# Rural Character in Waterford: Tools for Preservation

# BACKGROUND: 2016 Town Plan goals and strategies:

## Land Use Chapter:

**"Maintain Waterford's rural setting, productive agricultural and forested lands.**

- Identify areas where residential density should be lowered, and create density-based zoning districts that maintain low overall density while permitting smaller lot sizes to increase energy efficient development and to protect important natural resources"

## Housing Chapter:

**"Provide options for affordable housing that is in keeping with the character of Waterford's rural setting, and which retains the pristine water quality, scenic and historic areas, and natural resources.**

- Provide for density-based zoning or planned unit development regulations that permit smaller house lots while preserving significant blocks of rural land and maintaining a low overall residential density."

# 2016 Town Plan goals and strategies (continued):

## Energy Chapter:

**"Conserve forested lands in Town as a valuable renewable fuel source.**

- Develop standards for density-based zoning regulations that require preservation of important blocks of forested lands while allowing smaller lot sizes."

## Economic Development Chapter:

**"Retain and promote agriculture and forest-based industry as the prime economic base within the town.**

- Provide assistance to residents seeking to establish on-farm enterprises, through the use of land use regulations or incentives."

**"Maintain enough forest land to support wood-related industries, retain the town's natural beauty, promote recreational usage, and maintain a healthy, sustainable forest based economy.**

- Encourage the use of "planned unit development" coupled with low density zoning and other tools to preserve agricultural and forest resources. "

# Current Conditions

- 2% percent  of land area, 502 acres, are within State-delineated river corridors
- 3% of the land area, 727 acres, are within wetlands
- 16% percent of the land area, 3,960 acres, have slopes steeper than 25%
- 5% of land area is permanently conserved
- 30.5% of land is enrolled in Current Use (both agricultural and forestland)

- **92%  percent**, or 23,507 acres of land are **in parcels of 10 acres or greater**.
- **82% percent**, or 20,794 acres of land are **in parcels of 25 acres or greater**.

# Proposal:

## 4 New Zoning Districts:

- Village Commercial District
- Resource Value District
- Agricultural Overlay District
- Source Protection Overlay District

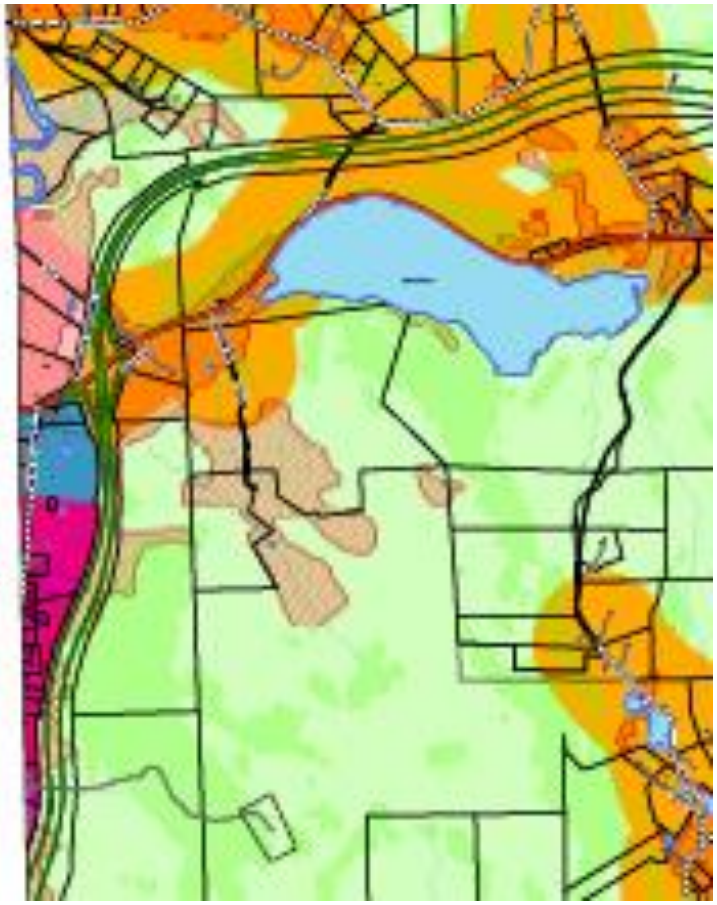
# Village Commercial District

- Replaces the existing Industrial Commercial District on Higgins Hill Road adjacent to State Route 18.

- Purpose is to provide for walkable retail and services to serve the local community, to allow for mixed uses, and to promote a scale and pattern of commercial development that is appropriate to the rural context of Waterford.

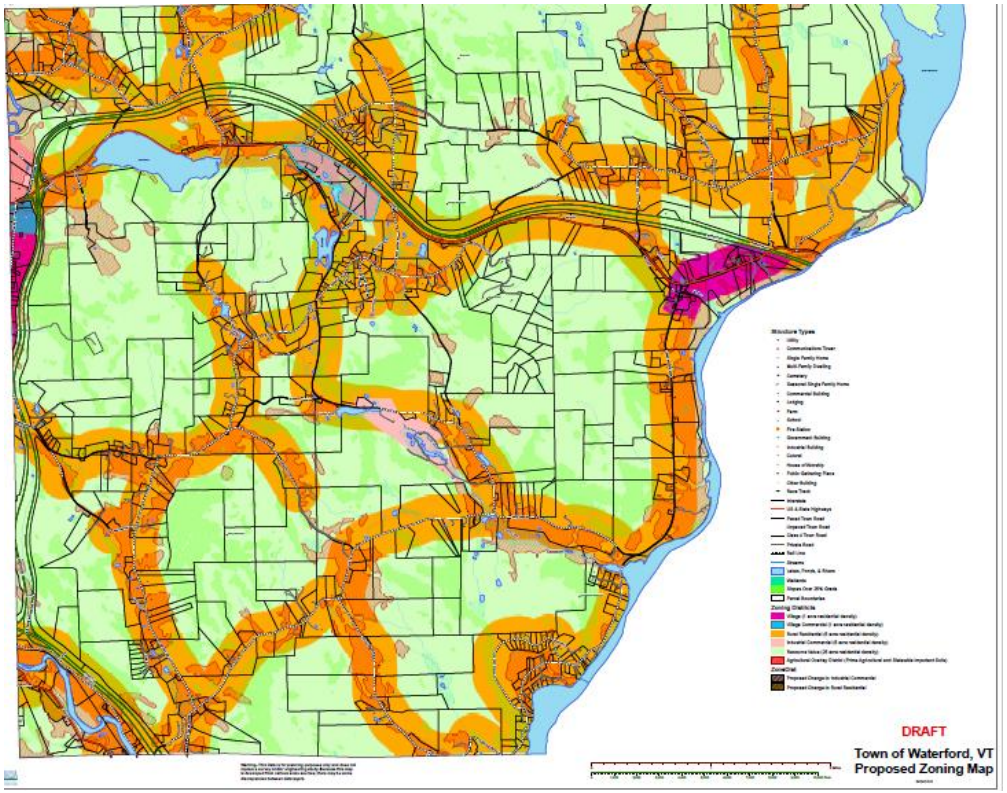
- Permits a residential density of 1 unit per acre.

- Establishes a maximum building footprint of 4,000 square feet, and a maximum lot coverage of 25%



# Resource Value District

- Covers all lands located more than 1000 feet from Town and State Highways
- Purposes are to maintain Waterford's rural setting, protect important blocks of forest, wildlife habitat and agricultural land from fragmentation, and to retain and promote agriculture and forest-based industry as a prime economic base in Town
- Modeled on Concord's "Rural Land" District, with a residential density of 25 acres per dwelling unit.
- Maximum building footprint of 2,000 square feet



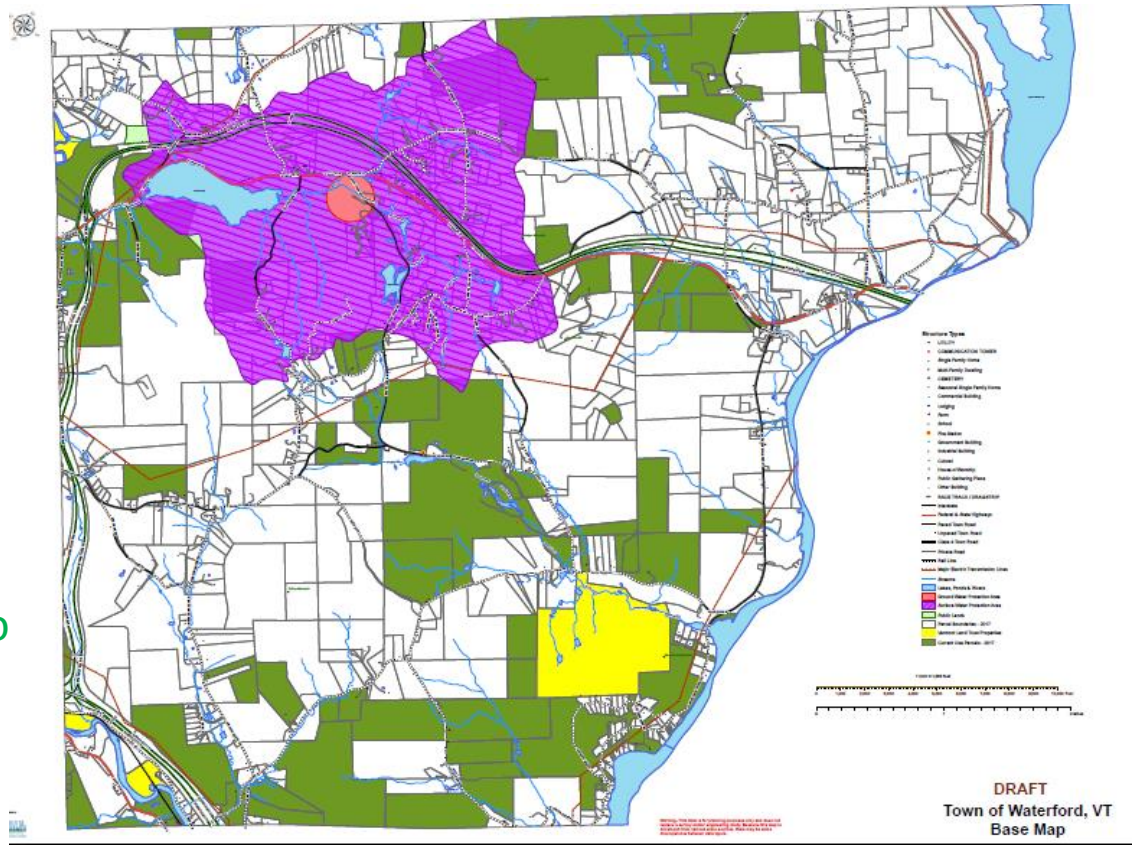

- All structures, including single-family residences, require site plan review by the DRB
- Any Subdivision must result in the remaining parcel retaining sufficient acreage for enrollment in the Use Value appraisal program.

# Agricultural Overlay District

- Same regulations as underlying zone, with exception that the use of earth resource extraction is prohibited.

- Site plan review is required for all structures, including homes.

- Major subdivisions are required to be in accordance with Conservation Subdivision procedure.




- Site plan and subdivision design to provide for continued vehicular access to agricultural /forested lands, and must result in the remaining parcel retaining sufficient acreage for enrollment in the Use Value Appraisal program.

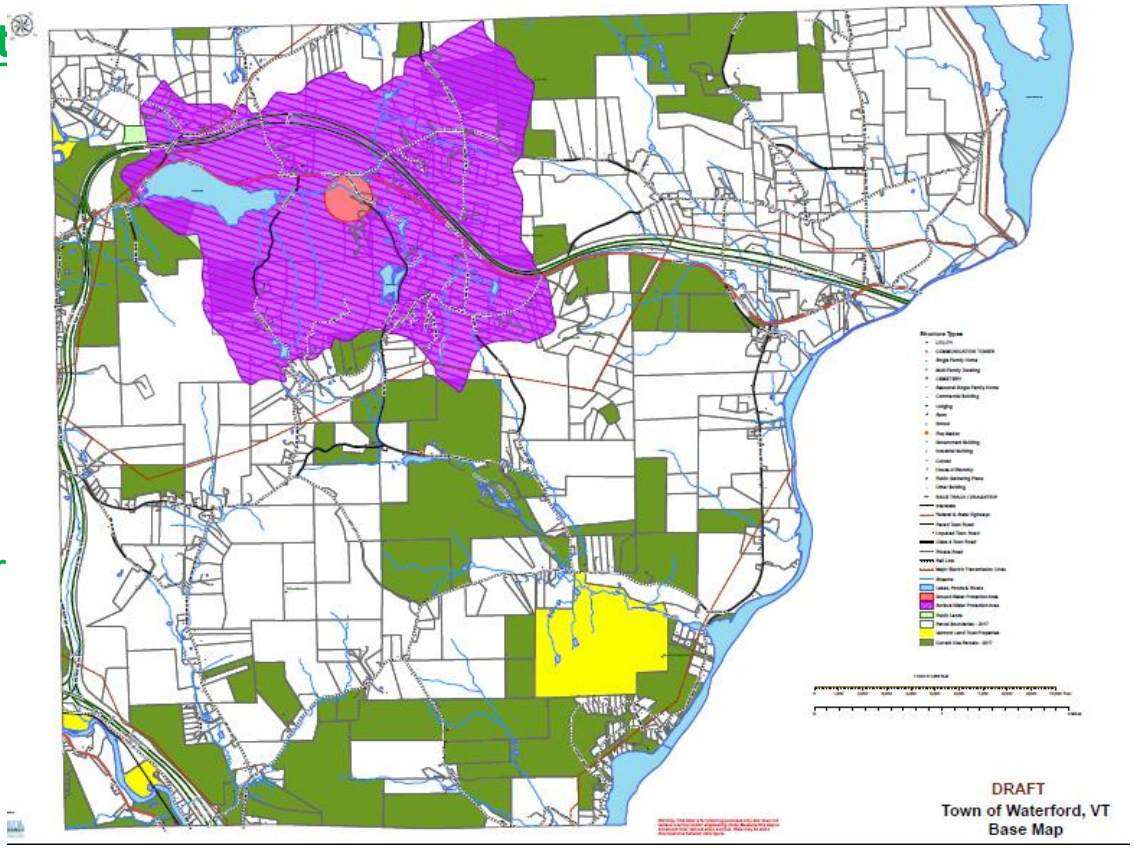
- Includes all lands containing Prime or Statewide Important Agricultural Soils, and all parcels currently enrolled in VT's Use Value Appraisal program.

## Source Protection Overlay District

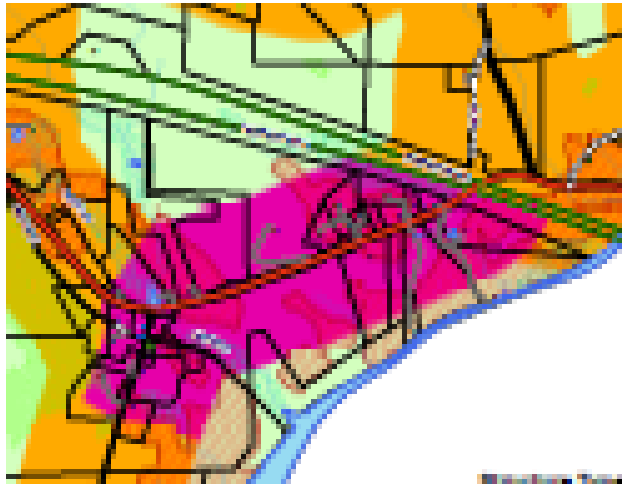
- Same regulations as underlying zone, with exception that uses must not include the handling, manufacture or storage of hazardous wastes, and particular uses are prohibited, including the storage of road salt, salvage yards and automotive service and repair shops

- Conservation Subdivision procedure.

- Includes all lands within the delineated Groundwater and Surface Water Protection Areas.

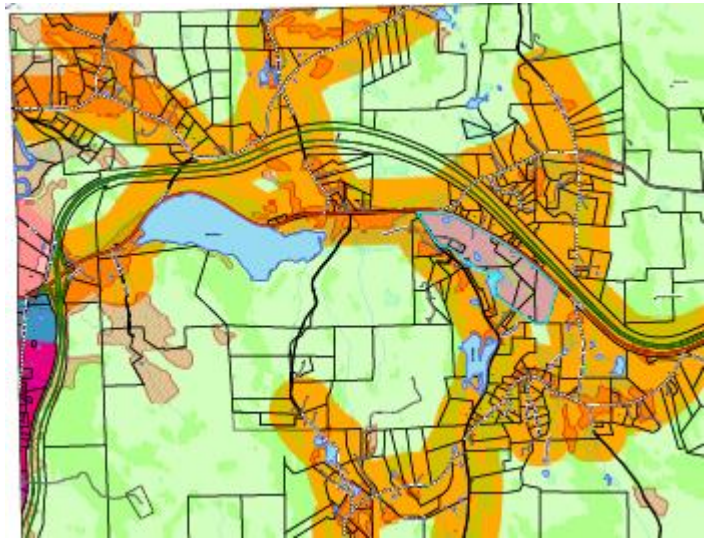


# Proposed Changes to Zoning Map



- The Village District in Lower Waterford is proposed to be changed from a circle with ½ radius centered on the intersection of Maple Street and Lower Waterford Road, to a linear district along a short stretch of Lower Waterford Road and Route 18.

- The stretch of Higgins Hill Road between the St. Johnsbury border and the new Village Commercial District is proposed to be re-classified as Village District (it is currently Rural Residential).



- As proposed in the 2016 Town Plan, the existing industrial area on Route 18 near Duck Pond Rd is proposed to be rezoned to Industrial Commercial, and an area on Route 5 previously zoned Industrial Commercial will be changed to Rural Residential.

- The Rural Residential District will extend 1000 feet on either side of all Town and State Highways, except for where Village and Commercial Districts are located.

## Proposed changes to Existing Zoning District Regulations

- **Village District:**
  - Minimum lot area was reduced to 1 acre per dwelling unit.
  - A lot coverage maximum of 25% was added
  - "Wholesale Sales" was removed as a Conditional Use, and Restaurant and Multi-family dwellings were added.

- **Industrial Commercial District:**
  - Minimum Lot Area increased to 5 acres

- **Rural Residential District:**
  - Minimum Lot Area increased to 5 acres
  - Uses of "Auto Service Station," "Warehouse/Storage Units" and "Commercial Enterprise" were removed from conditional uses.

# Other Proposed Additions:

- **Steep Slopes regulations**, prohibiting development on slopes greater than 25% slope. Also establishes standards and conditional use review for development on slopes equal or greater than 15%

- **Required Buildable Area for all Lots**, requires a minimum of approximately ½ acre of contiguous buildable area on each new lot created.

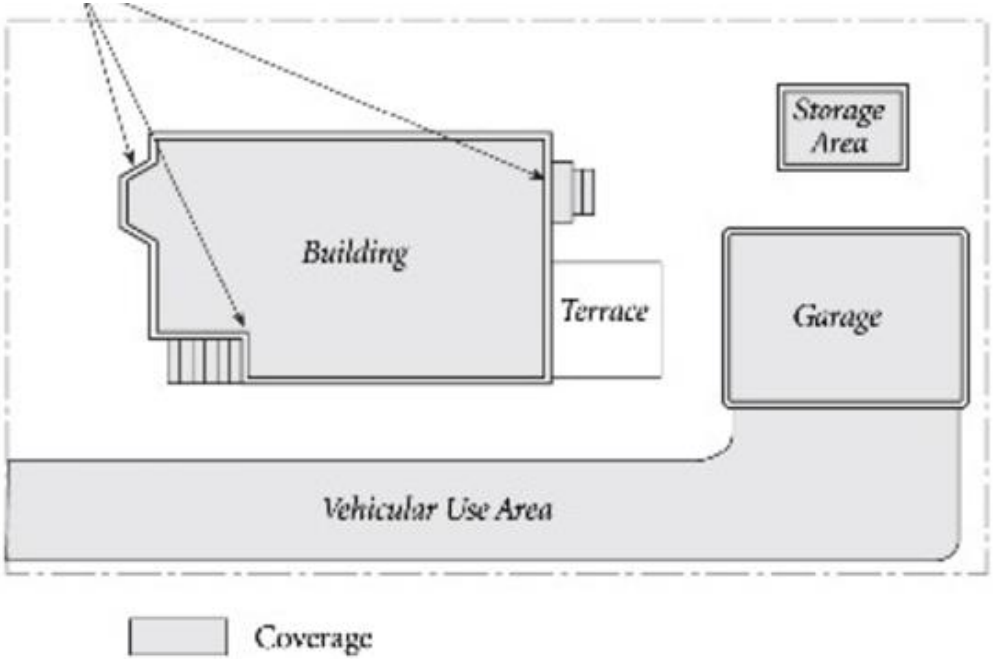
- **Conservation Subdivision Design Standards**
  - Yield plan establishes lot count, excludes area of steep slopes and wetlands.
  - Impervious coverage restrictions apply to lots 1 acre or smaller
  - Every lot has an established building envelope to which construction and disturbance will be limited.
  - Lot design minimizes disturbance, sites house lots close to existing road infrastructure, facilitates agricultural and forestry vehicle access to open lands.
  - Remaining parcel must be large enough for enrollment in Vermont's Use Value Appraisal Program.

# Conservation Subdivision:

- Typically 50 to 70% of the tract is conserved, including at least half of the “buildable” land.
- A “yield plan” determines the number of lots.
- Design standards direct how the subdivision is laid out.

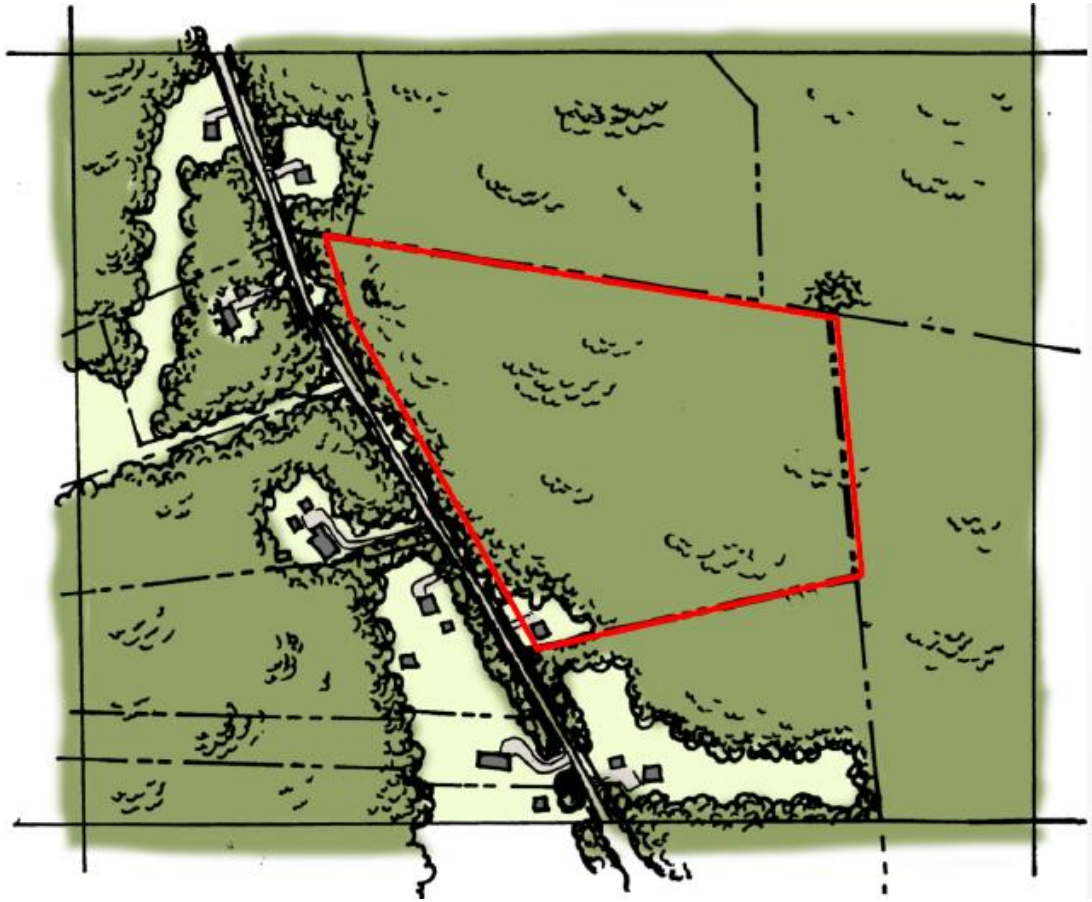
**Maximum Lot Coverage**: The percent of total building footprint and impervious surface area to total lot area.

- Controls the density of development on a lot
- Useful for managing stormwater retention and runoff on-site.



# The “Typical” Rural Subdivision

- All the parcel available for development
- Based on minimum lot size
- Road frontage determines layout

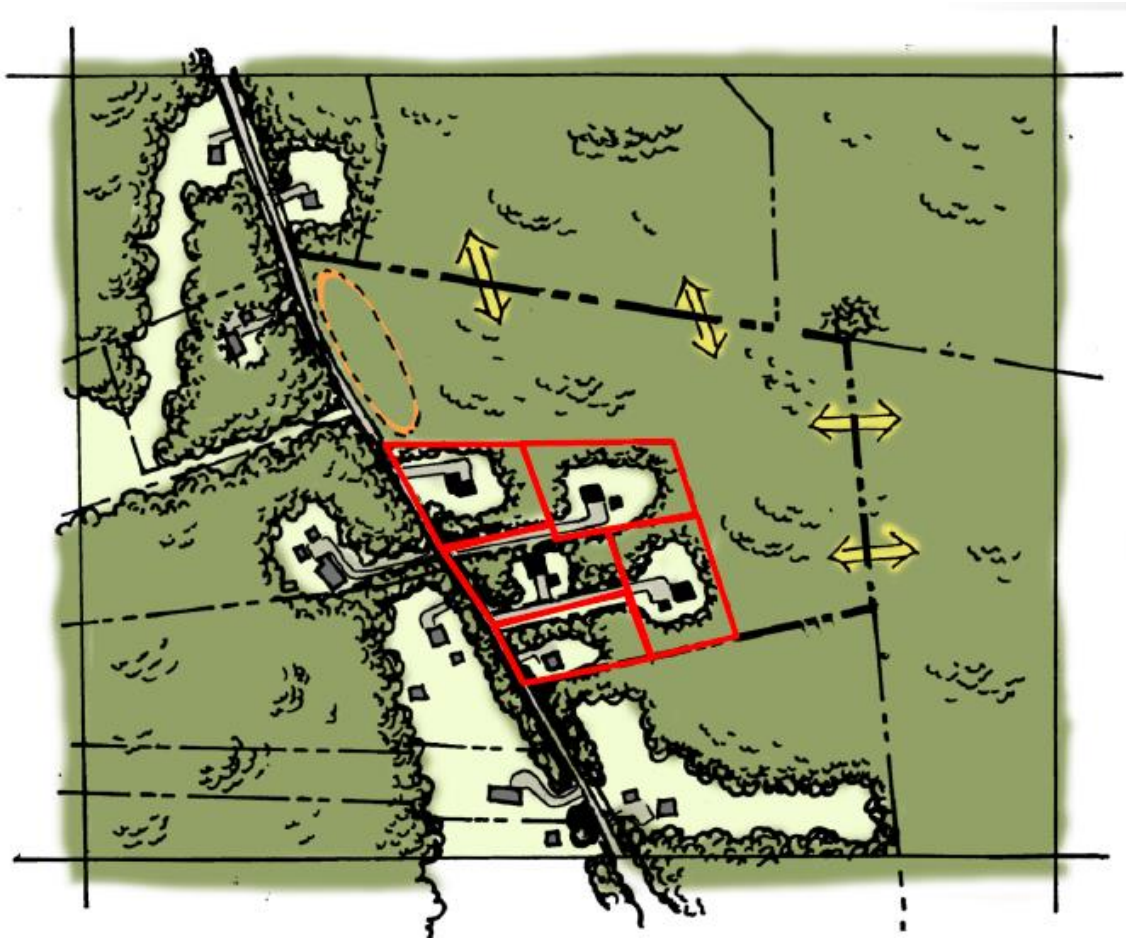


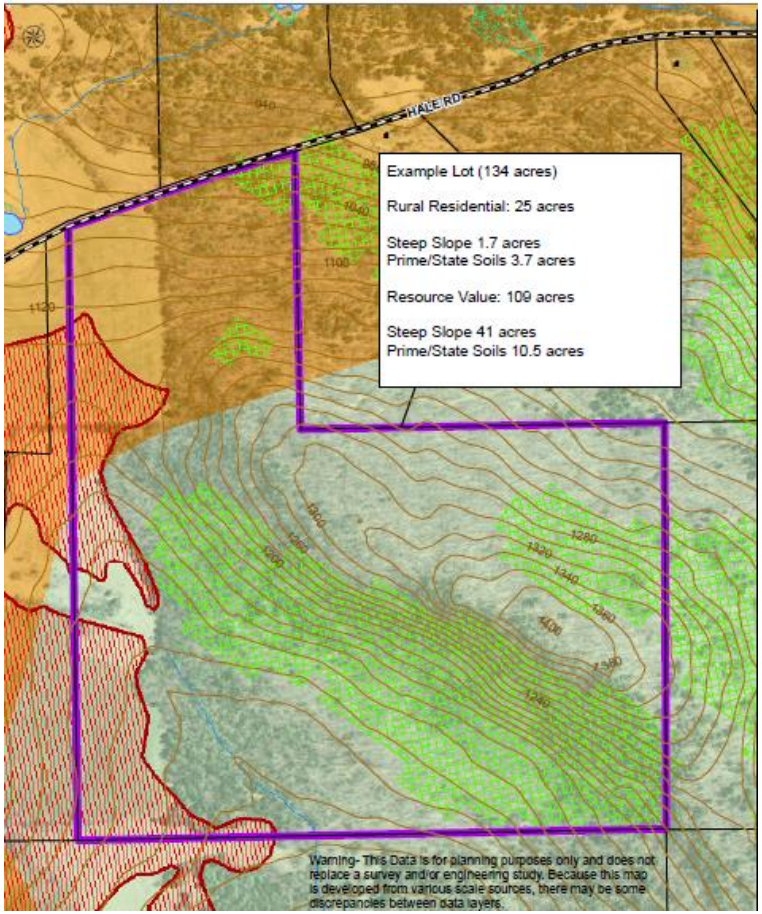
# Too big to mow, too small to plow

- Linear development along roadway
- Spaghetti lots
- Parcels are too small for agricultural uses
- Fragments forested lands

# The Alternative

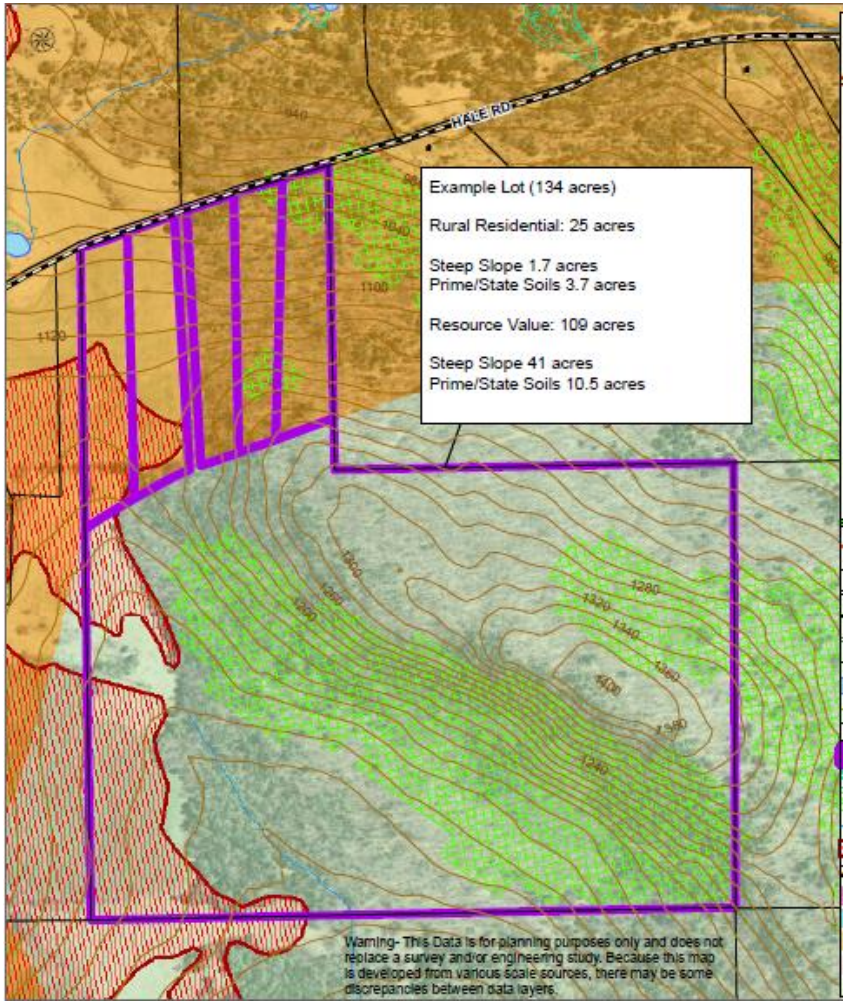
- Creates open space adjacent to open space on other lands
- Maintains road access to open space (for forestry or farming)
- Shared driveways/ accesses

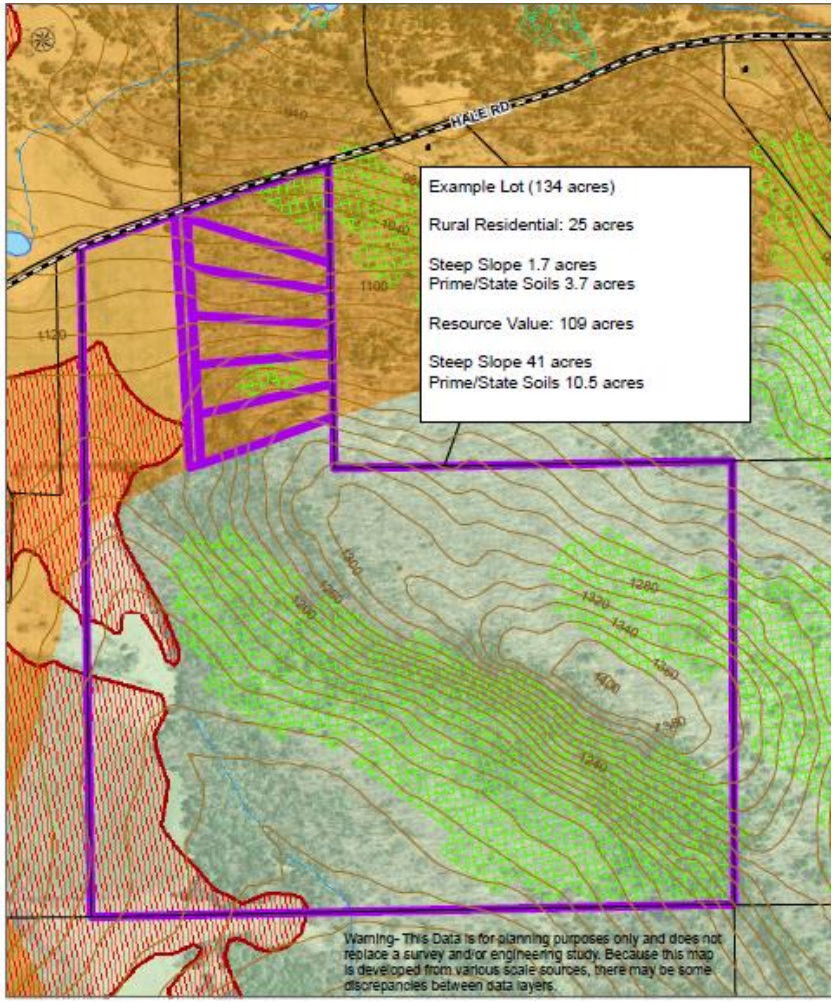


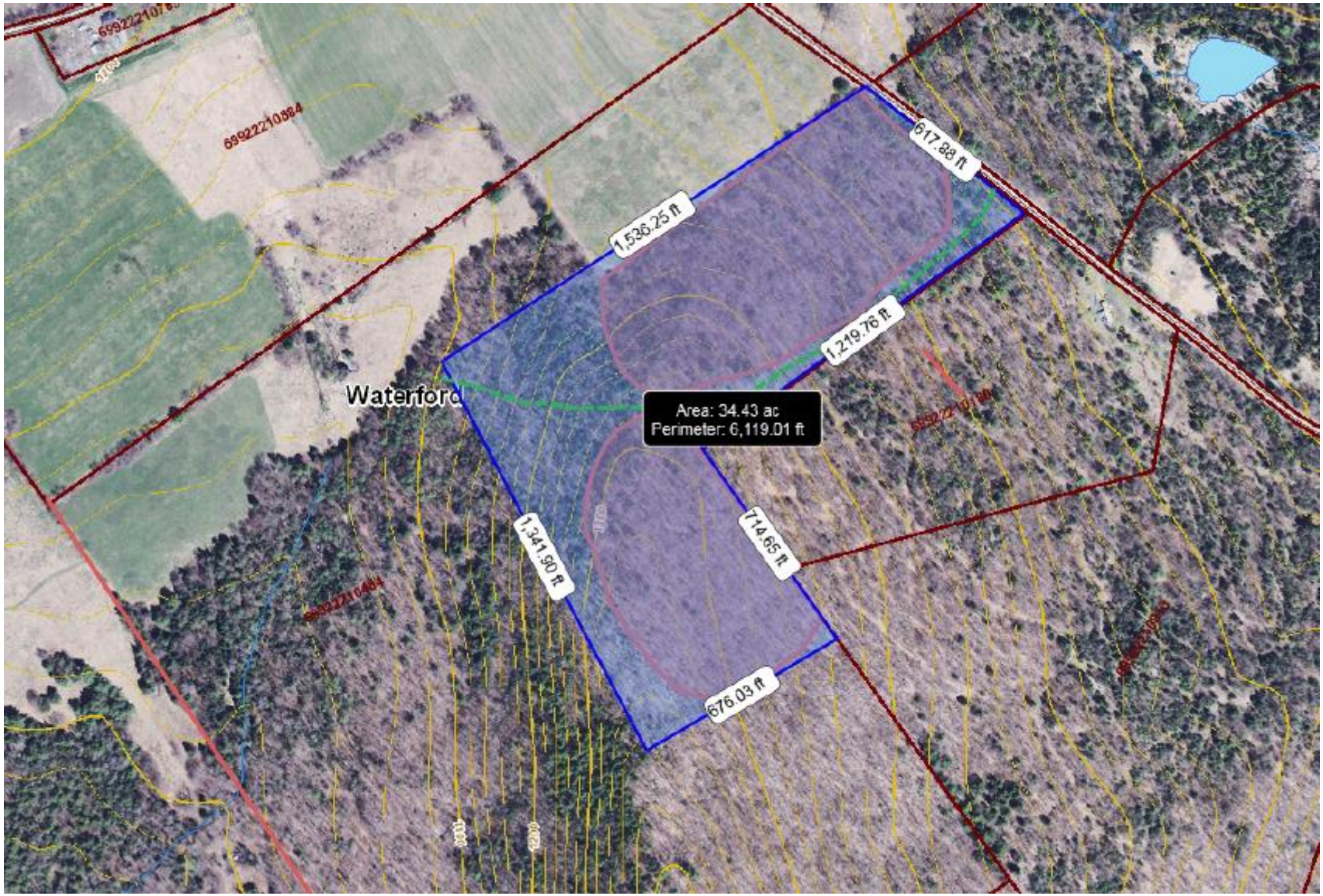



Example: 134 acre lot, 25 acres zoned Rural Residential and 109 Acres zoned Resource Value.

Parcel contains steep slopes and lands within the Agricultural Overlay District.


HALE RD
Example Lot (134 acres)
Rural Residential: 25 acres
Steep Slope 1.7 acres
Prime/State Soils 3.7 acres
Resource Value: 109 acres
Steep Slope 41 acres
Prime/State Soils 10.5 acres
Warning- This Data is for planning purposes only and does not replace a survey and/or engineering study. Because this map is developed from various scale sources, there may be some discrepancies between data layers.


HALE RD
Example Lot (134 acres)
Rural Residential: 25 acres
Steep Slope 1.7 acres
Prime/State Soils 3.7 acres
Resource Value: 109 acres
Steep Slope 41 acres
Prime/State Soils 10.5 acres
Warning- This Data is for planning purposes only and does not replace a survey and/or engineering study. Because this map is developed from various scale sources, there may be some discrepancies between data layers.


Waterford
Area: 34.43 ac
Perimeter: 6,119.01 ft
1,536.25 ft
617.88 ft
1,219.76 ft
714.65 ft
676.03 ft
1,341.90 ft

# Town of Waterford, Vermont
# Unified Development Bylaw

Adopted:

Proposed Amendments 6/21/18

A Message from the Planning Commission

The Vermont Municipal and Regional Planning and Development Act, Title 24 V.S.A. Section 4401, provides that "Any municipality which has adopted and has in effect a plan, and has created a planning commission, or a development review board, under this chapter may implement the plan by adopting, amending, and enforcing any or all of the bylaws provided in this chapter. These Bylaws are intended to guide the development and growth of the Town of Waterford along the lines designated in the adopted Town Plan. The many factors which these Bylaws must take into account may be found in the Town Plan and Section 4302 of Chapter 117 of Title 24, V.S.A. However, a few factors are the very foundation of these Bylaws and are therefore emphasized by being listed here:

1) It is neither desirable nor possible to stop growth.

2) Without the aid of Zoning Bylaws, the Town of Waterford could be forced by outside pressure into a growth rate much larger than it can or may want to accommodate.

3) The rights of a property owner must never be ignored, and the rights of all property owners and residents must be balanced as to avoid placing an unfair burden on anyone.

4) Development of rural land must be guided by the above factors, plus the suitability of soils and terrain, as well as the desire of the people of Waterford to retain a rural, rather than urban or suburban atmosphere.

Proposed Amendments 6/21/18

Table of Contents

Proposed Amendments 6/21/18

# Article I Enactment and Intent

§101 Enactment

In accordance with the Vermont Planning and Development Act, 24 VSA, § 4401, there is hereby established a zoning bylaw for the Town of Waterford which is set forth in the text and map that constitute this bylaw. This bylaw shall be known and cited as the "Town of Waterford Zoning Bylaw".

§102 Intent

It is the intent of this zoning bylaw to provide for orderly community growth and to further the purposes established in 24 VSA, § 4302.

# Article II Establishment of Districts and District Regulations

§201 Zoning Map and Districts

The zoning map officially entitled "Town of Waterford Zoning Map" is hereby adopted as part of this bylaw. The Zoning Map shows a division of the town into the following districts:

"IND-COM" Industrial Commercial District
"VIL" Village District
"VC" Village Commercial District
"FRO" Forest Resource Overlay District
"AGO" Agricultural Overlay District
"SPO" Source Protection Overlay District
"RR-5" Rural Residential District 5 Acre
"RR-25" Rural Residential District 25 Acres

§202 Copies of the Zoning Map

Regardless of the existence of other printed copies of the zoning map, which from time to time may be made or published, the official zoning map, which shall be located in the office of the Town Clerk shall be the final authority as to the current status of the land, and water areas, buildings, and other structures in the town.

§203 District Boundaries

Proposed Amendments 6/21/18

District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the centerlines. The abandonment of roads shall not affect the location of district boundaries. When the Administrative Officer cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the zoning map, or by the fact that it clearly coincides with a property line, the Administrative Officer shall refer the application to the Development Review Board who shall interpret the location of the district boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of this bylaw.

§204 District Objectives and Land Use Control

The following tables set forth the objectives and provisions that apply respectively in each district established in this bylaw. Any use designated as a "Permitted Use" may be commenced pursuant to §205 of this bylaw. Any use designated as a "Conditional Use" may be commenced pursuant to §206 of this bylaw. Any use not designated by this bylaw, as a "Permitted Use" or a "Conditional Use" shall be deemed to be prohibited.

**Table 204.1: "IND-COM" Industrial Commercial District**

Objective: To provide for commercial or industrial development in a manner that will prevent conflicts with residential and other incompatible uses. The creation of employment opportunities and broadening of Waterford's tax base were important considerations in the creation of this district.

Permitted Uses:

1. Accessory use/structure(1)
2. Agriculture(2)
3. Dwelling, accessory
4. Forestry(2)
5. Home Occupation

Conditional Uses

1~~. Auto sales/service~~Motor Vehicle Sales
2. ~~Auto service station~~Vehicle Fuel Sales
3. Commercial Campground
4. Contractor's yard
5. Correctional facility
6. Earth resources extraction
7. Essential service
8. Neighborhood retail store
9. School*
10. Telecommunication towers**
11. Bank
12. Dwelling, multi-family
13. Dwelling, single family
14. Manufacturing
15. Membership Club
16. Motel
17. Office
18. Personal Service
19. Public Facility
20. Recreation
21. Research/testing labs
22. Restaurant
23. Retail Sales
24. Trucking terminal
25. Warehouse/storage units
26. Wholesale Sales
27. Commercial Enterprise
28. Residential Business/Cottage Industry

Minimum Lot Area & Dimensional Requirements

Lot area (acres)(3): ~~2.0~~ 5

Front yard setback (ft.): 65 from center of road

Proposed Amendments 6/21/18

| | | |
|---|---|---|
| Area / dwelling unit (acres)(3): | ~~2.0~~5 | Side yard setback (ft.): 35 |
| Lot frontage (ft.)(4): | 200 | Rear yard setback (ft.): 35 |

Footnotes
(1) Accessory uses and structures for conditional uses shall require conditional use approval.
(2) Agricultural and forestry uses are exempted from the permit process by 24 VSA, § 4413(d).
(3) An acre equals 43,560 square feet.
(4) Lots located on the turnaround of a cul-de-sac shall have at least 100 feet of frontage.
*See section 209 (a)(2)
** Telecommunication facilities are subject to provisions of 4412(8)(A-D) and (9)

## Table 204.2: "VIL" Village District

Objective: To conserve the integrity of the existing village development and maintain the village settlement in Lower Waterford ~~it~~ as the center of activities and services for the Town; and to provide for ~~medium~~ higher density residential development, public uses, and limited ~~central services and~~ sales~~.~~ in other selected areas in Town which may appropriately accommodate these uses in the future.

Permitted Uses:

1. Accessory use/structure (1)
2. Agriculture (2)
3. Dwelling, single family
4. Dwelling, two family
5. Dwelling, accessory
6. Forestry (2)
7. Home Occupation

Conditional Uses:

1. Dwelling, Multi-Family
2. ~~Essential~~ Personal service
~~2~~3. ~~Lodging house~~ Hotel
~~3~~4. Office
~~School*~~
~~4~~5. Public assembly use
~~Wholesale Sales~~
~~5~~6. Public facility*
~~6~~7. Residential Business/Cottage Industry
~~7~~8. Primary Retail ~~Sales~~
~~8~~9. Restaurant
~~9~~10. School*

Minimum Lot Area & Dimensional Requirements

| | | |
|---|---|---|
| Lot area (acres) (3): | ~~2.0~~ 1 | Front yard setback (ft.): 65 from center of road |
| Area / dwelling unit (acres) (3): | ~~2.0~~ 1 | Side yard setback (ft.): 25 |
| Lot frontage (ft.) (4): | 200 | Rear yard setback (ft.): 25 |
| Lot Coverage: | 25% | |

Footnotes
(1) Accessory uses and structures for conditional uses shall require conditional use approval.
(2) Agricultural and forestry uses are exempted from the permit process by 24 VSA, § 4413(d).
(3) An acre equals 43,560 square feet.
(4) Lots located on the turnaround of a cul-de-sac shall have at least 100 feet of frontage.
*See section 209 (a) (2)

Proposed Amendment 6/21/18

## Table 204.3: "RR-5" Rural Residential District 5

Objective: To conserve the integrity and natural qualities of rural open space for the betterment of the community; to maintain a dispersed settlement pattern and mixed land uses of a rural nature (i.e., farming, woodlot, low-density residential, residential businesses, public uses and other ~~scattered~~ uses appropriate to a rural context).

Permitted Uses:

1. Accessory use/structure (1)
2. Agriculture (2)
3. Church*
4. Dwelling, single family
5. Dwelling, two family
6. Dwelling, accessory
7. Forestry (2)
8. Home occupation

Conditional Uses:

~~1. Auto service station~~
2. Cemetery
3. Dwelling, multi-family
4. Earth resources extraction
5. Essential service
6. Hospital
7. Lodging house
8. Membership club
9. Mobile home park
10. ~~Neighborhood~~ Primary retail ~~store~~
11. Office
~~12. Private club~~
13. Public facility*
14. Outdoor Recreation
15. Residential business/cottage industry
16. School*
17. Telecommunications towers**
~~18.Warehouse/storage units~~
~~19. Commercial enterprise~~
20. Contractor's yard

~~Minimum Lot Area & Dimensional Requirements:~~

Minimum Lot Area & Dimensional Requirements

~~Lot area (acres) (3): 2.0~~
Area / dwelling unit (acres) (3): ~~2.0~~ 5(3)***
Lot frontage (ft.) (4): 200

Front yard setback (ft.): 65 from center of road
Side yard setback (ft.): 25
Rear yard setback (ft.): 25

Footnotes
(1) Accessory uses and structures for conditional uses shall require conditional use approval.
(2) Agricultural and forestry uses are exempted from the permit process by 24 VSA, § 4413(d).
(3) An acre equals 43,560 square feet.
(4) Lots located on the turnaround of a cul-de-sac shall have at least 100 feet of frontage.
*See section 209 (a) (2)
** Telecommunication facilities are subject to provisions of 24 VSA Section 4412(8) (A-D) and (9)
*** The use of Conservation Subdivision Design allows for lots as small as 1 acre provided overall density remains 1 unit per 5 acres.

Proposed Amendments 6/21/18

## Table 204.4: "RR-25" Rural Residential 25

Objective: The Rural Residential 25 District comprises lands with little existing development which are located more than 1000 feet from existing town and state highways. The district contains areas of steep slopes and poorly drained soils, but also contains significant blocks of forest and wildlife habitat, and agricultural land. The purposes of this district are to (1) maintain Waterford's rural setting and natural beauty, (2) maintain the existing low residential density of these lands, (3) support the future use of these lands for agriculture, forestry, low density residential use, and forest-based recreational and educational uses.

### Permitted Uses

Agriculture
Dwelling, Single Family
Dwelling, Accessory
Forestry
Home occupation

### Conditional Uses

Agricultural or forestry-based commercial use
Commercial Camp Sites and Campgrounds
Commercial Summer Camp
Nature Center
Outdoor Recreation

### Minimum Lot Area & Dimensional Requirements:

| | | | |
|---|---|---|---|
| Minimum lot size (acres): | 25* | Front yard setback (ft): | 25 |
| Area/dwelling unit (acres): | 25 | Side yard setback (ft): | 25 |
| Lot frontage (ft): | 200** | Rear yard setback (ft): | 25 |
| Maximum building footprint: | 2,000 square feet | | |

*The use of the Conservation Subdivision provisions allows for lots as small as 1 acre provided overall residential density remains 1 unit per 25 acres.

**Lot frontage requirement may be achieved by at least 50 feet of frontage on a permanent access easement or right-of-way for lots created in accordance with the Conservation Subdivision provisions.

Proposed Amendments 6/21/18

## Table 204.5: "VC" Village Commercial District

Objective: The purposes of the Village Commercial District are to provide for retail, services, and higher-density residential uses at a scale and pattern of development that is appropriate to the rural context of Waterford, and which provides for safe access by pedestrians.

Permitted Uses:

1. Agriculture
2. Accessory Use/Structure
3. Bank*
4. Dwelling, Single Family
5. Dwelling, Two Family
6. Dwelling, Multi-family*
7. Office*
8. Primary Retail*
9. Place of Worship*
10. Public Facility*
11. Personal Services*
12. Restaurant*
13. School*
14. Residential business/cottage industry

Conditional Uses:

1. Auto service station
2. Commercial Nursery, Landscape yard
3. Lodging house
4. Medical Outpatient Clinic
5. Mobile Home Park
6. Telecommunications towers**

Minimum Lot Area & Dimensional Requirements:

| | | |
|---|---|---|
| Lot area (Acres): | 1 | Front yard setback (ft): 65 from center of road |
| Area/dwelling unit (acres): | 1 | Side yard setback (ft): 25 |
| Lot frontage (ft): | 200 | Rear yard setback (ft): 25 |
| Maximum building footprint: 4,000 square feet | | Maximum lot coverage: 25% |

Supplemental Site Plan Review Standards:

For uses requiring site plan review, in addition to the site plan standards and landscaping standards outlined in Sections 605 and 606 of this bylaw, site plans for development in the Village Commercial District shall depict safe pedestrian connections via sidewalks or paths within the proposed development and connecting the proposed development to the public road.

*Require Site plan Review by the DRB
**Telecommunication facilities are subject to provisions of 24 VSA Section 4412 (8) (A-D) and (9)

Proposed Amendments 6/21/18

## 204.6: "FRO" Forest Resource Overlay District

Objective: To protect important blocks of forest and wildlife habitat from fragmentation, to conserve forested lands as a valuable renewable fuel source and recreational resource, and to support agriculture and forest-based industry as a prime economic base in Town. The Forest Resource Overlay District comprises all lands identified as "Priority Forest Block" by the Vermont Agency of Natural Resources, as depicted on the Town of Waterford Zoning Map. This overlay district may be updated based on changed conditions of the land.

The permitted uses and dimensional requirements in the FRO are as required by the underlying zoning district, with the following additional exceptions and requirements:

A. All subdivisions of land resulting in three (3) or more lots, created by the same land owner within a radius of five miles of any point on any lot and within any continuous period of five years, shall be done in accordance with the Conservation Subdivision procedure contained in this bylaw, and the remaining parcel shall be eligible for enrollment in the Use Value Appraisal (UVA) Program if original parcel size allows.

B. Subdivisions shall be designed to minimize fragmentation of forest land and wildlife habitat, and to avoid impacts on existing forestry operations.

C. The proposed location of structures shall not interfere with vehicular access to forested lands, and shall maximize retention of contiguous forest blocks.

D. Proposed structures shall be located down-slope of ridgelines and prominent hills where such areas are easily visible from existing roadways, and shall be considered relative to the availability of less visible locations on the parcel.

Proposed Amendments 6/21/18

## 204.7 "AGO" Agricultural Overlay District

Objective: To promote the continuation of agriculture; avoid the fragmentation and retain the maximum possible amount of agricultural lands, which often provide important scenic views; protect historically viable farmland and prime and statewide agricultural soils, and preserve Waterford's rural character. The Agricultural Overlay District comprises all lands that contain Prime Agricultural or Statewide Important Agricultural Soils* as depicted on the Town of Waterford Zoning Map; and/or lands historically used for agriculture. This overlay district may be updated based on changed conditions of the land.

*This data layer is available from the Vermont Center for Geographic Information (VCGI) and is based on the United States Department of Agriculture's Natural Resource Conservation Service (NRCS) Soil Survey.

The permitted uses and dimensional requirements in the AGO are as required by the underlying zoning district, with the following additional exceptions and requirements:

A. The use of "earth resources extraction" is prohibited (includes mining, quarrying, sand and gravel operations, or topsoil removal.)

B. All subdivisions of land resulting in three (3) or more lots, created by the same land owner within a radius of five miles of any point on any lot and within any continuous period of five years, shall be done in accordance with the Conservation Subdivision procedure contained in this bylaw, and the remaining parcel shall be eligible for enrollment in the Use Value Appraisal (UVA) Program if original parcel size allows.

C. Subdivisions shall be designed to minimize fragmentation of agricultural land, and to avoid impacts on existing farm operations.

D. The proposed location of structures shall not interfere with continued access to agricultural lands by farm vehicles, and shall be located at field edges or, in the event that no other land is practical for development, on the least fertile soils.

Proposed Amendments 6/21/18

## 204.8 "SPO" Source Protection Overlay District

Objective: To protect the public drinking water sources delineated by the Groundwater and Surface Water Protection Areas delineated on the Town of Waterford's Base Map.

The permitted uses and dimensional requirements in the SPO are as required by the underlying zoning district, with the following additional exceptions and requirements:

A. In general, uses must not involve the collection, handling, manufacture, use, storage, transfer, or disposal of hazardous materials or hazardous wastes.

B. The following uses are specifically prohibited:

1) Disposal of solid waste. Only brush and stumps are acceptable if generated from clearing of land and buried on the same site.
2) Disposal of liquids or leachable wastes, except from single or multifamily residential subsurface disposal systems or spreading animal manure using Best Management Practices or approved commercial or industrial systems which discharge only human waste.
3) Storage of road salt or salted sand.
4) Dumping of snow containing de-icing chemicals brought from outside the Source Protection Overlay District.
5) Commercial animal feedlots.
6) New earth resource extraction operations (mining, quarrying, sand and gravel operations, or topsoil removal.)
7) Automotive service and repair shops, fuel sales, junk yards and salvage yards.

§204.9 Supplemental Administrative Review Procedures in the Forest Resource Overlay District and the Agricultural Overlay District

A. Administrative Review Process:

Except for the exemptions identified in 204.9.B. below, residential uses, including single-family dwellings, are required to submit an administrative application to the Administrative Officer indicating how the project adheres to the overlay district standards addressed in 204.6.C and D. and 204.7.D. above. If the Administrative Officer determines that the application adheres to the overlay district standards, the permit will be issued. If the Administrative Officer determines that the applicable standards are not met, the application will be denied. The applicat may then submit a notice of appeal to the Development Review Board as provided in 24 V.S.A. §§ 4465 and 4466.

Proposed Amendments 6/21/18

B. Exemptions:

The following uses are exempt from the supplemental Administrative Review Process noted above for the FRO and AGO Districts. However regular permitting requirements of the underlying zoning district apply:

1. Agricultural buildings

2. Residential additions with a building footprint less than 500 square feet.

3. Attached garages with a building footprint less than 500 square feet.

4. Accessory structures, including pools and hot tubs, less than 250 square feet in area and less than 10 feet in height.

5. Attached decks less than 500 square feet.

§205 Permitted Uses

Permitted uses are those uses that are allowed, provided the standards established by this bylaw are met. Unless a variance or other special action by the DRB is required the necessary permit may be issued by the Administrative Officer.

§206 Conditional Uses

§206.1 Permitted upon issuance of a conditional use permit are those uses that may be allowed by the DRB as provided for in 24 VSA, § 4414 (3) after public notice and hearing. In order for the permit to be granted the proposed use shall not adversely affect:

A. The capacity of existing or planned community facilities;

B. The character of the area affected;

C. Traffic on roads and highways in the vicinity;

D. Bylaws then in effect, and;

E. The utilization of renewable energy resources.

§206.2 In permitting a conditional use, the DRB may impose, in addition to the regulations and standards expressly specified by this bylaw, other conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the municipality as a whole. These conditions may include the following:

A. Increasing the required lot size or yard dimensions in order to protect adjacent properties.

Proposed Amendments 6/21/18

B. Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property.

C. Controlling the location and number of vehicular access points to the property.

D. Increasing street width.

E. Increasing the number of off-street parking or loading spaces required.

F. Limiting the number, location and size of signs.

G. Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

H. Specifying a specific time limit for construction, alteration, or enlargement to begin for a structure to house a conditional use.

I. Requiring that any future enlargement or alteration of the use be reviewed by the DRB to permit the specifying of new conditions.

§206.3 As a condition of approval, the DRB may attach such additional reasonable conditions and safeguards, as it deems necessary to implement the purposes of the 24 VSA, Chapter 117, and this zoning bylaw.

§206.4 A change in use, expansion or contraction of land area, or alteration of structures or uses which are designated as conditional uses within the district in which they are located and are existing therein, prior to the effective date of this bylaw, shall conform to all regulations herein pertaining to conditional uses.

<u>§207 Application of District Regulations</u>

§207.1 Any "non-conforming use" or "non-conforming structure" as such terms are defined in 24 VSA, § 4408 existing on the effective date of this bylaw, may be continued indefinitely to the extent set forth in Article 4 of this bylaw. Otherwise, no building or land may hereinafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

§207.2 No building shall hereafter be erected or altered:

A. To accommodate or house a greater number of families, and/or;

B. To have narrower or smaller front, side or rear yards than is specified herein for the district in which such building is located.

§207.3 No part of a yard or other open space around any building required for the purpose of complying with the provisions of this bylaw shall be included as a yard or other open space similarly required for another building.

<u>§208 Lots Abutting Two or More Public Rights-of-Ways</u>

Proposed Amendments 6/21/18

Lots that abut on more than one street shall provide the required frontage along every street.

§209 Limitations on Municipal Bylaws

A. The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use. Except for state-owned and operated institutions and facilities, each of the land uses listed may be regulated for compliance with the National Flood Insurance Program and Article IV of this bylaw, Flood Hazard Regulations, provided these regulations shall not have the effect of interfering with the intended functional use:

(1) State- or community-owned and operated institutions and facilities.

(2) Public and private schools and other educational institutions certified by the state department of education.

(3) Churches and other places of worship, convents, and parish houses.

(4) Public and private hospitals.

(5) Regional solid waste management facilities certified under 10 V.S.A. chapter 159.

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

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

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

D. A bylaw under this chapter shall not regulate required agricultural practices and silvicultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets and the Commissioner of Forests, Parks and Recreation, respectively.

(1) For purposes of this section, "farm structure" means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in subdivision 6001(22) of Title 10, but excludes a dwelling for human habitation.

(2) A person shall notify a municipality of the intent to build a farm structure and shall abide by setbacks approved by the secretary of agriculture, food and markets. No municipal permit for a farm structure shall be required.

Proposed Amendments 6/21/18

(3) A municipality may enact a bylaw that imposes forest management practices resulting in a change in a forest management plan for land enrolled in the use value appraisal program pursuant to 32 V.S.A. chapter 124 only to the extent that those changes are silviculturally sound, as determined by the commissioner of forests, parks and recreation, and protect specific natural, conservation, aesthetic, or wildlife features in properly designated zoning districts. These changes also must be compatible with 32 V.S.A. § 3755.

E. A bylaw enacted under this chapter shall be subject to the restrictions created under section 2295 of this title, with respect to the limits on municipal power to regulate hunting, fishing, trapping, and other activities specified under that section.

F. Notwithstanding any provision of law to the contrary, a bylaw adopted under this chapter shall not prohibit or have the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources.

## Article III General Provisions

§301 Existing Small Lots

§301.1 Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of this bylaw, and thereafter, may be developed for the purposes permitted in the district in which it is located even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet.

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

A. The lots are conveyed in the preexisting, nonconforming configuration; and

B. On the effective date of any zoning regulations, each lot had been developed with a water supply and wastewater disposal system; and

C. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and

D. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both in case there is a failed system or failed supply as defined in 10 VSA, Ch.64.

§301.3 If subsequent to separate conveyance, as authorized under § 301.02 of this section, a wastewater system fails, the owner shall be required to obtain from the secretary of natural resources a wastewater permit as required under the State of Vermont subdivision regulations or a

Proposed Amendments 6/21/18

certification that the wastewater system has been modified or replaced, with the result that it no longer constitutes a failed system.

§302 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 the approval of the, DRB, access to such a road or waters by a permanent easement or right-of-way of at least fifty feet in width.

§303 Commercial Activities Conducted from Residences

For the purposes of regulating and restricting the encroachment of large scale commercial uses into predominantly residential neighborhoods, preserving the home occupation rights of home owners as protected under 24 VSA §4412(4), preserve the residential character of established neighborhoods and mitigate and control impacts of residential commercial uses on neighboring property owners and residents, the following classifications and use criteria are established in this subsection: Home Occupation, Residential Business or Service, and Cottage Industry. Home office uses that do not employ persons from outside the home, do not generate client traffic, do not generate delivery traffic in excess of regular parcel delivery service and are not advertised with signage are specifically exempt from these provisions and permit requirements.

§303.1 Home Occupations

In all districts where one-family dwellings are a permitted use, a home occupation shall comply with the following criteria:

A. The business or service shall be incidental to the use of the building as a residence. It shall not affect the character of the principal building as a dwelling or the character of the neighborhood.

B. The home occupation shall be conducted entirely within a minor portion of the livable floor space not to exceed 25% of the livable floor space of the dwelling. Family Child Care Homes serving six or fewer children as defined in §337 shall be explicitly exempt from this criterion. Exterior alteration of the dwelling to indicate its use as a home occupation is prohibited.

C. Open storage of materials of any kind related to the home occupation is prohibited.

D. Nuisances such as excessive noise, smoke, dust, odors, etc., shall not be produced.

E. No traffic or vehicle parking shall be generated greater than would be expected in the neighborhood.

F. The owner of a home occupation business operation shall reside in the dwelling that is the subject of the home occupation permit.

G. No more than one employee who does not reside in the dwelling shall be employed by a home occupation. The owner of the home occupation shall provide on-site parking for that employee.

Proposed Amendments 6/21/18

If an application meets these criteria the Administrative Officer shall issue the required permit. In the event that an application does not meet these criteria the Administrative Officer shall refer the application for conditional use review before the DRB, under §303.2 and §303.3 below, upon payment of fees for a public hearing. A sign up to twelve square feet to advertise the home occupation may be allowed as provided in §321(B).

§303.2 Residential Business or Service

In all districts where a permitted or conditional use, a residential business or service shall comply with the following criteria:

A. The residential business or service shall be incidental to the use of the building as a residence. It shall not affect the character of the principal building as a dwelling or the character of the neighborhood.

B. The residential business or service may be conducted from a portion of a dwelling not to exceed 50% of the livable floor space, or from an accessory structure; in no circumstance shall more than 25% of a residential lot be devoted to a residential business or service including; the footprints of the portions of all structures used for the residential business or service, any permitted open storage areas, and any required parking areas. Exterior alteration of the accessory structure or dwelling to indicate its use as a business or service is prohibited. Upon determination of the DRB bed and breakfast operations may be exempt from this criterion.

C. Upon site plan approval by the DRB, open storage of materials or inventory may be allowed if properly screened from view of neighbors and the public roadway.

D. Nuisances such as excessive noise, smoke, dust, odors, etc., shall not be produced.

E. Additional traffic generated by the residential business or service shall not place excessive increased demand on local roads and shall not have a negative impact on the residential character of the neighborhood.

F. The owner of a residential business or service shall reside in the dwelling that is the subject of the residential business or service conditional use permit.

G. No more than three employees who do not reside in the dwelling shall be employed by a residential business or service. The owner of the residential business or service shall provide on-site parking for all employees.

H. The owner of a residential business or service shall provide adequate on-site parking for clientele as determined by the DRB.

A sign up to twelve square feet to advertise the residential business or service may be allowed as provided in §321(B).

§303.3 Cottage Industry

Proposed Amendments 6/21/18

The term cottage industry is here used to describe home businesses that involve the manufacture of goods or the provision of services using: chemical processes; high heat; equipment or technique that produces high levels of sound or vibration; or produces emission of dust, smoke or odors. Examples of a cottage industry include but are not limited to commercial auto repair, black smithy, silk screen printing, firing of ceramics or pottery, welding, and commercial scale woodworking. In all districts where a conditional use, a cottage industry shall comply with the following criteria:

A. The cottage industry shall be incidental to the use of the building as a residence. It shall not affect the character of the principal building as a dwelling or the character of the neighborhood.

B. The cottage industry may use a minor portion of the dwelling not to exceed 20% of the livable floor space for office purposes, the manufacture of goods or the provision of services is to be conducted entirely within an accessory structure; in no circumstance shall more than 25% of a lot be devoted to a cottage industry including; the footprints of the portions of the dwelling and accessory structures used for the cottage industry, all areas used for open storage, and any required parking areas. Exterior alteration of the dwelling or the accessory structure to indicate its use as a cottage industry is prohibited.

C. Upon site plan approval by the DRB, open storage of materials or inventory may be allowed if properly screened from view of neighbors and the public roadway.

D. Neighboring properties and residents shall be protected from nuisances such as excessive noise, smoke, dust, heat, vibration, odors etc., by means deemed adequate by the DRB.

E. Additional traffic generated by the cottage industry shall not place excessive increased demand on local roads and shall not have a negative impact on the neighborhood.

F. The owner of the cottage industry shall reside in the dwelling that is the subject of the cottage industry conditional use permit.

G. No more than three employees who do not reside in the dwelling shall be employed by a cottage industry. The owner of the cottage industry shall provide on-site parking for all employees.

H. The owner of a cottage industry shall provide adequate on-site parking for clientele as determined by the DRB.

A sign up to twelve square feet to advertise the cottage industry may be allowed as provided in §321(B).

<u>§304 Lots in Two Zoning Districts</u>

Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than thirty feet into the

Proposed Amendments 6/21/18

more restricted part, provided the lot has frontage on, or approved access to a public road or waters in the less restricted district.

§305 Principal Buildings Including Dwellings on Lots

There shall be only one principal building on a lot.

§306 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.

§307 Required Area or Yards

Space required under this bylaw to satisfy front, side or rear yard setback requirements in relation to one building shall not be counted as part of a required yard for any other building.

§308 Yards on Corner Lots

Any yard adjoining a street shall be considered a front yard for the purposes of this bylaw.

§309 Projections into Required Yards

All structures, other than steps, landings less than 25 square feet, and wheel chair ramps, whether attached to the principal structure or not, and, whether open or enclosed including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front, side, or rear yard.

§310 Location of Driveways

All driveways are to be located at least seventy-five feet from highway rights-of-way line intersections for all uses.

§311 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.

§312 Collapsed or Burned Buildings and Structures

No owner or occupant of land in any district shall permit a demolished, collapsed or burned building to remain as such, but within one year shall remove the building or structure and clear the site to ground level, or shall repair, rebuild or replace the building or structure. The Administrative Officer may grant an extension of one year to meet this requirement.

Proposed Amendments 6/21/18

§313 Obstruction of Vision

There shall be no obstructions, such as vegetation, fences, and signs, within the road right –of-way. On a corner lot regardless of the district, within the triangular area formed by the intersection of the rights-of-way line intersections and a third line joining them at points twenty-five feet away from their intersection, there shall be no obstruction to vision between the height of one foot and ten feet above the average grade of each street.

§314 Height Regulations

With the exception of farm structures, church steeples, and telecommunication towers, no structure shall exceed a height of 40 feet above the average ground level unless approved by the DRB. The DRB may authorize a greater height in any district, providing such an increase will not be disruptive to its surroundings and providing it does not constitute a hazard. Heights of renewable energy resource structures. The height of wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high, any of which are mounted on complying structures, shall not be regulated, unless the bylaws provide specific standards for regulation. In addition, the regulation of antennae that are part of a telecommunications facility, as defined in 30 V.S.A. § 248a, may be exempt from review under this chapter according to the provisions of that section.

§315 Private Swimming Pools

All in-ground swimming pools shall be enclosed by a 5-foot high fence designed and built in a manner that will make it difficult to climb.

§316 Auto Service Stations and Repair Facilities

In addition to the district regulations, all auto service stations and repair facilities shall comply with the following requirements:

§316.01 Lot area and dimensional requirements

A. Lot size shall be at least two acres.

B. Lot frontage shall be at least 200 feet. Minimum lot line setbacks - 50 feet.

C. Lot depth shall be at least 125 feet.

D. Pumps, lubricating and other service devices shall be located at least 50 feet from front, side and rear lot lines.

E. All fuel and oil shall be stored at least fifty feet from any property line.

§316.02 An auto service station lot shall not be located in a Source Protection Area of any public water supply, or within three hundred feet of any lot occupied by a school, hospital, library, or religious institution.

Proposed Amendments 6/21/18

§316.03 All automobile parts and dismantled vehicles are to be stored within a building, and no major repair work is to be performed outside a building.

§316.04 No signs shall extend more than ten feet beyond the pumps on the street side nor exceed fifteen feet in height.

§316.05 There shall be no more than two access driveways from the road. The maximum width of each access driveway shall be 40 feet. The location of the driveway shall comply with §310.

§316.06 A suitably curbed and landscaped area shall be maintained at least 5 feet in depth along all road frontage not used as driveway.

§317 Off-Street Loading

Off-street loading spaced logically, conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, shall be provided for all commercial and industrial uses. Required off-street loading space is not to be used as off-street parking space. Off-street loading spaces shall be at least twelve feet wide, fifty-five feet long and have an overhead clearance of fourteen feet.

§318 Off Street Parking

Off street parking spaces shall be provided in accordance with the specifications of this section in any district whenever any new use is established or existing use is enlarged, unless in the determination of the DRB a lesser amount of parking spaces may be allowed as long as such decrease does not interfere with the convenience of the public.

Number Of Parking Spaces Required

| | |
|---|---|
| A. 1 per 3 seats in assembly room | F. 1.5 per lodging unit |
| B. 1 per 75 sq. ft. of floor area | G. 2 per dwelling unit |
| C. 1 per 200 sq. ft. of floor area | H. 1.5 per 4 seats |
| D. 1 per 500 sq. ft. of floor space | I. 1.5 per bed |
| E. 1 per campsite + 5 | J. As required by the DRB |

Spaces Required Per Key Above

| | |
|---|---|
| Accessory use/structure J | Membership club A |
| Agriculture J | Mobile home park G |
| Auto sales/service J | Motel F |
| Auto service station J | Neighborhood retail store B |
| Bank C | Office C |
| Campground E | Personal service B |
| Cemetery J | Private club A |
| Church A | Public assembly use A |
| Contractor's yard J | Public facility C |
| Correctional facility I | Recreation A |
| Dwelling, multi-family G | Research/testing labs C |

Proposed Amendments 6/21/18

| | |
|---|---|
| Dwelling, single family G | Residential business B |
| Dwelling, two family G | Restaurant H |
| Earth resources extraction J | Retail sales B |
| Essential service J | School A |
| Forestry J | Telecommunication towers J |
| Home occupation C | Trucking terminal D |
| Hospital I | Warehouse/storage units D |
| Lodging house F | Wholesale sales B |
| Manufacturing D | |

When being expanded, existing non-conforming uses shall provide parking as required by the DRB.

§319 Screened Service Area Requirements

In any district all areas designated, used or intended to be used as service areas for any building or land use, other than one family and two family dwelling units, shall be screened from view with either a wall, a solid fence or a fence of evergreens at a height of at least five feet above grade level, on all sides where the adjacent land is in a residential district or is in residential use.

§320 Non-conformities

§320.1 Construction Approved Prior to Amendment of Bylaw Permits issued under the March 7, 2000 Waterford Zoning Bylaw that are valid on the effective date of this Bylaw may be utilized even if such permits result in structures and/or uses considered non-conforming under the requirements of this Bylaw. In addition, nothing contained herein shall require any changes to the plans or construction of previously permitted structures and/or uses. However, such structures and/or uses shall be established within the permit's effective period of two years. Applications to renew expired permits issued under the March 7, 2013 Waterford Zoning Bylaw will not be approved unless the structure and/or use for which the original permit was issued complies with the requirements of this Bylaw.

§320.2 Non-conforming Uses In accordance with Title 24 VSA 4412(7)~~4408~~, the following provisions shall apply to all non-conforming uses existing on the effective date of this bylaw. Any non-conforming use of structures or land, except those specified below, may be continued indefinitely, but:

A. A non-conforming use may not be changed to another non-conforming use without conditional use approval being granted by the DRB, and then only if the DRB finds the proposed use more appropriate in the zoning district than the previous use.

B. The expansion of a non-conforming use must receive approval as a conditional use from the DRB prior to the issuance of a zoning permit by the Administrative Officer;

Proposed Amendments 6/21/18

C. A non-conforming use may not be resumed once it has been discontinued for a period in excess of two (2) years.

§320.3 Non-conforming Structures and Lots In accordance with Title 24 VSA, § 4412(7), the following provisions shall apply to all nonconforming structures. Any non-conforming structure or lot, except those specified below, may be continued indefinitely but:

A. A non-conforming structure may not be enlarged or changed in a manner that increases its degree of non-conformance.

B. The use conducted within a non-conforming structure or on a non-conforming lot may not be changed to another use that would increase the structure's degree of non-conformance.

C. A non-conforming structure damaged or destroyed by fire, collapse, explosion, normal deterioration or other peril may be repaired or completely reconstructed if such repair or reconstruction is completed within two (2) years of the date of damage, destruction or observance of deterioration.

D. A non-conforming structure may not be reconstructed once it is completely or substantially removed voluntarily.

E. Nothing contained in this section regarding the use of non-conforming lots shall restrict the right conferred by § 301 of this bylaw to develop and use an existing small lot.

<u>§321 Signs</u>

Signs, as defined in Article 5, are specifically prohibited except as provided herein:

A. All signs must be constructed of durable materials and shall be maintained in good condition and repair at all times.

B. In any residential district, a sign not exceeding twelve square feet of surface area per side is permitted which announces the name, address, profession, residential business or home occupation of the occupant of the premises on which said sign is located.

C. A bulletin board not exceeding twenty-four square feet of surface area, in connection with any church, school or similar public structure.

D. A temporary real estate or construction sign, not exceeding twenty-four square feet of surface area, on the property being sold, leased, or developed. Such sign shall be removed promptly when it has fulfilled its function.

E. A business sign in connection with any legal business or industry located on the same premises and meeting the following requirements:

(1) Two signs are permitted for any legally established business, one free standing, the other attached to the building.

Proposed Amendments 6/21/18

(2) Signs shall not extend above the roof or parapet of the building. The height of a freestanding sign shall not exceed 15 feet.

(3) Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon or from within the sign itself.

(4) Signs which are animated, flashing, or with intermittent illumination are prohibited.

(5) Signs shall not project over public rights-of-way or property lines.

(6) Maximum square footage of any sign shall be 100 square feet or a total of one hundred-fifty square feet for the two signs.

(7) Signs shall meet side yard setbacks and rear yard setbacks of the zone in which the sign is located.

§322 Extraction of Soil, Sand, or Gravel

In any district where permitted as a conditional use, 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 the DRB's approval of a plan, after a public hearing, for the rehabilitation of the site. In any district, the following provisions shall apply:

A. Before approval of any new 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 the public safety and general welfare. The owner shall submit a plan of proposed improvements to accomplish this end.

B. The removal of all material shall be conducted so as to result in the improvement of the land, giving due regard to the contours in the vicinity, such as leveling slopes and removing hills. Vegetation sufficient to prevent erosion shall be installed to the satisfaction of the Administrative Officer.

C. Stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited.

D. The DRB may attach any additional conditions, as it may find necessary for the safety and general welfare of the public.

§323 Landscaping Requirements

Landscaping, where required under this bylaw to be installed and maintained in front, side and rear yards, shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas and ground cover. All such landscaping shall be maintained in healthy, growing condition, with ground cover or grassed area. Following are the minimum landscaping requirements:

Proposed Amendments 6/21/18

A. Where any land use in non-residential districts abuts land in any residential district, a strip of land, at least twenty-five feet in width shall be maintained as a landscape and utility area in the front, side and rear yards which adjoin these other districts.

B. Where any non-residential land use in a residential district abuts any land use in a residential district, a strip of land at least fifteen feet in width shall be maintained as a landscape and utility area in the front, side and rear yards which adjoin these uses.

C. In a village district, a strip of land at least five feet in width shall be maintained as a landscape and utility area in the front, side and rear yards.

D. In an industrial district each industrial lot or use shall have a strip of land at least fifteen feet in width in the front yard and at least five feet in width in the rear and side yards, which shall be maintained as a landscape and utility area.

E. The requirements of this section may be waived by the DRB.

§324 Grading

No grading, cut, or fill shall be carried out in any district, which leaves the slope of the finished grade in excess of a two to one slope.

§325 Fences to Excavations

Excavations with slopes exceeding two to one shall be protected from encroachment by a fence at least four (4) feet in height.

§326 Primitive Camps

Primitive camps using outdoor privies are allowed under the following circumstances:

A. Must meet the state definition of primitive camp.

(1) Shall not have plumbing more elaborate than a kitchen sink.

(2) Shall not be inhabited more than six weeks a year (42 days) and no more than three weeks (21 days) continuously.

B. Must be located on a parcel not less than ten acres in area.

C. The camp and outdoor privy shall be located at least 500 feet from all property lines.

§327 Recreational Vehicles and Campgrounds

§327.01 Recreational Vehicles. It shall be unlawful for any person to park a recreational vehicle on any public or private property, except in accordance with the regulations as follows:

A. In an approved campground.

B. In an approved recreational vehicle sales lot.

Proposed Amendments 6/21/18

C. Any property owner may park his recreational vehicle, or that of a visitor, on his own property, provided the vehicle is parked to meet front, rear, and side yard setbacks for the zone it is located in. A recreational vehicle so parked shall not be used as living quarters for more than 28 cumulative nights in any calendar year.

§327.02 Campgrounds. It shall be unlawful for any person to construct, enlarge, maintain, or operate any campground unless he or she or any firm holds a valid permit issued by the Administrative Officer. The issuance of a permit shall require conditional use approval by the DRB. The following standards shall apply with respect to all campgrounds:

A. Applications for permits shall be made in writing, signed by the applicant who shall file with the application proof of ownership of the premises or of a lease or written permission from the owner thereof together with a complete set of plans drawn to scale, showing:

(1) The location of the proposed campground.

(2) The areas and dimensions of the tract of land.

(3) The maximum number, location and size of all campsites.

(4) The location of any existing buildings and any proposed structures.

(5) The location and width of access driveways, roadways, parking areas, walkways, and turnarounds.

(6) The location of electrical, water, storm drainage and sewer lines and the sewage disposal systems.

(7) A contour map showing the proposed grading of the campground.

B. The DRB may require a performance bond from the operator of the campground to assure that the campground is constructed and maintained in a satisfactory manner. The DRB may require any other improvements deemed necessary.

C. Campground requirements.

(1) Area and Dimensional Requirements.

a. A campground shall have an area of not less than 10 acres.

b. Campgrounds shall provide for individual campsites, access driveways, and parking.

c. Each campsite shall be at least 1,800 square feet in area, at least 30 feet in width and include an area at least 10 feet wide and 20 feet long covered with a layer of compacted gravel 12 inches deep.

d. All access driveways within a campground shall have a right-of-way at least thirty feet in width and have a compacted gravel surface at least twenty feet in width.

Proposed Amendments 6/21/18

e. No campsite or service building shall be closer to any public street right-of-way line than eighty feet or closer to any property line than fifty feet.

(2) Landscaping shall be provided as required in § 323 of this bylaw.

(3) Utilities

a. An electrical source supplying at least 50 amps, 110 volts with weatherproof electrical outlets shall be provided for each campsite. The installation shall comply with all applicable laws and regulations.
b. An accessible, adequate, safe and potable supply of water shall be available at each campsite.
c. Every campground shall have a dumping station for sewage disposal meeting applicable state and local laws and regulations.
d. Provisions for the disposal of solid waste shall be made.

(4) Each campground shall provide one or more service buildings in accordance with the following specifications:

a. Flush-type toilets shall be placed in buildings that are not more than a maximum distance of 300 feet from any campsite nor less than 15 feet from any campsite. No service building shall be located within 80 feet of any public street or highway. Separate toilets shall be provided for males and females.
b. Each room of the building that is accessible by the campground's guests shall be illuminated with a light intensity of 2 watts per square foot of floor area.
c. The building shall be a permanent structure sheathed with impervious material, adequately ventilated and with all openings to the outside effectively screened, and supplied with a floor drain.
d. Toilet rooms shall contain one lavatory with hot and cold running water for each two toilets, but in no case shall any toilet room be without one lavatory with hot and cold running water.
e. Each service building shall have heating facilities to maintain a minimum temperature of 60 degrees F.
f. Each service building shall have two showers with hot and cold running water for every ten campsites.

327.03 Recreational vehicles that are part of traveling circuses, fairs, carnivals, etc. may secure a temporary permit not to exceed 21 days.

<u>§328 Mobile Home Parks</u>

Proposed Amendments 6/21/18

The following requirements shall apply with respect to mobile home parks:

328.1 Area and dimensional requirements:

A. A mobile home park shall have an area of not less than 10 acres.

B. A mobile home shall be located on the mobile home space so that it is at least twenty feet from the right-of-way of the access driveway and ten feet from any other lot line of the mobile home space.

C. No mobile home office or service building shall be closer to a public street right-of-way line than eighty feet, nor closer to a property line than fifty feet.

328.2 Mobile home parks shall provide for individual mobile home spaces, access driveways, parking and recreation open space as follows:

A. Each mobile home space shall be at least 8,000 square feet in area, and at least sixty feet wide by at least one hundred and twenty feet in depth, and shall front on an access driveway.

B. A suitable non-porous pad shall be provided on each mobile home space.

C. All roads within a mobile home park shall have a right-of-way at least fifty feet in width and have a surface of treated compacted gravel at least twenty-four feet in width and twelve inches in depth. All weather walkways shall be provided.

D. Two parking spaces with a compacted gravel surface twelve inches in depth, each ten feet wide by twenty-two feet long, shall be provided for each mobile home space.

E. Mobile home parks shall provide at least ten percent of the total area for recreation and other open space purposes.

328.3 Utilities

A. Each mobile home space shall have an attachment for water supply that is adequate, safe and potable.

B. Each mobile home space shall have an attachment for sewage disposal. The sewage disposal system shall not be located on the mobile home space unless the mobile home space is at least one acre in size.

C. Provisions for disposal of household garbage and rubbish shall be made.

Proposed Amendments 6/21/18

D. An electrical source supplying at least 100 amps, 220 volts, shall be provided for each mobile home space. Such electrical outlets shall be weatherproof. The use of underground utility installation shall be required unless waived by the DRB.

§328.4 Landscaping shall be provided as required under §323.

§329 Performance Standards

In accordance with 24 VSA, § 4414(5), in all districts the following performance standards together with all applicable state standards must be met. The DRB shall decide whether proposed uses meet the standards. No use shall:

§329.1 Emit noise in excess of 70 decibels on a one-hour average and/or spontaneous levels of 100 decibels according to an "A" frequency weighting, at the property line.

§329.2 Emit any noxious gases, odor, dust, liquid or substance which endangers the health, comfort, safety or welfare of any person, or which has a tendency to cause injury or damage to property, business or vegetation, or which unreasonably interferes with the use of other property.

§329.3 Emit any smoke in excess of Ringleman Chart No. 2.

§329.4 Cause, as a result of normal operations, a vibration that creates displacement of 0.002 of one inch.

§329.5 Create lighting or signs that create glare, which could impair the vision of a driver of any motor vehicle.

§329.6 Cause any condition that violates Vermont Occupational Safety and Health Administration (VOSHA) regulations.

§330 Discontinuance of Use

Any use that has been discontinued for a period of 2 years or more shall not be resumed without a zoning permit. Intent to resume a discontinued use after such 2-year period shall not confer the right to do so. Dwelling unit and agricultural uses are exempt from any time period.

§331 Septic Systems

The State of Vermont regulates all on-site septic systems. All lots shall have a system designed by a certified engineer or a state certified site technician before building construction can commence except where exempted for primitive camps. The person or persons designing the system shall inspect and approve the system before it is buried or covered, and shall file a form verifying these facts with the town clerk.

Proposed Amendments 6/21/18

§332 Access to Public Rights-of-Way

Prior to construction of any driveway or other private access to a public right-of- way, the landowner shall obtain the approval of the Board of Selectmen or their duly appointed agent as authorized by 19 VSA, § 1111.

§333 Steep Slopes

Development is prohibited on slopes equal to or greater than 25%. Development on slopes equal to or greater than 15%, or which results in such slopes, shall be subject to conditional use review and the following provisions:

(1)The zoning permit application shall include contour intervals of five (5) feet or less, slope profiles showing existing gradients and proposed cut and fill sections, and a stormwater management and erosion control plan, prepared by a qualified professional, that covers all phases of development (site preparation, construction, post construction).

(2) Development shall be sited and constructed, and slopes stabilized in accordance with accepted engineering and best management practices for stormwater management and erosion control to: (a) prevent runoff, erosion, slumps, and other down slope movements of material, and (b) minimize associated risks to surface and ground waters, public facilities and roads, and neighboring properties.

(3) Development, including road and utility corridors, shall be sited and designed to minimize visual impacts from public vantage points. The use of landscaping and natural screening materials is encouraged, and may be required to lessen the visual impact of such development.

§334. Required Buildable Area for all Lots.

Individual lots in all zoning districts shall contain a minimum contiguous and accessible Buildable Area (see definition in Article VII) comprising at least 22,500 square feet (approximately ½ acre) contained within a square with sides equal to one hundred fifty (150) feet; or an equivalent sized rectangle with the shortest side not less than one hundred twenty-five (125) feet.

§335 Accessory Dwellings

In accordance with Ch. 117, Section 4412(E), one accessory dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling shall be considered a permitted use. An accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

(1) The property has sufficient wastewater capacity.

Proposed Amendments 6/21/18

(2) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
(3) Applicable setback, coverage, and parking requirements specified in the bylaws are met.
(4) Conditional use review shall be required for one or more of the following that is involved in creation of an accessory dwelling unit:
(a) a new accessory structure;
(b) an increase in the height or floor area of the existing dwelling; or
(c) an increase in the dimensions of the parking areas.

§336 Residential Care or Group 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 V.S.A. § 4501, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home.

§337 Child Care Facilities

A "family child care home or facility" as used in this subdivision means a home or facility where the owner or operator is to be licensed or registered by the state for child care. A family child care home serving six or fewer children shall be considered to constitute a permitted single family residential use of property. A family child care home serving no more than six full-time children and four part-time children, as defined in subdivision 33 V.S.A. § 4902(3)(A), shall be considered to constitute a permitted use of property but shall require site plan approval based on local zoning requirements. A family child care facility serving more than six full-time and four part-time children shall be subject to all applicable municipal bylaws.

Proposed Amendments 6/21/18

# ARTICLE IV FLOOD HAZARD REGULATIONS

§401 Statutory Authorization and Effect

In accordance with 10 V.S.A. Chapter 32, and 24 V.S.A. Chapter 117 §4424, §4411 §4414, and 24 VSA Chapter 59, there is hereby established a bylaw for areas at risk of flood damage in the Town of Waterford, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 VSA Chapter 117.

§401.1 Statement of Purpose

It is the purpose of this Article to:

A. Implement the goals, policies, and recommendations in the current municipal plan;

B. Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding related inundation and erosion;

C. Ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair stream equilibrium, flood plain services, or the stream corridor;

D. Manage all flood hazard areas designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan; and make the Town of Waterford, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

§401.2 Other Provisions

A. Precedence of Bylaw: the provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction the provisions here shall take precedence.

B. Validity and Severability: if any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.

C. Warning of Disclaimer of Liability: this bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This regulation shall not create liability on the part of the Town of Waterford, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

Proposed Amendments 6/21/18

§401.3 Lands to which these Regulations Apply

A. Regulated Flood Hazard Areas: these regulations shall apply to the River Corridors and Special Flood Hazard Areas (hereafter called "hazard areas") in the Town of Waterford, Vermont as described below. These hazard areas overlay any other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. These hazard areas include:

(1) The River Corridors as published by the Vermont Agency of Natural Resources including the Statewide River Corridors and refinements to that data based on field-based assessments which are hereby adopted by reference. Where River Corridors are not mapped, the standards in VII C shall apply to the area measured as fifty (50) feet from the top of the stream bank or slope.

(2) The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.

B. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas: where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits *have not* been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

C. Interpretation: The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

(1) If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Zoning Administrator (ZA). If the applicant disagrees with the determination made by the ZA, a Letter of Map Amendment (LOMA) from FEMA shall constitute proof.

(2) If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary shall be determined by the ZA. If the applicant disagrees with the determination made by the ZA, a letter of determination from the Vermont Agency of Natural Resources shall constitute proof.

Proposed Amendments 6/21/18

§402 Summary Table: Development Review in Hazard Areas

The hazard areas are not appropriate sites for new structures nor for development that increases the elevation of the base flood or obstructs the ability of streams to establish and maintain geomorphic equilibrium.

| # | Activity | Hazard Zone | | |
|---|---|---|---|---|
| | **P** Permitted<br>**C** Conditional Use Review<br>**X** Prohibited<br>**A** Exempted | **Special Flood Hazard Area** | **Floodway** | **River Corridors** |
| 1 | New Structures | X | X | X |
| 2 | Storage | X | X | X |
| 3 | Improvements to Existing Structures | P, C | C | C |
| 4 | Small Accessory Structures | P | X | C |
| 5 | At Grade Parking | P | C | C |
| 6 | Replacement water supply or septic systems | C | C | C |
| 8 | Fill as needed to elevate existing structures | C | C | C |
| 9 | Fill | X | X | X |
| 12 | Grading | C | C | C |
| 13 | Road maintenance | A | A | A |
| 14 | Road improvements | C | C | C |
| 15 | Bridges and culverts | C | C | C |
| 16 | Channel management | C | C | C |
| 17 | Recreational vehicles | P | P | P |
| 18 | Open space, recreation | A | A | A |
| 19 | Forestry | A | A | A |
| 20 | Agriculture | A | A | A |

§403 Development Review in Hazard Areas

A. Permit: a permit is required from the Administrative Officer for all development in all areas defined in Article IV. Development that requires conditional use approval, non-conforming use approval, or a variance from the Development Review Board (DRB) under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the ZA. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in §404. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

B. Permitted Development: for the purposes of review under these regulations, the following development activities in the Special Flood Hazard area where outside of the floodway and outside of the River Corridors, and meeting the Development Standards in Section , require only an administrative permit from the ZA:

(1) Non-substantial improvements;
(2) Accessory structures;

Proposed Amendments 1/18

(3) Development related to on-site septic or water supply systems;
(4) Building utilities;
(5) At-grade parking for existing buildings; and,
(6) Recreational vehicles.

C. Prohibited Development in Special Flood Hazard Area and River Corridors:

(1) New residential or non-residential structures (including the placement of manufactured homes);
(2) Storage or junk yards;
(3) New fill except as necessary to elevate structures above the base flood elevation;
(4) Accessory structures in the floodway;
(5) Critical facilities are prohibited in all areas affected by mapped flood hazards; and,
(6) All development not exempted, permitted, or conditionally permitted.

D. Conditional Use Review: conditional use review and approval by the DRB, is required prior to the issuance of a permit by the ZA for the following proposed development:
(1) Substantial improvement, elevation, relocation, or flood proofing of existing structures;
(2) New or replacement storage tanks for existing structures;
(3) Improvements to existing structures in the floodway;
(4) Grading, excavation; or the creation of a pond;
(5) Improvements to existing roads;
(6) Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
(7) Public utilities;
(8) Improvements to existing primary structures in the River Corridors that do not expand the footprint of the existing structure more than 500 square feet;
(9) Accessory structures in the River Corridors, of 500 square feet or less, that represent a minimal investment;
(10) Building utilities in the River Corridors; and,
(11) At-grade parking for existing buildings in the River Corridors.

E. Exempted Activities: the following are exempt from regulation under this bylaw:

(1) The removal of a building or other structure in whole or in part;
(2) Maintenance of existing roads and storm water drainage;
(3) Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,
(4) Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Accepted Agricultural Practices (AAP). Prior to the construction of farm structures the farmer must notify the ZA in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

F. Variances: variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. §4469, §4424 (E), and 44 CFR Section 60.6, after a public hearing noticed as described in Section:

Proposed Amendments 6/21/18

(1) A variance for development within the River Corridors may be allowed if, based on a review by VT ANR, it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse;
(2) Any variance issued in the Special Flood Hazard Area will not increase flood heights, and will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as $25 for $100 of coverage. Such notification shall be maintained with a record of all variance actions.

G. Nonconforming Structures and Uses: the DRB may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a flood hazard area provided that:

(1) The proposed development is in compliance with all the Development Standards in Section of this bylaw;
(2) A nonconforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program;
(3) Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months; and
(4) An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured homes must be placed so as to meet the development standards in this bylaw.

§404 Development Standards

The criteria below are the minimum standards for development in the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

§404.1 Special Flood Hazard Area

A. All development shall be:

(1) Reasonably safe from flooding;
(2) Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
(3) Constructed with materials resistant to flood damage;
(4) Constructed by methods and practices that minimize flood damage;
(5) 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;

Proposed Amendments 6/21/18

(6) Adequately drained to reduce exposure to flood hazards;
(7) Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
(8) Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

B. In Zones AE, AH, and A1 – A30 where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer.

C. Structures to be substantially improved in Zones A, A1-30, AE, and AH shall be –located such that the lowest floor is at least one foot above base flood elevation. This shall be documented, in as-built condition, with a FEMA Elevation Certificate. Non-residential structures to be substantially improved shall:

(1) Meet the standards in A. 3 above; or,
(2) Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
(3) A permit for flood proofing shall not be issued until a licensed 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.
(4) Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.

D. Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding, shall:

(1) Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits;
(2) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters;
(3) Such designs must be certified by a licensed professional engineer or architect, or meet or exceed the following minimum criteria;

a. A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

Proposed Amendments 6/21/18

b. The bottom of all openings shall be no higher than one foot above grade.
c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

E. Recreational vehicles must be fully licensed and ready for highway use;

F. A small accessory structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in D (above).

G. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

H. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

I. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

J. The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;

K. Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.

L. Subdivisions and Planned Unit Developments must be accessible by dry land access outside the special flood hazard area.

M. Existing buildings, including manufactured homes, to be substantially improved in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the community's FIRM, or at least two feet if no depth number is specified.

§404.2 Floodway Areas

A. Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a licensed professional engineer, certifying that the proposed development will:

(1) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
(2) Not increase any risk to surrounding properties, facilities, or structures from erosion

Proposed Amendments 6/21/18

or flooding.

B. Public utilities may be placed underground, and the analyses may be waived, where a licensed professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

§404.3 River Corridors

A. Improvements to existing structures, and any associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area shall not decrease the distance between the existing primary building and the top of bank;

B. Accessory structures may be located within 50 feet of the existing primary building provided that the location does not decrease the distance between the existing primary structure and the top of bank.

C. Development shall not increase the susceptibility of that or other properties to fluvial erosion damage;

D. Development shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion;

E. Development shall not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.

F. Bridge and culvert projects must have a Stream Alteration Permit; and

G. Channel management activities must be authorized by the Agency of Natural Resources.

§405 Administration

A. Application Submission Requirements applications for development shall include:

(1) Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, River Corridors, the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
(2) A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the ZA and attached to the permit before work can begin;

Proposed Amendments 6/21/18

B. Referrals:

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

C. Decisions: the DRB shall consider comments from the NFIP Coordinator at ANR. The DRB may recess the proceedings on any application pending submission of additional information.

D. Records: the Administrative Officer shall properly file and maintain a record of:

(1) All permits issued in areas covered by this bylaw;
(2) An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the Special Flood Hazard Area;
(3) All flood proofing and other certifications required under this regulation; and,
(4) All decisions of the DRB (including variances and violations) and all supporting findings of fact, conclusions and conditions.

§406 Certificate of Compliance

In accordance with Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area or River Corridors until a certificate of compliance is issued therefore by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of these bylaws. A certificate of compliance is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw. Within 14 days of the receipt of the application for a certificate of compliance, the ZA shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and all that all work has been completed in conformance with the zoning permit and associated

Proposed Amendments 6/21/18

approvals. If the ZA fails to grant or deny the certificate of compliance within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a Certificate of Compliance cannot be issued, notice will be sent to the owner and copied to the lender.

§407 Enforcement and Penalties

A. This bylaw shall be enforced under the municipal zoning bylaw in accordance with 24 VSA Chapter 117 §4451, §4452 and 24 VSA Chapter 59 §1974a, A copy of the notice of violation will be mailed the State NFIP Coordinator.

B. If any appeals have been resolved, but the violation remains, the ZA shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to §1316 of the National Flood Insurance Act of 1968, as amended.

C. Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. §4812.

Proposed Amendments 6/21/18

# ARTICLE V SUBDIVISIONS

## §501 Subdivision Approval Procedures

Minor Subdivision Application Procedures: (three or fewer lots, ~~characterized by lot counts below the trigger for Act 250 permitting~~, that lack complicated site conditions and involve relatively simple access and easement arrangements).

Sketch Plan Phase (discussion): Initial meeting with Development Review Board (DRB) and classification of project.

Within 180 days after initial sketch plan discussion: final plan/plat submission for public hearing.

Within 30 days after final plan submittal: DRB Public Hearing (including written evidence of approval by all governmental agencies where approval is required by statute or administrative procedure).

Within 45 days after adjournment of the Public Hearing: Notice of Decision issued by DRB.

Within 180 days after DRB approval: Plat recording mylar is delivered to the Zoning Administrator.

On completion: Submission of as-built drawings, if applicable.

Major Subdivision Application Procedures: (four or more lots, or requiring any new road in excess of 800 feet in length, or any commercial, industrial or commercial recreational project, multifamily housing project, planned residential development or planned unit development, or a series of minor subdivisions).

Sketch Plan Phase (hearing): Initial public hearing with Development Review Board (DRB) and classification of project.

Within 180 days after initial public hearing: Preliminary Plan Application.

Within 45 days after preliminary plan application: second Public Hearing.

Within 180 days after preliminary plan approval: Final Plan Application.

Within 30 days after final plan application: Final Public Hearing (including written evidence of approval by all governmental agencies having jurisdiction over the project).

Within 45 days after Final Public Hearing: Notice of Decision by the DRB.

Within 180 days after DRB approval: Plat recording mylar is delivered to the Zoning Administrator.

§501.1 Sketch Plan Phase

The sketch plan phase is an informal presentation to the Development Review Board and is not a warned public hearing. A sketch plan presentation enables the DRB and the applicant to discuss site features, lot

Proposed Amendments 6/21/18

layouts, roads and maintenance arrangements and agreements in a give and take conversation. It is designed to give the subdivider informed knowledge of the expectations of the DRB in the public hearing stages of the application. While a scale drawing is not required for a sketch plan presentation, the map presented should be sufficiently accurate to determine the relative sizes of the lots, indicate all rights of way, major natural or man-made features and all property lines. A sketch plan is required for all major and minor subdivision applications, is highly recommended for lot line adjustments, and is optional for annexations. At the conclusion of the sketch plan discussion, the DRB may:

A. Recommend further discussion at the sketch plan level. The subdivider, however, retains the right to make application for a preliminary review hearing;

B. Refer major subdivision proposals to preliminary hearing; where found useful, may refer both minor subdivision and lot line adjustments to a preliminary hearing;

C. Refer minor subdivision proposals, lot line adjustments and annexations directly to a final approval hearing.

§501.2 Preliminary Approval

The preliminary approval takes place in a warned public hearing conducted per public hearing procedures as specified in §. The purpose of the preliminary approval is to ensure issues discussed in the sketch plan phase have been addressed, other state and local permits which may be required are in process or have been obtained, and identify other deficiencies to be addressed for final approval. At the conclusion of the preliminary approval hearing, the DRB may:

A. Recess the hearing to a date certain to generate further information or plat elements;

B. Refer the application to a final approval hearing.

§501.3 Final Approval

The final approval takes place in a warned public hearing conducted per public hearing procedures as specified in §. This is the final public hearing for major subdivision proposals and the plat as presented shall meet all requirements per this article and be ready for acceptance as a mylar printed plat. At the conclusion of a final approval hearing, the DRB may:

A. Recess the hearing to a date certain to allow submission of an acceptable plat as required by this Article, or to conform to DRB conditions;

B. Accept the plat and sign any presented mylar;

C. Accept the plat and require the submission of a mylar for signing within 180 days of the closing of the hearing.

§501.4 Plat Signing

The plat mylar shall be submitted within 180 days of approval by the Development Review Board. Before a plat mylar is recorded, it shall be inspected by the DRB to ensure it complies with the final approval map. The mylar shall be no greater than 24”x18” in dimension. This plat mylar shall then be stamped with an ink stamp provided for this purpose and signed by two members of the DRB, certifying compliance with the

Proposed Amendments 6/21/18

final approval. The plat mylar must be submitted within 180 days of the close of the final approval hearing or the approval is void per VSA T.24§4418.

**§502 Plat Submission Requirements**

Submission requirements are determined by classification as either major or minor subdivisions. Major subdivisions by definition are subject to the full requirements of this Article and classification as such can be triggered by the Development Review Board when it is found that site conditions (e.g. topography, slope, soils, wetlands, etc.) require greater definition, or at any time an Act 250 Land Use Permit is required by the Agency of Natural Resources. Minor subdivisions are characterized by lot counts below the trigger for Act 250 permitting, they lack complicated site conditions and involve relatively simple access and easement arrangements.

§502.1 General Requirements

All submitted plats shall conform to the following standards and requirements:

A. The submittal shall be made in three copies.

B. Maps shall be at a scale to make all site features clearly legible, include boundaries of the subdivision parcel(s), date, true north point, and scale.

C. A completed subdivision permit application form obtainable from the Zoning Administrator or available on the Waterford town website.

D. All supplemental information requested by the DRB from the sketch plan (discussion) phase.

E. Description of the proposed water supply. If source is an existing community water supply system, evidence of the right to use such system and the adequacy of such a system to meet water supply requirements shall be shown. All design criteria shall be in accordance with applicable State and local health regulations.

F. Description of the proposed sewage disposal system(s). If on-site sewage disposal is proposed, a registered professional engineer's or certified site technician's report and plans prepared in conformance with State and local health regulations shall be submitted. If a community sewage disposal system is to be used, evidence of the right to use such system and an engineer's statement of the adequacy of the system to handle the additional sewage shall be submitted.

G. All existing and proposed right of way lines, widths of roads, typical road profiles, and dimensions of all lot lines and size of all lots, locations of all buildings, walkways, amenities, utilities, and other man made improvements.

H. A description of any proposed covenants and/or deed restrictions which are intended to cover all or part of the subdivision.

I. A description of the homeowners association or other forms of management organization, if one is proposed.

J. Lots should be of ordinary shape and compact layout unless a compelling public interest or site feature can be identified that dictates otherwise.

Proposed Amendments 6/21/18

§502.2 Additional Requirements for Boundary Adjustments and Annexations

Boundary adjustments shall be heard only for joint applications by both property owners. In the case of annexations, the applicant shall demonstrate legal ownership of both parcels in question.

§502.3 Classification Trigger for Major Subdivision Application

Any subdivision of land requiring an Environmental Board Act 250 Land Use Permit shall be treated under this Article as a major subdivision subject to sketch plan and hearings. Major subdivisions are subject to the requirements listed above and the increased requirements as listed in §6.3.

§502.4 Suitability Restrictions

All land to be subdivided shall be, in the judgement of the Development Review Board, of such a character that it can be used for the intended purposes without danger to public health or safety, to the environment or to critical resources, as identified in the Town Plan. Land designated as flood hazard areas or characterized by poor drainage or steep slopes, or subject to other hazardous conditions shall not ordinarily be subdivided. No lot shall be created that is smaller in area than the minimum lot size required for the land use district in which it is located, unless created in accordance with the Conservation Subdivision provisions of §503.11 of this bylaw; nor shall any lot be created without frontage on a public road or legally deeded and defined private right of way.

**§503 Major Subdivision Design Requirements and Performance Standards**

§503.1 Lot Layout/Siting

The layout of lots and the siting of structures shall conform with the ~~to the~~ requirements of the Zoning District in which the property is located, including density, lot size, frontage, and setbacks, unless these standards are modified or waived by the Development Review Board under the Conservation Subdivision provisions of §503.11 ~~Regulations and shall be appropriate for the intended construction~~. Consideration in lot layout and siting shall be given to aesthetics, and topographic and soil conditions.

A. Due regard shall be given to the preservation and protection of existing features such as, but not limited to, trees, scenic points and roads, brooks, streams, rock outcroppings, water bodies, forest resources, other natural resources, forest blocks, wildlife habitat connectors and corridors, historic resources, prime agricultural soils, and open meadowland per T.24 VSA Chapter 117. Specifically, the following areas shall be treated as follows:

(1) Wetlands, as identified and defined by the State of Vermont, shall not be drained, filled or altered to accommodate subdivision. Proposals for the subdivision of a lot involving or adjacent to an identified wetland shall provide for adequate setbacks of roads, buildings, structures and sewage systems from the wetland. Adequate setbacks shall be no less than 100 feet, but may be increased by the Development Review Board accordingly to protect the following wetland values:

a. water quality control;
b. groundwater supply;
c. flood and erosion control;
d. flora and fauna;

Proposed Amendments 6/21/18

e. education and recreation

(2) Subdivision immediately adjacent to a deeryard, forest blocks, wildlife habitat connectors and corridors identified and mapped by the State of Vermont shall be designed, sited and undertaken in a manner compatible with the continued viability of the protected areas. Subdivision within a protected area boundary shall be permitted only where the Development Review Board makes the following findings:

a. the parcel to be subdivided includes no land that is practical for subdivision except that which is in the protected area as stated above; and
b. the subdivision can be designed and undertaken in a manner that minimizes the impact of the subdivision on the continued viability of the protected area as stated above.

(3) Proposals for subdivision of a lot involving or adjacent to an identified wildlife habitat, corridors or deeryards shall be based upon consultation with representatives of the Vermont Department of Fish and Wildlife and shall provide evidence of such consultation. Where subdivision takes place within a forest block, wildlife habitat corridors or deeryards or includes part or all such areas in the land base for the subdivision or the determination of its density, the remainder of the sensitive area owned by the applicant shall be managed in a manner compatible with the continued viability of those protected areas. This may include the preparation and implementation of a forest management plan approved by the Vermont Department of Fish and Wildlife.

(4) Subdivision in an Aquifer Recharge Area shall not result in the pollution of ground or surface waters or an unreasonable reduction of the supply of groundwater. The Development Review Board shall consider such factors as the amount and type of wastes to be generated by the proposed use and the adequacy of design for the proposed disposal system and the capability of the land and water to sustain such use without degradation. In considering an application, the DRB may consult with the Vermont Department of Water Resources for assistance or require certification by a registered professional engineer that the project will not result in degradation.

(5) Subdivision of meadowlands shall be permitted only where the Development Review Board makes the following findings, the subdivision:

a. minimizes the disruption of the scenic quality of the site;
b. retains the maximum possible meadowland for agricultural use through such means as clustering, reduction in allowable density, sale, or donation of development rights;
c. maximizes the use of the least productive land and the protection of primary agricultural soils;
d. shall not conflict with existing or potentially viable agricultural uses in the area.

B. Preservation of the productivity of forest land and the economic viability of the industry are matters of public good. Subdivision which significantly prohibits the management or use of forest resources should only be permitted when the public interest is clearly benefitted thereby. Subdivision of forest resource areas shall be permitted only where the Development Review Board makes the following findings.

(1) The subdivision will not significantly reduce the potential of the resource for forestry.

(2) The applicant has demonstrated that the subdivision has been planned to minimize the loss of forestry potential by providing for reasonable population densities, lot sizes, rates of growth, and

Proposed Amendments 6/21/18

the use of ~~cluster planning~~Conservation Subdivision Design where appropriate ~~and new community planning designed~~ to economize on the costs of roads, utilities, and land usage.

C. Subdivision adjacent to those Town or State roads officially designated as scenic highways or highways generally accepted as exhibiting exceptional scenic character values shall be reviewed by the Development Review Board to ensure that the siting of any proposed structure and any site alterations, including grading, filling, removal of trees, stonewalls or other existing landscape features, are consistent with the scenic quality of the road, roadside and area and to minimize an interference with views or vistas afforded from the scenic road. To accomplish this purpose, the DRB may guide the location of structure(s) by varying setbacks, height and other requirements of the district and may restrict or require landscaping or screening measures.

D. Energy conservation and energy efficient site planning and layout shall be encouraged in the review of a proposed subdivision.

§503.2 Roads

A. Layout: All roadways and intersections shall be designed to ensure the safe and efficient movement of vehicles. Roads shall be logically related to the topography so as to produce usable lots and reasonable road grades. Wherever extensions of proposed roads could rationally provide public access to adjacent properties or connection to existing public State or Town highways, a right of way across the subdivider's property may be required.

B. Traffic Management: If, in the judgement of the Development Review Board a proposed subdivision presents the potential for significant traffic impact on Town or State roads, Village centers, or historic areas, a traffic impact study may be required. The purpose of such a study shall be to identify the traffic impact potential of a proposed subdivision and to identify necessary and appropriate mitigating measures. When warranted, such studies shall be funded by the applicant, prepared by a qualified transportation planner or registered professional engineer selected jointly by the applicant and the DRB.

C. Such studies shall include:

(1) A description of the general location of the project;

(2) A statement of existing traffic conditions and projected traffic conditions in five (5) years;

(3) A statement comparing the operating Level of Service (LOS) of the roadways(s) and/or intersection(s) in the Town with and without the proposed project(s) at the opening date of the project, and in five (5) years;

(4) A statement of recommendations outlining any adverse traffic impact of a proposed project and the necessary improvements to provide an acceptable operating Level of Service.

Based upon a review of the study, the Development Review Board shall set appropriate conditions to avoid or mitigate any traffic congestion or safety problems associated with the proposed subdivision.

D. Location and Design of Intersection: Intersections with existing roadways shall be as close to 90 degrees as possible. Approaches to intersections with existing roads shall be at a maximum grade of 3% for a distance of 100 feet from the edge of the travel lane.

Proposed Amendments 6/21/18

Intersections shall be located so as to provide at least a minimum sight stopping distance in accordance with the standards of the American Association of State Highway Officials. The design requirements along all Town highways at the direction of the Town Road Commission.

E. Design Standards for Town Roads: All highways proposed for acceptance by the Town shall comply with A-76, State of Vermont Design Standards and any revisions made thereto, as adopted by the Road Commission.

F. Cul de Sacs: All dead end roads in excess of 800 feet in length shall terminate in a turnaround having a minimum outside radius of 50 feet and a travel lane width of 20 feet unless otherwise required for emergency vehicle access.

G. Road Maintenance: The maintenance of all roads, not designated as Class 3 Town Highways or higher, shall be the responsibility of the subdivider. The subdivider shall supply evidence and assurance that said roads will be adequately maintained either by the subdivider or by an owners' association.

§503.3 Parking

Parking requirements shall be as established in §318 of this ordinance. However, the Development Review Board may require additional parking if, in its judgement, more parking is needed to accommodate the proposed development.

§503.4 Pedestrian Access

The Development Review Board shall require right of way to facilitate pedestrian circulation within the subdivision and to ensure public access through the property to adjoining properties or uses.

§503.5 Power and Telecommunication Infrastructure

The Development Review Board may require the underground installation of power and telecommunication infrastructure, wherever it is duly necessary to maintain and protect the visual character of a highly sensitive area. A diagram showing location of utility lines shall be submitted with the as-built drawings.

§503.6 Drainage and Erosion Control

A. The Development Review Board shall require such temporary and permanent drainage and erosion control techniques as may be necessary to control surface runoff in compliance with Vermont Water Quality Standards. Factors to be considered in determining the types of controls necessary shall include vegetation and ground cover, slopes, soil types, percentage of land covered by impermeable surfaces, distances to streams, and impact on adjacent properties.

B. The Development Review Board may require the phasing of construction to reduce the amount of land disturbed by construction at any one time, and may stipulate deadlines for the installation of erosion control or soil stabilization measures.

C. For the purposes of calculating the amount of surface runoff, a minimum 100 year storm precipitation factor shall be used.

Proposed Amendments 6/21/18

D. The Development Review Board shall require determination of the effect of the subdivision on the existing downstream drainage capacity outside of the area of the subdivision. Where the DRB anticipates that the increased runoff will overload the capacity of the downstream system, it may request the subdivider to delay construction until capacities are adequate, and may request the subdivider to assist in the capacity improvements deemed necessary.

§503.7 Fire Protection

The Development Review Board shall require the provision of facilities necessary for adequate fire protection. Such facilities shall be designed in consultation with the Waterford Fire Department and shall be approved by the Town of Waterford Fire Chief.

§503.8 Provision of Buffer Areas

The Development Review Board may require greater setbacks from property boundaries than specified in the Zoning Regulations in order to create buffer zones. Conditions for requiring buffer areas shall include, but not be limited to, lack of dense vegetation, proximity to scenic highways, heightened visibility due to differences in elevation, concentration of uses on the site as permitted by cluster provisions of the Zoning Regulations, and incompatibility of adjacent uses or other aesthetic considerations. The DRB may request that the subdivider coordinate buffer zones on his parcel with buffer areas on adjoining parcels in order to provide a continuous system of greenbelts.

§503.9 Site Preservation and Improvements

A. Natural Cover: Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit stormwater runoff and conserve the natural cover and soil.

B. Shade Trees: The Development Review Board may require that suitable hardwood shade trees be established in areas where trees do not exist. The DRB shall determine the minimum acceptable size of trees.

C. Excavation and Grading: The Development Review Board shall require a program of landscaping, soil stabilization and the establishment of appropriate, permanent vegetative cover following excavation or grading. The DRB may also require embankments to be planted with a stabilizing shrub or groundcover to prevent erosion.

§503.10 Disclosure of Subsequent Development Plans

Whenever a subdivider submits a proposal for development on only a portion of a contiguous parcel, the Development Review Board may require a general indication of the intended uses of the remaining portion of land during the sketch plan phase. Such an indication should include access, type of use, intensity of use, and phasing.

§503.11 Conservation Subdivision Design

1. Purpose.

The purposes of Conservation Subdivision Design are to:

Proposed Amendments 6/21/18

A. Encourage creative design and layout, and efficient use of land to conserve energy, avoid fragmentation of productive forest, farmland and wildlife habitat; and to retain Waterford's rural character in accordance with the Town Plan.
B. Accommodate new development in Town in a manner that protects significant natural and scenic features.
C. Provide opportunities for a diversity of housing types, including affordable housing.

2. Procedure.

Where an applicant requests to use the provisions of this section, or when required by the provisions of the AGO or FRO Districts, the applicant shall prepare and submit a plan showing the proposed conservation subdivision design together with a plan prepared for consideration as a standard subdivision which conforms to all lot size, density requirements, frontage and setback standards of the Zoning District(s) in which the property is located; and in accordance with any supplemental overlay district standards and any applicable provisions in Article III of this bylaw.

The plan shall depict the location of natural features and resources, including but not limited to wetlands, waterbodies, Prime and Statewide Important Agricultural soils, steep slopes of 15% slope or greater, and Priority Forest Blocks.

A. Yield. The Development Review Board shall determine the total number of lots into which the applicant's property could be divided in a standard subdivision submitted in accordance with § 503.2 above. The number of lots so determined shall constitute the maximum number of lots or dwelling units which the Development Review Board may approve in a Conservation Subdivision.

B. Establishment of Building Envelopes. All lots in a conservation subdivision shall have a designated building envelope that shall identify and limit the location of principal and accessory structures, parking areas, and associated site developments on one or more portions of the lot.

C. Areas or parcels proposed to remain undeveloped and/or not subject to further subdivision shall be identified as such.

D. Appropriate Access to Working Lands Maintained. Design of lots and building envelopes shall maintain the ability for vehicles to access agricultural and forested lands from public roads so as to allow for their continued productive use.

E. Modification of Dimensional Requirements. To achieve the objectives set forth in this section, the Development Review Board may modify applicable area and dimensional requirements required elsewhere in these regulations simultaneously with the approval of a subdivision plan and associated plat. All proposed lots of one acre in size or less shall be subject to impervious coverage limits of 25% of the lot area.

F. All other required provisions for subdivision review and approval as outlined in this Article shall be followed.

**§504 GENERAL CONDITIONS**

Proposed Amendments 6/21/18

§504.1 Completion Date

Each approval for a Final Plan shall contain a time limit within which all improvements shall be completed not to exceed 3 years, unless required or extended by the Development Review Board.

§504.2 Completed Site Plan

Submittal of an "as built" plan shall be required prior to the use or occupancy of any major subdivision, and may be required by the Development Review Board for a minor subdivision. This plan shall be drawn to scale and shall indicate by dimensions, angles, and distances the location of all utilities, structures, roadways, easements and other improvements as constructed. As-built plans shall be submitted by the subdivider to the Administrative Officer on a mylar of 18" x 24" size.

§504.3 Revision of Approved Plat

No changes, modifications or revisions that alter the conditions attached to a Subdivision Permit shall be made unless the plat is first resubmitted to, and the Development Review Board approves such modifications after public hearing. In the event that such subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.

§504.4 Public Acceptance of Roads and Open Spaces

Nothing in these Regulations shall be construed to constitute the acceptance by the Town of any road, easement, utilities, park recreation area or other open space shown on the Final Subdivision Plan. The Development Review Board may require the filing of a written agreement between the applicant and the Board of Selectmen covering future deed and title, dedication and provision of the cost of grading, development, equipment and maintenance of any such improvements, or may require of an applicant an agreement to waive any future rights to petition the Town to have roadways within the subdivision accepted as public streets. The DRB may require the filing of a written agreement between the applicant and the Board of Selectmen waiving any existing or future claim by the applicant and/or its heirs, successors and assigns, regarding the Town's obligation to accept any road or other improvement as a Town facility as shown on the Final Subdivision Plan and providing for the future grading, development, equipment, repair and maintenance of any such road or other improvement by the applicant and/or its heirs, successors and assigns. Consistent with the objectives of the Town Plan, and in accordance with 10 V.S.A., Chapter 155, the Town may accept less than fee interest in property to protect its open, scenic or resource value. Donation of such a conservation easement to a qualified non-profit organization may also serve as a means of meeting Town Plan objectives. In either case, written agreements between the parties shall be required.

§504.5 Compliance with Other Bylaws

Nothing in these Regulations shall be so construed as to supersede the conditions and criteria for permit approval set forth in other bylaws or ordinances in effect. This includes, but is not limited to, conditional use criteria, clustered development requirements set forth in the Zoning Regulations, and water and sewer ~~requirements stipulated in an adopted Health Ordinance~~ as required by the Vermont Department of Environmental Conservation's Wastewater System and Potable Water Supply Rules..

§504.6 Performance Bond Requirements

Proposed Amendments 6/21/18

The Development Review Board may require from the applicant, for the benefit of the Town, a performance bond in an amount sufficient to cover the full cost of constructing and maintaining any public improvements that the DRB may require in approving the project; such performance bond to be submitted prior to Final Plan approval. Security that the project shall be completed, as approved, may be required in the form of:

A. A surety bond, issued by a surety company authorized to do business in Vermont, to be filed with the Board of Selectmen in form and amount satisfactory to it, or

B. A letter of credit, cash, escrow account or savings bank book properly endorsed to the Town in an amount to be determined by the Board of Selectmen, or

C. A performance bond from the developer or contractor.

The performance guarantee shall not be released until the DRB has certified completion of the improvements in substantial accordance with the approved Final Subdivision Plan. The performance bond shall run for a term to be fixed by the DRB, but in no case for a longer term than 3 years. However, the term of such bond may, with the consent of the owner, be extended for an additional period not to exceed 3 years. If any required improvements have not been installed or maintained as provided within the term of such performance bond, such bond shall be forfeited to the municipality and upon receipt of the proceeds thereof, the municipality shall install or maintain such improvements as are covered by such performance bond. The DRB may also require surety covering the maintenance of said improvements for a period of 2 years after acceptance by the Town; said surety to be equal to not less than 10 percent of the estimated cost of those improvements.

§504.7 Legal Data

Where applicable to a specific subdivision, the following may be required prior to approval of the Final Plan:

A. An agreement to convey to the Town, land to be used for roads, open space and other public purposes;

B. An agreement to maintain roads, parks, recreation areas and other improvements in the future and to waive any claims regarding the Town's obligation to accept said improvements as Town facilities;

C. Descriptions of easements and rights of way over property to remain in private ownership; and

D. Descriptions of easements to drain onto or across other property.

Proposed Amendments 6/21/18

# Article VI ADMINISTRATION AND ENFORCEMENT

## §601 Zoning Administration

§601.1 Related Permit Programs

No zoning permit application will be accepted by the Zoning Administrator until such time as the applicant has secured, where required, a permit from the Agency of Natural Resources for wastewater disposal and potable water supply; state of Vermont shoreland development approval; road access permitting from Vermont Department of Transportation or the Waterford Selectboard; and any required Waterford Development Review Board approvals, reviews or permits.

§601.2 Zoning Permit

No land development shall commence unless a zoning permit has been duly issued by the Zoning Administrator, as provided for in §4443 of the Act. The fee for such zoning permit shall be established by the Town Selectmen. The Administrative Officer shall provide to interested persons such forms, checklist and information necessary for the proper filing and processing of zoning permit applications.

§601.3 Appointment; Administrative Officer, the Zoning Administrator

A. The Administrative Officer shall be appointed by the Selectboard, with the advice of the Planning Commission, for a term of three years. Appointments to fill a vacancy shall be for the period of the current unexpired term.

B. Employment terms, compensation, reimbursement of reasonable expenses, and hours of operation shall be set by the Selectboard consistent with state laws concerning municipal employees.

C. The Administrative Officer may be removed upon the recommendation of the Planning Commission by a simple majority of the Selectboard or at any other time by a unanimous vote of the Selectboard.

§601.4 Duties and Powers of the Administrative Officer

A. The Administrative Officer shall literally enforce the land use and development regulations as adopted by the Town of Waterford. Any discretion as may be construed in the administration of these regulations is only as explicitly granted under the bylaw language.

Proposed Amendments 6/21/18

B. Prior to the issuance of any zoning permit the Administrative Officer shall first be satisfied that the subject of the application is in conformance with any and all land use regulations in effect in the Town of Waterford. The Administrative Officer may require from the applicant any information deemed necessary for this purpose. No permit shall be issued unless an application fee, plot or site plan and/or any approvals by the Development Review Board required by the applicable bylaws have been properly obtained and are submitted in connection with the application.

C. Prior to the administrative issuance of a zoning permit for a commercial change in tenancy the Administrative Officer shall establish that the application is for a use or activity of an equal or lesser intensity in terms of parking, circulation and traffic; this permit may be included with permits for commercial signage. Where the use or activity will increase intensity of burdens on parking, circulation and traffic or entail the construction of or addition to <u>any</u> structure, the Administrative Officer shall refer the application to the Development Review Board for a site plan review and shall only issue the required permit upon Development Review Board approval of the site plan.

D. Any decision made under these provisions may be appealed to the Development Review Board per the process for appeal per 24 VSA Chapter 117 as amended.

**<u>§602 The Development Review Board (DRB)</u>**

§602.1 Creation and Powers

There is hereby established a Development Review Board appointed as provided by law, having the powers and duties set forth in 24 VSA Chapter 117, as amended. Development Review Board shall have the following powers and duties:

A. To hear and decide appeals, including, without limitation, where it is alleged that an error has been committed in any order, requirement, decision, or determination made by the Zoning Administrator.

B. To hear and adjudicate each request for a zoning permit for a conditional use.

C. To review and approve or reject site plans.

D. To review and approve or reject plats.

E. To hear and adjudicate a request for variance.

Rules of procedure, nature of appeals, public notice, conditions for variance relief, and all other matters shall be established as provided in Sub-Chapter 8 of the Act.

**<u>§603 Conditional Uses</u>**

A. Any structure or use of a structure which requires a Conditional Use Permit shall not be granted a zoning permit by the Zoning Administrator unless the Development Review Board determines that the proposed use shall conform to the specific standards prescribed in these Regulations and shall not adversely affect:

Proposed Amendments 9/21/18

(1) The capacity of existing or planned community facilities,

(2) The character of the area affected,

(3) Traffic on roads and highways in the vicinity,

(4) Bylaws then in effect,

(5) Utilization of renewable energy resources.

The DRB's review of a Conditional Use Permit application for the conversion of primitive camps to year round dwellings shall apply the following performance standards:

(1) Wastewater and potable water supply systems shall be permitted for year round use by the Wastewater Division of the Agency of Natural Resources.

(2) Emergency access shall be approved by the Fire Chief.

(3) Off street parking for two vehicles shall be provided.

Conditional Use permits for year round use shall be issued only to conforming lots.

B. In granting or denying a Conditional Use Permit, the procedures followed by the Development Review Board shall be in accordance with §4414 (3) of the Act.

C. Every application for a Conditional Use Permit for any use shall include the submission of the following plans and supporting information:

(1) An application deemed complete by the Zoning Administrator;

(2) A scale map showing the location of the site within the community, including existing roads and highways and adjacent land uses;

(3) A statement that includes the names and addresses of the owners of the land immediately adjacent to and across the road from the property at issue;

(4) Sign-off statements of all appropriate Town Departments that they have the capacity to service the proposed conditional use.

D. The effective date of a zoning permit issued as a conditional use shall be thirty (30) days from the date of issuance, during which time appeals from the decision may be filed, in which case the result of the appeal shall determine outcome.

**§604 Appeals: Variances**

The Development Review Board may grant a variance on appeal of a Zoning Administrator denial for specific cases, as authorized under VSA 24 §4469, only if **all** of the following facts apply, and such findings are specified in its written decision:

Proposed Amendments 6/21/18

A. 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 an 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.

B. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance would therefore be necessary to enable reasonable use of the property.

C. The unnecessary hardship has not been created by the applicant, i.e., an applicant who has purchased a non-conformity has created the hardship for themselves.

D. The variance, if authorized, would not alter the essential character of the neighborhood or district in which the property is located, would not substantially or permanently impair the appropriate use or development of adjacent property, would not reduce access to renewable energy resources, or would not be detrimental to the public welfare.

E. The variance, if authorized would represent the minimum variance that would afford relief and would represent the least deviation possible from the bylaw and from the plan.

**<u>§605 Development Review Board Approval of Site Plans</u>**

In accordance with §4402 and §4414 of the Act, no zoning permit shall be issued by the Zoning Administrator for any multi-family dwellings, commercial or industrial uses that require new construction or increase the intensity of use for existing structures and parcels, or for public and quasi-public uses, or parking and recreation facilities made available to the public, until the Development Review Board grants Site Plan approval. In instances where conditional use approval from the-Development Review Board is also necessary, Site Plan approval must be obtained first.

§605.1 Site Plan Information

Every application for a site plan approval shall include submission of the following plans and supporting information:

A. Name and address of the owner of record and also adjoining lands. The name and address of person preparing the map, the scale of the map, north point, and the date.

B. Perimeter lines of the properly showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, lakes, rivers, streams, land use and deed restrictions.

C. Plan showing proposed structures, locations, and land use areas; streets, driveways, traffic circulation, parking and loading spaces, and pedestrian walks; landscaping plans, including site grading, landscaping design and screening; septic and water systems used.

D. Construction sequence and time schedule for completion of each phase of the entire development.

Proposed Amendments 6/21/18

§605.2 Site Plan Review Criteria

Upon receipt of the Site Plan, the Development Review Board shall review the plans and supporting information. In rendering its approval, the Development Review Board may impose appropriate conditions and safeguards with respect to only the adequacy of traffic areas, circulation and parking, and landscaping and screening. In rendering its decision, the Development Review Board shall give specific consideration to the following objectives:

A. Harmonious relationship between proposed uses and existing adjacent uses.

B. Maximum safety of vehicular circulation between site and the street network.

C. Adequacy of circulation, parking and loading facilities with particular attention to safety.

D. Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection to adjacent property.

§605.3 Harmonious Relationship

A. Where the proposed project site abuts a residential use a 15 foot buffer strip shall be maintained.

B. Site lighting shall be night sky compliant and shall not cause glare or other unwarranted intrusions into abutting properties.

C. Stormwater run-off and treatment shall be dealt with on-site.

D. Dumpsters and trash storage shall be located in an accessible location to the rear of the building or site. This area shall be screened from view of abutting properties and the public roadway.

§605.4 Vehicular Circulation and Access

A. The applicant shall obtain state and town access permits prior to the site plan review.

B. The applicant is responsible for vehicle stacking and may be required to upgrade public roadways with turn lanes if trip-end estimates call for them.

§605.5 Circulation, Parking and Loading

A. Aisles between parking rows shall be as follows:

| Parking Angle | Space Width | Space Length | Aisle Width 1-way | Aisle Width 2-way | Width At Curb |
|---|---|---|---|---|---|
| 90 | 10’ | 20’ | 24’ | 24’ | 10’ |
| 60 | 10’ | 20’ | 18’ | 20’ | 11’ |

Proposed Amendments 6/21/18

| | | | | | |
|---|---|---|---|---|---|
| 45 | 10’ | 20’ | 15’ | 20’ | 13’ |
| 30 | 10’ | 20’ | 12’ | 20’ | 18’ |
| Parallel | 10’ | 20’ | 12’ | 24’ | 20’ |

B. The number of off-street parking spaces shall meet the requirements of §318 unless it can be demonstrated the public interest is served by an increase or decrease in the number of specified spaces. Stalls shall be oriented so that vehicle headlamps do not illuminate residential properties. Site limitations shall not be grounds for alteration of these requirements.

C. Loading and delivery docks shall be located to the rear of the building; delivery vehicles shall be able to maneuver within the site without using the public right of way.

**§606 Landscaping, Screening and Setbacks**

A. The property owner shall plant materials appropriate to the soil and moisture conditions of the particular location. All plant stock intended to fulfill these landscaping requirements must be hardy to USDA Zone 4 or lower.

B. Tolerance for Site Conditions: Plantings should be tolerant for salt, drought, hydrophilic soils, wind, and any other adverse site conditions.

C. Plants on the list of invasive species (available at Vermont Agency of Natural Resources, Vermont Invasive Exotic Plant Committee) shall not be used.

D. Where a site abuts a residential use, a 15’ buffer strip shall be maintained. Where tree lines currently exist at the property line, they shall be maintained at current densities; otherwise, trees and shrubs shall be planted at sufficient densities to screen the residential properties.

E. Landscape requirements for public road frontage: Where possible, suitable hardwood shade trees shall be planted where there are or otherwise would be no trees. Where possible at least one shade canopy tree shall be planted or maintained every 40’ along the frontage of each lot. All new trees shall measure at least 2-1/2 inches in diameter measured at a point one foot above ground line at the time of planting. Where overhead utility lines prevent taller trees the applicant shall substitute dwarf or semi-dwarf varieties.

F. Function: Plantings should be suited to the aesthetic and functional needs of the site and should not be put in unsafe locations.

Proposed Amendments 6/21/18

G. All landscaping required by a notice of decision, finding of fact or permit condition shall be installed before the issuance of a final Certificate of Compliance and any such landscaping shall be maintained for the life of the use.

**§607 Administrative Review**

The Zoning Administrator may review and approve minor amendments to previously approved development that would otherwise require review by an appropriate municipal panel in accordance with the provisions of the act where no material changes or impacts are expected and where bylaw conformance is found. Any decision by a Zoning Administrator under this subsection may be appealed as provided in ~~Section 6.9 (4465 and 4466)~~ 24 V.S.A. **§§ 4465 and 4466**. However, the authority to approve an application administratively does not mean that the administrative officer is required to do so. The administrative officer reserves the right to refer any application to the Development Review Board where it is deemed that Board level review or interpretation is appropriate or necessary. In such cases, the applicant shall be responsible for any additional fees or submittals needed for Board review. The Zoning Administrator shall inform the Development Review Board of all actions made under this section at the first meeting following the action taken.

**§608 Hearing and Notice Requirements and Procedures**

§608.1 Notice Procedures

All development review applications before the Development Review Board under procedures set forth in this section shall require notice as follows.

A. A warned public hearing shall be required for conditional use review, variances, waivers, administrative officer appeals, site plan reviews and final plat review for subdivisions. Any public notice for a warned public hearing shall be given not less than fifteen days prior to the date of the public hearing by all the following:

(1) Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality;

(2) Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312(c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made;

(3) Written notification to the applicant and to owners of all properties adjoining the property subject to development, including the owners of properties which would be contiguous to the property subject to development but for the interposition of a highway or other public right-of-way and, in any situation in which a variance is sought regarding setbacks from a State highway, also including written notification to the Secretary of Transportation. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

Proposed Amendments 6/21/18

B. The applicant may be required to bear the cost of the public warning and the cost of notification of adjoining landowners through the payment of application fees.

C. The DRB Clerk will also make public notice through other effective means such as a notice board on a municipal website and email forum.

D. No defect in the form or substance of any requirements in A. (1) or (2) of this subsection shall invalidate the action of the Development Review Board where reasonable efforts are made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Environmental Division or by the Development Review Board itself, the action shall be remanded to the applicable municipal panel to provide new posting and notice, hold a new hearing, and take a new action.

§608.2 Decisions

A. The Development Review Board may recess the proceedings on any application pending submission of additional information. The Development Review Board should close the ` evidence promptly after all parties have submitted the requested information. The Development Review Board shall adjourn the hearing and issue a decision within 45 days after the adjournment of the hearing, and failure of the Development Review Board to issue a decision within this period shall be deemed approval and shall be effective on the 46th day upon granting of a petition to that effect by Environmental Division. Decisions shall be issued in writing and shall include a statement of the factual bases on which the Development Review Board has made its conclusions and a statement of the conclusions. The minutes of the meeting may suffice, provided the factual bases and conclusions relating to the review standards are provided in conformance with this subsection.

B. In rendering a decision in favor of the applicant, the Development Review Board may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of this chapter and the pertinent bylaws and the municipal plan then in effect. A bylaw may provide for the conditioning of permit issuance on the submission of a bond, escrow account, or other surety in a form acceptable to the Selectboard of the Town of Waterford to assure one or more of the following; the completion of the project, adequate stabilization, or protection of public facilities that may be affected by a project.

C. Unless waived by the applicant in an uncontested application, any decision shall be sent by certified mail within fifteen days to the applicant and the appellant in matters on appeal. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing and a copy of the decision shall be filed with the ` administrative officer and the clerk of the municipality as a part of the public records of the municipality.

D. Conditions may require that no zoning permit, except for any permits that may be required for infrastructure construction, may be issued for an approved development unless the streets and other required public improvements have been satisfactorily installed in accordance with the approval decision and pertinent bylaws. In lieu of the

Proposed Amendments 6/21/18

completion of the required public improvements, the Development Review Board may require from the owner for the benefit of the municipality a performance bond issued either by a bonding or surety company approved by the Selectboard of the Town of Waterford or by the owner with security acceptable to the Selectboard of the Town of Waterford in an amount sufficient to cover the full cost of those new streets and required improvements on or in those streets or highways and their maintenance for a period of two years after completion as is estimated by the Development Review Board or such municipal departments or officials as the Development Review Board may designate. This bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within the period fixed in the subdivision article for that completion and for the maintenance of those improvements for a period of two years after completion. The performance bond required by this subsection shall run for a term to be fixed by the Development Review Board, but in no case for a longer term than three years. However, with the consent of the owner, the term of that bond may be extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided within the term of the performance bond, the bond shall be forfeited to the municipality and upon receipt of the proceeds of the bond, the municipality shall install or maintain such improvements as are covered by the performance bond.

E. The Selectboard may enter into an agreement governing any combination of the timing, financing, and coordination of private or public facilities and improvements in accordance with the terms and conditions of a municipal and use permit, provided that agreement is in compliance with all applicable bylaws in effect.

**§609 Certificate of Compliance**

Where a Development Review Board adjudication or approval is required, no use, occupancy or public accommodation shall be allowed until the Administrative Officer has confirmed compliance with permit terms and any special conditions imposed and certified as such through the issuance of a Certificate of Compliance. Where the Administrative Officer has issued an administrative permit for residential structures and uses, the permitee shall obtain a Certificate of Compliance upon completion of construction or prior to the commencement of permitted use. Prior to the issuance of any required Certificate of Compliance, the Administrative Officer shall first be satisfied that the proposed use of the structure or the land conforms to the requirements of the DRB approval, zoning permit and any applicable Town of Waterford bylaws. If the Administrative Officer determines that the use or occupancy is not in conformance with the bylaws, the Administrative Officer shall refuse to issue a Certificate of Compliance, stating the cause for the denial in writing to the applicant. Such a denial is a decision liable to appeal.

**§610 Appeals**

§610.1 Appeals of Decisions of the Administrative Officer

An interested person may appeal any decision or act taken by the Administrative Officer by filing notice of appeal with the Development Review Board. If the appeal is taken with respect to a decision or act of an Administrative Officer, such notice of appeal must be filed within fifteen (15) days of date of such decision, and a copy of the notice of appeal shall be filed with such officer. If the Administrative Officer fails to act with regard to an application for a permit within thirty (30)

Proposed Amendments 6/21/18

days, a permit may be deemed approved upon the petition of the applicant for relief from the Development Review Board or Environmental Court.

§610.2 Appeals from Decisions of the Development Review Board

An interested person may appeal a decision of the Development Review Board to the court of the county in which is located the property at issue in accordance with Sections 4471, Title 24 VSA. Such appeal shall be taken within thirty (30) days of the date of issuance of a decision.

## §611 Penalties

Violations of these Regulations shall be regulated as outlined in 24 VSA Sections 4444 and 4445. Prior to the issuance of a notice of violation, the Administrative Officer shall conduct a good faith investigation of the alleged violation and be satisfied that such a violation has in fact occurred. Notification shall be by return receipt postage and copies of the violation complaint and a report of the investigation shall be made available to the Planning Commission, the Development Review Board, and the Selectboard. The Administrative Officer shall pursue further enforcement action, if required, in a manner as provided for under Town of Waterford bylaws, ordinances, and state statute.

Proposed Amendments 5/21/18

# Article VII DEFINITIONS

For the purpose of these Regulations, definitions of the following words and terms are to be interpreted as defined below and all other words shall be presumed to be as defined in Webster's Unabridged Dictionary, unless such definition runs counter to the purposes and objectives of these Regulations. The definition of terms defined in §4303 of the Act is hereby incorporated and made part thereof.

**Accessory Dwelling -** An accessory dwelling is defined as located within or appurtenant to an owner-occupied single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation (Section 4.19) and does not exceed 30% of the livable floor area of the primary dwelling.

**Accessory Use or Structure(s) -** A use or building(s) customarily incidental and subordinate to the principal use or building and located on the same lot. When applied to agriculture, this shall be deemed to include farm stands. An accessory building(s) shall not be used for human habitation.

**Acre** – 43,560 square feet.

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

**Administrator –** The Federal Insurance Administrator.

**Administrative Officer (AO) –** The Zoning Administrator for the Town of Waterford.

**Adverse Impact** – Inadequate, unsafe or unhealthy conditions that result from a land development.

**Affordable Housing** – 1. Housing that is owned by its inhabitants whose gross annual household income does not exceed ~~80~~ 120 percent of the highest of the following: a)county median income as defined by the US Department of Housing and Urban Development, or b) the statewide median income, as defined by the U.S. Department of Housing and Urban Development; and the total annual cost of the housing, including principal, interest, taxes, insurance and association fees is not more than 30 percent of the household's gross annual income; 2. Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the highest of the following: a) county median income as defined by the US Department of Housing and Urban

Proposed Amendments 6/21/18

Development, or b) the statewide median income, as defined by the U.S. Department of Housing and Urban Development; and the total annual cost of the housing including rent, utilities, and association fees is not more than 30 percent of the household's gross annual income.

**Agricultural Purpose** - Agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, silverculture, and animal and poultry husbandry. The terms shall not include the slaughtering of animals or poultry for commercial purposes.

**Agricultural Use** - The use of land containing at least two acres that is used for agricultural purpose.

**Alluvial Fan Flooding –** flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport and deposition with unpredictable flow paths.

**AMP** – Appropriate Municipal Panel, global term for a municipal board with the jurisdiction over one matter or another. AMPs include Selectboards, DRBs, Planning Commissions and BCAs.

**Antenna -** A device attached to a tower or other structure for transmitting or receiving electromagnetic waves.

**Annexation –** The merger of previously subdivided lots into a unified parcel, lots subject to an annexation must be in common ownership and may not be bisected by a public ROW or road.

**Apartment Building -** A multi-family dwelling containing five or more dwelling units.

**Apartment House** – A multi-family dwelling containing three to four dwelling units.

**Apex –** a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**Applicant -** The owner of land proposed to be subdivided or his/her representative. Any party with a legal interest in the property may apply in cooperation with the owner of the property.

**Approval** - The form of approval shall be a written resolution prepared by the Development Review Board and attached to the subdivision application, or in the event that the Development Review Board should fail to act within the 45 day time limit specified in Article II, Section 3 of these Regulations, certification of such failure to act by the Town Clerk, and recording of the approved application and subdivision plan with the Town Clerk, in accordance with the conditions set forth in Article II, Section 3 of these Regulations.

**Aquifer –** A geological formation, group of formations of part of a formation either composed of unconsolidated rock, sand, gravel, or other unconsolidated soils, or composed of bedrock with an interconnected series of crevasses, fractures, joints, faults, cleavages, bedding planes, porosity, or other geologic features which allow groundwater to move in the subsurface environment and are capable of storing and yielding groundwater to wells and springs.

Proposed Amendments 6/21/18

**Area of Shallow Flooding –** a designated AO or AH zone on a town's Flood Insurance Rate Map (FIRM) with a one percent or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity of flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard –** The land in the floodplain within a town subject to a one percent or greater chance of flooding in a given year.

**Bank –** Institution that provides retail financial services to the general public.

**Base Flood –** The flood having a 1% chance of being equaled or exceeded in any given year.

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

**Basement –** any area of a building having its floor sub-graded (below ground level) on all sides.

**Buffer** -- Any space between adjoining uses intended and designed to reduce the impact of one use upon the other including open space, woodland, landscaped areas and other types of visual and sound barriers.

**Buildable Area** – Land area of a parcel exclusive of wetlands or watercourses, 100-year floodplains, slopes equal or greater than 25%, or pre-existing conservation, access or utility easements.

**Building --** A structure having a roof supported by columns or walls, to include gas or liquid storage tanks and intended for the shelter or enclosure of persons, animals or chattel.

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

**Building Envelope** - The designated area on a site plan or subdivsion plan that identifies and limits the location of principal and accessory structures, parking areas and associated site development, excluding road and utility rights-of-way or easements, on one or more portions of a lot.

**Building Setback -** The distance measured from the centerline of a permanent right-of-way or public road to the front portion of a building closest to said centerline. Such a distance shall include porches, whether enclosed or unenclosed but does not include steps.

Proposed Amendments 6/21/18

**Buildout Analysis** – A form of analysis predicting the total amount of development that could possibly occur in a given area under existing or proposed legal constraints (e.g. zoning ordinance) and environmental constraints (e.g. wetlands, floodplains, steep slopes, etc.).

**Bylaws** – Municipal regulations applicable to land development adopted under the authority of Chapter 117 (including Zoning and Subdivision Regulations, Flood Hazard Bylaws, Source Protection Regulations, Official Map). See 24 VSA §4403(4).

**Capacity Study** – an inventory of available natural and manmade resources, based on detailed data collection, which identifies the capacities and limits of those resources to absorb land development.

**Carrying Capacity** – The capability of a resource to sustain a level of use without having its qualitative features degraded in any significant way.

**Cemetery –** Land use entailing the internment of the dead.

**Certificate of Compliance –** A permit, typically issued at the completion of construction documenting compliance with all of a community's land use regulations and building codes and authorizing the owner to use the property for the purposes specified in the permit.

**Character of the Neighborhood** – Qualities that make a neighborhood distinct relative to factors such as architectural styles, structures, appearance, physical components street design, etc.

**Child Care -** A home or facility where the owner or operator is to be licensed or registered by the state for child care.

**Cluster Development** – Land development that concentrates land uses on lots that sometimes have been reduced in size below the minimum size required by the zoning bylaw to allow the remaining land on a site to be used for recreation, common open space, community infrastructure and services, or the preservation of environmentally sensitive areas.

**Commercial Use -** Use of a building or land for the manufacture, purchase, sale, or exchange of goods and commodities, services, and amenities.

**Commercial Camp Sites and Campgrounds –** Commercial use for the accommodation of transient guests sleeping in tents or recreational vehicles.

**Commercial Nursery, Landscape Yard –** Commercial use entailing the growing of plants for sale, the storage and sale of landscaping materials and equipment.

**Commercial Summer Camps –** Commercial use entailing the housing, feeding, entertainment and education of both children and adults in an outdoor setting for seasonal lengths of time.

Proposed Amendments 6/21/18

**Community Sewage Disposal System** - Any sewage disposal system, other than a municipal sewage disposal system, owned by the same person, which disposes of sewage created by two or more domestic, commercial, industrial, or institutional sources.

**Community Water System** - Any water system that supplies water for domestic, commercial, industrial, or institutional uses to two or more customers or users.

**Compatibility** – The characteristic when multiple land uses may be located next to or near one another without causing significant adverse impacts on one another.

**Construction** - The undertaking of the first improvement on a tract of land, including work preparatory to construction such as clearing, the staking out or use of a right-of-way or in any way incidental to the altering of land according to a plan or intention to improve or to divide land by sale, lease, partition or otherwise transfer an interest in the land. Activities which are principally for the preparation of plans and specifications that may be required and necessary for making application for a permit such as test wells and pits, percolation tests and line of sight clearing for surveys are not commencement of construction.

**Contamination -** An impairment of water quality by chemicals, biologic organisms, or other extraneous matter whether or not it affects the potential or intended beneficial use of water

**Contractor's Yard** – Commercial land use entailing the storage of heavy equipment, vehicles and materials for uses off site.

**Correctional Facility** – A public or privately operated institution for holding persons in legal custody.

**Cottage Industry** - Home businesses that involve the manufacture of goods or the provision of services using: chemical processes; high heat; equipment or technique that produces high levels of sound or vibration; or produces emission of dust, smoke or odors. Examples of a cottage industry include but are not limited to commercial auto repair, black smithy, silk screen printing, firing of ceramics or pottery, welding, and commercial scale woodworking.

**Coverage, Lot –** The percentage of the area of a lot which is covered by structures and other improvements including parking, loading and service areas, and access roads. Decks, unroofed porches, lawns, and planting areas shall not be considered improvements for the purposes of calculating lot coverage.

**Cul de Sac** - A road intersecting another road at one end, and terminated at the other end by some form of vehicular turnaround.

**Dedication** - The formal acceptance by the Town of Waterford of title to streets, easements, or land to be used for public purpose.

Proposed Amendments 6/21/18

**Deeryard** – A place where deer congregate in the winter; winter deer habitat or winter feeding grounds.

**Density** – The number of dwelling units or units of non-residential use that are authorized or planned for a unit of land area.

**Design Standard** – A minimum or maximum standard prescribed by a bylaw that governs a physical characteristic of a Land Development, Building or Structure (such as its size or shape).

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

**Development** -- For the purposes of the National Flood Insurance Program, development means any human-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

.

**Development Review Board -** The Development Review Board of the Town of Waterford, Vermont, as created under 24 V.S.A. Chapter 117, the AMP intended to interpret and uphold the land use bylaws of the Town of Waterford.

**Disapprova**l - The form of disapproval is by a written Notice of Decision by the **Development Review Board** and attached an application and a recording of the disapproved application and plan with the Town Clerk, in accordance with the provisions of this bylaw.

**Dwelling Unit -** One room or rooms connected together, constituting, a separate housekeeping unit with independent cooking, sanitary and sleeping facilities, and physically separated from any other rooms or dwelling units which may be in the same structure. Not included are motels, hotels, tourist homes, lodges, clubs, hospitals, or similar structures.

**Dwellings, One Family -** A detached residential building including mobile and manufactured homes, designed for and occupied by one family only.

**Dwellings, Two Family -** A residential building designed for or occupied by two (2) .families living independently of each other in individual attached dwelling units.

**Dwelling, Multi-Family -** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided, for purposes of this Bylaw multi-family dwellings are broken into the categories of apartment house and apartment building.

Proposed Amendments 6/21/18

**Dwellings Year-Round** - Building used as living quarters for a family designed and used for year round residence, containing properly functioning sewer and water systems for the proposed or existing intensity of use.

**Economic Development** – The sustained, concerted actions of the policy makers and communities that promote the standard of living and economic health of a specific area.

**FAA -** Federal Aviation Administration.

**Facility** - Something that is built, installed, or established for a particular purpose.

**FCC-** Federal Communications Commission.

**FEMA –** Federal Emergency Management Agency.

**FHBM –** The Flood Hazard Boundary Map, an official map if the Town, issued by FEMA, where the boundaries of the flood, mudslide (i.e. mudflow) related to erosion areas having special hazards have been designated as zones A, M and /or E.

**FIRM –** The Flood Insurance Rate Map, an official map of a community on which the Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Hazard Area** - Those lands subject to flooding from the 100 year flood, as defined in the existing or subsequently revised "Flood Insurance Study for the Town of Waterford Vermont", and the "Flood Insurance Rate Map" (FIRM), published by the Federal Emergency Management Agency (FEMA), and available at the Town Clerk's office.

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

**Floodplain** - Land adjoining rivers and streams identified by the Army Corps of Engineers and FHBM Flood Hazard Boundary Map as being subject to occasional flooding.

**Floodproofing –** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures ~~or~~ and their contents.

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

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

Proposed Amendments 6/21/18

**Footprint, Building** -- The total area of a building covered by a roof, to include a covered porch, covered deck, or covered entryway.

**Fragmentation** – Dividing areas used by wildlife for habitat with land uses or development into areas that are too small or lack all of the needed features to serve as habitat for specific species.

**Fringe Area –** As defined by the floodway schematic.

**Frontage -** That portion of a lot which is adjacent and parallel to a street, road or right-of-way.

**Gray Water** - All domestic wastewater except toilet discharge water.

**Groundwater** - Water below the land surface in a zone of saturation.

**Growth Center** – Land Use term defined by Vermont statute as an area of land that incorporates a mix of uses that typically or potentially include uses such as; retail, office commercial, civic, recreational, industrial and residential within a densely developed, compact area that promotes social interaction. Growth Centers are located in or adjacent to a designated downtown, village center or new town center with clearly defined boundaries that have been approved by one or more municipalities in their municipal plans to accommodate a majority of growth anticipated over a 20 year period.

**Halfway House, Halfway Housing** – Community release institution.

**Hazard Area** – Land subject to landslides, soil erosion, earthquakes, water supply contamination, or other natural or man-made hazards as identified within a local mitigation plan in conformance with and approved pursuant to the provisions of 44 C.F.R. §201.6. See 24 VSA §4303(8)(C).

**Hazardous Material -** means all petroleum and toxic, corrosive or other chemicals and related sludge included in any of the following:1) any substance defined in section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; 2) petroleum, including crude oil or any fraction thereof; 3) hazardous wastes, as defined in this Article; 4) "Hazardous material" does not include herbicides and pesticides when applied consistent with good practice conducted in conformity with federal, state and local laws and regulations and according to manufacturer's instructions; 5) “Hazardous material” does not include livestock wastes.

**Hazardous Waste** - Any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form, including, but not limited to those which are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause, or contribute to, an increase in mortality or an increase in serous irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other

Proposed Amendments 6/21/18

living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 and amendments thereto, codified in 42 U.S.C. § 2014, is specifically excluded from this definition. The storage and handling of livestock wastes and by-products are specifically excluded from this definition.

**Heavy Equipment Yard –** Commercial use of a lot for the storage and sale of heavy equipment.

**Historic Preservation** – The research, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas and sites significant in the history, architecture, archaeology or culture of the state of Vermont, its communities or the nation (22 VSA §701(5)).

**Historical Structure –** Any structure that is either: a) listed individually in the National Register of Historic Places (a listing maintained by the Secretary of the Interior) or preliminarily determined by the Secreatary of the Interior as meeting the requirements for individual listing on the National Register; ~~or~~ b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined to by the ~~secretary~~ Secretary to qualify as a registered historic district; ~~or~~ c) individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

**Home Occupation -** Any occupation customarily carried on by a resident occupying a minor portion of a dwelling or accessory structure which is clearly secondary to the principal use and does not materially change the character thereof, including but not limited to the operation of a beauty parlor, insurance office or professional office as defined and regulated in the Waterford Zoning Regulations §303.

**Hotel -** A building and use providing lodging and usually meals and alcoholic beverages for the public, especially transients.

**Impact** – A consequence of an effect generated by a Land Use. An impact is most often considered to be significant when it is experienced off of the lot or parcel of the Land Use that generated the effect.

**Industrial is a principal commercial use as defined by the following categories:**

**Light Industrial:** Mechanical transformation of materials or substances that does not entail the handling of molten metals, the use of chemicals or materials that are hazardous in the quantities or concentrations that would be present at the manufacturing location, does not produce liquid or gaseous waste products requiring special treatment or control processes, or produces solid waste requiring special handling or long term storage at the site of the industrial use. Light industrial shall not produce dust, smoke, noise, vibration, heat, odors or electrical or magnetic disturbances detectable outside of the manufacturing structure or equipment. The assembly of component parts

Proposed Amendments 6/21/18

into finished products is considered light manufacturing where the activity does not entail the use of substances or the production of byproducts excluded from this definition.

**Medium Industrial:** Mechanical or chemical transformation of materials or substances into new products that does not entail the handling of molten metals, does not produce liquid or gaseous waste products that cannot be rendered non-hazardous by onsite treatment and control processes, or produces solid waste requiring special handling. Manufacturing activities shall not use chemicals that would be hazardous in the quantities present at the site, produce dust, vibration, heat, odors or electrical or magnetic disturbances detectable beyond the property line, and noise levels at the property line shall not exceed 50dbl.

**Heavy Industrial:** Mechanical or chemical transformation of materials or substances into new products that entails the handling of molten metals, the production of liquid or gaseous waste products that cannot be rendered non-hazardous by onsite treatment and control processes, production of solid waste requiring special handling and/or long term on site storage, Where such industrial activity entails the use of chemicals or substances that are hazardous in the quantities or concentrations that would be present at the manufacturing location, open storage of these materials is prohibited, and plans for the control of these materials must be approved by the Development Review Board., manufacturing activities shall not produce dust, vibration, heat, odors, electrical or magnetic disturbances, or noise levels in excess of 50dbl detectable beyond the property line.

**Infrastructure** – Facilities and installations (such as streets and utilities) that are necessary for the use and development of land. The term's usual usage is in reference to public facilities but may also be applied to planned improvements for subdivisions or PUDs, especially those that will be dedicated to the town.

**Land Development -** The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure, or any mining, excavation, or landfill, and any change in the use of any building or structure, or land or extension of use of land, excepting agricultural forestry, outdoor recreation, and wildlife refuge uses within the floodplain district.

**Land Use –** The purpose for which land or the structures thereon are being utilized (e.g. commercial, residential or retail). Also used as a description of activities found throughout a specified area.

**Level of Service -** The operating conditions that a driver will experience while traveling on a particular street or highway, including frequency of stops, operating speed, travel time, traffic density.

**Liquor Store** – a state franchised retail shop that sells prepackaged alcoholic beverages to consumers, typically in bottles, intended to be consumed off the store's premises; liquor store is not a permitted or conditional use in the Town of Waterford.

**Lot -** Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated and having frontage on a street, or other means of access

Proposed Amendments 6/21/18

as may be determined by the Development Review Board to be adequate as a condition of the issuance of a zoning permit. A portion of land in a subdivision or plat that is separated from other portions of land by a proposed property line.

**Lot Area -** The total area within the property lines of the lot, excluding public streets, roads, and rights-of-way and meeting the district requirements of these Regulations. For purposes of subdivision proceedings, the total surveyed land area within the boundaries of a proposed lot, exclusive of any land area designated for a public road as measured to the boundary of such right of way or easement.

**Lot Frontage Minimum** - That portion of a lot that is adjacent and parallel to a public road or street.

**Lowest Floor –** The lowest floor if the lowest enclosed area (including basement), an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of §404.

**Lot Line Adjustment** – A mutually agreed to shift in a boundary line between two parcels.

**Major Subdivision** - Any residential subdivision containing four or more lots, or requiring any new road in excess of 800 feet in length, or any commercial, industrial or commercial recreational project, multifamily housing project, planned residential development or planned unit development, or a series of minor subdivisions of a tract of land occurring over a period of five years creating four or more lots, that meets the definition of a subdivision.

**Manufactured Home –** A structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connect to the required utilities. It does not include recreational vehicles or travel trailers.

**Manufactured Home Park or Manufactured Home Subdivision –** A parcel of land divided into two or more manufactured home lots for rent or sale.

**Marijuana Establishment** - a cultivator, product manufacturer, testing laboratory, retailer, dispensary or marijuana lounge involved with the commercial production, manufacture, distribution or commercial sale of marijuana; marijuana establishment is not a permitted or conditional use in the Town of Waterford.

**Marijuana Lounge** - an entity registered to sell marijuana or marijuana-infused products to consumers for on-site or off-site consumption; marijuana lounge is not a permitted or conditional use in the Town of Waterford.

**Marijuana Product Manufacturer** - an entity registered to manufacture, prepare, and package marijuana-infused products and hashish, and to sell marijuana, including hashish, and marijuana-

Proposed Amendments 6/21/18

infused products to a retailer, marijuana lounge, or another product manufacturer; marijuana product manufacture is not a permitted or conditional use in the Town of Waterford.

**Master Plan** – An officially adopted plan that describes, analyses and makes Policies about a wide range of topics (such as community facilities, economy, housing, land use, population and transportation) to guide the development of an entire area (municipality, region or state). See 24 VSA §4382 and §4348a.

**Mean Sea Level –** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other successor datum, to which base flood elevations shown on a Town's Flood Insurance Rate Map are referenced.

**Medical Outpatient Clinic** – A non-profit or for profit medical facility that offers outpatient and emergent care services to the exclusion of inpatient housing.

**Methadone Clinic** – A medical facility whose primary function is the distribution of methadone or other treatments to patients for the outpatient treatment of opioid addiction. Methadone clinic is not a permitted or condition use in the Town of Waterford.

**Minor Subdivision** - Minor subdivisions are characterized by lot counts below the trigger for Act 250 permitting, they lack complicated site conditions and involve relatively simple access and easement arrangements.

**Mobile Home Park -** Any parcel of land under single or common ownership or control which contains at least 10, nor more than 25 mobile home units, or is designed, laid out, or adapted to accommodate homes, nothing herein shall be construed to apply to premises used solely for display or storage of mobile homes.

**Motel -** Building containing rooms which are rented as a series of sleeping units for transients, each sleeping unit consisting of at least a bedroom and a bathroom.

**Motor Vehicle Sales –** Commercial use entailing the buying and selling of motor vehicles.

**Municipal Services** – Waterford street lighting, policing, snow clearance, library, transfer station, Town Clerk and Town recreational operations.

**Municipality** – A town, city, an incorporated village or an unincorporated town or gore.

**Natural Area** – An area of land or water that is not dominated by manmade features containing significant flora, fauna and geological features.

**Nature Center** – A scientific or educational facility open to the public that provides facilities, services, research, materials, educational programs, exhibits and/displays promoting the management and protection of the natural environment.

Proposed Amendments 6/21/18

**Neighborhood** – An area that shares a common function and/or character. It may refer specifically to and area whose residents regard it to be a separate community or a collection of residential, commercial and institutional land uses that form a basic unit of community planning.

**New Construction –** For the purposes of determining insurance rates, structures for which the "start of construction" is commenced on or after the effective date of an initial FIRM of after December 31, 1974, whichever is later and includes any subsequent improvements to such structures. For floodplain management purposes "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**Noncompliance, also Noncompliant** – Nonconformity in violation of the existing ordnances and as such actionable under violation procedures.

**Nonconforming Lots or Parcels** – 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 a parcel improperly authorized as a result of error by the administrative officer.

**Nonconforming Use -** A use of land, building, or premises which is not a use permitted by the provisions of this ordinance for the district in which such land, building or premises are situated but which was legally existing at the effective date hereof.

**Nonconforming Structure -** A structure not complying with the zoning regulations for the district in which it is located, where such structure complied with all applicable laws, ordinances and regulations prior to the enactment of this ordinance.

**Nonconformity** – a nonconforming use, structure, lot or parcel; the quality of a use, structure, lot or parcel that is nonconforming to the current bylaw.

**Normal Waterfront Facilities -** Any docks, wharves, floats, and boat houses without toilet facilities.

**Office –** Commercial enterprise primarily providing services to the public or other commercial enterprises.

**Open Space** - Land not occupied by structures, buildings, roads, rights of way, recreational facilities and parking lots.

**Outdoor Recreation** - Uses including public or privately owned golf courses, parks, tennis courts, playing fields, and similar places for outdoor recreation.

**Overlay District (Overlay Zone)** – A Zoning District (with boundaries that may or may not coincide with those of regular zoning districts) used to define special areas or uses. Overlay

Proposed Amendments 6/21/18

Districts may be used to impose regulations that supplement those of the underlying zoning districts.

**Parcel** – An area of land containing one or more lots under common ownership or control. As applies to subdivision proceedings, a parcel is the original area of land subject to subdivision into lots.

**Permitted Use (Permitted by Right Use)** – A **residential** Land Use that does not require action by an AMP before a Zoning Permit is issued or a commercial Land Use only subject to site plan review.

**Person -** Any individual, partnership, corporation, association, unincorporated organization, trust or other legal or commercial entity, including a joint venture or affiliated ownership which owns or controls the tract or tracts of land to be developed. The word "person" also means any municipality or State agency.

**Personal Services –** a commercial use featuring services provided on site, i.e. barber, hair or nail salon. Retail of goods may only be secondary and directly related to the service offered.

**Phased Development** – Required timing or other limitations on a particular development under the authority of a Bylaw to avoid or mitigate any undue adverse impact on existing or planned community facilities or services. See 24 VSA §4422.

**Planned Residential Development (PRD) –** A type of Planned Unit Development that provides for a mixture of housing types or densities and typically involves Cluster Development.

**Planned Unit Development (PUD) –** 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. The 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. See 24 VSA §4303(19) and §4417.

**Planning Commission –** The Planning Commission of the Town of Waterford Vermont as created under 24 VSA Chapter 117.

**Plat** - A map or representation on paper or mylar of a piece of land subdivided into lots and roads, drawn to scale. A plat in this context is submitted by a subdivider or developer to determine if the proposed Land Development will comply with the requirements of the Bylaw. Plats are required to meet standards concerning format and information.

**Policy** – Any goal, objective, strategy or action that is recommended in a Comprehensive Plan or a special plan as a guide for subsequent decision making.

**Premises -** A lot as defined in this section, including any buildings thereon.

Proposed Amendments 6/21/18

**Primary Retail –** A commercial use designed to sell goods directly to the public on a walk-in basis.

**Primary Containment Facility -** A tank, pit, container, pipe or vessel of first containment of a liquid or chemical, excluding the storage and handling of livestock wastes and by-products

**Professional Offices -** Offices of an architect, accountant, dentist, doctor of medicine, land surveyor lawyer, real estate or insurance agent and other similar type uses.

**Public Facility –** Buildings or other improvements owned by a government entity.

**Public Improvement -** Any improvement which shall be owned or maintained by the Town of Waterford.

**Public Notice –** The form of notice prescribed by 24 VSA §4444, §4449 or §4464 as context requires but broadly meant to refer to the required posting in public places, publication in newspaper of record and web listing of the time and place of a public hearing or other proceeding warning of that public hearing or proceeding the required number of days before taking place.

**Public Road** – a state highway as defined in 19 VSA §1 or a class 1, 2 or 3 town highway as defined in 19 VSA §302(a), or a class 4 town highway if the Town has so selected. For purposes of setting front setbacks all road frontages require front setback distances.

**Public Water Supply -** Any system(s) or combination of systems owned or controlled by a person, that provides drinking water through pipes or other constructed conveyances to the public and that has at least 15 service connections or serves an average of at least 25 individuals daily for at least 60 days out of the year. Such term includes all collection, treatment, storage and distribution facilities under the control of the water supplier and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. In addition, this includes any water supply system with ten or more residential connections.

**Rear Setback -** Setback between the principal building or accessory use building and a rear lot line, and extending through from the front yard to the rear yard.

**Recreation, Outdoor --** A facility for outdoor recreation, including but not limited to trails for hiking, horseback riding, bicycling, snowmobiling, and cross-country skiing.

**Recreational Vehicle -** Is a vehicle used for camping or temporary living quarters' it does not include snow machines, travel bikes or boats.

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

Proposed Amendments 6/21/18

**Redevelopment** – The conversion, reuse and/or reconstruction of buildings, structures, neighborhoods and communities.

**Release -** Any unplanned or improper discharge, leak, or spill of a potential contaminant including a hazardous material and/or hazardous waste, excluding the storage and handling of livestock wastes and by-products.

**Residential Business or Service** – a home business larger in scale than a home occupation to be conducted from a portion of a dwelling not to exceed 50% of the livable floor space, or from an accessory structure; in no circumstance shall more than 25% of a residential lot be devoted to a residential business or service including; the footprints of the portions of all structures used for the residential business or service, any permitted open storage areas, and any required parking areas. Exterior alteration of the accessory structure or dwelling to indicate its use as a business or service is prohibited. Upon determination of the DRB bed and breakfast operations may be exempt from this criterion and outdoor storage of materials may be permitted.

**Residential Development** – One or more homes or structures intended to be used as a residence or residences along with accompanying accessory structures such as garages, sheds, storage buildings, etc.

**Resort -** A multi-faceted recreational facility to which persons go for relaxation, customarily offering lodging and food.

**Resort Accommodations –** Commercial accessory uses and buildings associated with the housing, feeding and entertainment of resort guests.

**Restaurant –** Commercial use that features sale of food ready to eat to the public for consumption on site or for take away.

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

**Road** - A highway, street or other way which exists for vehicular travel, exclusive of a driveway serving not more than two single family residential uses or lots. The word "road" shall mean the entire right of way. See also Public Road.

**Sawmill –** Commercial processing of timber into lumber and other wood related products on an industrial scale.

**Scale** – The size and proportion of a Building, Structure or Land Development in comparison with nearby development.

Proposed Amendments 6/21/18

**Secondary Containment Facility** - A second tank, catchment pit, pipe, or vessel that limits and contains a hazardous material or hazardous waste leaking or leaching from a primary containment area; monitoring and recovery are required excluding the storage and handling of livestock wastes and by-products.

**Setback -** Space on a lot not occupied with a building. Porches, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into the required setback.

**Shoreland** – Land between the normal mean water mark of a lake, pond or impoundment exceeding 20 acres and a line not less than 500 feet or more than 1,000 feet from such mean high water mark. See 10 VSA §1422(8) and §4424.

**Side Setback-** Setback between the principal building or accessory use building and a side lot line, and extending through from the front yard to rear yard.

**Sign, Signage –** As regulated per §~~320~~ 321 of this regulation, any assemblage of materials for the purpose of attracting public notice, whether for a commercial purpose or not, either freestanding or attached to a building.

**Site Plan** – A Plat that depicts the general layout of a proposed Land Development.

**Site Plan Review** – The process by which an AMP reviews the Site Plan for a proposed development to ensure that the development will conform to applicable regulations. See VSA §4416.

**Smart Growth** – The pattern of land development that uses land efficiently, reinforces community vitality and protects natural resources. Smart Growth strategies include efforts to maintain Vermont's historic settlement pattern, encourage concentrated development in and around downtowns and villages while supporting Vermont's rural working land.

**Source Protection Overlay District** – Mapped area designed to protect the quality of public drinking water supplies though enhanced regulations and Development Review Board oversight.

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

Proposed Amendments 6/21/18

**Spill Response Plans -** Detailed plans for control, re-containment, recovery and cleanup of hazardous material and/or hazardous waste releases, such as during fires or equipment failures.

**Sprawl** – A scattered untimely and poorly planned development. It is an inefficient planning practice, which is usually motor vehicle dependent and consumes land necessary for agricultural or natural resource protection. Sprawl typically manifests in the form of; leapfrog development, strip mall or ribbon development and large lot single family units, strip commercial land development so each individual establishment has direct access to road and parking areas.

**Stormwater Runoff** - Precipitation that does not infiltrate the soil, including material dissolved or suspended in it, but does not include discharges from undisturbed natural terrain or wastes from combined sewer overflows.

**Stormwater Treatment Practice** (STP) - A stormwater treatment practice that is a specific device or technique designed to provide stormwater qualify treatment and or quality control.

**Start of Construction –** for purposes of floodplain management, determines the effective map or bylaw that regulated development in the special flood hazard area. The "start of construction" includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. ~~Technically defined in §1909.1 of FEMA current National Flood Insurance Program rules and regulations.~~

**Street -** Any street, avenue, boulevard, road, and other right-of-way excluding private driveways.

**Streetscape** – The appearance or view of a street.

**Structure -** An assembly of materials for occupancy or use, including but not limited to a building, mobile home, vehicles used as structures, swimming pools, signs and free standing renewable energy devices. For the purpose of these regulations, the term does not include driveways, fences, stonewalls, mailboxes, flagpoles, dog houses, tents, and other minor structures and installations. For the purposes of the National Flood Insurance Program, structure is defined as a walled and roofed building, as well as a manufactured home, including gas or liquid storage tanks.

**Subdivider** - Any person who shall lay out for the purpose of transfer of ownership or right to use any subdivision or part thereof. The term shall include an applicant for subdivision approval.

Proposed Amendments 6/21/18

**Subdivision-** The division of a parcel of land into two or more lots, plots, or parcels. For the purposes of this regulation, see definitions of major and minor subdivisions.

**Subdivision Regulation** – A municipal bylaw that may regulate the procedures and requirements for the submission and processing of plats; and establish standards for the design and layout of streets, curbs, gutters, street lights, fire hydrants, shade trees, water, sewage, drainage facilities, public utilities and other necessary public improvements. See 24 VSA §4418 and §4463.

**Substantial Damage –** Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**Substantial Improvements-** Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by a code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Time-Of-Travel Distance** - The distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer.

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

**Tower-** A structure more than 20 feet in height above the ground elevation, built for the purpose of supporting, elevating, or placement of antennas for broadcast services or wireless services.

**Trip-end-** Traffic count term referring to a vehicle arriving or leaving a location via the public roads.

**Variance -** An exception to the Zoning Regulations resulting from the physical circumstance, or characteristics of the particular property in question that causes a hardship not created by the property owner (i.e. purchasing a non-conformity is a self-created hardship).

**Vehicle Fuel Sales –** Retail or fleet sale of motor vehicle fuels, this commercial use is conditional in any zone in which it is allowed.

**Violation** -- the failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other

Proposed Amendments 6/21/18

evidence of compliance required in 44 C.F.R. § 60.3 is presumed to be in violation until such time as that documentation is provided.

**Waiver -** An exception to the setback requirements granted by the AO to improve ADA compliant access.

**Warehouse/Storage Units –** Facility operated for the interior storage of goods by both businesses and the public.

**Waterfront Setback -** The distance measured from the mean water level to the nearest building excluding normal waterfront facilities.

**Watershed** – An area of land that drains water, sediment and dissolved material to a common outlet at some point along a stream channel.

**Wetland** – An area of the state that is inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. See 24 VSA §4303(32).

**Wholesale Sales –** Commercial use involving the sale of goods primarily for resale to retail customers.

**Wildlife Corridor** – An area of habitat connecting wildlife populations separated by human activity or structures such as roads, development or logging.

**Wireless Communications Facility-** A tower, pole, antenna, guy wire, or related fixtures or equipment intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic spectrum based transmission reception and for which a license is sought or has been granted by the FCC; the construction or improvement of a road, trail, building, or structure incidental to a communications facility.

**Vantage Point-** A point located on a public highway or public water body in Fairlee from which a proposed wireless communication facility will be visible.

**Yard Sale, also Garage Sale, Lawn Sale, Tag Sale –** The sale of pre-owned household goods by the owner of those goods from a residence on an incidental basis. Yard sales may be held no more than six (6) times a year from any single residence and may not feature the sale of goods specifically purchased for re-sale. Items for sale and display paraphernalia shall be removed upon the conclusion of each event.

**Zoning** – A type of land use regulation governing the location, type and density of development within a community through the delineation of one or more zones or zoning districts, as depicted on a zoning map. Local zoning regulations must conform to the municipal plan, including the plan's land use goals and recommendations and proposed land use map.

Proposed Amendments 6/21/18

**Zoning Administrator (ZA) –** Local administrator in charge of enforcing the municipal zoning regulations. The ZA is responsible for providing information to the public, reviewing plans and documentation for compliance and assisting applicants with their requests for permits, site plan reviews, conditional use permits, waivers and variances.

**Zoning Map (Official Zoning Map) –** The map officially adopted as part of a Zoning Bylaw that identifies Zoning District boundaries (Land Use Map).

Proposed Amendments 6/21/18