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Chelsea Vermont Zoning Bylaw

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Adopted by Public Vote
November 7, 2017

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Funded by a Municipal Planning Grant from the Department of Housing and Community
Development.

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1

2 **1. Authority and Purpose**

3

4 **1.1 Enactment**

5

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

10

11 **1.2 Purpose**

12

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

15

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

22

23

24 **1.3 Effective Date**

25

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

29

30

31 **1.4 Status of Prior Bylaws and Ordinances**

32

33 Upon the effective date of these Bylaws, the Town of Chelsea Zoning Bylaws adopted
34 November 7, 2017.

35

36

37

38

1 **1.5 Severability**

2

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

5

6 **1.6 Precedence**

7

8 The provisions of this Bylaw shall be held to be minimum requirements adopted for the
9 promotion of the public health, safety, comfort, convenience and general welfare.

10 Whenever this Bylaw imposes a greater restriction upon the use of a structure or land
11 than are required by any other statute, bylaw, rule, permit or agreement, the provisions of
12 this Bylaw shall control.

13

14

1 **2. General Regulations**

2

3 **2.1 Application of Bylaws**

4

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

10

11 Lands which are located within the Special Flood Hazard Area must also conform to the
12 requirements of Chelsea’s Flood Hazard bylaw. The regulations under the Flood Hazard
13 Bylaw may be more stringent than those contained within this Bylaw.

14

15 **2.2 Permit Required**

16

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

27

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

34

35 Projects located within the Special Flood Hazard Area will require an additional permit
36 under the Flood Hazard Bylaw.

37

38

39

40

You need a permit!

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.

1 **2.3 Construction Approved or Commenced Prior to this Bylaw**

2
3 No Zoning Permit shall be required for any building upon
4 which construction had begun or within which a use was
5 established prior to the adoption or amendment to this
6 Bylaw, provided such construction is completed within one
7 (1) year from the date of such adoption of amendment.
8 Nothing contained in this Bylaw shall require any change in
9 plans or construction of a non-complying structure for which
10 a Zoning Permit has been issued and which has been
11 completed within one (1) year from the effective date of this
12 Bylaw

13 **2.4 Exemptions**

14
15 Except for those areas within the Flood Hazard Area (which
16 are regulated by the Flood Hazard Bylaw), no zoning permit
17 shall be required for the following activities, however written
18 notification to the Zoning Administrator of intent to build is
19 required:
20

- 21 a) Required agricultural practices (RAPs), including the
22 construction of farm structures, as those practices are
23 defined by the Secretary of Agriculture, Food and
24 Markets, in accordance with the Act [§4413(d)].
25 Written notification, including a sketch plan showing
26 structure setback distances from road rights-of-way,
27 property lines, and surface waters shall be submitted
28 to the Zoning Administrator prior to any construction,
29 as required for RAPs. **Such structures shall meet
30 all setback requirements under these regulations,
31 unless specifically waived by the Secretary of
32 Agriculture.**
- 33
34 b) Accepted management practices (AMPs) for
35 silviculture (forestry) as those practices are defined
36 by the Commissioner of Forests, Parks and
37 Recreation, in accordance with the Act [§4413(d)].
- 38
39 c) Power generation and transmission facilities, which
40 are regulated under 30 V.S.A. §248 by the Vermont
41 Public Service Board. Such facilities, however, shall
42 conform to policies and objectives specified for such
43 development in the Town Plan.
44
45

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.

- 1 d) Hunting, fishing, and trapping as specified under 24 V.S.A §2295 on private or
2 public land. This does not include facilities supporting such activities, such as
3 firing ranges or rod and gun clubs, which for the purposes of these regulations are
4 defined as outdoor recreation facilities.
5
- 6 e) Minor Structures as defined in section 6 of this Bylaw. Must meet all setback
7 requirements of the zone it is in.
8
- 9 f) Any use having no impact or a de minimus impact as determined by the Zoning
10 Administrator as authorized in the Act [§4446].
11
- 12 g) Normal maintenance, repair, upgrading, or remodeling of a building or structure
13 that neither increases the buildings footprint nor involves a change in use.
14
- 15 h) Replacement or repair of an existing structure or building damaged by fire or
16 other disaster provided that the structure or building is no greater in any
17 dimension and is within the original footprint, and that reconstruction begins
18 within two years of the date of damage.
19
- 20 i) The subdivision of lots, provided that the lots created meet the standards required
21 in 2.7.
22
- 23 j) Home occupations as defined in V.S.A. Title 24, Chapter 117, §4412(4)
24

25 **2.5 Existing Small Lots**

26
27 Any lot in individual and separate and non-affiliated ownership from surrounding
28 properties in existence on the effective date of this Bylaw may be developed for the
29 purposes permitted in the District in which it is located, even though not conforming to
30 minimum lot size requirements, if such lot is not less than one-eighth acre in area with a
31 minimum width or depth of forty feet. Nothing in this section shall be construed so as to
32 prevent the sale or transfer of such a lot.
33

34 **2.6 Required Frontage On, or Access to, Public Roads or** 35 **Waters**

36
37 As required by Vermont law, land development may not be permitted on lots which do
38 not have frontage on a public road or water, or, with the approval of the Development
39 Review Board, access to such a road by permanent easement or right-of-way at least 20
40 feet in width.
41
42
43

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

5
6

7 **2.7 Division of Lots**

8

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

11

12 **2.8 Streambank Conservation**

13

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

17

18 **2.9 Equal Treatment of Housing**

19

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

23

24 **2.10 Affordable Housing**

25

26 No provision of this bylaw may have the effect of excluding from the municipality
27 housing to meet the needs of the population as determined in accordance with 24 V.S.A.
28 § 4382(c).

29

30 **2.11 Sewage Disposal**

31

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

37

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

40

1 **3. Zoning District Regulations**

2

3 **3.1 Establishment of Zoning Districts**

4

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

7

- 8 • Village (VIL)
- 9 • Industrial (IND)
- 10 • Rural Residential (RR)
- 11 • Mixed Use Development (MU)

12

13 **3.2 Establishment of Overlay Districts**

14

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

17

- 18 • Flood Hazard (FHO)
- 19 • Source Protection (SPO)

20

21 **3.3 Official Zoning Map**

22

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

28

29 **3.4 Interpretation of Zoning and Overlay District Boundaries**

30

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

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

- 1 1. Boundaries indicated as approximately following the center lines of roads, streams,
2 transportation and utility rights-of-way shall be construed to follow such center
3 lines;
- 4 2. Boundaries indicated as approximately following lot lines shall be construed to
5 follow such lot lines;
- 6 3. Boundaries indicated as following shorelines shall be construed as the normal mean
7 water level;
- 8 4. Boundaries indicated as parallel to or extensions of features in (1) through (3) above
9 shall be so construed;
- 10 5. Where circumstances are not covered by (1) through (4) above, the DRB shall
11 interpret the district boundaries.
12

13 **3.5 Dimensional Standards, Permitted and Conditional Uses By** 14 **District**

15
16 Various uses requiring a Zoning Permit or Conditional Use Approval in addition to a
17 permit are listed below for each district. If a use is not listed or exempted under 2.4, it is
18 prohibited. Dimensional requirements must be met unless a waiver is granted (see
19 section 5.8 for more information). Waivers cannot be granted on types of use. Means for
20 measurements are covered in section 5.8.
21

22 **3.5.1 Use Categories**

23
24 For the purpose of establishing permitted and
25 conditional uses within the zoning and overlay
26 districts, the following categories of use are
27 designated and defined (additional specific uses
28 are addressed in section 4):
29

30 **1 & 2 Family Dwelling:** Any use of land or
31 structure comprising the residence of one or two
32 families in a principal building. Examples:
33 cabin, mobile home, duplex.
34

35 **Multi-family Dwelling:** Any use of land or
36 structures comprising the residence of three or
37 more families in a principal building.
38

39 **Commercial:** Any use of land or structures for
40 the primary purpose of buying or selling goods
41 where the goods are primarily contained inside a

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.

1 principal building. Such uses, when located in the Rural Residential district are not to
2 exceed 6000 square feet of floor area. Examples: retail shops, general store.

3
4 **Roadside Commercial:** Any use of land or structures for the purpose of buying or
5 selling goods which are commonly displayed or sold outside a principal building.
6 Examples: gasoline station, mobile home sales lot, car dealership,
7 recreational/agricultural equipment, food stands.

8
9 **Rural Commercial:** Any use of land or structures for the purpose of buying or selling
10 goods that are agricultural or silvicultural in nature. Examples: farm stands, nurseries,
11 saw mills.

12
13 **Individual Service:** Any use of land or structures for the purpose of providing a service
14 which customarily involves the presence of no more than a few individuals at the same
15 time. Examples: real estate offices, hairdressers, repair shops, bed and breakfast.

16
17 **Commercial Group Service:** Any use of land or structures (limited to 25,000 square
18 feet or less) for the purpose of providing a service involving the presence of a number of
19 individuals at one time. Examples: motels, hotels, theatres, restaurants.

20
21 **Community Service:** Any use of land or structures for the purpose of providing or
22 conducting educational or religious services. Examples: schools (public and private),
23 churches.

24
25 **Light Industrial:** The processing, assembly, distribution or packaging of natural or man-
26 made products where such activity results in no undue adverse off-site impacts, such as,
27 but not limited to noise, vibration, air pollution, fire hazard or noxious emission. All
28 such activity and storage of raw or finished products are enclosed in a building or are
29 screened from abutting properties and public rights of way. Examples: woodworking
30 shop, saw mill, manufacturing or assembly, machine shop.

31
32 **Commercial Outdoor Recreation:** Any use of land or structures for the provision of
33 private outdoor recreational services that do not involve the construction of substantial
34 structures. Examples: travel trailer parks, tennis courts, golf courses.

35
36 **Village Municipal:** Any use of land or structures for the purpose of providing municipal
37 or quasi-municipal services. Examples: municipal buildings, federal government
38 buildings, public parks, libraries, cemeteries.

39
40 **Town Municipal:** Any use of land or structures for the purpose of providing municipal
41 or quasi-municipal services which require large vehicles and substantial storage for
42 materials and equipment. Examples: Town garage, fire station, rescue squad.

43
44 **Agricultural Commercial** - Any use of land or structures taking place on an owner-
45 occupied working farm that are beyond those exempted as an agricultural use or home
46 occupation, including the on-site storage, preparation, processing, eating, and/or sale of

1 agricultural products, not principally produced on the farm; and educational or
2 entertainment activities such as special events, festivals, crop-based seasonal events,
3 ancillary catering, educational experiences, agricultural technical tours, garden/nursery
4 tours, historical agricultural exhibits, ranch/farm tours, and winery/vineyard tours.
5

6 **3.5.2 Accessory Building or Use**

7
8 All principal uses or structures imply the inclusion of appropriate accessory uses or
9 structures that are customarily incidental and subordinate to the principal use or structure
10 and located on the same lot. All accessory structures, except fences, walls, driveways
11 and parking areas shall conform to the dimensional standards in the district where they
12 are located. A Zoning Permit shall be required for the construction of any accessory
13 building, structure, or use, except where exempted in section 2.4.
14

15 **3.5.3 Village District (VIL)**

16

17 **3.5.3.1 District Purpose**

18

19 This district is intended to act as a center of high-density development that includes
20 mixture of housing types, commercial uses, services, small industry, and community
21 facilities and services. Principal retail establishments should be located in the Village
22 district area to minimize sprawl and loss of rural character. Because the Village District
23 is served by an off-site public sewer system with a secondary sewage treatment, higher
24 density and intensity of uses is appropriate, providing that they are of the same character
25 as existing development.
26

27 **3.5.3.2 Permitted Uses within the Village District**

28

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

31

- 32 1. Accessory Building or Use
- 33 2. One and Two Family Dwellings
- 34 3. Permanent Signs (see section 4.4)

35

36

37

38

39

40

1 **3.5.3.3 Conditional Uses within the Village District**

2
3 The following uses are permitted upon granting Conditional Use Approval by the DRB
4 and the issuance of a Zoning Permit by the Zoning Administrator.

- 5
6 1. Agricultural Commercial
7 2. Multi-Family Housing
8 3. Community Service
9 4. Village Municipal
10 5. Town Municipal
11 6. Commercial
12 7. Roadside Commercial
13 8. Home Industry (see section 4.2)
14 9. Individual Service
15 10. Commercial Group Service
16 11. Light Industrial
17 12. Day Care Facility (see section 4.7)
18 13. Extraction of Sand, Gravel, Soil and Rock (see section 4.5)
19 14. Other uses determined by the DRB to be in conformance with the Town Plan and
20 similar to those above and in keeping with the setting in this district.
21
22

23 **3.5.3.4 Land, Area and Structural Requirements within the Village District**

- 24
25 1. Lot Area Minimums: ½ acre for all principle uses connected to the municipal
26 sewer system. 1 acre for all principle uses not connected to the sewer system.
27 2. Front Setback minimum: 35 feet from road centerline (this figure is based on
28 measurement using an orthophoto)
29 3. Side and Rear Setback Minimum: 20 feet
30
31

32 **3.5.4 Rural Residential District (RR)**

33
34 The Rural Residential district is predominantly forested and interspersed by farmland, it
35 is also the location for much of Chelsea’s housing stock. This pattern of use should
36 continue to be its primary purpose. However, some non-residential uses, including
37 individual services and commercial outdoor recreation are acceptable provided that such
38 uses are planned as relatively small in size or scale.
39
40
41
42
43

1 **3.5.4.1 Permitted Uses within the Rural Residential District**

2
3 The following uses may be permitted upon issuance of a Zoning Permit by the Zoning
4 Administrator.

- 5
6 1. Accessory Building or Use
7 2. One and Two Family Dwellings
8 3. Permanent Signs (see section 4.4)
9 4. Seasonal Camps (see section 6 - Definitions)
10

11 **3.5.4.2 Conditional Uses within the Rural Residential District**

12
13 The following uses are permitted upon granting Conditional Use Approval by the DRB
14 and the issuance of a Zoning Permit by the Zoning Administrator.

- 15
16 1. Agricultural Commercial
17 2. Multi-Family Housing
18 3. Community Service
19 4. Individual Service
20 5. Town Municipal
21 6. Village Municipal
22 7. Commercial – In this district, total floor area of Commercial uses is not to exceed
23 6000 sq ft.
24 8. Commercial Outdoor Recreation
25 9. Light Industrial
26 10. Roadside Commercial
27 11. Rural Commercial
28 12. Commercial Group Service
29 13. Home Industry (see section 4.2)
30 14. Day Care Facility (see section 4.7)
31 15. Extraction of Sand, Gravel, Soil and Rock (see section 4.5)
32 16. Other uses determined by the DRB to be in conformance with the Town Plan and
33 similar to those above and in keeping with the setting in this district.
34
35

36 **3.5.4.3 Land, Area and Structural Requirements within the Rural Residential**
37 **District**

- 38
39 1. Lot Area Minimums: 2 acres.
40 2. Front Setback minimum: 65 feet from centerline of road or private right-of-way.
41 3. Side and Rear Setback Minimum: 35 feet
42

1 **3.5.5 Industrial District (IND)**

2
3 The preferred uses in the Industrial District include light industrial, group service and
4 municipal uses. The types of industry located in this district should be generally
5 classified as clean and non-polluting. Residential uses within this district are allowed,
6 but need to be separated from non-residential uses as much as possible.
7

8 **3.5.5.1 Permitted Uses within the Industrial District**

9
10 The following uses may be permitted upon issuance of a Zoning Permit by the Zoning
11 Administrator.

- 12
13 1. Accessory Building or Use
14 2. Permanent Signs (see section 4.4)
15 3. One and Two Family Dwellings
16
17

18 **3.5.5.2 Conditional Uses within the Industrial District**

19
20 The following uses are permitted upon granting Conditional Use Approval by the DRB
21 and the issuance of a Zoning Permit by the Zoning Administrator.

- 22
23 1. Town Municipal
24 2. Light Industrial
25 3. Roadside Commercial
26 4. Rural Commercial
27 5. Home Industry (see section 4.2)
28 6. Extraction of Sand, Gravel, Soil and Rock (see section 4.5)
29 7. Other uses determined by the DRB to be in conformance with the Town Plan and
30 similar to those above and in keeping with the setting in this district.
31
32

33 **3.5.5.3 Land, Area and Structural Requirements within the Industrial District**

- 34
35 1. Lot Area Minimums: 2 acre for residences and home industries, 1 acre for all
36 other uses in this district.
37 2. Front Setback minimum: 65 feet from centerline of road or private right-of-way.
38 3. Side and Rear Setback Minimum: 50 feet for residential development, 35 feet for
39 all other uses within this district unless otherwise specified.
40
41

1 **3.5.6 Mixed Use Development District (MU)**

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7

The Purpose of the Mixed Use Development Areas is to provide a flood resilient location for new commercial and mixed-use development in Chelsea. Within these areas, a mix of land uses is acceptable, including primary retail establishments, service businesses, light manufacturing and professional offices as well as residences.

8 **3.5.6.1 Permitted Uses within the Mixed Use Development District**

9
10
11

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

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13
14
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16
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18

1. Accessory Building or Use
2. Permanent Signs (see section 4.4)
3. One and Two Family Dwellings

19 **3.5.6.2 Conditional Uses within the Mixed Use Development District**

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22

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

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1. Multi-Family Housing
2. Community Service
3. Individual Service
4. Commercial – In this district, total floor area of Commercial uses is not to exceed 6000 sq ft.
5. Commercial Outdoor Recreation
6. Light Industrial
7. Roadside Commercial
8. Rural Commercial
9. Commercial Group Service
10. Home Industry (see section 4.2)
11. Day Care Facility (see section 4.7)
12. 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.

1 **3.5.6.3 Land, Area and Structural Requirements within the Mixed Use District**

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

10 **3.5.7 Flood Hazard Overlay District (FHO)**

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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.

22 **3.5.8 Well-Head Protection Overlay District (WHPO)**

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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.

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

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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.

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

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

2
3 Commercial storage of liquid petroleum products is prohibited unless the Development
4 Review Board determines that all appropriate precautions have been taken to eliminate
5 the possibility of contamination of the groundwater or the public water supply.

6
7 No land development that involves or typically requires the installation, maintenance, or
8 operation of a subsurface sewer disposal system shall be permitted unless the
9 Development Review Board first determines that such a facility will not adversely affect
10 groundwater quality or contaminate public water supplies.

11
12 Plans for the construction of roads or related improvements shall be reviewed by the
13 Development Review Board prior to development of such facilities. Approval by the
14 Board shall be granted on finding that the proposed project will not result in undue soil
15 erosion or water pollution. The Board may attach conditions to its approval.

16
17 To the above ends, the Development Review Board may require the applicant to engage,
18 at their expense, a licensed sanitation engineer to review their plan and present their
19 written opinion regarding the effect it may have, if any, as a potential contaminator of the
20 source.

21
22 Prior to rendering a decision for any land development with the Well-Head Protection
23 Area, the Zoning Administrator or Development Review Board shall provide notice to
24 the Chief Operator of the Chelsea Water System. The Chief Operator shall coordinate its
25 review of any proposed development with the Selectboard and Development Review
26 Board.

27
28

1 **4. Specific Regulations**

2

3 **4.1 Outdoor Storage of Junk**

4

5 The open storage of materials, inoperable, or retired junk vehicles, dismantled equipment
6 and other similar items shall be screened from view from a public highway whether or
7 not such items are used in connection with a business. Fences, walls, trees, shrubs,
8 buildings, and land contours are acceptable means of screening outdoor storage.

9 Maintenance of screening for the above purposes shall be a responsibility of the owner of
10 the premises.

11

12

13

14 **4.2 Home Industry**

15

16 This Bylaw acknowledges that as businesses grow, they
17 often need to expand. In order to support the growth, the use
18 class “home industry” is established. It is intended for
19 businesses that are based out of and secondary to a
20 residential use, but with slightly broader standards. A zoning
21 permit for a home industry shall be granted after DRB
22 review upon meeting the following standards in addition to
23 any other specified within this ordinance:

- 24
- 25 1. The conduct of the home industry is clearly
26 secondary to the residential use of the premises;
 - 27
 - 28 2. The home industry is conducted by the resident at the
29 residence and does not involve more than five full-
30 time people other than the residents of the house;
 - 31
 - 32 3. Automobile traffic resulting from the home industry
33 is not at a volume substantially greater than would be
34 normally anticipated.
- 35
36
37
38
39
40

**Residential Traffic
Volume**

*What is “normally
anticipated traffic volume?”*

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.

1 **4.3 Temporary Structures**

2
3 In order to facilitate the long-term use of property, temporary structures or buildings may
4 be erected or placed on a lot in noncompliance with the area, structural, and setback
5 requirements of this Bylaw upon approval of the Zoning Administrator. Prior to granting
6 a Zoning Permit for a temporary structure or building, the Zoning Administrator shall
7 first find:

- 8
9 1. That the structure’s intended purpose is only temporary and;
10
11 2. That adequate assurance is established that such a structure or building will not
12 remain on the lot for a period of more than twelve months from date of issuance
13 of such permit.
14

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

18 **4.4 Signs**

19
20 Except for signs necessary for public safety and those signs as exempted by these
21 Bylaws, no person shall erect, display or change the location, or size of an outdoor sign
22 or lighted window sign without first obtaining a Zoning Permit from the Zoning
23 Administrator. The purpose of this provision is to control the unplanned and
24 uncoordinated proliferation of outdoor advertising in order to protect the economic,
25 historic, and scenic values of the town and to prevent hazards to users of roads in town.

26 **4.4.1 Signs - General Requirements**

27
28 The following general requirements shall apply to all signs:

- 29
30 1. All signs shall be erected, displayed, or located on the same premises as the
31 activity to which it relates, unless the sign is an official business directory sign
32 regulated by the State of Vermont.
33 2. Affixed or projecting signs shall not exceed the highest point of a building to
34 which it is attached.
35 3. Free-standing signs shall not exceed 20 feet in height above the finished grade.
36 4. Excessively bright exterior lighting, flashing lights, or similar displays for the
37 purpose of advertising are considered signs and are prohibited. No lighted sign
38 shall have the effect of being such a high intensity or glare as to impair the vision
39 of the driver of a motor vehicle.
40 5. Flashing and moving exterior signs are not allowed.
41 6. The area of a sign shall not exceed 32 square feet.
42 7. The total combined on-premise sign area of all signs on a lot shall not exceed 150
43 square feet. Temporary signs shall not be included in this calculation.
44

1 **4.4.2 Signs - Exemptions**

2
3 Permits shall not be required for temporary signs, including sandwich board signs. All
4 exempt signs shall conform to items 4 and 5 of section 4.4.1.
5
6

7 **4.5 Extraction of Gravel, Sand, Soil and Rock**

8
9 The extraction of gravel, sand, soil and rock or the substantial change of such activities
10 from existing operations shall require Conditional Use Approval from the Development
11 Review Board. The Board, in its review of projects, shall give due consideration to the
12 following standards.
13

- 14 1. Plans for the restoration of the disturbed portions of the site during and following
15 the operation shall be adequate to insure that a safe, attractive, and useful
16 condition results.
- 17 2. Plans for the operation of the facility shall be sufficient to insure that the
18 operation will not adversely affect water quality, drainage patterns, or create
19 excessive dust, traffic, vibration, and noise at the site or areas in close proximity
20 to the site.
- 21 3. The operation shall be managed to prevent the creation of excessively steep
22 slopes, overhangs, exposed boulders, uprooted stumps, and other debris.
- 23 4. The scale of intensity of the operation shall not place uneconomic demands on
24 bridges, culverts, and roadways leading to and from the project site.
- 25 5. If power activated crushing or sorting operations are to be allowed on the site,
26 such activity shall not unduly affect the character of the immediate neighborhood
27 area. To insure that the rehabilitation of the site is properly managed, the Board
28 may, as a condition to its approval, require that a performance bond or other
29 forms of surety be posted to cover the costs of restoration or that no more than a
30 predetermined area of the site be exposed at any one time.
31

32 **4.6 Accessory Dwellings**

33
34 Except in the Special Flood Hazard Area (see Chelsea Flood Hazard Bylaw), an
35 accessory dwelling unit that is located within or appurtenant to an owner occupied single
36 family dwelling shall be a permitted use. An accessory dwelling unit shall be defined as
37 efficiency or one-bedroom apartment, located within or appurtenant to an owner-
38 occupied single-family dwelling, that is clearly subordinate to a single-family dwelling,
39 and has facilities and provisions for independent living, including sleeping, food
40 preparation, and sanitation, provided there is compliance with all the following:
41

- 42 1. The property has sufficient wastewater capacity.
43

- 1 2. The unit does not exceed 30 percent of the total habitable floor area of the single-
2 family dwelling.
3
4 3. Applicable setback, coverage, and parking requirements specified in the bylaws
5 are met.
6

7 **4.7 Childcare Facilities**

8
9 A “family child care home or facility” as used in this bylaw means a home or facility
10 where the owner or operator is to be licensed or registered by the state for child care. A
11 family child care home serving six or fewer children shall be considered to constitute a
12 permitted single family residential use of property. A family child care home serving no
13 more than six full-time children and four part-time children, as defined in 33 V.S.A. §
14 4902(3)(A), shall be considered to constitute a permitted use of property but requires site
15 plan approval based on the zoning requirements contained in sections 3 and 4 of this
16 document. A family child care facility serving more than six full-time and four part-time
17 children shall be reviewed as a conditional use.
18

19 **4.8 Outdoor Furnaces**

20
21 Given the potential for air pollution and noxious fumes from outdoor furnaces, the
22 following standards must be met in order to receive a permit from the Zoning
23 Administrator:

24
25 **Village** – Within the village district, furnace smokestack must be equal in height to the
26 chimneys of surrounding buildings. The extended smokestack must be properly fastened
27 so as not to pose a potential hazard due to collapse. All outdoor furnaces within the
28 village must have spark arrestors.

29
30 **All other areas** – In all other areas, furnace smokestacks must be a minimum of 15 feet
31 from ground level.
32

33 **4.9 Travel Trailers**

34
35 No travel trailer shall be parked in the Town of Chelsea except in accordance with the
36 following regulations:

- 37
38 1. A travel trailer may be parked and used as living quarters at a trailer camp which
39 meets state standards.
40 2. No travel trailer shall be used as living quarters unless a permit has been obtained.

- 1 3. The owner of a travel trailer may store it on his own property when not in use. A
2 trailer so parked shall not be used as living quarters and shall not be hooked up to
3 any utilities.
- 4 4. A travel trailer that is used as living quarters for more than 60 days in a calendar
5 year shall be considered a structure and must meet all applicable dimensional,
6 health and safety standards.

7

8 **4.10 Ponds**

9

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

14

15 **4.11 Planned Unit Development**

16

17 **4.11.1 General Intent and Purposes**

18

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

26

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

30

31 **4.11.2 Standards and Conditions**

32

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

36

- 37 1. The application submitted satisfies all the requirements for submission of a
38 Clustered Housing Development application as identified by the Development
39 Review Board.

- 1 2. The parcel size for the proposed Planned Unit Development meets the minimum
2 area requirements set forth below:
 - 3 a. Areas serviced by water and sewer 1.5 acres
 - 4 b. Other Areas 10 acres
- 5 3. The project in its entirety shall comply with all applicable setback requirements.
- 6 4. The total number of dwelling units and other uses shall not exceed the number or
7 densities which would be permitted in the Development Review Board's judgment
8 if the involved land were subdivided into lots in conformance with the Bylaws.
- 9 5. Density Bonus - Notwithstanding the above, in order to encourage the most
10 appropriate and efficient use of the involved land, the total number of dwelling
11 units and other uses may be exceeded by up to twenty-five percent (25%). In
12 granting any such requested density increase, the Commission shall find that:
- 13 6. The character and siting variations incorporated in the project consists of factors
14 which make a substantial contribution to the general intent and purposes of the
15 PUD provision. Such variation are appropriate based upon, but not limited to, the
16 following project amenities: (i) siting, visual focal points, use of existing physical
17 features such as topography, building orientation, variation in building groups
18 such as clusters; (ii) design features, architectural styles, harmonious use of
19 building materials, landscaping, and pedestrian ways; and (iii) extent and location
20 of open space reservation relative total project area, proposed plans for use and
21 management of such area, and the degree of preservation of natural features for
22 any unimproved areas.
- 23 7. The design and layout of the project preserves any recognized historic sites or
24 structures and to the greatest extent feasible any natural features or resources of
25 the site.
- 26 8. Adequate conditions and technical plans exist to insure the safe treatment of
27 sewage and the provisions of a safe supply of drinking water for the project.
- 28 9. If the proposal involves a greater concentration of land uses within some section
29 of the development than upon others, such greater concentration shall be offset by
30 a lesser concentration in other section or sections or by an appropriate reservation
31 of common open spaces on the remaining lands.
- 32 10. To encourage maintenance or enhancement of forest resources, wildfire habitats,
33 and critical resource areas for which the project has been designed so areas of the
34 total parcel are permanently set aside as undevelopable and or the purposes set
35 forth above.

37 **4.11.3 General Procedures**

38
39 The Development Review Board welcomes all to preliminary discussions about this
40 development option. It invites prospective applicants to meet informally with the Board
41 to learn how their project might be structured.

- 42
43 1. Upon receipt of an application for Planned Unit Development Approval, the DRB
44 shall ascertain if the application is complete.

- 1 2. A request for Planned Unit Development Approval shall be scheduled for a least
2 one Public Hearing held by the Development Review Board within thirty days
3 from the date of acceptance of the completed application. AR procedures as set
4 forth in 24 V. S.A. Section 4407 (3) shall apply also.
5 3. Land development for which Approval has been granted shall not commence
6 unless the Zoning Administrator has issued a Permit for such development.
7

8 **4.11.4 Common Facilities, Common Land, & Land to be**
9 **Conserved**

- 10
11 1. Land that is to be dedicated for common facilities or for the preservation and
12 maintenance of areas of high public value (see below) may be held in common or
13 individual ownership, or it may be conveyed to the Town, should the Town
14 choose to accept it.
15
16 2. Common Land. Land to be dedicated to shared facilities (e.g., private road,
17 community wastewater and water supply systems, or other community facilities,)
18 may be held in common, and will be subject to the legal requirements set forth
19 below and in and any other section of this Unified Development Bylaw. Land
20 and/or facilities to be held in common shall be subject to appropriate deed
21 restrictions and/or covenants stipulating their allowed use, and establishing the
22 person or entity responsible for their regular maintenance and long term
23 management. All costs associated with administering and maintaining common
24 land and associated facilities shall be the responsibility of applicant and
25 subsequent property owners.
26
27 3. Land to be Conserved. Land to be dedicated to the preservation and maintenance
28 of areas of high public value (see below) may be held in common or individual
29 ownership, and may be located on one or more lots, although isolating such
30 resources on a single lot is preferred by the Town. The ownership of the land or
31 the benefit of an easement preserving such land shall be in a manner and form
32 approved by the Development Review Board; such ownership or easement may
33 be held by the municipality or a nonprofit land conservation organization, if such
34 entities choose to accept such ownership or easement. Conservation and
35 agricultural easement areas ("open space areas") shall be indicated with an
36 appropriate notation on the final plat.
37

38 Areas of high public value include land characterized by:

- 39
40 • Land in active agricultural use,
41 • Primary (prime & statewide) agricultural soils,
42 • Steep slopes (equal to or in excess of 15%),
43 • Flood hazard areas,
44 • Surface waters, wetlands and associated setback and buffer areas,
45 • Shoreland setback and buffer areas,

- 1 • Special areas (identified in the Chelsea Town Plan),
- 2 • Critical wildlife habitat (as identified in Chelsea Town Plan or as field
- 3 delineated),
- 4 • Water supply source protection areas (SPAs),
- 5 • Historic districts, sites and structures,
- 6 • Scenic views and vistas within the [insert appropriate district here] district, or
- 7 • Conserved land on adjacent parcels.

8 **4.11.5 Legal Requirements**

- 9
- 10 1. Documentation and assurances shall be provided that all required improvements
 - 11 and associated rights-of-way and easements and other common facilities and land
 - 12 will be adequately maintained either by the applicant, subsequent or other
 - 13 landowners, a homeowners' association, or through other accepted legal
 - 14 mechanism. Such documentation shall be in a form approved by the Development
 - 15 Review Board and filed in the Chelsea Land Records.
 - 16
 - 17 2. All required improvements shall be constructed to approved specifications in
 - 18 accordance with a construction schedule approved by the Development Review
 - 19 Board. The Commission may require that all such improvements be completed
 - 20 prior to the issuance of an Administrative Permit or certificate of occupancy for
 - 21 subsequent development on approved lots. A performance bond or comparable
 - 22 surety acceptable to the Selectboard may be required to ensure that all
 - 23 improvements are completed to specification.
 - 24

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

2

3 **5.1 Zoning Administrator**

4

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

10

11 **5.2 Development Review Board – Creation**

12

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

17 **5.3 Records**

18

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

22

23 **5.4 Permits**

24

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

32

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

37

38

39

40

1 **5.4.1 Application for Permit**

2
3 An Application for a Zoning Permit shall be filed with the Zoning Administrator on
4 forms approved by the Development Review Board accompanied by fees set by the
5 Selectboard. In addition to the information requested on the form, additional information
6 may be required such as surveys, site plans, or drawings to enable the Administrator or
7 Development Review Board to adequately review the proposed land development. An
8 application shall not be accepted unless:

- 9
10 1. signed by the applicant (who must be the owner of record, or the owner and future
11 developer) and;
12 2. accompanied by the required fees.
13

14 **5.4.2 Relationship of Administrative Permit to Other**
15 **Approvals/Permits**

16
17 Granting of a permit under this bylaw does not relieve the applicant of the need for any
18 other local, state or federal permit under other regulations. When other municipal
19 permits, approvals, or authorizations are required by this bylaw, the Administrator shall
20 notify the applicant of these, and refer the application within 30 days to the appropriate
21 body. The Administrator should coordinate a unified effort on behalf of the municipality
22 in administering the various local development review programs. These include:

- 23
24 1. An access permit from the Selectboard if there is a new or modified access onto
25 the property. This is not a permit under this bylaw, but is a prerequisite to most
26 Administrative Permits.
27 2. Conditional Use Approval from the Development Review Board is an approval
28 needed under this bylaw prior to the issuance of an Administrative Permit for
29 construction if a development involves a conditional use.
30 3. A Floodplain Development Permit from the Development Review Board is
31 needed under a separate ordinance if the project is in the area regulated under the
32 Chelsea Flood Hazard Regulations. This permit must be received prior to
33 applying for an Administrative Permit, will be in addition to any Administrative
34 Permit needed, and supersedes the Administrative Permit if stricter.
35 4. The Administrator shall inform any person subdividing a lot that a state
36 subdivision permit or required statement on the deed is also needed.
37 5. A waiver or variance under this bylaw may be needed prior to an Administrative
38 Permit if a project does not conform exactly to the requirements of this bylaw.
39

40 The Administrator shall also inform any person applying for municipal permits or
41 authorizations that the person should contact the regional Permit Specialist employed by
42 the Agency of Natural Resources to fill out a Project Review Sheet in order to assure
43 timely action on any related state permits. Nevertheless, the applicant retains the
44 obligation to identify, apply for, and obtain relevant state permits.
45

1 **5.4.3 Completion or Expiration of Permit Application**

2
3 An application for a Zoning Permit will not be is considered complete by the Zoning
4 Administrator and acted upon until it includes:

- 5
6 1. all required information,
7 2. any applicable necessary approvals as allowed by law, and
8 3. for any permit for the development of land within the area of special flood hazard
9 area, a copy of such flood development permit in accordance with section 4424 of
10 the Act.

11
12 When additional information is requested from the applicant by the Zoning Administrator
13 in order to consider the permit application complete, and such information is not
14 presented within 90 days of the request, the application will expire and be deemed
15 rejected.
16

17 **5.4.4 Issuance of a Permit**

18
19 Before any land or building is devoted to a new or changed use or before the erection,
20 structural alteration or extension of any building, a zoning permit shall be obtained from
21 the Zoning Administrator. The fee for such permit shall be established by the Board of
22 Selectmen. The Zoning Administrator shall within 30 days of receipt of an application
23 which is deemed complete, either issue or deny a zoning permit. If denied, the Zoning
24 Administrator shall so notify the applicant in writing stating his reasons therefore. If the
25 zoning permit is approved, all activities authorized by its issuance shall be completed
26 within two years of its date of issue, or the zoning permit shall become null and void and
27 reapplication to complete any activities shall be needed.
28

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

- 31
32 1. Deliver a copy of the permit to the Listers of the municipality; and
33
34 2. Post a copy of the permit in at Chelsea Town Hall until the expiration of fifteen
35 (15) days from the date of issuance of the permit. No permit is final until the
36 15-day appeal period has expired.
37

38 Additionally, the applicant must also post a permit notice, in a form prescribed by the
39 Town of Chelsea, within view of the public right-of-way most nearly adjacent to the
40 subject property until the time for appeals has passed.
41

42 **5.4.5 Effective Date**

43
44 An approved permit shall take effect 15 days from the date of issuance.

1

2 **5.4.6 Transmission of Permits**

3

4 Upon granting a permit, the Development Review Board shall send to the applicant a
5 copy of the decision. Copies of the decision also shall be mailed to every “interested
6 person” as defined in 5.9.1, with the Zoning Administrator, who shall forthwith issue a
7 permit, and with the Town Clerk as a part of the public records.

8

9 **5.5 Development Review Board – General Duties**

10

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

15

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

21

22 **5.6 Conditional Uses**

23

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

32

- 33 1. The capacity of existing or planned community facilities;
- 34 2. The character of the area affected;
- 35 3. Traffic on roads and highways in the vicinity;
- 36 4. The provisions of these Zoning Bylaws; and
- 37 5. Utilization of renewable resources.

38

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

1
2 The Development Review Board shall act to approve or
3 disapprove any such requested conditional use within
4 forty-five (45) days after the date of the final public
5 hearing held under this section, and failure to so act
6 within such period shall be deemed approval.
7

8 **5.6.1 Conditional Use Applications**

9
10 An application for Conditional Use Approval shall
11 include submission of the following plans and
12 supporting documents to the Development Review
13 Board, unless otherwise waived by the Chair of the
14 Development Review Board.
15

- 16 1. A map showing the general location of the
17 property within the Town and its relationship to
18 existing public roads and highways.
- 19 2. A proposed site plan, drawn to an appropriate
20 scale, showing the location, height, spacing
21 uses, and architectural relationships of all
22 buildings, existing and proposed open spaces,
23 landscaping, utility lines, streets, driveways, off-
24 street parking and loading facilities, unique or manmade features and the physical
25 conditions of the site.
- 26 3. A statement and/or map sufficient to demonstrate the relationship of the proposed
27 development to adjacent land uses, both existing and proposed.
- 28 4. A statement including the uses of adjacent property, and the names and current
29 addresses of all owners of land immediately adjacent to and directly across all
30 public highways from the property at issue.
- 31 5. A development schedule indicating the approximate dates when construction or
32 stages of the project are expected to begin and be completed.
- 33 6. Any application fees, as may be required.
34

35 Copies of application forms are available from the Zoning Administrator or at the Town
36 Offices. Applicants are welcome to contact the Zoning Administrator or Development
37 Review Board for information prior to filling an application.
38

39 **5.7 Public Notice Requirements**

40
41 In accordance with the Act [§4464], a warned public hearing shall be required for
42 conditional use review (Section 5.6), appeals of decisions of the Zoning Administrator
43 and variances (Sections 5.9, 5.8) and final subdivision review. Any public notice for a

Utilization of Renewable Resources

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.

1 warned public hearing shall be given not less than 15 days prior to the date of the public
2 hearing by all of the following:

- 3
- 4 1. publication of the date, place and purpose of the hearing in a newspaper of
5 general circulation in the municipality;
- 6
- 7 2. posting of the same information in three (3) or more public places within the
8 municipality, including the posting of a notice within view from the public right-
9 of-way nearest to the property for which the application is being made;
- 10
- 11 3. written notification to the applicant and to owners of all properties adjoining the
12 property subject to development, without regard to public rights-of-way, which
13 includes a description of the proposed project, information that clearly informs the
14 recipient where additional information may be obtained, and that participation in
15 the local proceeding is a prerequisite to the right to take any subsequent appeal.
- 16

17 **5.8 Waivers and Variances**

18
19 When approval or a permit for a use has been denied, or is not possible using the
20 requirements of this bylaw, an applicant may apply for a waiver to the Zoning
21 Administrator in some circumstances, and in others would have to appeal this denial to
22 the DRB for a waiver or a variance. If the matter has only to do with dimensional
23 requirements (for example a smaller setback than was usually required), a waiver may
24 be possible. For special and rare circumstances a variance may be needed, but variances
25 are difficult to get and must meet a five-part test as outlined in section 5.8.2 (Variances).
26

27 **5.8.1 Waivers**

28
29 In all districts, waivers may be granted without a hearing by the Zoning Administrator
30 for:

- 31 1. Reductions in front or side setbacks as necessary to allow for disability access;
- 32 2. Reductions in side setbacks to allow for necessary life safety improvements;
- 33

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

- 36 1. The proposed development conforms to the existing development patterns of the
37 district;
- 38 2. The proposed development will cluster development and more effectively
39 preserve open land, forest land, or scenic vistas; or will result in permanently
40 affordable housing units; and,
- 41 3. the waiver will not result in a greater than 50% decrease in any dimensional
42 requirement.
- 43

1 **5.8.2 Variances**

2
3 On an appeal, wherein a variance from the provisions of the Zoning Bylaw constitutes the
4 relief requested by the appellant, the Board may grant such variances, and render a
5 decision in favor of the appellant, if all the following facts are found by the Board and are
6 specified in its decision:

- 7
8 1. That there are unique physical circumstances or conditions, including irregularity,
9 narrowness, or shallowness of lot size or shape, or exceptional topographical or
10 other physical conditions peculiar to the particular property, and that the
11 unnecessary hardship is due to such conditions and not the circumstances or
12 conditions generally created by the provisions of the Zoning Bylaw.
13 2. That as a result of such physical circumstances or conditions, there is no
14 possibility that the property can be developed in strict conformity with the
15 provisions of the Zoning Bylaw and that the authorization of a variance is
16 therefore necessary to enable the reasonable use of the property.
17 3. That such unnecessary hardship has not been created by the appellant.
18 4. That the variance, if authorized, will not alter the essential character of the district
19 in which the property is located, nor substantially or permanently impair the
20 appropriate use of development of adjacent property, nor be detrimental to the
21 public welfare.
22 5. That the variance, if authorized, will represent the minimum variance that will
23 afford relief and will represent the least modification possible from the Zoning
24 Bylaw.
25

26 In rendering a decision in favor of an appellant, the Board may attach such conditions to
27 a variance as it may consider necessary and appropriate under the circumstances to
28 implement the purpose of these Bylaws and the Town Plan.
29

30 The issuance of a variance shall not relieve the appellant of the obligation to obtain a
31 Zoning Permit and such permit shall only be issued if the proposed land development
32 complies with all other applicable provisions, except as varied by the Development
33 Review Board.
34

35 **5.9 Appeals**

36
37 Any interested person as defined under the Act [§4465] may appeal a decision or act of
38 the Zoning Administrator within 15 days of the date of the decision or act by filing a
39 notice of appeal with the Secretary of the Development Review Board, or the Town Clerk
40 if no Secretary has been elected, and by filing a copy of the notice with the Zoning
41 Administrator.
42

- 43 1. The Board shall hold a public hearing on a notice of appeal within 60 days of its
44 filing, as required under the Act [§4468]. The Board shall give public notice of
45 the hearing under Section 5.7, and mail a copy of the hearing notice to the

1 appellant not less than 15 days prior to the hearing date.

- 2
- 3 2. The Board may reject an appeal or request for reconsideration without hearing,
4 and render a decision which shall include findings of fact within 10 days of the
5 filing of a notice of appeal, if the Board determines that the issues raised by the
6 appellant have been decided in an earlier appeal or are based on substantially or
7 materially the same facts by or on behalf of the appellant [§4470].
- 8
- 9 3. In accordance with the Act [§4468], all appeal hearings shall be open to the public
10 and the rules of evidence applicable at these hearings shall be the same as the
11 rules of evidence applicable in contested cases in hearings before administrative
12 agencies as set forth in state statutes [3 V.S.A. §810]. Any interested person or
13 body may appear and be heard in person or be represented by an agent or attorney
14 at the hearing. The hearing may be adjourned by the Board from time to time,
15 provided that the date and place adjourned hearing shall be announced at the
16 hearing.
- 17
- 18 4. A decision on appeal shall be rendered within 45 days after the final adjournment
19 of the hearing, as required under the Act [§4464(b)]. The decision shall be sent
20 by certified mail to the appellant within the 45 day period. Copies of the decision
21 shall be mailed to every person or body appearing and having been heard at the
22 hearing, and filed with the Zoning Administrator and the Municipal Clerk as part
23 of the public records of the municipality, in accordance with Section 4.10. Failure
24 of the Board to issue a decision within this 45 day period shall be deemed
25 approval and shall be effective on the 46th day.
- 26

27 **5.9.1 Interested Persons**

28

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

- 30
- 31 1. a person owning title to property, or a municipality or solid waste management
32 district empowered to condemn it or an interest in it, affected by a bylaw, who
33 alleges that the bylaw imposes on the property unreasonable or inappropriate
34 restrictions of present or potential use under the particular circumstances of the
35 case;
- 36
- 37 2. the Town of Chelsea or any adjoining municipality;
- 38
- 39 3. a person owning or occupying property in the immediate neighborhood of a
40 property which is the subject of a decision or act taken under these regulations,
41 who can demonstrate a physical or environmental impact on the person's interest
42 under the criteria reviewed, and who alleges that the decision or act, if confirmed,
43 will not be in accord with the policies, purposes or terms of the plan or bylaw of
44 that municipality;
- 45

- 1 4. any ten (10) voters or property owners within the municipality who, by signed
2 petition to the Development Review Board, allege that any relief requested by a
3 person under this section, if granted, will not be in compliance with the policies,
4 purposes or terms of the plan or regulations of the municipality; and
5
- 6 5. any department or administrative subdivision of the state owning property or any
7 interest therein within the municipality or adjoining municipality, and the
8 Vermont Agency of Commerce and Community Development.
9

10 **5.9.2 Notice of an Appeal**

11
12 A notice of appeal filed under this section shall be in writing and include the following
13 information, in accordance with the Act [§4466]:

- 14
- 15 1. the name and address of the appellant,
- 16
- 17 2. a brief description of the property with respect to which the appeal is taken,
18
- 19 3. a reference to applicable provisions of these regulations,
20
- 21 4. the relief requested by the appellant, including any request for a variance from
22 one or more provisions of these regulations, and
23
- 24 5. the alleged grounds why such relief is believed proper under the circumstances.
25

26 **5.9.3 Appeals to the Environmental Court**

27
28 In accordance with the Act [§4471], an interested person who has participated in a
29 regulatory proceeding of the Development Review Board may appeal a decision rendered
30 by the DRB under Section 5.5, within 30 days of such decision, to the Vermont
31 Environmental Court. Appeals to Environmental Court shall also meet the following
32 requirements:
33

- 34 1. “Participation” in a DRB proceeding shall consist of offering, through oral or
35 written testimony, evidence of a statement of concern related to the subject of the
36 proceeding.
37
- 38 2. The notice of appeal shall be filed by certified mailing, with fees, to the
39 Environmental Court and by mailing a copy to the Chelsea Town Clerk, or the
40 Zoning Administrator if so designated, who shall supply a list of interested
41 persons (including the applicant if not the appellant), to the appellant within five
42 (5) working days. Upon receipt of the list of interested persons, the appellant
43 shall, by certified mail, provide a copy of the notice of appeal to every interested

1 person. If any one or more of those persons are not then parties to the appeal,
2 upon motion they shall be granted leave by the court to intervene.
3

4 **5.10 Nonconformities**

5
6 A use made non-conforming or a structure made non-complying by enactment of this
7 Bylaw, or an amendment thereto, may be continued, subject to the following conditions:
8

- 9 1. A nonconforming use may be changed to another non-conforming use upon
10 approval of the Development Review Board, but only if the Board finds that the
11 degree of non-conformity of the new use is not greater than that of the original
12 non-conforming use.
- 13 2. A non-complying structure may be extended within the boundary lines of parcel
14 or lot existing on the effective date of this Bylaw, upon issuance of a Zoning
15 Permit by the Zoning Administrator, provided that the extension shall not cause
16 the use or structure to become in violation of any parking, unloading, required
17 setback, lot area, coverage, building height, access road, or other requirements of
18 this Bylaw. Where a building has less than the required front setback, additions
19 that are lateral to the existing structure may be permitted so long as they become
20 no closer to the road than the original structure, and provided that pre-existing
21 non-conforming side and rear setback requirements are not reduced.
- 22 3. When a non-conforming use has been discontinued for a period of two (2) years,
23 it shall not thereafter be re-established.
- 24 4. A non-complying structure which as been damaged or destroyed by any cause
25 may be reconstructed to its prior condition with the approval of the Zoning
26 Administrator if such reconstruction is sought within two years of the damage or
27 construction.
28

29 **5.11 Limitations**

30
31 In accordance with 24 V.S.A., Section 4413, the following limitations shall apply to
32 development in Chelsea.

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

1

2 **5.12 Violations**

3

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

11

12 **5.12.1 Notice of Violations**

13

14 No action may be brought under this section unless the alleged offender has had at least
15 seven (7) days' warning notice by certified mail that a violation exists, as required under
16 the Act [§4451]. The notice of violation also shall be recorded in the land records of the
17 municipality under Section 5.3. The notice shall state that a violation exists, that the
18 alleged offender has an opportunity to cure the violation within the seven-day notice
19 period, and that the alleged offender will not be entitled to an additional warning notice
20 for a violation occurring after the seven days. Action may be brought without notice and
21 opportunity to cure if the alleged offender repeats the violation of the regulations after the
22 seven-day notice period and within the next succeeding 12 months.

23

24 **5.12.2 Limitations on Enforcement**

25

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

35

36

1 **6. Definitions**

2
3 For the purposes of this Bylaw, meanings of the following words and terms shall be
4 interpreted as defined below and all other words shall be presumed to have their normal
5 meaning, unless such meaning runs counter to the purposes and objectives of this Bylaw
6 or the Town Plan. The definitions of terms defined in Section 4303 of the Act, and not
7 otherwise defined herein are made a part of these Bylaws.

8
9 **ACCESSORY BUILDING OR ACCESSORY USE:** A building or use customarily
10 incidental and subordinate to the principal building or use located on the same lot.

11
12 **AFFORDABLE HOUSING:** Housing that is owned or rented by its inhabitants whose
13 income does not exceed 80% of the county median income, as defined by the United
14 States Department of Housing and Urban Development, and the total annual cost of the
15 housing, (including principal, interest taxes insurance and condominium fees if owned, or
16 rent and utilities if rented) is not more than 30% of the household’s gross annual income.

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

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

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

36
37 **BUILDING:** A structure having a roof supported by columns or walls and intended for
38 the shelter or enclosure of persons, animals or chattel, excluding fences. For the purposes
39 of this bylaw, any travel trailer occupied for more than 60 days per calendar year shall be
40 considered a building.

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

6
7 **CAMP, SEASONAL:** Cabin, trailer, shelter or other accommodation suitable and used
8 for temporary living purposes and with interior plumbing that consists of no more than a
9 sink with water. Can be used for no more than three consecutive weeks per year and no
10 more than a total of sixty days per year.

11
12 **COMMERCIAL GROUP SERVICE:** Any use of land or structures (limited to 25,000
13 square feet or less) for the purpose of providing a service involving the presence of a
14 number of individuals at one time. Examples: motels, hotels, theatres, restaurants.

15
16 **COMMERCIAL OUTDOOR RECREATION:** Any use of land or structures for the
17 provision of private outdoor recreational services that do not involve the construction of
18 substantial structures. Examples: travel trailer parks, tennis courts, golf courses.

19
20 **COMMERCIAL:** Any use of land or structures for the primary purpose of buying or
21 selling goods where the goods are primarily contained inside a principal building. Such
22 uses, when located in the Rural Residential district are not to exceed 6000 square feet of
23 floor area. Examples: retail shops, general store.

24
25 **COMMUNITY SERVICE:** Any use of land or structures for the purpose of providing
26 or conducting educational or religious services. Examples: schools (public and
27 private), churches.

28
29 **DAY CARE FACILITY:** The use of a building or lot providing supervision, care, or
30 meals, but not overnight lodging, for infants, children, handicapped and/or the elderly.

31
32 **DISTRICT:** A part, zone or geographic area within the town of Chelsea within which
33 certain zoning or development regulations apply.

34
35 **DWELLING, ONE FAMILY:** A building containing one dwelling unit.

36
37 **DWELLING, TWO FAMILY:** A building containing two dwelling units.

38
39 **DWELLING, MULTI-FAMILY:** A building containing more than two dwelling units.

40
41 **EXTRACTION:** Excavating and removing rock, stone, ore, soil, gravel, sand, minerals,
42 and similar materials from the surface and/or subsurface for the purposes of selling those
43 materials or utilizing those materials in a commercial venture.

44
45 **FARMING:** means any of the following -
46

- 1 a) the cultivation or other use of land for growing food, fiber, Christmas trees,
- 2 b) maple sap, or horticultural and orchard crops; or
- 3 c) the raising, feeding or management of livestock, poultry, fish or bees; or
- 4 d) the operation of greenhouses; or
- 5 e) the production of maple syrup; or
- 6 f) the on-site storage, preparation and sale of agricultural products principally
- 7 g) produced on the farm (emphasis added); or,
- 8 h) the on-site production of fuel or power from agricultural products or wastes
- 9 i) produced on the farm; or
- 10 j) the raising, feeding, or management of four or more equines owned or
- 11 k) boarded by the farmer, including training, showing, and providing instruction and
- 12 l) lessons in riding, training, and the management of equines.

13

14 **FARM, WORKING:** A farm whose agricultural land and buildings are actively used in
15 a manner that meets the definition of Farming.

16

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

20

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

23

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

28

29 **LAND DEVELOPMENT:** The construction, relocation, or enlargement of any building
30 or structure, or any mining, excavation or landfill, any change in use of any building or
31 other structure or land or extension of use of land.

32

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

39

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

43

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

45

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

4
5 **MINOR STRUCTURE:** A building less than 100 square feet in area and not intended
6 for human occupancy. Minor structure must meet all setback minimums for the district
7 where it is located.

8
9 **MOBILE HOME PARK:** Any parcel of land under single or common ownership or
10 control which contains, or is designed, laid out or adapted to accommodate, more than
11 two mobile homes. Mobile home park does not mean any parcel of land under the
12 ownership of an agricultural employer who may provide up to four mobile home used by
13 full-time workers or employees of the agricultural employer as a benefit or condition of
14 employment or any parcel of land used solely on a seasonal basis for vacation or
15 recreational mobile homes.

16
17 **MUNICIPAL:** Any use of land or structures for the purpose of providing municipal or
18 quasi-municipal services. Examples: municipal buildings, public parks, libraries,
19 cemeteries.

20
21 **NONCONFORMITIES:** A nonconforming use, structure, lot, or parcel.

22
23 **NONCONFORMING LOT OR PARCEL:** Lots or parcels that do not conform to the
24 present bylaws covering dimensional requirements but were in conformance with all
25 applicable laws, ordinances, and regulations prior to the enactment of the present bylaws,
26 including a structure improperly authorized as a result of error by the Zoning
27 Administrator.

28
29 **NONCONFORMING STRUCTURE:** A structure or part thereof not in conformance
30 with the Chelsea Zoning Bylaw covering building height, area, yards, density or off-street
31 parking requirements where such structure conformed to all applicable laws and
32 regulations prior to the enactment of this Bylaw.

33
34 **NUISANCE:** Any thing, condition, or conduct that endangers health and safety, or
35 unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of
36 property, or essentially interferes with the comfortable enjoyment of life.

37
38 **PARKING AREA:** An area of land on a lot designated or used exclusively for the
39 maneuvering and storage of motor vehicles.

40
41 **PARKING SPACE:** A defined space which is at least ten feet wide and twenty feet long
42 outside of the right-of-way or driveway used for the parking of one motor vehicle which
43 affords practical access to the road or right-of-way and graveled or paved sufficiently to
44 permit year-round use.

45
46 **PLANNED UNIT DEVELOPMENT (PUD):** A residential development in which one
47 or more lots, tracts, or parcels of land are to be developed as a single entity, the plan for

1 which may propose any authorized combination of density or intensity transfers or
2 increases, as well as the mixing of land uses.

3
4 **PRINCIPAL BUILDING:** A building or portion thereof, in which is conducted the
5 principal use of the lot on which it is located.

6
7 **PRINCIPAL USE:** The primary or predominate use of any lot.

8
9 **PUBLIC OPEN SPACE:** Public or community owned land available for limited public
10 or park-like uses.

11
12 **ROADSIDE COMMERCIAL:** Any use of land or structures for the purpose of buying
13 or selling goods which are commonly displayed or sold outside a principal building.
14 Examples: gasoline station, mobile home sales lot, car dealership, food stands.

15
16 **RURAL COMMERCIAL:** Any use of land or structures for the purpose of buying or
17 selling goods that are agricultural or silvicultural in nature. Examples: farm stands,
18 nurseries, saw mills.

19
20 **SETBACK, FRONT:** The distance from the centerline of any highway or road right-of-
21 way to the nearest part of any building or structure.

22
23 **SETBACK, REAR:** The distance from the rear lot line to the nearest part of any
24 building or structure.

25
26 **SETBACK, SIDE:** The distance from the side lot line to the nearest part of any building
27 or structure.

28
29 **SIGN:** A communication device, structure, or fixture that incorporates graphics, symbols,
30 or written copy intended to promote the sale of a product, commodity, or service, or to
31 provide direction or identification for a premises or facility.

32
33 **SIGN AREA:** The entire face of a sign, including the advertising surface and any
34 framing, trim or molding, but not including the supporting structure.

35
36 **SIGN, BUSINESS AND PUBLIC BUILDING:** A structure which calls attention to
37 and/or acts as an outdoor display for an establishment, property, or the services and
38 products provided therein.

39
40 **SIGN, INSTRUCTIONAL:** A structure which is used to direct the user of the premises
41 for off-street parking, traffic control, pedestrian areas, loading docks, safety zones or
42 other similar purposes.

43
44 **SIGN, TEMPORARY:** Any sign, banner, pennant, or advertising to be displayed for a
45 limited time period. Easily removed signs attached to windows are considered temporary
46 signs.

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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 located.

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.