

# Chelsea Vermont Zoning Bylaw

Adopted by Australian Ballot  
March 3, 2009

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## **1. Authority and Purpose**

### **1.1 Enactment**

Whereas the Town of Chelsea, Vermont has created a Planning Commission and has adopted and has in effect a plan under the Vermont Municipal and Regional Planning and Development Act, 24 V. S.A., Chapter 117, herein referred to as the Act, there is hereby established a zoning bylaw for the Town of Chelsea.

### **1.2 Purpose**

It is the purpose of these Bylaws to implement the Chelsea Town Plan by providing for the appropriate use of all lands in the Town of Chelsea in a manner which will:

- promote and protect the public health, safety, prosperity, comfort, convenience, efficiency, and general welfare;
- protect soils, forests, stream banks, wetlands, and other natural resources;
- encourage the density and distribution of settlement to be in character with the rural residential environment of the town;
- and further the purposes set forth in Section 4302 of the Act.

### **1.3 Effective Date**

This Bylaw or any amendments thereto, shall become effective upon date of their adoption by a vote of the Town by Australian Ballot at a regular or special Town meeting.

### **1.4 Status of Prior Bylaws and Ordinances**

Upon the effective date of these Bylaws, the Town of Chelsea Zoning Bylaws adopted September 6, 2005.

### **1.5 Severability**

If any provision of this bylaw is held to be invalid, such a decision shall not affect the validity of the bylaw as a whole or any part thereof other than the part held to be invalid.

## **1.6 Precedence**

The provisions of this Bylaw shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Whenever this Bylaw imposes a greater restriction upon the use of a structure or land than are required by any other statute, bylaw, rule, permit or agreement, the provisions of this Bylaw shall control.

## 2. General Regulations

### 2.1 Application of Bylaws

Except for the maintenance, repair or replacement of existing uses of land, buildings or structures which are permitted and conform to these Bylaws, no building or structure shall be erected, moved, altered, or extended; and no land, building or structure, or part thereof shall be used or substantially changed in use unless in conformity with these Bylaws.

### 2.2 Permit Required

Except as provided for in sections 2.3 and 2.4 of this Bylaw, no building or land development, construction, reconstruction, conversion, relocation or enlargement of any building or other structure, nor any mining, extraction or landfill, nor any change in the use of any building or other structure, or land or extension of use of land, may commence unless a Zoning Permit shall have been duly issued by the Zoning Administrator. Prospective applicants for Zoning Permits may obtain application materials from the Town Offices or Zoning Administrator during regular office hours.

All projects, as authorized by a Zoning Permit, shall be commenced within a period of one year, unless construction has been delayed by litigation to secure other permits or approvals. Approved projects not commenced at time of expiration of a Zoning Permit may not be commenced without a valid Permit. Permits are available at the Town Office.

#### **You need a permit!**

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Just because a use or type of development is “permitted” it does not mean you don’t need a permit. You do!

Permits allow the town to track development throughout town and to be aware of any potential health or safety hazards that might exist.

Some uses are exempted from the permitting process by statute or by the town. See section 2.3 for more information.

If you are unsure whether or not you need a permit, contact the Chelsea Zoning Administrator.

### 2.3 Construction Approved or Commenced Prior to this Bylaw

No Zoning Permit shall be required for any building upon which construction had begun or within which a use was established prior to the adoption or amendment to this Bylaw, provided such construction is completed within one (1) year from the date of such adoption of amendment. Nothing contained in this Bylaw shall require any change in plans or construction of a non-complying structure for which a Zoning Permit has been issued and which has been completed within one (1) year from the effective date of this Bylaw

### 2.4 Exemptions

No zoning permit shall be required for the following activities, however written notification to the Zoning Administrator of intent to build is required:

- a) Accepted agricultural practices (AAPs), including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with the Act [§4413(d)]. Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the Zoning Administrator prior to any construction, as required for AAPs. **Such structures shall meet all setback requirements under these regulations, unless specifically waived by the Secretary of Agriculture.**
- b) Accepted management practices (AMPs) for silviculture (forestry) as those practices are defined by the Commissioner of Forests, Parks and Recreation, in accordance with the Act [§4413(d)].
- c) Power generation and transmission facilities, which are regulated under 30 V.S.A. §248 by the Vermont Public Service Board. Such facilities, however, shall conform to policies and objectives specified for such development in the Town Plan.
- d) Hunting, fishing, and trapping as specified under 24 V.S.A §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these regulations are defined as outdoor recreation facilities.
- e) Minor Structures as defined in section 6 of this Bylaw. Must meet all setback requirements of the zone it is in.
- f) Any use having no impact or a de minimus impact as determined by the Zoning Administrator as authorized in the Act [§4446].
- g) Normal maintenance, repair, upgrading, or remodeling of a building or structure that neither increases the buildings footprint nor involves a change in use.

**Is my farm structure exempt?**

In order a farm structure to be considered exempt, the structure must conform to the Secretary of Agriculture's definition of "farming use" by meeting one or more of the following criteria:

- (a) is used in connection with the sale of \$1000 or more of agricultural products in a normal year; or
- (b) is used in connection with the raising, feeding, and management of at least the following number of adult animals: four equines; five cattle or American bison; fifteen swine; fifteen goats; fifteen sheep; fifteen fallow deer; fifteen red deer; fifty turkeys; fifty geese; one-hundred laying hens; two-hundred and fifty broilers, pheasant, Chukar partridge, or Coturnix quail; three camelids; four ratites (ostriches, rheas, and emus); thirty rabbits; one hundred ducks; or one-thousand pounds of cultured trout; or
- (c) is used by a farmer filing with the Internal Revenue Service a 1040 (F) income tax statement in at least one of the past two years; or
- (d) is on a farm with a business and farm management plan approved by the Secretary.

If you do not meet at least **one** of these criteria, your structure is **NOT** exempt from the permitting process or regulations contained within this Bylaw. For more information, contact the Vermont Agency of Agriculture.

- h) Replacement or repair of an existing structure or building damaged by fire or other disaster provided that the structure or building is no greater in any dimension and is within the original footprint, and that reconstruction begins within two years of the date of damage.

## **2.5 Existing Small Lots**

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of this Bylaw 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 of forty feet. Nothing in this section shall be construed so as to prevent the sale or transfer of such a lot.

## **2.6 Required Frontage On, or Access to, Public Roads or Waters**

As required by Vermont law, land development may not be permitted on lots which do not have frontage on a public road or water, or, with the approval of the Development Review Board, access to such a road by permanent easement or right-of-way at least 20 feet in width.

In the event that a lot does not have frontage on a public road or water, a permit request shall be submitted to the Development Review Board by the Zoning Administrator. If evidence leads the Board to find that permanent access to a public road or water exists, it shall grant a permit.

## **2.7 Division of Lots**

No lot shall be subdivided into two or more lots unless all the lots resulting from such a division conform to the applicable minimum area and building setback standards.

## **2.8 Streambank Conservation**

To prevent soil erosion to ensure conservation of streams for recreational and other purposes, all buildings or structures erected from the effective date of these Bylaws shall be setback thirty-five (35) feet from the upper edge of the stream bank.

## **2.9 Equal Treatment of Housing**

Pursuant to 24 V.S.A § 4412(1)(B), a mobile home, modular housing or prefabricated housing must be considered a single-family dwelling and must meet the same zoning requirements applicable to single-family dwelling units.

## **2.10 Affordable Housing**

No provision of this bylaw may have the effect of excluding from the municipality housing to meet the needs of the population as determined in accordance with 24 V.S.A. § 4382(c).

## **2.11 Sewage Disposal**

An applicant for a Zoning Permit whose land requires a Potable Water Supply and Wastewater Permit from the Protection Division of the Agency of Natural Resources shall obtain such permit prior to the issuance of a Zoning Permit. A copy of such Permit shall be submitted as part of the Zoning Application. An application submitted without a required state Subdivision Permit shall be deemed incomplete.

No sewage disposal system planned, constructed, or operated within the Town shall violate State and local Bylaws governing water pollution or sewage disposal.

## **2.12 Obnoxious Uses**

No land or structure shall be used or occupied in any manner so as to create obnoxious or excessive noise, smoke, dust, odors, or other forms of interference not characteristic or typical of rural living or adversely affects the reasonable use of surrounding areas or abutting properties.

### **3. Zoning District Regulations**

#### **3.1 Establishment of Zoning Districts**

For the purpose of these Bylaws, the following Land Use Districts are hereby established within the Town.

- Village (VIL)
- Industrial (IND)
- Rural Residential (RR)

#### **3.2 Establishment of Overlay Districts**

For the purpose of these Bylaws, the following Overlay Districts are hereby established within the Town

- Village Center Design Control (VCDCO)
- Flood Hazard (FHO)
- Source Protection (SPO)

#### **3.3 Official Zoning Map**

The location and boundaries of Zoning and Overlay Districts are established as shown on the Official Zoning Map maintained at the Chelsea Town Office. The Official Zoning Map, together with interpretive guidelines and all amendments thereto, is hereby made a part of this Ordinance. All amendments to the Official Zoning Map are subject to the provisions of this Ordinance regarding amendments.

#### **3.4 Interpretation of Zoning and Overlay District Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the location of such boundaries shall be determined by the Zoning Administrator. The decisions of the Zoning Administrator may be appealed by the applicant or interested parties to the DRB for action. In making such a determination, the DRB may require the application to submit additional information on the property.

The Zoning Administrator and DRB shall use the following guidelines to assist them in making a determination:

1. Boundaries indicated as approximately following the center lines of roads, streams, transportation and utility rights-of-way shall be construed to follow such center lines;
2. Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines;
3. Boundaries indicated as following shorelines shall be construed as the normal mean water level;
4. Boundaries indicated as parallel to or extensions of features in (1) through (3) above shall be so construed;
5. Where circumstances are not covered by (1) through (4) above, the DRB shall interpret the district boundaries.

### 3.5 Dimensional Standards, Permitted and Conditional Uses By District

Various uses requiring a Zoning Permit or Conditional Use Approval in addition to a permit are listed below for each district. If a use is not listed or exempted under 2.4, it is prohibited. Dimensional requirements must be met unless a waiver is granted (see section 5.8 for more information). Waivers cannot be granted on types of use. Means for measurements are covered in section 5.8.

#### 3.5.1 Use Categories

For the purpose of establishing permitted and conditional uses within the zoning and overlay districts, the following categories of use are designated and defined (additional specific uses are addressed in section 4):

**1 & 2 Family Dwelling:** Any use of land or structure comprising the residence of one or two families in a principal building. Examples: cabin, mobile home, duplex.

**Multi-family Dwelling:** Any use of land or structures comprising the residence of three or more families in a principal building.

**Commercial:** Any use of land or structures for the primary purpose of buying or selling goods where the goods are primarily contained inside a principal building. Such uses, when located in the

#### **Changing Uses? You Need a Permit!**

If you have plans to change the use in a building on your property from one type to another, you need to know that a permit IS required.

Example: If you own a building that is currently a residence, and you want to change the use from residential to a bed and breakfast, you'll need a permit.

However, there are instances where a change of use permit may not be needed, such as a change from selling groceries to selling hardware.

Different uses can have different impacts on the surrounding area. Therefore, the Town must have the opportunity to consider the potential for negative impacts that might occur as a result of a change of use and whether or not the proposed use is appropriate in that district. Contact the Chelsea Zoning Administrator for more information on changing uses.

Rural Residential district are not to exceed 6000 square feet of floor area. Examples: retail shops, general store.

**Roadside Commercial:** Any use of land or structures for the purpose of buying or selling goods which are commonly displayed or sold outside a principal building. Examples: gasoline station, mobile home sales lot, car dealership, food stands.

**Rural Commercial:** Any use of land or structures for the purpose of buying or selling goods that are agricultural or silvicultural in nature. Examples: farm stands, nurseries, saw mills.

**Individual Service:** Any use of land or structures for the purpose of providing a service which customarily involves the presence of no more than a few individuals at the same time. Examples: real estate offices, hairdressers, repair shops, bed and breakfast.

**Commercial Group Service:** Any use of land or structures (limited to 25,000 square feet or less) for the purpose of providing a service involving the presence of a number of individuals at one time. Examples: motels, hotels, theatres, restaurants.

**Community Service:** Any use of land or structures for the purpose of providing or conducting educational or religious services. Examples: schools (public and private), churches.

**Light Industrial:** The processing, assembly, distribution or packaging of natural or man-made products where such activity results in no substantial off-site impacts, such as, but not limited to noise, vibration, air pollution, fire hazard or noxious emission. All such activity and storage of raw or finished products are enclosed in a building or are screened from abutting properties and public rights of way. Examples: woodworking shop, electronics manufacturing or assembly, machine shop.

**Commercial Outdoor Recreation:** Any use of land or structures for the provision of private outdoor recreational services that do not involve the construction of substantial structures. Examples: travel trailer parks, tennis courts, golf courses.

**Village Municipal:** Any use of land or structures for the purpose of providing municipal or quasi-municipal services. Examples: municipal buildings, federal government buildings, public parks, libraries, cemeteries.

**Town Municipal:** Any use of land or structures for the purpose of providing municipal or quasi-municipal services which require large vehicles and substantial storage for materials and equipment. Examples: Town garage, fire station, rescue squad.

### **3.5.2 Accessory Building or Use**

All principal uses or structures imply the inclusion of appropriate accessory uses or structures that are customarily incidental and subordinate to the principal use or structure and located on the same lot. All accessory structures, except fences, walls, driveways and parking areas shall conform to the dimensional standards in the district where they are located. A Zoning Permit shall be required for the construction of any accessory building, structure, or use, except where exempted in section 2.4.

### **3.5.3 Village District (VIL)**

#### **3.5.3.1 District Purpose**

This district is intended to act as a center of high-density development that includes mixture of housing types, commercial uses, services, small industry, and community facilities and services. Principle retail establishments should be located in the Village district area to minimize sprawl and loss of rural character. Because the Village District is served by an off-site public sewer system with a secondary sewage treatment, higher density and intensity of uses is appropriate, providing that they are of the same character as existing development.

#### **3.5.3.2 Permitted Uses within the Village District**

The following uses may be permitted upon issuance of a Zoning Permit by the Zoning Administrator.

1. Accessory Building or Use
2. One and Two Family Dwellings
3. Home Occupations (see section 4.3)
4. Permanent Signs (see section 4.6)
5. Seasonal Camps (see section 6 - Definitions)

#### **3.5.3.3 Conditional Uses within the Village District**

The following uses are permitted upon granting Conditional Use Approval by the DRB and the issuance of a Zoning Permit by the Zoning Administrator.

1. Multi-Family Housing
2. Community Service
3. Village Municipal
4. Town Municipal
5. Commercial
6. Roadside Commercial
7. Home Industry (see section 4.4)

8. Individual Service
9. Commercial Group Service
10. Light Industrial
11. Day Care Facility (see section 4.9)
12. Extraction of Sand, Gravel, Soil and Rock (see section 4.7)
13. Telecommunications Towers (see section 4.13)
14. Other uses determined by the DRB to be in conformance with the Town Plan and similar to those above and in keeping with the setting in this district.

#### **3.5.3.4 Land, Area and Structural Requirements within the Village District**

1. Lot Area Minimums: ½ acre for all principle uses connected to the municipal sewer system. 1 acre for all principle uses not connected to the sewer system.
2. Lot Frontage minimum: 100 feet
3. Front Setback minimum: 35 feet from road centerline (this figure is based on measurement using an orthophoto)
4. Side and Rear Setback Minimum: 20 feet

#### **3.5.4 Rural Residential District (RR)**

The Rural Residential district is predominantly forested and interspersed by farmland, it is also the location for much of Chelsea’s housing stock. This pattern of use should continue to be its primary purpose. However, some non-residential uses, including individual services and commercial outdoor recreation are acceptable provided that such uses are planned as relatively small in size or scale.

##### **3.5.4.1 Permitted Uses within the Rural Residential District**

The following uses may be permitted upon issuance of a Zoning Permit by the Zoning Administrator.

1. Accessory Building or Use
2. One and Two Family Dwellings
3. Home Occupations (see section 4.3)
4. Permanent Signs (see section 4.6)
5. Seasonal Camps (see section 6 - Definitions)

##### **3.5.4.2 Conditional Uses within the Rural Residential District**

The following uses are permitted upon granting Conditional Use Approval by the DRB and the issuance of a Zoning Permit by the Zoning Administrator.

1. Multi-Family Housing
2. Community Service
3. Individual Service
4. Town Municipal
5. Village Municipal
6. Commercial – In this district, total floor area of Village Commercial uses is not to exceed 6000 sq ft.
7. Commercial Outdoor Recreation
8. Light Industrial
9. Roadside Commercial
10. Rural Commercial
11. Commercial Group Service
12. Home Industry (see section 4.4)
13. Day Care Facility (see section 6 - Definitions)
14. Home Business (see section 4.3)
15. Extraction of Sand, Gravel, Soil and Rock (see section 4.7)
16. Telecommunications Towers (see section 4.13)
17. Other uses determined by the DRB to be in conformance with the Town Plan and similar to those above and in keeping with the setting in this district.

#### **3.5.4.3 Land, Area and Structural Requirements within the Rural Residential District**

1. Lot Area Minimums: 2 acres.
2. Lot Frontage minimum: 200 feet
3. Front Setback minimum: 65 feet from centerline of road or private right-of-way.
4. Side and Rear Setback Minimum: 35 feet

#### **3.5.5 Industrial District (IND)**

The preferred uses in the Industrial District include light industrial, group service and municipal uses. The types of industry located in this district should be generally classified as clean and non-polluting. Residential uses within this district are allowed, but need to be separated from non-residential uses as much as possible.

##### **3.5.5.1 Permitted Uses within the Industrial District**

The following uses may be permitted upon issuance of a Zoning Permit by the Zoning Administrator.

1. Accessory Building or Use
2. Home Occupations (see section 4.3)
3. Permanent Signs (see section 4.6)
4. One and Two Family Dwellings

### **3.5.5.2 Conditional Uses within the Industrial District**

The following uses are permitted upon granting Conditional Use Approval by the DRB and the issuance of a Zoning Permit by the Zoning Administrator.

1. Town Municipal
2. Light Industrial
3. Roadside Commercial
4. Rural Commercial
5. Home Industry (see section 4.4)
6. Extraction of Sand, Gravel, Soil and Rock (see section 4.7)
7. Telecommunications Towers (see section 4.13)
8. Other uses determined by the DRB to be in conformance with the Town Plan and similar to those above and in keeping with the setting in this district.

### **3.5.5.3 Land, Area and Structural Requirements within the Industrial District**

1. Lot Area Minimums: 2 acre for residences and home industries, 1 acre for all other uses in this district.
2. Lot Frontage minimum: 100 feet
3. Front Setback minimum: 65 feet from centerline of road or private right-of-way.
4. Side and Rear Setback Minimum: 50 feet for residential development, 35 feet for all other uses within this district unless otherwise specified.

### **3.5.6 Village Center Design Control Overlay District (VCDCO)**

The natural beauty and visual character of the Village Center Design Control Overlay District are important assets and contribute substantially to the economic welfare of the community. The Historic Area reflects Chelsea's historical, social, cultural and economic history. These values are worthy of conservation and preservation. To ensure that these characteristics are

#### **Underlying Zones**

Be aware that all development within an overlay district is subject to regulations that apply to the underlying zone.

For example: If you are developing within the Village Center Design Control Overlay District, you must also comply with all requirements of the Village District (Section 3.5.3) as well.

maintained or promoted, it is in the public interest that buildings and other improvements are properly related to their sites and surrounding sites and structures; and that proper attention be given to the exterior appearance of structures and other improvements so as to promote a means in which property values can be improved or stabilized and to protect and foster the economic, cultural and social well being of the community.

### **3.5.6.1 Overlay District Requirements**

All applicable standards of the underlying district shall apply.

In addition to those regulations, unless exempted below, all development within the Village Center Design Control Overlay District is to be considered a conditional use, and therefore requires DRB review in order to obtain a permit.

Except as hereinafter provided, no person shall do or cause to be done any of the following acts to any structure located within the Village Center Design Control Overlay District without a permit:

1. construction of a building or structure;
2. relocation of a building or structure;
3. addition to or alteration of the exterior of a building which increases or decreases the square footage of the building, whether enclosed or not;
4. alteration of the exterior wall of a building by tearing down or removing any portion thereof, or, by filling in, sealing, boarding up, closing or enclosing any portion of an existing window, door space, porch, or breezeway thereon;
5. alteration of the roof line, excluding chimneys;
6. addition or removal of materials to or from the exterior of a building where materials so added or exposed are of a kind or type different from those existing;
7. addition or alteration of exterior structures such as permanent awnings, canopies, and gazebos; and
8. construction of or alteration of fences or walls adjacent to or fronting on Routes 110 and 113 and side roads.
9. Demolition of structures that are on the National Historic Register.

### **3.5.6.2 Exemptions within the Village Center Design Control Overly District**

The following actions are exempt from this Article and may be permitted without DRB approval, subject to compliance with all other regulations of this bylaw including those of the underlying district.

1. a change of use or type of occupancy which does not cause any of the acts identified above; and

2. routine or emergency maintenance or repairs which use the same or substantially similar materials and do not alter the exterior of the structure or building.

### **3.5.6.3 Special Provisions within the Village Center Design Control Overlay District**

Demolition or removal of a historic building or structure shall require a conditional use permit pending review by the Development Review Board. In the event the Development Review Board determines upon testimony offered that there may be a valid reason for preservation, the Board may impose a waiting period of no more than sixty (60) days. The purpose of this provision is to afford a person or organization the opportunity to acquire or to arrange for the preservation of such a building.

Notwithstanding the above, any building with substantial structural instability as a result of fire or natural disaster, not a condition caused or suffered by the owner shall be exempt from the provisions of this section.

### **3.5.6.4 Village Center Design Control Overlay District Review Limitations**

In administering these provisions, the Development Review Board shall focus their attention upon the compatibility of a proposed change, the location, anticipated use of the structure and other relevant factors, in light of the criteria below. It is not intended to insist that new construction or alterations should copy either existing architectural styles or existing decorative details.

The Development Review Board shall not be overly restrictive in their judgment of plans for construction or alterations of structures of little historic or design value or of structures not highly visible from a public street or area, except where such construction or alteration would seriously impair the historic or architectural value of the surrounding buildings, structures or area.

### **3.5.6.5 Criteria for Approval**

Before granting Village Historic Area Approval, the Development Review Board shall find that any act specified in Section 3.5.6.1 conforms substantially to the following criteria:

1. Height: the height of buildings or structures shall be considered in relation to the average height of existing adjacent buildings, and the building being constructed or altered.
2. Setback: New buildings or alterations shall maintain the prevailing setback existing in the immediate area.

3. Proportion: the relationship between the width and height of the front elevations or adjacent buildings shall be considered in the construction or alteration of a building or structures; the relationship of width to height of windows and doors of adjacent buildings shall be considered in the construction or alteration of a building
4. Roof shape, pitch and direction: the similarity or compatibility of the shape, pitch and direction of roofs in the immediate area shall be considered in the construction or alteration of a building or structure.
5. Pattern: alternating solids and openings (wall to windows and doors) in the front facade and sides and rear of a building create a rhythm observable to viewers. This pattern of solids and openings shall be considered in the construction or alteration of a building.
6. Materials and texture: the similarity or compatibility of existing materials and textures on the exterior walls and roofs of buildings or structures in the immediate area shall be considered in the construction or alteration of a building or structure. A building or structure shall be considered compatible if the materials and texture used are appropriate in the context of other buildings in the immediate area.
7. Architectural Features: architectural features, including but not limited to cornices, entablatures, doors, windows, shutters, and fanlights, prevailing in the immediate area, shall be considered in the construction or alteration of a building. It is not intended that the details of existing buildings be duplicated precisely, but those features should be regarded as suggestive of the extent, nature, and scale of details that would be appropriate on new buildings and alterations.
8. Location of buildings: the setback of buildings or structures from the street, spacing between buildings, and alignment of buildings shall be considered in relation to the prevailing development in the area.

### 3.5.7 Flood Hazard Overlay District (FHO)

This district encompasses all lands shown as the area of special flood hazard (flood fringe and floodways) on the latest Flood Insurance Rate Map (FIRM) for the Town of Chelsea. Any land development within the area of special flood hazard on the town's Flood Insurance Rate Map is regulated under a separate freestanding Flood Hazard Area Bylaw, and shall require a conditional use approval as well as a **separate permit** under that bylaw.

All applicable standards of the underlying district shall apply.

#### Development within the Floodway Prohibited

All development within the area designated as “Floodway” on the FEMA FIRM is prohibited.

#### Permitted & Conditional Uses within the Flood Hazard Overlay District

Flood Hazard Permit
Chelsea has a “stand alone” flood hazard ordinance. Any development proposed within the area outlined in 3.5.7 will require a <b>separate</b> Flood Permit in to meet the requirements of this ordinance.

Refer to the Chelsea Flood Hazard Bylaw for this information.

### **3.5.8 Well-Head Protection Overlay District (WHPO)**

Chelsea's village is served by a public water system which is comprised of multiple wells. Due to the relatively high risk of permanent groundwater contamination, the following uses or activities are prohibited within the Well-Head Protection Areas as designated on the official zoning map.

All applicable standards of the underlying district shall apply.

#### **Prohibited Uses within the Well-Head Protection Overlay District**

1. Commercial salvage yards or junkyards;
2. Manufacture, use, or storage of toxic materials exceeding 50 gallons or 250 pounds of dry weight;
3. Uncontained storage of animal manure;
4. Landfills or waste transfer stations; and
5. Light industrial uses that discharge process waste on-site.

#### **Special Provisions within the Well-Head Protection Overlay District**

Commercial storage of liquid petroleum products is prohibited unless the Development Review Board determines that all appropriate precautions have been taken to eliminate the possibility of contamination of the groundwater or the public water supply.

No land development that involves or typically requires the installation, maintenance, or operation of a subsurface sewer disposal system shall be permitted unless the Development Review Board first determines that such a facility will not adversely affect groundwater quality or contaminate public water supplies.

Plans for the construction of roads or related improvements shall be reviewed by the Development Review Board prior to development of such facilities. Approval by the Board shall be granted on finding that the proposed project will not result in undue soil erosion or water pollution. The Board may attach conditions to its approval.

To the above ends, the Development Review Board may require the applicant to engage, at their expense, a licensed sanitation engineer to review their plan and present their written opinion regarding the effect it may have, if any, as a potential contaminator of the source.

Prior to rendering a decision for any land development within the Well-Head Protection Area, the Zoning Administrator or Development Review Board shall provide notice to

the Chief Operator of the Chelsea Water System. The Chief Operator shall coordinate its review of any proposed development with the Selectboard and Development Review Board.

## 4. Specific Regulations

### 4.1 Off-Street Parking

No land, building or structure shall be used or substantially changed in use unless there is provided off-street parking that meets the applicable minimum requirement as set forth below.

1. **Residential Uses:** Two parking spaces for each dwelling unit.
2. **Places of Public Assembly and Restaurants:** One parking space for every three seats, or where there are no seats provided, one parking space for every 200 square feet of floor area in addition to one space for each business and employee vehicle.
3. **Retail Establishment, Repair or Service Shop:** One parking space for every business and employee vehicle plus one parking space for every 200 square feet of floor area.
4. **Home Occupation:** Two parking spaces in addition to two parking spaces for each family dwelling unit.
5. **Home Industry:** Five parking spaces in addition to two parking spaces for each family dwelling unit.
6. **Professional Offices:** One parking space for every 200 square feet of office floor area.
7. **Guest House, Bed and Breakfast, Lodge/Inn, Hotel/Motel:** One parking space for each room available for lodging in addition to two parking spaces for each family dwelling unit, where applicable.
8. **Light Industrial Use:** Sufficient parking spaces to accommodate the maximum number of employee vehicles that would be at the facility at any one time, all business vehicles and two visitor spaces.
9. **Special Requirements:** Parking spaces for any number of separate uses may be combined in one parking area, but the spaces required of one use may not be assigned to another use, except upon approval of the Development Review Board.

Parking area minimum requirements shall not be satisfied by the use of lands lying within a public right-of-way.

#### 4.1.1 VCD CD Non-Residential Parking Exemption

The parking requirements outlined in 4.1 make it difficult for new businesses to locate in the Village Center. In an effort to implement policies of the Town Plan that encourage such development in the Village Center, the following exemption applies in the Village Center Design Control District:

- All non-residential development within the boundaries of the Village Center Design Control District is exempt from the standards in section 4.1.

## 4.2 Outdoor Storage of Junk

The open storage of materials, inoperable, or retired junk vehicles, dismantled equipment and other similar items shall be screened from view from a public highway whether or not such items are used in connection with a business. Fences, walls, trees, shrubs, buildings, and land contours are acceptable means of screening outdoor storage. Maintenance of screening for the above purposes shall be a responsibility of the owner of the premises.

## 4.3 Home Occupations

Vermont law and this Bylaw provides the right of a resident to use a minor portion of the dwelling for an occupation which is customary in a residential area and does not change the character of the area. A Zoning Permit for a home occupation shall be granted by the Zoning Administrator upon meeting the following, in addition to any other requirements of this ordinance:

1. The conduct of the home occupation is clearly secondary to the residential use of the premises;
2. The home occupation is conducted by the resident at the residence and does not involve more than two full-time people other than the residents of the house;
3. Automobile traffic resulting from the home occupation is not at a volume substantially greater than would be normally anticipated; and
4. The floor area of the home occupation does not exceed forty-nine percent of the total floor area of the residence.

<b>Residential Traffic Volume</b>
<i>What is “normally anticipated traffic volume?”</i>
The rule-of-thumb regarding traffic volume in a residential area is that the average home generates 10 trips per day. A trip is one way, and includes not only the traffic generated by the resident, but also traffic that comes to the household, such as fuel or package deliveries and guests.

## 4.4 Home Industry

This Bylaw acknowledges that as businesses grow, they often need to expand. In order to support the growth, the use class “home industry” is established. It is intended for businesses that are based out of and secondary to a residential use, but with slightly broader standards. A zoning permit for a home industry shall be granted after DRB

review upon meeting the following standards in addition to any other specified within this ordinance:

1. The conduct of the home industry is clearly secondary to the residential use of the premises;
2. The home industry is conducted by the resident at the residence and does not involve more than five full-time people other than the residents of the house;
3. Automobile traffic resulting from the home industry is not at a volume substantially greater than would be normally anticipated.

## **4.5 Temporary Structures**

In order to facilitate the long-term use of property, temporary structures or buildings may be erected or placed on a lot in noncompliance with the area, structural, and setback requirements of this Bylaw upon approval of the Zoning Administrator. Prior to granting a Zoning Permit for a temporary structure or building, the Zoning Administrator shall first find:

1. That the structure's intended purpose is only temporary and;
2. That adequate assurance is established that such a structure or building will not remain on the lot for a period of more than twelve months from date of issuance of such permit.

Examples of temporary structures or buildings include, construction trailers, storage vans or trailers incidental to a building project, construction fences, electrical and telephone boxes, storage sheds.

## **4.6 Signs**

Except for signs necessary for public safety and those signs as exempted by these Bylaws, no person shall erect, display or change the location, or size of an outdoor sign or lighted window sign without first obtaining a Zoning Permit from the Zoning Administrator. The purpose of this provision is to control the unplanned and uncoordinated proliferation of outdoor advertising in order to protect the economic, historic, and scenic values of the town and to prevent hazards to users of roads in town.

### **4.6.1 Signs - General Requirements**

The following general requirements shall apply to all signs:

1. All signs shall be erected, displayed, or located on the same premises as the activity to which it relates, unless the sign is an official business directory sign regulated by the State of Vermont.
2. Affixed or projecting signs shall not exceed the highest point of a building to which it is attached.
3. Free-standing signs shall not exceed 20 feet in height above the finished grade.
4. Excessively bright exterior lighting, flashing lights, or similar displays for the purpose of advertising are considered signs and are prohibited. No lighted sign shall have the effect of being such a high intensity or glare as to impair the vision of the driver of a motor vehicle.
5. Large, portable or additional signs placed in or on moveable vehicles for the purpose of advertising. This does not include permanent panel signs or other small signs affixed to the vehicle of the type commonly used to identify the business owning the vehicle.
6. Flashing and moving exterior signs are not allowed.
7. The area of a business or public building sign shall not exceed 32 square feet unless otherwise approved by the Development Review Board. Sign area for other signs, including professional and home occupations shall not exceed 6 square feet.
8. The total combined on-premise sign area of all signs on a lot shall not exceed 150 square feet, unless otherwise found by the Development Review Board as an undue hardship.

#### **4.6.2 Signs - Exemptions**

Permits shall not be required for temporary signs, sandwich board signs or real estate signs, provided such signs conform to the requirements of this section.

1. No more than one temporary sign shall be permitted on a lot, nor shall the sign area exceed 6 square feet.
2. No more than two real estate signs shall be permitted on a lot, nor shall the sign area exceed 6 square feet.
3. All exempt signs shall conform with the applicable provisions of Section 4.6.1.

#### **4.7 Extraction of Gravel, Sand, Soil and Rock**

The extraction of gravel, sand, soil and rock or the substantial change of such activities from existing operations shall require Conditional Use Approval from the Development Review Board. The Board, in its review of projects, shall give due consideration to the following standards.

1. Plans for the restoration of the disturbed portions of the site during and following the operation shall be adequate to insure that a safe, attractive, and useful condition results.
2. Plans for the operation of the facility shall be sufficient to insure that the operation will not adversely affect water quality, drainage patterns, or create excessive dust, traffic, vibration, and noise at the site or areas in close proximity to the site.
3. The operation shall be managed to prevent the creation of excessively steep slopes, overhangs, exposed boulders, uprooted stumps, and other debris.
4. The scale of intensity of the operation shall not place uneconomic demands on bridges, culverts, and roadways leading to and from the project site.
5. If power activated crushing or sorting operations are to be allowed on the site, such activity shall not unduly affect the character of the immediate neighborhood area. To insure that the rehabilitation of the site is properly managed, the Board may, as a condition to its approval, require that a performance bond or other forms of surety be posted to cover the costs of restoration or that no more than a predetermined area of the site be exposed at any one time.

#### **4.8 Accessory Dwellings**

An accessory dwelling unit that is located within or appurtenant to an owner occupied single family dwelling shall be a permitted use. An accessory dwelling unit shall be defined as efficiency or one-bedroom apartment, 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, provided there is compliance with all the following:

1. The property has sufficient wastewater capacity.
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.

#### **4.9 Childcare Facilities**

A “family child care home or facility” as used in this bylaw 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 33 V.S.A. § 4902(3)(A), shall be considered to constitute a permitted use of property but requires site plan approval based on the zoning requirements contained in sections 3 and 4 of this document. A family child care facility serving more than six full-time and four part-time children shall be reviewed as a conditional use.

## **4.10 Outdoor Furnaces**

Given the potential for air pollution and noxious fumes from outdoor furnaces, the following standards must be met in order to receive a permit from the Zoning Administrator:

Village – Within the village district, furnace smokestack must be equal in height to the chimneys of surrounding buildings. The extended smokestack must be properly fastened so as not to pose a potential hazard due to collapse. All outdoor furnaces within the village must have spark arrestors.

All other areas – In all other areas, furnace smokestacks must be a minimum of 15 feet from ground level.

## **4.11 Travel Trailers**

No travel trailer shall be parked in the Town of Chelsea except in accordance with the following regulations:

1. A travel trailer may be parked and used as living quarters at a trailer camp which meets state standards.
2. No travel trailer shall be used as living quarters unless a permit has been obtained.
3. The owner of a travel trailer may store it on his own property when not in use. A trailer so parked shall not be used as living quarters and shall not be hooked up to any utilities.
4. A travel trailer that is used as living quarters for more than 60 days in a calendar year shall be considered a structure and must meet all applicable dimensional, health and safety standards.

## **4.12 Ponds**

A permit is required for the construction of a pond. Ponds over 50,000 cubic feet of water may require additional state and federal permits. Any pond or impoundment shall meet with the setback distances for the district in which it is located and not interfere with drainage from town highways.

## **4.13 Telecommunications**

The purpose of this section of the Chelsea Zoning Bylaw is to promote the public health, safety, welfare, and convenience of the residents of the Town of Chelsea, while accommodating the telecommunication needs of the Town's residents.

#### **4.13.1 Consistency with State and Federal Law**

This bylaw is intended to be consistent with the Telecommunications Act of 1996 and Title 24, Chapter 117 of Vermont Statutes Annotated.

#### **4.13.2 Telecommunications Definitions**

The following terms shall have the meanings indicated:

*Wireless Telecommunication Service* Any commercial mobile service, wireless service, common carrier wireless exchange service, cellular service, personal communication service (PCS), specialized mobile radio service, paging service, wireless data service, or public or private radio dispatch service.

*Wireless Telecommunication Facility* any tower or other support structure, including antennae, that will extend 20 or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives radio frequency waves carrying Wireless Telecommunication Services.

*Wireless Telecommunication Service Provider* Any person or entity providing Wireless Telecommunication Services.

#### **4.13.3 Permit Required, Exemptions**

Wireless Telecommunication Facilities may be permitted as conditional uses upon compliance with the provisions of this bylaw in all zoning districts. No installation or construction of, or significant addition or modification to, any Wireless Telecommunication Facility shall commence until a permit has been issued by the DRB. However, in accordance with 24 V.S.A. § 4412(9), a permit shall be issued for a Wireless Telecommunication Facility that in, the determination of the DRB will impose no impact or merely a de minimis impact upon any criteria established in Section IX below. The DRB's determination regarding no impact or de minimis impact shall be in writing and shall be subject to appeal under 24 V.S.A. § 4471.

No permit shall be required for a Wireless Telecommunication Facility that is used exclusively for municipal radio dispatch service or emergency radio dispatch service and which does not exceed 50 feet in elevation.

This bylaw shall not apply to amateur radio, citizens band radio, AM or FM radio, or broadcast television service.

No permit shall be required for a Wireless Telecommunication Facility that has received a certificate of public good pursuant to 30 V.S.A. § 248a.

This ordinance shall not prohibit a property owner's ability to place or allow placement of antennae used to transmit, receive, or transmit and receive communications signals on the property owner's premises if the aggregate area of the largest face of the antennae is not more than eight square feet, and if the antennae and the mast to which they are attached do not extend more than 12 feet above the roof of that portion of the building to which they are attached.

#### **4.13.4 Telecom. Facility Permit Application Requirements**

In addition to information otherwise required in the Town of Chelsea's Zoning Bylaw, applicants shall include the following supplemental information:

1. The applicant's legal name, address and telephone number. If the applicant is not a natural person, the applicant shall provide the state in which it is incorporated and the name and address of its resident agent.
2. The name, title, address and telephone number of the person to whom correspondence concerning the application should be sent.
3. The name, address and telephone number of the owner or lessee of the property on which the Wireless Telecommunication Facility will be located.
4. The names and addresses of all adjoining property owners. Adjoining property owners shall be determined without regard to any public right-of-way.
5. A vicinity map showing the entire vicinity within a 1,000 foot radius of the Facility, including the location of any tower, topography, public and private roads and driveways, buildings and structures, utilities, water bodies, wetlands, landscape features, historic sites and necessary wildlife habitats. It shall indicate the property lines of the proposed Facility site parcel and all easements or rights of way needed for access from a public way to the Facility.
6. The location of the Facility on a USGS Topographic Map or a GIS-generated map compatible with Vermont Center for Geographic Information (VCGI) standards and encompassing the area within at least a two-mile radius of the proposed tower site.
7. Elevations and proposed site plans of the Facility showing all facades and indicating all exterior materials and colors of towers, buildings and equipment, as well as all landscaping, utility wires, guy wires and screening. (All plans shall be drawn at a minimum scale of 1 inch = 50 feet).
8. In the case of a site that is forested, the approximate average elevation of the existing vegetation within 50 feet of any tower base.

9. Construction sequence and time schedule for completion of each phase of the entire project.
10. A report from a qualified engineer that:
  - a. Describes any tower's design and elevation,
  - b. Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas,
  - c. Describes a tower's capacity, including the number, elevation and types of antennas that the tower is proposed to accommodate.
  - d. In the case of new Facilities, demonstrates that existing towers and structures within 5 miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community.
  - e. Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage.
  - f. Describes the output frequency, number of channels and the power output per channel for each antenna. In the alternative, a coverage map may be provided.
  - g. Demonstrates the Facility's compliance with the standards set forth in this bylaw or other applicable standards.
  - h. Provides proof that at the proposed Facility site the applicant will be in compliance with all FCC regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards and requirements for radio frequency radiation (RFR).
  - i. Includes such other information as determined by the **DRB** to evaluate the application.
11. A letter of intent committing the Facility owner and its successors to permit shared use of any tower if the additional users agree to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards and requirements and the provisions of this Bylaw and all other applicable laws.
12. In the case of an application for additional antennas or other equipment to be installed on an existing Facility, a copy of the executed contract with the owner of the existing structure.
13. To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the Facility, or a written statement by the applicant that an EA is not required is not required for the facility.

#### **4.13.5 Independent Consultants**

Upon submission of an application for a Wireless Telecommunication Facility permit, the DRB may retain independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals in telecommunications engineering, structural engineering, monitoring of electromagnetic fields and such other fields as determined by the DRB. The consultant(s) shall work at the DRB's direction and shall provide the DRB such reports and assistance, as the DRB deems necessary to review an application.

#### **4.13.6 Balloon Test**

The DRB may require the applicant to fly a four-foot diameter brightly colored balloon at the location and maximum elevation of any proposed tower. If a balloon test is required, the applicant shall advertise the date, time, and location of this balloon test at 7 days in advance of the test in a newspaper with a general circulation in the Town. The applicant shall also inform the DRB, in writing, of the date, time and location of the test, at least 15 days in advance of the test.

The balloon shall be flown for at least eight consecutive daylight hours on two days. If visibility and weather conditions are inadequate for observers to be able to clearly see the balloon test, further tests may be required by the DRB.

#### **4.13.7 Criteria for Approval and Conditions**

An application for a Wireless Telecommunication Facility permit shall be approved after a hearing when the DRB finds all the following criteria have been met:

1. The Facility will not be built on speculation. If the applicant is not a Wireless Telecommunication Service Provider, the DRB may require the applicant to provide a copy of a contract or letter of intent showing that a Wireless Telecommunication Service Provider is legally obligated to locate a Wireless Telecommunication Facility on lands owned or leased by the applicant.
2. The Facility will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the Wireless Telecommunication Facility, unless the proposed elevation is reasonably necessary to provide adequate Wireless Telecommunication Service capacity or coverage or to facilitate collocation of facilities.
3. The minimum distance from the base of any tower to any property line is not less than 100 % the total elevation of the tower, including antenna or equipment.
4. The Facility will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by Federal Aviation Administration, federal or state law, or this bylaw.
5. The applicant will remove the Facility, should the Facility be abandoned or cease to

operate. The DRB may require the applicant to provide a bond, or other form of financial guarantee acceptable to the DRB to cover the cost of removal of the Facility, should the Facility be abandoned or cease to operate.

6. The applicant demonstrates that the facility will be in compliance with all FCC standards and requirements regarding radio frequency radiation.

7. The applicant will maintain adequate insurance on the Facility.

8. The Facility will be properly identified with appropriate warnings indicating the presence of radio frequency radiation. The DRB may condition a permit on the provision of appropriate fencing.

9. The proposed equipment cannot be reasonably collocated at an existing Wireless Telecommunication Facility. In determining whether the proposed equipment cannot be reasonably collocated at an existing facility, the DRB shall consider the following factors:

A. The proposed equipment would exceed the structural or spatial capacity of the existing facility and the existing facility cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.

B. The proposed equipment would materially impact the usefulness of other equipment at the existing facility and such impact cannot be mitigated or prevented at a reasonable cost.

C. The proposed equipment, alone or together with existing equipment, would create radio frequency interference and/or radio frequency radiation in violation of federal standards.

D. Existing towers and structures cannot accommodate the proposed equipment at an elevation necessary to function reasonably or are too far from the area of needed coverage to function adequately.

E. Collocation of the equipment upon an existing tower would cause an undue aesthetic impact.

10. The Facility provides reasonable opportunity for collocation of other equipment.

11. The Facility will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.

12. The Facility will not have an undue adverse aesthetic impact. In determining whether a facility has an undue adverse aesthetic impact, the DRB shall consider the following factors:

A. The results of the balloon test, if conducted.

- B. The extent to which the proposed towers and equipment have been designed to blend into the surrounding environment through the use of screening, camouflage, architectural design, and/or imitation of natural features.
  - C. The extent to which access roads have been designed to follow the contour of the land and will be constructed within forest or forest fringe areas and not open fields.
  - D. The duration and frequency with which the Facility will be viewed on a public highway or from public property.
  - E. The degree to which the Facility will be screened by existing vegetation, topography, or existing structures.
  - F. Background features in the line of sight to the Facility that obscure or make the Facility more conspicuous.
  - G. The distance of the Facility from the point of view and the proportion of the facility that is above the skyline.
  - H. The sensitivity or unique value of a particular view affected by the Facility.
  - I. Any significant disruption of a viewshed that provides context to an important historic or scenic resource.
13. The Facility will not destroy or significantly imperil necessary wildlife habitat or that all reasonable means of minimizing the destruction or imperilment of such habitat or species will be utilized.
14. The Facility will not generate undue noise.

#### **4.13.8 Continuing Obligations for Wireless Telecom. Facility**

The owner of a Wireless Telecommunication Facility shall, at such times as requested by the DRB, file a certificate showing that it is in compliance with all FCC standards and requirements regarding radio frequency radiation, and that adequate insurance has been obtained for the Facility. Failure to file a certificate within the timeframe requested by the DRB, shall mean that the Facility has been abandoned.

#### **4.13.9 Removal of Abandoned or Unused Facilities**

Unless otherwise approved by the DRB, an abandoned or unused Wireless Telecommunication Facility shall be removed within 90 days of abandonment or cessation of use. If the Facility is not removed within 90 days of abandonment or cessation of use, the DRB may cause the Facility to be removed. The costs of removal shall be assessed against the Facility owner.

Unused portions of a Wireless Telecommunication Facility shall be removed within 180 days of the time that such portion is no longer used. Replacement of portions of a Facility previously removed shall require a new permit, pursuant to Section 4.11.4

### **4.14 Planned Unit Development**

#### **4.14.1 General Intent and Purposes**

The provisions for Planned Unit Development (PUD) set forth below are intended to permit the development of larger parcels of land in such a manner as will result in the most efficient, aesthetic, and desirable use of such parcels; encourage a more creative approach to the development of such parcels than would otherwise result under these Bylaws; and to provide flexibility in the design and placement of buildings, open spaces, vehicular and pedestrian circulation and off-street parking areas so as to best utilize the features of the specific site.

In order to encourage innovation in design and layout and promote the efficient use of land, the Development Review Board may grant Clustered Housing Development approval for proposals subject to the standards and conditions set forth below.

#### **4.14.2 Standards and Conditions**

In its review and approval of a proposed Planned Unit Development, the Development Review Board shall find in its written decision that the Project meets all of the following criteria and standards:

1. The application submitted satisfies all the requirements for submission of a Clustered Housing Development application as identified by the Development Review Board.
2. The parcel size for the proposed Planned Unit Development meets the minimum area requirements set forth below:
  - a. Areas serviced by water and sewer 1.5 acres
  - b. Other Areas 10 acres
3. The setback requirements, as determined for the project in its entirety, and for any and all buildings, structures, or lot lines within the project, comply with all applicable setback requirements.

4. The total number of dwelling units and other uses shall not exceed the number or densities which would be permitted in the Development Review Board's judgment if the involved land were subdivided into lots in conformance with the Bylaws.
5. Density Bonus - Notwithstanding the above, in order to encourage the most appropriate and efficient use of the involved land, the total number of dwelling units and other uses may be exceeded by up to twenty-five percent (25%). In granting any such requested density increase, the Commission shall find that:
6. The character and siting variations incorporated in the project consists of factors which make a substantial contribution to the general intent and purposes of the PUD provision. Such variation are appropriate based upon, but not limited to, the following project amenities: (i) siting, visual focal points, use of existing physical features such as topography, building orientation, variation in building groups such as clusters; (ii) design features, architectural styles, harmonious use of building materials, landscaping, and pedestrian ways; and (iii) extent and location of open space reservation relative total project area, proposed plans for use and management of such area, and the degree of preservation of natural features for any unimproved areas.
7. The design and layout of the project preserves any recognized historic sites or structures and to the greatest extent feasible any natural features or resources of the site.
8. Adequate conditions and technical plans exist to insure the safe treatment of sewage and the provisions of a safe supply of drinking water for the project.
9. If the proposal involves a greater concentration of land uses within some section of the development than upon others, such greater concentration shall be offset by a lesser concentration in other section or sections or by an appropriate reservation of common open spaces on the remaining lands.
10. To encourage maintenance or enhancement of forest resources, wildfire habitats, and critical resource areas for which the project has been designed so areas of the total parcel are permanently set aside as undevelopable and or the purposes set forth above.

#### **4.14.3 General Procedures**

The Development Review Board welcomes all to preliminary discussions about this development option. It invites prospective applicants to meet informally with the Board to learn how their project might be structured.

1. Upon receipt of an application for Planned Unit Development Approval, the DRB shall ascertain if the application is complete.
2. A request for Planned Unit Development Approval shall be scheduled for a least one Public Hearing held by the Development Review Board within thirty days from the date of acceptance of the completed application. AR procedures as set forth in 24 V. S.A. Section 4407 (3) shall apply also.
3. Land development for which Approval has been granted shall not commence unless the Zoning Administrator has issued a Permit for such development.

## **5. Administration, Enforcement and Appeals**

### **5.1 Zoning Administrator**

A Zoning Administrator is hereby appointed to administer this Zoning Bylaw as provided for in Section 4448 of the Vermont Planning and Development Act (24 V.S.A., Chapter 117). The Zoning Administrator shall enforce literally the provisions of this Bylaw and in so doing shall receive applications, inspect premises, maintain records, issues permits and perform other tasks as may be necessary to carry-out the provisions of these Bylaws.

### **5.2 Development Review Board – Creation**

A Development Review Board is established in accordance with the provisions of 24 V.S.A., Chapter 117, Section 4460. Meetings of the Board shall be held at the call of the Chair and shall be open to the public. The Board shall conduct its affairs in accordance with 24 V.S.A., Section 4462.

### **5.3 Records**

The Zoning Administrator shall keep on file and available to the public, a full and accurate record of all applications, decisions, permits and violations received or issued during the course of his appointment.

### **5.4 Permits**

Except as provided for in sections 2.3 and 2.4 of this Bylaw, no building or land development, construction, reconstruction, conversion, relocation or enlargement of any building or other structure, nor any mining, extraction or landfill, nor any change in the use of any building or other structure, or land or extension of use of land, may commence unless a Zoning Permit shall have been duly issued by the Zoning Administrator. Prospective applicants for Zoning Permits may obtain application materials from the Town Offices or Zoning Administrator during regular office hours.

All projects, as authorized by a Zoning Permit, shall be commenced within a period of one year, unless construction has been delayed by litigation to secure other permits or approvals. Approved projects not commenced at time of expiration of a Zoning Permit may not be commenced without a valid Permit.

#### **5.4.1 Application for Permit**

An Application for a Zoning Permit shall be filed with the Zoning Administrator on forms approved by the Development Review Board accompanied by fees set by the Selectboard. In addition to the information requested on the form, additional information may be required such as surveys, site plans, or drawings to enable the Administrator or Development Review Board to adequately review the proposed land development. An application shall not be accepted unless:

1. signed by the applicant (who must be the owner of record, or the owner and future developer) and;
2. accompanied by the required fees.

#### **5.4.2 Relationship of Administrative Permit to Other Approvals/Permits**

Granting of a permit under this bylaw does not relieve the applicant of the need for any other local, state or federal permit under other regulations. When other municipal permits, approvals, or authorizations are required by this bylaw, the Administrator shall notify the applicant of these, and refer the application within 30 days to the appropriate body. The Administrator should coordinate a unified effort on behalf of the municipality in administering the various local development review programs. These include:

1. An access permit from the Selectboard if there is a new or modified access onto the property. This is not a permit under this bylaw, but is a prerequisite to most Administrative Permits.
2. Conditional Use Approval from the Development Review Board is an approval needed under this bylaw prior to the issuance of an Administrative Permit for construction if a development involves a conditional use.
3. A Floodplain Development Permit from the Development Review Board is needed under a separate ordinance if the project is in the area regulated under the Chelsea Flood Hazard Regulations. This permit must be received prior to applying for an Administrative Permit, will be in addition to any Administrative Permit needed, and supersedes the Administrative Permit if stricter.
4. A local subdivision permit for creation of a lot, or lots, may be needed under this bylaw before an Administrative Permit can be issued. The Administrator shall also inform any person subdividing a lot that a state subdivision permit or required statement on the deed is also needed.
5. A waiver or variance under this bylaw may be needed prior to an Administrative Permit if a project does not conform exactly to the requirements of this bylaw.

The Administrator shall also inform any person applying for municipal permits or authorizations that the person should contact the regional Permit Specialist employed by the Agency of Natural Resources to fill out a Project Review Sheet in order to assure timely action on any related state permits. Nevertheless, the applicant retains the obligation to identify, apply for, and obtain relevant state permits.

#### **5.4.3 Completion or Expiration of Permit Application**

An application for a Zoning Permit will not be is considered complete by the Zoning Administrator and acted upon until it includes:

1. all required information,
2. any applicable necessary approvals as allowed by law, and
3. for any permit for the development of land within the area of special flood hazard area, a copy of such flood development permit in accordance with section 4424 of the Act.

When additional information is requested from the applicant by the Zoning Administrator in order to consider the permit application complete, and such information is not presented within 90 days of the request, the application will expire and be deemed rejected.

#### **5.4.4 Issuance of a Permit**

Before any land or building is devoted to a new or changed use or before the erection, structural alteration or extension of any building, a zoning permit shall be obtained from the Zoning Administrator. The fee for such permit shall be established by the Board of Selectmen. The Zoning Administrator shall within 30 days of receipt of an application which is deemed complete, either issue or deny a zoning permit. If denied, the Zoning Administrator shall so notify the applicant in writing stating his reasons therefore. If the zoning permit is approved, all activities authorized by its issuance shall be completed within two years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be needed.

Within three (3) days following the issuance of a zoning permit, the Zoning Administrator shall:

1. Deliver a copy of the permit to the Listers of the municipality; and
2. Post a copy of the permit in at Chelsea Town Hall until the expiration of fifteen (15) days from the date of issuance of the permit. No permit is final until the 15-day appeal period has expired.

Additionally, the applicant must also post a permit notice, in a form prescribed by the Town of Chelsea, within view of the public right-of-way most nearly adjacent to the subject property until the time for appeals has passed.

#### **5.4.5 Effective Date**

An approved permit shall take effect 15 days from the date of issuance.

#### **5.4.6 Transmission of Permits**

Upon granting a permit, the Development Review Board shall send to the applicant a copy of the decision. Copies of the decision also shall be mailed to every “interested person” as defined in 5.12, with the Zoning Administrator, who shall forthwith issue a permit, and with the Town Clerk as a part of the public records.

## 5.5 Development Review Board – General Duties

The Development Review Board (DRB) shall be charged with the proper interpretation of the Zoning Bylaw and their consequent application within the municipality, and with the administration of the procedures allocated to it by this Zoning Bylaw including the following:

1. To hear and rule on appeals concerning any order. Requirement, decision, or determination made by the Zoning Administrator in the administration and enforcement of this Zoning Bylaw.
2. To hear and grant or deny a request for a waiver or variance.
3. To hear and approve or deny a request for a Conditional Use.

## 5.6 Conditional Uses

No Zoning Permit shall be authorized or issued by the Zoning Administrator for any use listed as conditionally permitted within the various zoning districts, unless the Development Review Board has granted Conditional Use Approval. The Development Review Board, upon receipt of a complete application, shall conduct a legally noticed public hearing, and based upon the testimony presented at the hearing, render a written decision approving or denying the request. In granting approval, the Board shall find that the proposed use meets with the general and specific standards prescribed for such uses in these Bylaws. In its approval, the Board shall find that the use will not adversely affect:

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. The provisions of these Zoning Bylaws; and
5. Utilization of renewable resources.

In granting such conditional use approvals, the Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Bylaws.

The Development Review Board shall act to approve or disapprove any such requested conditional use within forty-five (45) days after the date of the final public hearing held under this section, and failure to so act within such period shall be deemed approval.

### 5.6.1 Conditional Use Applications

<b>Utilization of Renewable Resources</b>
State statute is protective of residents who use renewable resources such as solar or wind to provide power to their home or business.
When examining a conditional use, the DRB must consider whether or not the proposed use or development would have a negative impact on a neighbor's ability to use those resources. For example, if a development would shade an adjacent property in such a fashion that it blocked a solar collector, the DRB would have to either deny the permit request, or apply conditions that would change the location of the development or use to allow the neighbor to continue to use the sun for power.

An application for Conditional Use Approval shall include submission of the following plans and supporting documents to the Development Review Board, unless otherwise waived by the Chair of the Development Review Board.

1. A map showing the general location of the property within the Town and its relationship to existing public roads and highways.
2. A proposed site plan, drawn to an appropriate scale, showing the location, height, spacing uses, and architectural relationships of all buildings, existing and proposed open spaces, landscaping, utility lines, streets, driveways, off-street parking and loading facilities, unique or manmade features and the physical conditions of the site.
3. A statement and/or map sufficient to demonstrate the relationship of the proposed development to adjacent land uses, both existing and proposed.
4. A statement including the uses of adjacent property, and the names and current addresses of all owners of land immediately adjacent to and directly across all public highways from the property at issue.
5. A development schedule indicating the approximate dates when construction or stages of the project are expected to begin and be completed.
6. Any application fees, as may be required.

Copies of application forms are available from the Zoning Administrator or at the Town Offices. Applicants are welcome to contact the Zoning Administrator or Development Review Board for information prior to filling an application.

## **5.7 Public Notice Requirements**

In accordance with the Act [§4464], a warned public hearing shall be required for conditional use review (Section 5.9), appeals of decisions of the Zoning Administrator and variances (Sections 5.11, 5.15) and final subdivision review. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of 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 (3) or more public places within the municipality, including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made;
3. written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, 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.

## 5.8 Waivers and Variances

When approval or a permit for a use has been denied, or is not possible using the requirements of this bylaw, an applicant may apply for a waiver to the Zoning Administrator in some circumstances, and in others would have to appeal this denial to the DRB for a waiver or a variance. If the matter has only to do with dimensional requirements (for example a smaller setback than was is usually required), a waiver may be possible. For special and rare circumstances a variance may be needed, but variances are difficult to get and must meet a five-part test as outlined in section 5.8.2 (Variances).

### 5.8.1 Waivers

In all districts, waivers may be granted without a hearing by the Zoning Administrator for:

1. Reductions in front or side setbacks as necessary to allow for disability access;
2. Reductions in side setbacks to allow for necessary life safety improvements;

In all districts, waivers may be granted after a hearing by the Development Review Board if any of the following three criteria are met:

1. The proposed development conforms to the existing development patterns of the district;
2. The proposed development will cluster development and more effectively preserve open land, forest land, or scenic vistas; or will result in permanently affordable housing units; and,
3. the waiver will not result in a greater than 50% decrease in any dimensional requirement.

### 5.8.2 Variances

On an appeal, wherein a variance from the provisions of the Zoning Bylaw constitutes the relief requested by the appellant, the Board may grant such variances, and render a decision in favor of the appellant, if all the following facts are found by the Board and are specified in its decision:

1. That 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 the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Bylaw.
2. That as a result of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaw and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible from the Zoning Bylaw.

In rendering a decision in favor of an appellant, the Board may attach such conditions to a variance as it may consider necessary and appropriate under the circumstances to implement the purpose of these Bylaws and the Town Plan.

The issuance of a variance shall not relieve the appellant of the obligation to obtain a Zoning Permit and such permit shall only be issued if the proposed land development complies with all other applicable provisions, except as varied by the Development Review Board.

## 5.9 Appeals

Any interested person as defined under the Act [§4465] may appeal a decision or act of the Zoning Administrator within 15 days of the date of the decision or act by filing a notice of appeal with the Secretary of the Development Review Board, or the Town Clerk if no Secretary has been elected, and by filing a copy of the notice with the Zoning Administrator.

1. The Board shall hold a public hearing on a notice of appeal within 60 days of its filing, as required under the Act [§4468]. The Board shall give public notice of the hearing under Section 5.21, and mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.
2. The Board may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant [§4470].
3. In accordance with the Act [§4468], all appeal hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in state statutes [3 V.S.A. §810]. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the Board from time to time, provided that the date and place adjourned hearing shall be announced at the hearing.
4. A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing, as required under the Act [§4464(b)]. The decision shall be sent by certified mail to the appellant within the 45 day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and the Municipal Clerk as part of the public records of the municipality, in accordance with Section 4.10. Failure of the Board to issue a decision within this 45 day period shall be deemed approval and shall be effective on the 46th day.

### **5.9.1 Interested Persons**

The definition of an interested person under the Act [§4465(b)] includes the following:

1. a person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case;
2. the Town of Chelsea or any adjoining municipality;
3. a person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaw of that municipality;
4. any ten (10) voters or property owners within the municipality who, by signed petition to the Development Review Board, allege that any relief requested by a person under this section, if granted, will not be in compliance with the policies, purposes or terms of the plan or regulations of the municipality; and
5. any department or administrative subdivision of the state owning property or any interest therein within the municipality or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

### **5.9.2 Notice of an Appeal**

A notice of appeal filed under this section shall be in writing and include the following information, in accordance with the Act [§4466]:

1. the name and address of the appellant,
2. a brief description of the property with respect to which the appeal is taken,
3. a reference to applicable provisions of these regulations,
4. the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations, and
5. the alleged grounds why such relief is believed proper under the circumstances.

### **5.9.3 Appeals to the Environmental Court**

In accordance with the Act [§4471], an interested person who has participated in a regulatory proceeding of the Development Review Board may appeal a decision rendered by the DRB under Section 5.3, within 30 days of such decision, to the Vermont Environmental Court. Appeals to Environmental Court shall also meet the following requirements:

6. “Participation” in a DRB proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
7. The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Chelsea Town Clerk, or the Zoning Administrator if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

### **5.10 Nonconformities**

A use made non-conforming or a structure made non-complying by enactment of this Bylaw, or an amendment thereto, may be continued, subject to the following conditions:

1. A nonconforming use may be changed to another non-conforming use upon approval of the Development Review Board, but only if the Board finds that the degree of non-conformity of the new use is not greater than that of the original non-conforming use.
2. A non-complying structure may be extended within the boundary lines of parcel or lot existing on the effective date of this Bylaw, upon issuance of a Zoning Permit by the Zoning Administrator, provided that the extension shall not cause the use or structure to become in violation of any parking, unloading, required setback, lot area, coverage, building height, access road, or other requirements of this Bylaw. Where a building has less than the required front setback, additions that are lateral to the existing structure may be permitted so long as they become no closer to the road than the original structure, and provided that pre-existing non-conforming side and rear setback requirements are not reduced.
3. When a non-conforming use has been discontinued for a period of two (2) years, it shall not thereafter be re-established.
4. A non-complying structure which has been damaged or destroyed by any cause may be reconstructed to its prior condition with the approval of the Zoning Administrator if such reconstruction is sought within two years of the damage or construction.

## 5.11 Limitations

In accordance with 24 V.S.A., Section 4413, the following limitations shall apply to development in Chelsea.

- (a) Unless provisions are included in this Bylaw, the following uses may only be regulated with respect to size, height, setbacks, off-street parking and loading facilities, and landscaping or screening requirements:
  - Public utility power generating plants and transmission lines
  - State or community owned and operated institutions and facilities
  - Public and private schools and other educational institutions
  - Churches, convents, and parish houses
  - Public and private hospitals
  - Regional solid waste management facilities
  - Hazardous waste management facilities
- (b) Section 4412 limits the effect of this Bylaw where group homes, and antennae or similar structures are proposed.

## 5.12 Violations

The commencement or continuation of any land development that does not meet the requirements of these regulations shall constitute a violation. All violations shall be pursued in accordance with the Act [ §§4451, 4452]. Each day that a violation continues shall constitute a separate offense. The Zoning Administrator shall institute, in the name of the Town of Chelsea, any appropriate action, injunction or other proceeding to enforce the provisions of these regulations. All fines imposed and collected shall be paid over to the municipality.

### 5.12.1 Notice of Violations

No action may be brought under this section unless the alleged offender has had at least seven (7) days' warning notice by certified mail that a violation exists, as required under the Act [§4451]. The notice of violation also shall be recorded in the land records of the municipality under Section 4.08. The notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven-day notice period, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven-day notice period and within the next succeeding 12 months.

### 5.12.2 Limitations on Enforcement

An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with the Act [§4454]. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit unless the permit or a notice of the permit has been recorded in the land records of the municipality under Section 5.4.

## 6. Definitions

For the purposes of this Bylaw, meanings of the following words and terms shall be interpreted as defined below and all other words shall be presumed to have their normal meaning, unless such meaning runs counter to the purposes and objectives of this Bylaw or the Town Plan. The definitions of terms defined in Section 4303 of the Act, and not otherwise defined herein are made a part of these Bylaws.

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

**AFFORDABLE HOUSING:** Housing that is owned or rented by its inhabitants whose income does not exceed 80% of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, (including principal, interest taxes insurance and condominium fees if owned, or rent and utilities if rented) is not more than 30% of the household's gross annual income.

**AGRICULTURE:** Land which is used for raising livestock, or agricultural or forest products, including farm structures and the storage of agricultural equipment; riding and boarding stables; and meets the Vermont Agency of Agriculture's definition of "farming use" by achieving one or more of the following criteria:

- (a) is used in connection with the sale of \$1000 or more of agricultural products in a normal year; or
- (b) is used in connection with the raising, feeding, and management of at least the following number of adult animals: four equines; five cattle or American bison; fifteen swine; fifteen goats; fifteen sheep; fifteen fallow deer; fifteen red deer; fifty turkeys; fifty geese; one-hundred laying hens; two-hundred and fifty broilers, pheasant, Chukar partridge, or Coturnix quail; three camelids; four ratites (ostriches, rheas, and emus); thirty rabbits; one hundred ducks; or one-thousand pounds of cultured trout; or
- (c) is used by a farmer filing with the Internal Revenue Service a 1040 (F) income tax statement in at least one of the past two years; or
- (d) is on a farm with a business and farm management plan approved by the Secretary.

**ALTERATION:** Structural change, that increases the exterior height, width or length of the building, including a change of location of, or addition to, a building.

**BUILDING:** A structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or chattel, excluding fences. For the purposes of this bylaw, any travel trailer occupied for more than 60 days per calendar year shall be considered a building.

**BUILDING/STRUCTURE, NON-CONFORMING:** A building or structure or part thereof, not conforming with this zoning bylaw covering bulk, dimensions, height, area, yards, density, or off-street parking, loading requirements, where such building or structure conformed to all applicable law, ordinances or regulations prior to the enactment of this bylaw.

**CAMP, SEASONAL:** Cabin, trailer, shelter or other accommodation suitable and used for temporary living purposes and with interior plumbing that consists of no more than a sink with water. Can be used for no more than three consecutive weeks per year and no more than a total of sixty days per year.

**COMMERCIAL GROUP SERVICE:** Any use of land or structures (limited to 25,000 square feet or less) for the purpose of providing a service involving the presence of a number of individuals at one time. Examples: motels, hotels, theatres, restaurants.

**COMMERCIAL OUTDOOR RECREATION:** Any use of land or structures for the provision of private outdoor recreational services that do not involve the construction of substantial structures. Examples: travel trailer parks, tennis courts, golf courses.

**COMMERCIAL:** Any use of land or structures for the primary purpose of buying or selling goods where the goods are primarily contained inside a principal building. Such uses, when located in the Rural Residential district are not to exceed 6000 square feet of floor area. Examples: retail shops, general store.

**COMMUNITY SERVICE:** Any use of land or structures for the purpose of providing or conducting educational or religious services. Examples: schools (public and private), churches.

**DAY CARE FACILITY:** The use of a building or lot providing supervision, care, or meals, but not overnight lodging, for infants, children, handicapped and/or the elderly.

**DISTRICT:** A part, zone or geographic area within the town of Chelsea within which certain zoning or development regulations apply.

**DWELLING, ONE FAMILY:** A building containing one dwelling unit.

**DWELLING, TWO FAMILY:** A building containing two dwelling units.

**DWELLING, MULTI-FAMILY:** A building containing more than two dwelling units.

**EXTRACTION:** Excavating and removing rock, stone, ore, soil, gravel, sand, minerals, and similar materials from the surface and/or subsurface for the purposes of selling those materials or utilizing those materials in a commercial venture.

**HOME OCCUPATION:** An occupation carried on by a resident living on the premises which involves no more than two employees other than those residents of the property,

occupies a minor portion (no greater than 49%) of the residence or accessory structures, does not change the character of the area and is clearly secondary to the principal use as a residence.

**HOME INDUSTRY** - An occupation carried on by a resident living on the premises which involves no more than five employees other than those residents of the property, occupies a minor portion (no greater than 49%) of the residence or accessory structures, does not change the character of the area and is clearly secondary to the principal use as a residence.

**INDIVIDUAL SERVICE:** Any use of land or structures for the purpose of providing a service which customarily involves the presence of no more than a few individuals at the same time. Examples: real estate offices, hairdressers, repair shops, bed and breakfast.

**INTERESTED PARTY:** Anyone lawfully afforded the right to appeal a decision or act of the Zoning Administrator as defined under 24 V.S.A., Section 4464(b).

**JUNK YARD:** Any area, lot, land parcel, or part thereof, used for the storage, collection, processing, purchase, sale, of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery, or two or more unregistered or inoperable motor vehicles or other types of equipment.

**LAND DEVELOPMENT:** The division of a parcel into two or more parcels, the construction, relocation, or enlargement of any building or structure, or any mining, excavation or landfill, any change in use of any building or other structure or land or extension of use of land.

**LIGHT INDUSTRIAL:** The processing, assembly, distribution or packaging of natural or man-made products where such activity results in no substantial off-site impacts, such as, but not limited to noise, vibration, air pollution, fire hazard or noxious emission. All such activity and storage of raw or finished products are enclosed in a building or are screened from abutting properties and public rights of way. Examples: woodworking shop, electronics manufacturing or assembly, machine shop.

**LOT:** A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law; to be used, developed or built upon as a unit, which is not divided by a public highway as defined by 19 V.S.A., Section 1.

**LOT AREA:** The total area within the property lines of the lot.

**LOT FRONTAGE:** That portion of a lot which is adjacent and parallel to a public highway as defined by 19 V.S.A., Section I or a private way as approved by the Development Review Board pursuant to Section 2.6.

**MINOR STRUCTURE:** A building less than 100 square feet in area and not intended for human occupancy. Minor structure must meet all setback minimums for the district where it is located.

**MOBILE HOME PARK:** Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Mobile home park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile home used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes.

**MUNICIPAL:** Any use of land or structures for the purpose of providing municipal or quasi-municipal services. Examples: municipal buildings, public parks, libraries, cemeteries.

**NONCONFORMITIES:** A nonconforming use, structure, lot, or parcel.

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

**NONCONFORMING STRUCTURE:** A structure or part thereof not in conformance with the Chelsea Zoning Bylaw covering building height, area, yards, density or off-street parking requirements where such structure conformed to all applicable laws and regulations prior to the enactment of this Bylaw.

**NUISANCE:** Any thing, condition, or conduct that endangers health and safety, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

**PARKING AREA:** An area of land on a lot designated or used exclusively for the maneuvering and storage of motor vehicles.

**PARKING SPACE:** A defined space which is at least ten feet wide and twenty feet long outside of the right-of-way or driveway used for the parking of one motor vehicle which affords practical access to the road or right-of-way and graveled or paved sufficiently to permit year-round use.

**PLANNED UNIT DEVELOPMENT (PUD):** A residential development in which one or more lots, tracts, or parcels of land are 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.

**PRINCIPAL BUILDING:** A building or portion thereof, in which is conducted the principal use of the lot on which it is located.

**PRINCIPAL USE:** The primary or predominate use of any lot.

**PUBLIC OPEN SPACE:** Public or community owned land available for limited public or park-like uses.

**ROADSIDE COMMERCIAL:** Any use of land or structures for the purpose of buying or selling goods which are commonly displayed or sold outside a principal building. Examples: gasoline station, mobile home sales lot, car dealership, food stands.

**RURAL COMMERCIAL:** Any use of land or structures for the purpose of buying or selling goods that are agricultural or silvicultural in nature. Examples: farm stands, nurseries, saw mills.

**SETBACK, FRONT:** The distance from the centerline of any highway or road right-of-way to the nearest part of any building or structure.

**SETBACK, REAR:** The distance from the rear lot line to the nearest part of any building or structure.

**SETBACK, SIDE:** The distance from the side lot line to the nearest part of any building or structure.

**SIGN:** A communication device, structure, or fixture that incorporates graphics, symbols, or written copy intended to promote the sale of a product, commodity, or service, or to provide direction or identification for a premises or facility.

**SIGN AREA:** The entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure.

**SIGN, BUSINESS AND PUBLIC BUILDING:** A structure which calls attention to and/or acts as an outdoor display for an establishment, property, or the services and products provided therein.

**SIGN, INSTRUCTIONAL:** A structure which is used to direct the user of the premises for off-street parking, traffic control, pedestrian areas, loading docks, safety zones or other similar purposes.

**SIGN, TEMPORARY:** Any sign, banner, pennant, or advertising to be displayed for a limited time period. Easily removed signs attached to windows are considered temporary signs.

**SIGN, REAL ESTATE:** A structure which is designed or used to advertise or call attention to real estate available for sale or lease erected on premises offered for sale or lease.

**STRUCTURE:** An assembly of materials with fixed location on or below the ground, or attached to an object having an affixed location on the ground including, but not limited to, towers, dish antennae, but excluding mailboxes, fences, roads or driveways, and underground utilities.

**SURFACE WATER:** Any year-round body of water such as brooks, streams, rivers, ponds or lakes.

**TEMPORARY STRUCTURE:** A structure for accessory use, without a permanent foundation or footing and which is removed when the designated time periods, activity, or use for which it was erected has ceased.

**USE, CONDITIONAL:** A use which may be permitted upon approval of the Development Review Board, following a public hearing.

**USE, NON-CONFORMING:** A use of a building or land legally existing at the time of the adoption of these Bylaws, or any amendment thereto, and which does not conform with the use regulations of the district in which it is isolated.

**USE, PERMITTED:** A use which may take place in any district as set forth by this Bylaw, excluding illegal uses and non-conforming uses.

**VILLAGE MUNICIPAL:** Any use of land or structures for the purpose of providing municipal or quasi-municipal services. Examples: municipal buildings, federal government buildings, public parks, libraries, cemeteries.

**TOWN MUNICIPAL:** Any use of land or structures for the purpose of providing municipal or quasi-municipal services which require large vehicles and substantial storage for materials and equipment. Examples: Town garage, fire station, rescue squad.