals**

The raising or harboring of livestock, including, but not limited to horses, cattle, hogs, fowl or fur bearing animals, shall be prohibited within all districts unless the lot size is at least three acres.

Common household pets are exempted from these provisions provided that there are not more than four cats and/or dogs over six months old.

**§428 B Extraction of Soil, Sand or Gravel-- Applies to both FBC and Conventional code.**

In accordance with Title 10 VSA §6086 and Title 24 VSA §4410, in any zoning district the removal of soil, sand or gravel for sale, except when incidental to construction of a building on the same premises, shall be permitted only upon approval of a plan for the rehabilitation of the site by the Development Review Board. In any district, the following provisions shall apply:

- 428.01** Before approval of any new, or extension to an existing, sand or gravel operation, a performance bond shall be secured from the applicant sufficient to ensure that upon completion of the extraction operations the abandoned site will be left in a safe, attractive and useful condition in the interest of public safety and general welfare. The owner shall submit a plan of proposed improvements to accomplish this end. The bond shall be sufficient to cover the cost of redevelopment of the site as a park, lake recreation area or other usable open space.
- 428.02** The removal of all materials shall be conducted with due regard to the contours in the vicinity. The creation of slopes in excess of one foot drop on a two foot run shall not be permitted. The digging of a pit is not permitted unless provision is made to refill such pits within a reasonable time period.
- 428.03** The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall be fertilized, mulched and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Public Works Director.
- 428.04** All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street or private property.

**§432 B Fences, Walls and Hedges-- Applies to both FBC and Conventional code.**

- 432.01** No zoning permit shall be required to erect, enlarge or alter a fence six feet high or less in any district. However the following shall apply
- A.** Fences six feet in height or less shall not be required to meet setback requirements for the district where located; however, the fence must be erected a minimum of three feet from the property line, must be kept structurally sound, and the finish face of the fence must face the exterior boundary. With a zoning permit and a joint application between abutting property owners, fences less than six feet in height or less may be erected with no set back from the property line and the finish face of the fence may face any direction.
  - B.** No fences over three feet in height above street grade shall be permitted within the triangle area formed by the intersection of two street right-of-ways and a third line joining them at points twenty-five feet away from their intersection
  - C.** No fences are allowed in any City Right-Of-Way
- 432.02** No zoning permit shall be required to erect, enlarge or alter a wall four feet high or less in any district. Walls over four feet high shall require a zoning permit and site plan review by the Development Review Board. However the following shall apply
- A.** Walls four feet in height or less shall not be required to meet setback requirements for the district where located; however, the wall must be erected a minimum of three feet from the property line and must be kept structurally sound. With a zoning permit and a joint application between abutting property owners, walls less than four feet in height or less may be erected with no set back from the property line.
  - B.** Walls shall be designed and located so as to not adversely affect the existing drainage pattern on any other property.
  - C.** No wall over three feet in height above street grade shall be permitted within the triangle area formed by the intersection of two street right-of-ways and a third line joining them at points twenty-five feet away from their intersection.
  - D.** No walls are allowed in any City Right-Of-Way
- 432.03** No zoning permit shall be required for hedges. However the following shall apply
- A.** No hedge over three feet in height above street grade shall be permitted within the triangle area formed by the intersection of two street right-of-ways and a third line joining them at points twenty-five feet away from their intersection.
  - B.** No hedges are allowed in any City Right-Of-Way

**§433 B Flood Hazard Area Regulation**

- 433.01** Lands to Which This Bylaw Applies. This bylaw shall apply for development in all areas in the City of Newport identified as areas of special flood hazard on the current National Flood Insurance Program maps that are hereby adopted by reference and declared to be part of these regulations.
- 433.02** Conditional Use Permit Required
- A.** All development including fill, excavation, grading, erection or placement of structures, substantial improvement of existing structures and storage of equipment and material prescribed by the City of Newport zoning bylaw are permitted within an area of special flood hazard only upon the granting of a conditional use permit by the Development Review Board.
  - B.** Prior to issuing a permit for the construction of new buildings, the substantial improvement of existing buildings, or for development in the floodway, a copy of the application shall be submitted by the municipality to the Agency of Natural Resources in accordance with Title 24 VSA §4424(2). A permit may be issued only following receipt of

### §433.05 Development Standards

#### A. Floodway Areas:

1. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.
2. Junkyards and storage areas or facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

#### B. Fringe Areas:

1. All development shall be designed:
  - a. To minimize flood damage to the proposed development and to public facilities and utilities, and;
  - b. To provide adequate drainage to reduce exposure to flood hazards.
2. Structures shall be:
  - a. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure during the occurrence of the base flood;
  - b. Constructed with materials resistant to flood damage;
  - c. Constructed by methods and practices that minimize flood damage, and;
  - d. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
4. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
5. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
6. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
7. The lowest floor, including basement, of all new buildings shall be at or above the base flood elevation.
8. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of §433.05.05(B)(7).
9. Existing buildings to be substantially improved for non-residential purposes shall either:
  - a. Meet the requirements of §433.05(B)(7), or;
  - b. Be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
10. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

Yard sales, garage sales, auctions, or similar activities that do not exceed three (3) consecutive days, or more than twelve (12) total days in any calendar year do not require a permit. All garage sales, yard sales, auctions, or similar activities that exceed twelve (12) total days in any calendar year shall be considered a retail business and an appropriate permit shall be required.

**§437 B Personal Wireless Telecommunication Facilities-- Applies to both FBC and Conventional code.**

- 437.01** Purposes: The purposes of this bylaw are to advance the objectives of the Newport City Municipal Plan, to protect the public health, safety and general welfare of the City of Newport, and to accommodate the communication needs of the community. This bylaw shall:
- A. Provide standards and requirements for the operation, siting, design, appearance, construction, monitoring and removal of telecommunications facilities and towers.
  - B. Minimize tower and antenna proliferation by requiring the sharing of existing telecommunications facilities, towers and sites where possible and appropriate.
  - C. Facilitate the provision of telecommunications services to the community.
  - D. Minimize the adverse visual effects of telecommunications facilities and towers through careful design and siting standards.
  - E. Encourage the location of towers and antennas in non-residential areas and away from other sensitive areas such as those that have schools and child care facilities.
- 437.02** Authority: Pursuant to Title 24 VSA §4401 et seq. the Development Review Board of the City of Newport is authorized to review, approve, conditionally approve, and deny applications for wireless telecommunications facilities, including sketch, preliminary and final plans, and installation. Pursuant to Title 24 VSA §4440, the Development Review Board may, in accordance with procedures and standards established by the City Council, hire qualified persons to conduct an independent technical review of applications and require the applicant to pay for all reasonable costs thereof. All telecommunication facilities must comply with all Sections and Provisions of this Bylaw unless it is specifically stated within each Section of the Bylaw that it does not apply to the specific telecommunication facility proposed.
- 437.03** Consistency with Federal Law: In addition to other findings required by this bylaw, the Development Review Board shall find that its decision regarding an application is intended to be consistent with federal law, particularly the Telecommunications Act of 1996. The bylaw does not: Prohibit or have the effect of prohibiting the provision of personal wireless services; Unreasonably discriminate among providers of functionally equivalent services; or Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions.
- 437.04** All personal wireless telecommunication facilities shall be considered a Conditional Use, except where specifically provided for in §437.06A, §437.06B, and §437.06C and prohibited in §437.05, and shall be designed to reduce, eliminate or disguise the negative visual impact by the use of camouflage, stealth design or other innovative measures.
- 437.05** Personal wireless telecommunication facilities are prohibited in the following locations.
- A. Within any Urban Recreational zoning district.
  - B. No closer than fifty (50) feet horizontally to any neighboring building on a separate lot.
  - C. Within five hundred (500) feet horizontally around the shoreline of Lake Memphremagog, for freestanding telecommunications towers only.
- 437.06** Personal wireless telecommunication facilities may be located as follows.
- A. Personal wireless telecommunications facilities may be located on an existing or approved facility after site plan approval by the Development Review Board. All personal wireless telecommunication facilities located on an existing facility must

standards established by the City Council, hire qualified persons to perform evaluations of compliance with the FCC regulations, standards and requirements on an annual basis at unannounced times and require the applicant to pay for all reasonable costs thereof.

10. Includes other information required by the Development Review Board that is necessary to evaluate the request. Includes an engineer's stamp and registration number, where appropriate.

11. A letter of intent committing the facility owner and his or her successors to permit shared use of the facility if the additional user agrees to meet reasonable terms and conditions for shared use.

D. For a facility to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure (to be provided to the Administrative Officer at the time an application is submitted).

E. To the extent required by the National Environmental Policy Act (NEPA) as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the proposed facility.

**437.08** Site Plan Requirements for Personal Wireless Telecommunication Facilities: In addition to site plan requirements found elsewhere in the Newport City Zoning Bylaws, site plans for wireless telecommunications facilities shall include the following supplemental information:

A. Location Map: a copy of a portion of the most recent USGS Quadrangle map showing the area within at least a two-mile radius of the proposed facility site.

B. Vicinity Map showing the entire vicinity within a 2500-foot radius of the facility site, including the facility or tower, topography, public and private roads and driveways, buildings and structures, water bodies, wetlands, landscape features, and habitats for endangered species. It shall indicate the property lines of the proposed facility site parcel and all easements or rights-of-way needed for access from a public way to the facility.

C. Proposed site plans of the entire development indicating all improvements including landscaping, utility lines, guy wires, screening and roads.

D. Elevations showing all facades and indicating all exterior materials and color of towers, buildings and associated facilities.

E. Computer generated photo simulations of the proposed facility showing the facility from various vantage points and adjoining property from which it may be visible. Each photo must be labeled with the line of sight, elevation and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.

F. In the case of a proposed site that is forested, the approximate average height of the existing vegetation within 200 feet of the tower base.

G. Construction sequence and time schedule for completion of each phase of the entire project.

Plans shall be drawn at a minimum at the scale of one (1) inch equals fifty (50) feet.

**437.09** Collocation Requirements: Towers must be designed to allow for future placement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted height allows. Towers shall be designed structurally and in all other respects to accommodate both the applicant's antennas and additional antennas when overall permitted height allows.

**437.10** Access Roads and Above Ground Facilities: Where the construction of new personal wireless telecommunications towers and facilities requires construction of or improvement to access roads, to the extent practicable, roads shall follow the contour of the land. Utility or service lines shall be designed and located so as to minimize or prevent disruption to the scenic character or beauty of the area. The City may require closure of access roads to vehicles following facility construction where it is determined

architectural character of the surrounding neighborhood. A planted or vegetative screen shall be a minimum of ten feet in depth with a minimum height of six feet and shall have the potential to grow to a height of at least 15 feet at maturity. Existing onsite vegetation outside the immediate site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless the disturbance is demonstrated to result in less visual impact on the facility from surrounding properties and other vantage points.

- 437.12** Amendments to Existing Personal Wireless Telecommunications Facility Permit: An alteration or addition to a previously approved wireless telecommunications facility shall require a permit amendment when any of the following are proposed:
- A. Change in the number of buildings or facilities permitted on the site;
  - B. Addition or change of any equipment resulting in greater visibility or structural wind loading, or additional height of the tower, including profile of additional antennas, not specified in the original application.
- 437.13** Tower Lighting and Signage; Noise Generated by Facility: Unless required by the Federal Aviation Administration (FAA), no lighting of towers is permitted. In any case where a tower is determined to need obstruction marking or lighting, the applicant must demonstrate that it has or will request the least visually obtrusive marking and/or lighting scheme in FAA applications. Copies of required FAA applications shall be submitted by the applicant. Heights may be reduced to eliminate the need for lighting or another location selected.  
No commercial signs or lettering shall be placed on a tower or facility. Signage shall be limited to that required by federal or state regulation.  
The Development Review Board may impose conditions to minimize the affect of noise from the operation of machinery or equipment upon adjacent properties.
- 437.14** Temporary Wireless Communication Facilities: Any wireless telecommunications facility designed for temporary use is subject to the following:
- A. Use of a temporary facility is permitted only if the owner has received a temporary use permit from the City of Newport.
  - B. Temporary facilities are permitted for no longer than five days use during a special event.
  - C. The maximum height of a temporary facility is 50 feet from grade.
  - D. Temporary facilities must comply with all applicable portions of these regulations.
- 437.15** Facility Removal: Abandoned, unused, obsolete, or noncompliant towers or facilities governed under this bylaw shall be removed as follows:
- A. Abandoned or unused towers or facilities shall be removed within 180 days of cessation of operations at the site unless a time extension is approved by the Development Review Board.
- 437.16** Maintenance Requirements: The Applicant shall maintain all facilities. Such maintenance shall include, but not be limited to painting, structural integrity and landscaping.
- 437.17** Insurance Requirements: The facility owner shall maintain adequate insurance on all facilities.

**438 Outdoor Waterstoves-- Applies to both FBC and Conventional code.**

All outdoor waterstoves (otherwise known as outdoor wood burning furnaces) are prohibited within all zoning districts in the City of Newport.

**502.02**

A nonconforming structure shall not be:

- A.** Reestablished if, in the opinion of the Zoning Administrator, it has deteriorated into an unusable condition for a period of one year or more for any reason or
- B.** Reestablished if, in the opinion of the Zoning Administrator, its existence has been discontinued for a period of one year or more for any reason or
- C.** Reestablished if, in the opinion of the Zoning Administrator, it has been replaced by a conforming structure.
- D.** Enlarged, altered, or extended if the enlargement, alteration, or extension is any closer to the property line causing the nonconformity.

**502.03**

Nonconforming structures may be maintained. Nothing in this section shall be deemed to prevent normal maintenance and repair of a nonconforming structure provided that such action does not increase the degree of nonconformity as determined by the Zoning Administrator.

**for filing documents with the City Clerks Office, it is recommended that the subdivider consult with the City Clerk for the proper documentation and filing requirements.**

#### **§604 BOUNDARY LINE ADJUSTMENTS**

If a subdivider submits an application for a boundary line adjustment, the Zoning Administrator may issue a boundary line adjustment permit to said subdivider upon the payment of the fee established by the City Council. Prior to issuing a permit the Zoning Administrator will conduct an investigation that satisfies the following conditions:

- That no additional lots will be created that it involves no more than two lots,
- That it will not make complying lots non-complying,
- That it will not increase the non-conformance of any existing lot.

Any appeals of a Boundary Line Adjustment permit will be made to the City of Newport DRB in accordance with section 4465 of the Act.

**NOTE: A plat map must be stamped and signed by the Zoning Administrator and then filed in accordance with State Statutes by the subdivider within 180 days of the decision to issue the permit. An industry standard digital file of the approved boundary line adjustment must be filed with the Assessor's office by the subdivider within 180 days of the decision to issue the permit. As statutory requirements change for filing documents with the City Clerks Office, it is recommended that the subdivider consult with the City Clerk for the proper documentation and filing requirements.**

#### **§605 THREE OR MORE LOT SUBDIVISIONS**

##### **Conceptual Review**

At the request of the applicant the DRB shall informally review a subdivision application. Any comments from the DRB shall be advisory and shall not be a decision binding on any party.

##### **Sketch Plan Review**

- A. Within thirty days after the receipt by the Zoning Administrator of a complete application by a subdivider (land owner/s or their authorized agent) the DRB shall schedule and hold a meeting to review the application.
- B. Each sketch plan application shall include as a minimum, but not limited to, the following information:
  1. Written Statement to include, as a minimum, the following:
    - a. Conformance to the City Plan.
    - b. Current use of land to be developed.
    - c. Easements, Covenants and or Zoning (Easements must be shown on sketch).
    - d. Existing and proposed restrictions on land.
    - e. Impact of the development on the community, i.e.: traffic, schools, water, sewer treatment, fire and police protection, etc.
    - f. Name and address of the owner of record of the tract to be subdivided and of all adjoining property owners.

**NOTE: The Zoning Administrator shall be responsible for notifying adjoining property owners, as submitted by the applicant.**

- g. Names and addresses of all participants with a financial interest in this development.
- h. A letter of authorization for the agent of the landowner/subdivider if other than the owner of record.
- i. Rights-of-Way to property to be developed, i.e.: How rights-of-way from adjacent roads, developments, power lines, buried services, etc. affect property to be developed.
- j. Waivers or variances requested.

of the decision shall be sent to the applicant and to others who appeared, were heard at the hearing and requested notification, within such period.

#### Conditions of Final Plat Approval

- G. The DRB may, where it deems necessary and with the consent of the City Council, retain proper legal or engineering professionals to review deeds, agreements or plans, covenants, design and construction of required improvements, the cost of which professional review shall be paid by the subdivider.
- H. Final approval by the DRB shall not be deemed evidence of any acceptance by the City of any proposed road, easement, utilities, open space or other required public improvements shown on the final plat. Such acceptance may only be accomplished by formal resolution of the City Council.
- I. All roads, drainage, water, sewer, and other required improvements shall be provided and installed at the sole expense of the subdivider as a condition of plat approval and shall comply with all provisions of this zoning bylaw and the City of Newport Public Works standards and specifications in effect at the time of construction. The Development Review Board may require a performance bond/letter of credit to secure completion of such improvements and their maintenance for a period of two years, with a certificate from the City Council that it is satisfied either with the bonding or surety company, or with the security furnished by the subdivider. The amount and terms of the bond/letter of credit shall be determined by the Development Review Board, but in no case shall the terms run longer than three years. The bond/letter of credit shall be released only when the conditions have been satisfied in the judgment of the Development Review Board. In the event any required improvements have not been installed or maintained in accordance with the terms of the bond/letter of credit, such bond/letter of credit shall be forfeited to the City to install and maintain such improvements as are covered by the conditions of the bond/letter of credit.
- J. Final plat approval shall be effective for a period of one hundred eighty days from the date of the decision, as provided in Section 4463 of the Act. No plan may be filed or recorded in the City Clerk's Office except as prepared in accordance with the requirements under 27 V.S.A. Chapter 17, Section 1403, and as approved by endorsement of the DRB thereon, in accordance with its decision, and within such one hundred eighty day period.
- K. Mylar of the approved subdivision (along with a DXF diskette) is to be filed and recorded in the City Clerk's office by the subdivider within 180 days of the decision to issue the permit.

#### Miscellaneous Procedural Provisions

- L. If the DRB fails to act on a complete sketch plan or final plat application, or fails to render its final decision, within the prescribed time limits, such failure shall be deemed approval.
- M. The subdivider shall be required to reopen his application at the sketch plan level:
  1. If the sketch plan or final plat has been rejected by the DRB or
  2. If the subdivider fails to submit the final plat application within six months of the sketch plan approval; or
  3. If any newly presented data differs substantially, in the judgment of the DRB, from the last agreed-upon or approved version. Any modifications by the DRB as a condition of approval must become part of the plat. All resubmitted data must be updated and accurate.
- N. All official submissions to the DRB must be signed and dated by the subdivider.
- O. All official dispositions of any sketch plans and final plats by the DRB must be signed and dated by the Chair or other authorized member of the DRB, by resolution and recorded in the minutes.
- P. The DRB may, at its discretion, hold one or more public informational meetings (to which the subdivider shall be invited) at any point between the sketch plan submission and the final plat public hearing for the purpose of obtaining public response to a proposed development
- Q. All required sketch plan, final plat and other official data submission to the DRB shall be submitted in the following manner: one original and seven(7) full size copies. All required data

**ARTICLE 7: ADMINISTRATION AND ENFORCEMENT-- Applies to both FBC and Conventional code as noted.**

**§701 Administrative Officer (Zoning Administrator)**

The City Council shall appoint an Administrative Officer from nominations submitted by the Planning Commission for a term of three (3) years in accordance with Title 24 VSA §4448. The City Council may remove an Administrative Officer for cause at any time after consultation with the Planning Commission.

An acting Administrative Officer may be appointed by the City Council, from nominations submitted by the Planning Commission, who shall have the same duties and responsibilities of the Administrative Officer in the Administrative Officer's absence. In the event an acting Administrative Officer is appointed, the City Council shall establish clear policies regarding the authority of the Administrative Officer relative to the authority of the acting Administrative Officer.

The Administrative Officer shall literally administer and strictly enforce the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate.

In addition, the Administrative Officer shall coordinate the municipality's development review programs. If other municipal permits or approvals are required, the Administrative Officer shall provide the applicant with necessary forms. The Administrative Officer may also inform any person applying for municipal permits or authorizations that they should contact the Vermont Agency of Natural Resource's Regional Permit Specialist to assure timely action on any related state permits. The applicant retains the obligation to identify, apply for, and obtain relevant state permits.

Within thirty (30) days of receipt of a complete application, including all application materials, fees, the Administrative Officer shall act to either issue or deny a zoning permit in writing, or to refer the application to the Development Review Board and/or state for consideration. In accordance with Title 24 VSA §4448, §4449, if the Administrative Officer fails to act within the 30-day period, a permit shall be deemed issued on the 31<sup>st</sup> day.

**§702 Zoning Permit**

No land development as defined herein, which is subject to these regulations, shall be commenced in the City of Newport until a zoning permit has been issued by the Administrative Officer, as provided for in Title 24 VSA §4448, §4449. §4416 & §4464(c)

**702.01 Exemptions**

No zoning permit shall be required for the following activities:

- A. Accepted agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with Title 24 VSA §4413(d). Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the Administrative Officer prior to any construction, as required for accepted agricultural practices. Such structures shall meet all setback requirements under these regulations, unless specifically waived by the Secretary.
- B. Accepted management practices for silviculture (forestry) as those practices are defined by the Commissioner of Forests, Parks and Recreation, in accordance with Title 24 VSA §4413(d).

shall include a list of the names and addresses of all adjoining property owners, without regard to any public right-of-way.

- C. Flood Hazard Area Approval. Any application for development within the Flood Hazard Area Overlay District shall include copies of application information as required for referral to the Vermont Agency of Natural Resources in accordance with Title 24 VSA §4424(D).

### **702.03 Issuance**

A zoning permit shall be issued by the Administrative Officer only in accordance with Title 24 VSA §4449 and the following provisions:

- A. Within thirty (30) days of receipt of a complete application, including all application materials, fees, the Administrative Officer shall act to either issue or deny a zoning permit in writing, or to refer the application to the Development Review Board and/or state for consideration. In accordance with Title 24 VSA §4448, §4449, if the Administrative Officer fails to act within the 30-day period, a permit shall be deemed issued on the 31<sup>st</sup> day.
- B. No zoning permit shall be issued by the Administrative Officer for any use or structure which requires the approval of the Development Review Board or City Council until such approval has been obtained. For permit applications that must be referred to a state agency for review, no zoning permit shall be issued until a response has been received from the state, or the expiration of 30 days following the submission of the application to the state.
- C. If public notice has been issued by the City Council for their first public hearing on a proposed amendment to these regulations, for a period of 150 days following that notice the Administrative Officer shall review any new application filed for compliance with the proposed amendment and applicable existing bylaws. If the new bylaw or amendment has not been adopted by the conclusion of the 150 day period, or if the proposed bylaw or amendment is rejected, the permit shall be reviewed under all applicable provisions of this bylaw Title 24 VSA §4449(d).
- D. A zoning permit shall include a statement of the time within which appeals may be taken under Title 24 VSA §4465; and shall require posting of a notice of permit by the property owner, on a form prescribed by the municipality, within view of the nearest public right-of-way until the time for all appeals have expired.
- E. The Administrative Officer, within three (3) days of the date of issuance, shall deliver a copy of the zoning permit to the Assessor; and shall post a copy of the permit in the municipal offices for a period of fifteen (15) days from the date of issuance.

### **702.04 Effective Date**

- A. No zoning permit shall take effect until the time for appeal under Title 24 VSA §4465 has passed, or in the event that a notice of appeal is properly filed, until final adjudication of the appeal.
- B. Zoning permits and associated approvals shall remain in effect for 2 year(s) from the date of issuance, unless the permit and associated approvals specify otherwise. All development authorized by the permit shall be substantially commenced within this 2-year period or reapplication and approval shall be required to continue development. The Administrative Officer may administratively renew a permit for a period not to exceed one (1) additional year upon finding that there was reasonable cause for delay in the start of the development.

### **§703 Penalties**

Violations of this bylaw shall be regulated as prescribed in Title 24 VSA §4451 - §4454.

### **§704 Development Review Board**

The Development Review Board (DRB) shall consist of not less than five (5) nor more than nine (9) members appointed by the City Council for specified terms in accordance with Title 24 VSA §4460(b) and §4460(c). The City Council also may appoint alternates, for specified terms, to serve on the DRB in situations when one or

No Zoning Permit shall be issued by the Administrative Officer for any use or structure, which requires conditional use approval in this bylaw until the DRB grants such approval. In considering its action, the DRB shall make findings on general and specific standards, hold hearings and attach conditions if any, as provided for in Title 24 VSA, 4414(3).

**§705.01** The standards shall require that the proposed conditional use shall not result in an undue adverse effect on any of the following:

1. General Standards:
2. The capacity of existing or planned community facilities.
3. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
4. Traffic on roads and highways in the vicinity.
5. Bylaws and ordinances then in effect.
6. Utilization of renewable energy resources.

**§706 Waivers:** Where renovation, expansion or new construction is proposed for a residential structure on a nonconforming lot, a waiver of up to 50% of the setback distance (e.g., a 30 ft. setback may be reduced by up to 15 ft.) shall be approved by the Development Review Board if the following standards are satisfied:

1. The proposal shall meet all conditional use criteria. As a condition of approval, the Board may require the mitigation of impacts to adjoining properties and uses through building design, layout, landscaping or screening.
2. The new or renovated part of the building is needed to accomplish the intended goal (an expanded, improved entry deck, for example).
3. The result shall improve the property and the neighborhood.
4. It is helpful or necessary to allow for continued reasonable use of the property.
5. The proposed work or construction shall not encroach any more than necessary to accomplish the desired results.

Any reduction of setback standards beyond 50% may only be granted in accordance with variance standards.

## **§707 Variance**

### **§ 707.01 Appeal; variances**

(a) On an appeal under section 4465 or 4471 of this title in which a variance from the provisions of a bylaw or interim bylaw is requested for a structure that is not primarily a renewable energy resource structure, the board of adjustment or the development review board or the environmental court created under 4 V.S.A. chapter 27 shall grant variances and render a decision in favor of the appellant, if all the following facts are found, and the finding is specified in its decision:

- (1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.

An example of the paving requirement would be, we have a new 10-lot subdivision and 2 lots are sold in the first year. The road would have to be paved prior to the sale of the 3<sup>rd</sup> lot. If the remaining 8 lots are not sold the road would still have to be paved within 3 years of initial construction. Another example would be on an existing private Right-Of-Way, as noted above, the road would have to be brought up to City Standards prior to the sale/transfer of the additional lot.

Site plan review is not for signs unless they impact within the criteria of §708.02(E).

For Major Impact Review permit applications the requirements are as follows in §708.02. For Minor Impact Review permit applications §708.02 may apply pending application—applicability to be determined by the Zoning Administrator.

**708.02** The owner shall submit one set and seven (7) full size copies of Site Plan Maps and a Supporting Data Addendum to the Zoning Administrator, two (2) weeks prior to the respective meeting, for necessary copying and submittal to the DRB members. If physical changes to the site or structure(s) are proposed, the Site Plan Map shall include the following—when applicable:

**A.** Preparer and legend:

1. Name, address and signature of the person who prepared the map, and registry of Deeds Book and Page,
2. Scale, that is the number of feet in one (1) inch on the map; North arrow and date of map completion,

**B.** Present conditions showing:

- 1 Subject property boundaries and approximate location and names of abutting property owners,
2. Locations and setbacks from boundaries of: existing structures and land uses, driveways, large trees (larger than 6 inches in diameter at the base), streets, including rights-of-way and driveways, and utility easements: pads poles, pipes, wires, etc.,
3. Contours, that is, existing grade changes and/or existing drainage flow pattern.

**C.** Proposed changes showing:

1. For subdivisions, new lot boundaries.
2. Structures and land uses to be removed or modified and new planned constructions, features and land uses with locations and setbacks;
3. Building elevations.
4. Landscaping plan, including any large tree removal, with locations of plantings and grading and drainage pattern;
5. Traffic patterns with street, driveways, parking and loading spaces and pedestrian walks;
6. New utility easements.

**D.** The Supporting Data Addendum shall include the following:

1. City Deed Registry, Book and Page reference for subject property;
2. Name and address of the owners of record of the subject lot(s) and the abutting property owners;
3. Present land use and any deed restrictions or covenants, and if so attached copies;
4. Construction schedule, that is, planned start and finish dates for each phase and/or portion; such as structures, streets and ways, parking and loading areas, landscaping, etc...;
5. Proposed performance bonds.

**E.** The DRB shall conform to the requirements of Title 24 VSA §4416 before acting upon any application. In considering its action the DRB shall consider and may impose appropriate conditions and safeguards, in a manner that is consistent with the intent of this bylaw and the City Plan, with respect to:

1. the adequacy of parking, traffic access, and circulation for pedestrians and vehicles with particular attention to safety;

The Planning Commission shall consist of not less than three (3) or more than nine (9) members appointed by the City Council in accordance with Title 24 VSA §4321– §4323. At least a majority of members shall be residents of the municipality. Any member of the Commission may be removed at any time by a unanimous vote of the City Council.

The Planning Commission shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under Title 24 VSA §4323(b) & §4461(a) and Vermont's Open Meeting Law. The Commission shall have all powers and duties as set forth in Title 24 VSA, Chapter 117 and in association with these regulations, including but not limited to:

- to prepare proposed amendments to these regulations, and consider proposed amendments submitted by others, including amendments submitted by petition under Title 24VSA §4441(b);
- to prepare and approve written reports on any proposed amendment to these regulations as required by Title 24 VSA §4441(c); and
- to hold one or more warned public hearings on proposed amendments to these regulations, prior to submission of a proposed amendment and written report to the City Council, Title 24 VSA §4441(d);

**ARTICLE 9: DEFINITIONS****§901 Word Definitions**

The word *PERSON* includes firms, associations, organizations, partnerships, trusts, companies, corporations and individuals.

Throughout this bylaw, the present tense includes the future tense, the singular form includes the plural, and the plural form includes the singular.

The word *SHALL* is mandatory and the word *MAY* is permissive.

Except where specifically defined as otherwise herein, all words used in this bylaw shall use the definitions described in Title 24 VSA §4303. For terms that are not defined in this document the Bylaw may utilize "The New Illustrated Book of Development Definitions", by Harvey S. Moskowitz and Carl G. Lindbloom, to establish an accepted meaning.

**§902 Term Definitions**

**ABANDON (as per telecommunication facility):** To leave a telecommunication facility without claimed ownership for thirty (30) days or more.

**ABUTTING PROPERTY OWNER:** Any person or persons, corporation or other entity that owns, leases, or in any other way uses or controls, the real property abutting any portion of the property of another.

**ACCESSORY APARTMENT:** an efficiency or one-bedroom apartment located within or appurtenant to an owner-occupied single-family dwelling, which does not exceed 30% of the total habitable floor area of the single-family dwelling.

**ACCESSORY USE/STRUCTURE:** A use or building customarily incidental and subordinate to the principal use or building and located on the same lot.

**ADEQUATE CAPACITY:** Capacity for wireless telephony is considered to be "adequate" if the grade of service (GOS) is p.05 or better for median teletraffic levels offered during the typical busy hour, as assessed by direct measurement of the facility in question. The GOS shall be determined by the use of standard Erlang B calculations. As call blocking may occur in either the landline or radio portions of a wireless network, adequate capacity for this regulation shall apply only to the capacity of the radio components. Where capacity must be determined prior to the installation of the personal wireless services facility in question, adequate capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the coverage area.

**ADEQUATE COVERAGE:** Coverage for wireless telephony is "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that most of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be a signal strength of at least -90 dBm. It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD:** Is the land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-A30, AE, or A99.

**AUTO SALES/SERVICE:** Any establishment involved in the sale, repair, or servicing of an automobile or other vehicle used on a public highway.

**AUDITORIUM:** A building for a public meeting and sporting competition, or artistic performances.

**AWNING:** A cantilevered, projected or suspended cover over the sidewalk portion of the street. Also, roof-like coverings, usually of canvas or metal and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain.

**BANK:** An institution for receiving, lending, exchanging, and safeguarding money, and in some cases, issuing notes and transacting other financial business.

**BAR:** A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

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

**BASEMENT:** Means any area of the building having its floor sub graded (below ground level) on all sides.

**BED AND BREAKFAST:** A form of commercial lodging often operated within a single family dwelling by the occupants thereof that provides sleeping quarters and breakfast to transients for a fee.

**BLOCK:** An aggregate of private lots, passages, alleys and lanes, circumscribed by public streets.

**BLOCK CORNER:** Two public streets meet on a Block.

**BLOCK FACE:** The aggregate of all the building facades on one side of a Block.

**BOARDING HOUSE:** Building wherein more than four people are sheltered for profit.

**BOAT STORAGE:** A yard or building used to store one or more boats in return for a fee paid by the owner of the boat.

**BOATHOUSE:** A building or shed usually built partly over water for sheltering one or more boats.

**BUILDING:** Means a walled and roofed structure, including a gas or liquid storage tank that is principally above ground.

**BUILDING AREA:** Total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

**CIVIC BUILDING:** A building operated by not-for-profit organizations dedicated to arts, culture, religion, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.

**CIVIC SPACE:** An outdoor area dedicated for public use.

**CLINIC:** An office building used by members of the medical professions for the diagnosis and out-patient treatment of human ailments.

**CLUBS:** A facility for a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and constitution and bylaws.

**COLLOCATION:** Locating personal wireless telecommunications equipment from more than one provider at a single site or structure.

**COMMON YARD:** A planted private frontage wherein the facade is set back from the front property line.

**COMMUNITY CENTER:** Any public or private meeting hall, place of assembly, museum, art gallery, library, place of further education, church, which is not operated primarily for profit.

**CONDOMINIUM, COMMERCIAL:** A commercial building or group of buildings, in which units or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

**CONDOMINIUM, INDUSTRIAL:** An industrial building or group of buildings, in which units or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

**CONDOMINIUM, RESIDENTIAL:** A residential building or group of buildings, in which units or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

**CONTRACTOR:** One who contracts to furnish supplies or performs work at a certain price or rate.

**CONTRACTORS YARD:** Part or all of a parcel of land used by a contractor for the storage of materials and/or equipment.

**COVERAGE:** The percentage of the lot area covered by the total building area.

**dBm:** Unit of measure of the power level of a signal expressed in decibels above 1 milliwatt.

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

**DORMITORIES:** Includes fraternity, sorority, nurses' home, and college dormitory.

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

**FRONTAGE:** That side of a lot abutting on a street; the front lot line.: On corner or through lots, the frontage may be designated by the owner but it should be consistent with the orientation of the other lots and improvements on the same side of the street. On improved lots, the frontage is usually the side where the main building entrance is located and in the general direction in which the principal building faces. The linear distance measured along the front lot line between the points of intersection with the side lot lines. For the purpose of measurement, lot "frontage" shall be continuous and measured along the joining boundary of the front lot line and a public right-of-way

**GALLERY:** A private frontage for retail use wherein the facade is aligned close to the front property line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk.

**GASOLINE STATION:** Building or land that is used for the sale of motor fuel, oil and motor vehicle accessories, and which may include 1) facilities for lubricating, washing or servicing motor vehicles, but not including painting or major repairs, or 2) a mini-mart.

**GHz:** Gigahertz. One billion hertz

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

**GROUND FLOOR:** The first level of a building other than a cellar or basement. The street level floor of a structure.

**HAZARDOUS WASTE MANAGEMENT FACILITY:** Hazardous waste management facilities for which a notice of intent to construct has been received under 10 VSA §6606(a).

**HERTZ:** (Hz) One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.

**HIGH WATER MARK:** The elevation for the high water mark of Lake Memphremagog is to be considered 683 feet above sea level.

**HISTORIC BUILDING:** A building that is either eligible for or on the National Register of Historic Places.

**HOME OCCUPATION:** Accessory use of a occupational nature conducted within a minor portion of a dwelling by the residents thereof, which is clearly secondary to the dwelling used for living purposes and does not change the character thereof.

**HOSPITAL:** An institution authorized by the state to provide primary and emergency health services and medical or surgical care to a persons, primarily inpatients, suffering from illness, disease, injury, or other physical or mental conditions; and including, an integral part of the institution, related facilities such as laboratories, outpatient and inpatient facilities, training facilities, medical offices, central service facilities, and staff residences.

**HOTEL:** A facility offering transient lodging accommodations to the general public and which may also provide additional services such as restaurants, meeting rooms, and recreation facilities.

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

**MANUFACTURING:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

**MARINA:** A facility for storing, servicing, fueling, berthing and securing of pleasure boats and which may include eating, sleeping and retail facilities for owners, crews and guests.

**MEAN SEA LEVEL:** Means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**MOBILE HOME:** See manufactured home.

**MOBILE HOME PARKS:** Defined in Title 10 VSA, Chapter 153. See Planned Unit Development definition in this document.

**MONITORING:** The measurement, by the use of instruments in the field, of non-ionizing radiation exposure at a facility site as a whole, or from individual personal wireless communication facilities, towers, antennas or repeaters.

**MONITORING PROTOCOL:** The testing protocol, such as the Cobbs Protocol, (or one substantially similar, including compliance determined in accordance with the National Council on Radiation Protection and Measurements, Reports 86 and 119) which is to be used to monitor the emissions and determine exposure risk from existing and new telecommunications facilities upon adoption of this article.

**MONOPOLE:** A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal or a wooden pole with below grade foundations.

**MOTEL:** An establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**MOTOR VEHICLE SERVICE/REPAIR:** Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

**NEIGHBORHOOD STORE:** A small grocery store, with less than 5,000 square feet of floor area, designed and operated to serve the neighborhood in which it is located. Such grocery stores shall not include the sale of gasoline and other petroleum products.

**NONCONFORMING LOT OR PARCEL:** Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

**NONCONFORMING STRUCTURE:** A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

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

**PERSONAL WIRELESS SERVICES:** Commercial mobile services, unlicensed wireless exchange access services. These services include: cellular services, personal communications services, specialized mobile radio services, and paging services.

**PERSONAL WIRELESS TELECOMMUNICATION FACILITY:** All equipment (including repeaters) and locations of equipment with which a telecommunications provider transmits and receives the waves that carry their services. This facility may be sited on one or more towers or structure(s) owned and permitted by the provider or another owner or entity.

**PERSONAL WIRELESS TELECOMMUNICATIONS SERVICE PROVIDER:** Any person or entity providing Personal Wireless Telecommunications Services.

**PET SERVICES:** A commercial establishment in which dogs or other common household pets are groomed, bred, or trained for a fee or compensation. Overnight boarding is not allowed.

**PLANNED UNIT DEVELOPMENT:** One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards.

**PRINCIPAL BUILDING:** A building in which is conducted the principal use of the lot on which it is located. The main building on a Lot, usually located toward the Frontage

**PROFESSIONAL ENGINEER:** An engineer licensed to practice in the State of Vermont.

**PUBLIC ASSEMBLY:** Includes auditorium, theater, public hall, school hall, meeting hall, church and temple.

**PUBLIC BUILDING:** Any building owned and operated by either the federal, state, county or municipal government for the conduct of the business of such governmental entity.

**PUBLIC SPACE:** Space open to public view or access.

**PUBLIC WATER, PUBLIC SEWER:** Water supply and sewage disposal systems approved by the City Council for municipal operation.

**REAR:** The private back portion of a property.

**RECREATION FACILITY:** A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

**RECREATIONAL VEHICLE:** A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

**RECYCLING CENTER:** An enclosed building used for the purpose of receiving, sorting, and/or shipping of recyclable materials.

**REGIONAL SOLID WASTE MANAGEMENT** Regional solid waste management facilities certified under 10 VSA. Chapter 159.

**SHORELANDS:** The lands being between the high water mark of a lake, pond or impoundment exceeding twenty acres and a line not less than five hundred feet or more than one thousand feet from such high water mark.

**SIDEWALK:** A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway. The paved section of the public frontage dedicated to pedestrian activity, café seating, and other street furniture.

**SIGN:** Any object, device, display or structure, or part thereof which is situated outdoors and used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. This definition shall not include window displays.

**SQUARE:** A civic space designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees.

**STEALTH FACILITY:** Any communications facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, antenna structures designed to look like light poles, and structures designed to resemble natural features such as trees or rock outcroppings.

**STOOP:** A private frontage wherein the facade is aligned close to the front property line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

**STORE FRONT:** A private frontage for retail use, with substantial glazing and an awning, wherein the facade is aligned close to the front property line with the building entrance at sidewalk grade

**STORY:** Part of a building which is between one floor level and the next higher floor level, or if there is no floor above it then the ceiling above it.

**STREET:** Any vehicular way that: (1) is an existing state, county or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the municipal recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; includes the land between the street lines, whether improved or unimproved. A city thoroughfare for pedestrian and vehicle access.

**STREET FRONTAGE:** Lot lines, which abut a public street.

**STREET FURNITURE:** Constructed above-ground objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains, and telephone booths, that have the potential for enlivening and giving variety to street sidewalks, plazas and other outdoor spaces open to , and used by , the public. *Comment:* Street furniture can include, but is generally distinct from, street hardware. Benches and other structures incorporated into the streetscape for use by pedestrians.

**STREET GRADE:** Officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

**STREET LIGHTS:** Pedestrian scale lighting incorporated into the streetscape and in parking facilities to promote safe travel during evening hours.

**WAREHOUSE:** A building or a portion of a building used primarily for the storage of goods and materials, with off-street loading space.

**WATER STORAGE:** See reservoir.

**WETLANDS:** Lands that are transitional between land and water where the water table is usually at or near the surface of the land. Wetlands are characterized by unique hydric soils and contain plant and animal communities adapted to aquatic or intermittently wet conditions. Swamps, bogs, wet meadows, and marshes are examples of wetlands. Refer to Title 24 VSA §4303(32).

**WHOLESALE USE:** Establishments of places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**WILDLIFE REFUGE:** A parcel of land, including necessary accessory structures, set aside for the preservation of one or more species of undomesticated animals.

**YARD:** Space on a lot not occupied with a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

**YARD, FRONT:** Yard between the front lot line and the front line of the building extending to the side lot lines of the lot. The depth of the front yard shall be measured from the front lot line to the front line of the building. See also §401A of this bylaw.

**YARD, REAR:** Yard between the rear lot line and the rear line of a building extended to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the rear line of the building.

**YARD, SIDE:** Yard between the principal building or accessory building and a side lot line, and extending through from the front yard to the rear yard.