

ORDINANCES OF THE TOWN OF HARTFORD, VERMONT



CHAPTER 4 ZONING REGULATIONS

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ARTICLE I
AUTHORITIES AND AUTHORIZATIONS

1-1 ENACTMENT

In accordance with the Vermont Planning and Development Act hereinafter referred to as the Act, 24 V.S.A., Chapter 117, Section 4401 and 4402, there are hereby established Zoning Regulations for the Town of Hartford which are set forth in the text and map that constitute these Regulations. These Regulations shall be known and cited as the "Town of Hartford Zoning Regulations."

1-2 INTENT

It is the intent of these Zoning Regulations to provide for orderly community growth and to further the purposes established in Section 4302 of the Act. No provision of these Regulations may have the effect of excluding from the municipality housing to meet the needs of the population as determined in accordance with 24 V.S.A. § 4382(c). 24 V.S.A. § 4412(1) (A).

1-3 ADMINISTRATIVE OFFICER

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

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

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

1-4 ZONING PERMITS

1-4.1 No land development, as defined in Section 6-2, may be commenced without a permit therefore issued by the Administrative Officer. No Zoning permit may be issued by the Administrative Officer except in conformance with these Regulations and Flood Damage Prevention Bylaw, if applicable.

1-4.2 Applications for zoning permits shall be made to the Administrative Officer on forms provided for that purpose within six (6) months from the date of Planning Commission approval of the project. Failure to apply for a permit within the six (6) month period will render the Planning Commission approval invalid.

1-4.3 Prior to the issuance of any zoning permit, the Administrative Officer shall first be satisfied that the subject of the application is in conformance with these Regulations and Flood Damage Prevention Bylaw, if applicable, and shall be satisfied that all applicable impact fees and/or other charges imposed by the Town have been paid or that arrangements have been made to pay them at such future time as may be allowed under the respective Town Ordinance. The Administrative Officer may request from an applicant any information necessary for this purpose. No such permit shall be issued unless an application, fee, plot plan and any other approvals of the Planning Commission or the Board of Adjustment required by this Regulation and Section 4-3-3 of the Flood Damage Prevention Bylaw, if applicable, have been properly obtained and are submitted in connection with the application.

The Administrative Officer shall, within ten (10) working days of the submission of application, approvals by the Planning Commission or Zoning Board of Adjustment, if applicable, and receipt of all supplementary information requested, either issue or deny a zoning permit. If denied, the Administrative Officer shall so notify the applicant in writing, stating the reasons therefore. If the zoning permit is approved, all activities authorized by its issuance shall be started within six (6) months and completed within two (2) years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required. Any activities not completed within the above permit period shall be subject to any ordinance in effect at the time of reapplication. One six (6) month extension to both time periods may be granted by the Planning Commission. The start of activities as referred to above, shall consist of excavation or nonreversible site preparation, such as the cutting of trees.

1-4.4 In the issuance of zoning permits, the Administrative Officer shall comply with all the provisions of Section 4424 Shorelands; flood or hazard area; special or freestanding bylaws and 4449 (zoning permit, certificate of occupancy, and municipal land use permit), if applicable, of the Act.

1-4.5 The fee for a zoning permit shall be established by the Selectmen. Said fee shall accompany each application for a permit.

1-4.6 No permit issued pursuant to this section shall take effect until the time for appeal as defined in 24 V.S.A. 4465 has passed, or in the event that a notice of appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the appropriate municipal panel is complete and the time for taking an appeal to the Environmental Court has passed without an appeal being taken. If an appeal is taken to the Environmental Court, the permit shall not take effect until adjudication by the Environmental Court.

1-4.7 The zoning permit or copy of zoning permit as furnished by the Administrative Officer shall be posted by the applicant at the site for which the permit is issued so that it is conspicuous.

1-4.8 An interested person may appeal any decision or act taken by the Administrative Officer by filing a Notice of Appeal with the Secretary of the Zoning Board of Adjustment through the Town's Municipal Office. This notice of appeal must be filed within 15 calendar days of the date of the decision or act, and a copy of the notice of appeal shall be filed with the Administrative Officer. A Notice of Appeal shall be in writing, submitted on the form provided by the Town and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant, and the alleged grounds why the requested relief is believed proper under the circumstances.

1-5 CERTIFICATES OF OCCUPANCY

1-5.1 Following receipt of a zoning permit, it shall be unlawful to use or occupy or permit the use or occupancy of any land development, as defined in Article VI, until a certificate of occupancy is issued by the Administrative Officer stating that the proposed use of the structure or land conforms to the requirements of these regulations and Flood Damage Prevention Bylaw, if applicable. This shall not apply to zoning permits issued expressly for the subdividing of land.

1-5.2 Applications for a Certificate of Occupancy shall be made to the Administrative Officer.

1-5.3 Prior to the issuance of any certificate of occupancy, the Administrative Officer shall first determine that the proposed use of the structure or land conforms to the requirements of these regulations and Flood Damage Prevention Bylaw, if applicable.

1-6 PENALTIES

Any violation of these regulations shall be subject to fines and enforcement as provided in Sections 4451 and 4452 of the Act.

1-7 PUBLIC NOTICE

Any requirement of public notice pursuant to these regulations shall be given by the publication of the date, place and purpose of such hearing in a newspaper of general circulation in the Town of Hartford and the posting of such notice in one or more public places within the Municipality not less than 15 days prior to the date of the public hearing. In every case in which public notice is required, such public notice shall include a brief summary of the purpose of the hearing.

1-8 AMENDMENTS

These regulations may be amended according to the requirements and procedures established in Section 4441 and 4442 of the Act.

1-9 INTERPRETATION

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Except for Section 4413 of the Act and where, in these regulations, specifically provided to the contrary, it is not intended by these regulations to repeal, annul or in any way impair any regulations or permits previously adopted or issued, provided, however, that where these regulations impose a greater restriction upon use of a structure or land than are required by any other statute, ordinance, rule, regulation, permit, easement or agreement, the provisions of these regulations shall control.

1-10 EFFECTIVE DATE

These amendments shall take effect in accordance with the voting and other procedures contained in Section 4442 of the Act. On the day they are effective, they shall amend in its entirety the ordinance entitled "Town of Hartford, Vermont, Zoning Regulations," adopted March 1, 1962, and last amended April 18, 2006.

1-11 SEPARABILITY

The invalidity of any article or section of these regulations shall not invalidate any other article or section thereof.

**ARTICLE II
DISTRICTS AND DISTRICT REGULATIONS**

2-1 ZONING MAPS AND DISTRICTS

The zoning maps officially entitled “Hartford, Vermont Zoning Districts” Sheet 1 – Town wide; and “Zoning Districts Hartford, Vermont Sheet 2 – WRJ, Wilder, and Hartford Village Detail,” dated August 26, 1994 and subsequently amended. The Town of Hartford Zoning Maps show a division of the Town into the following districts:

I-C	INDUSTRIAL-COMMERCIAL
I-C-2	INDUSTRIAL-COMMERCIAL TWO
HC	HIGHWAY COMMERCIAL
CB	CENTRAL BUSINESS
CB-2	CENTRAL BUSINESS TWO
QG	QUECHEE GORGE
QII	QUECHEE INTERSTATE INTERCHANGE
RC-2	RESIDENTIAL-COMMERCIAL TWO
VB	VILLAGE BUSINESS
VR-C	VILLAGE RESIDENTIAL-COMMERCIAL
R-1	RESIDENTIAL ONE
R-1M	RESIDENTIAL ONE MULTI-FAMILY
R-2	RESIDENTIAL TWO
R-3	RESIDENTIAL THREE
VR-1	VILLAGE RESIDENTIAL ONE
VR-2	VILLAGE RESIDENTIAL TWO
RL-1	RURAL LANDS ONE
RL-3	RURAL LANDS THREE
RL-5	RURAL LANDS FIVE
RL-10	RURAL LANDS TEN
FC	FOREST CONSERVATION
RLOD	RURAL LANDS OVERLAY DISTRICT
AOD	AGRICULTURAL OVERLAY DISTRICT
WCOD	WILDLIFE CONNECTOR OVERLAY DISTRICT

The zoning map entitled “White River Junction, Design Review District Boundary Map, First Floor Commercial Use Boundary Map” is hereby incorporated into these Regulations as the official map to delineate the White River Junction Design Review District described in Section 4-1 of these Regulations, and the official map delineating the area in the Central Business District which is restricted to commercial uses only for the first floor street frontage portion of buildings, as described in Section 2-9 of these Regulations.

2-2 COPIES OF ZONING MAPS

Regardless of the existence of other printed copies of the three zoning maps referenced in Section 2-1, which from time to time may be made or published, the official zoning maps, which shall be located in the office of the Town Clerk, shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the Town.

2-3 DISTRICT BOUNDARIES

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

2-4 PERMITTED USES

Permitted uses are those which may be approved by the Administrative Officer, providing the standards established by these Regulations are met. Permits for permitted uses will be issued by the Administrative Officer. However, where a variance or other special action by the Zoning Board of Adjustment is required, or where approvals of a site development plan is required by the Planning Commission, the issuance of permits by the Administrative Officer must await and is contingent upon such approval.

2-5 CONDITIONAL USES

Conditional uses are those for which a permit may not be issued by the Administrative Officer until such use has been approved by the Zoning Board of Adjustment after public notice and hearing, as provided for in Section 4414 (3) of the Act. In addition, certain specified uses and structures which exceed the limits which would otherwise apply to them under these regulations may apply for approval as a Conditional Use.

No clearing of land or construction of access roads shall occur in preparation for a Conditional Use until approval for such use has been granted by the Zoning Board of Adjustment.

2-5.1 Approval Criteria. In order for the permit to be granted the applicant shall be required to present evidence that the proposed use shall not result in an undue adverse effect on any of the following such that an impact can not be reasonably mitigated:

2-5.1.1. The capacity of planned or existing **community facilities**, including but not limited to:

- (A) emergency services
- (B) municipal water or sewer system
- (C) recreational facilities
- (D) the school system
- (E) solid waste disposal facilities

The Board may seek or require input from the Town Manager and other municipal officials regarding relevant facilities. The Board shall also take into account sections

of the Municipal Plan and any duly adopted Capital Plan which specify anticipated growth, service standards, and facility construction plans.

2-5.1.2. The **character** of the area, as defined by the objectives of the zoning district within which the project is located and specifically stated polices and standards of the municipal plan, including but not limited to:

(A) scenic or natural beauty, historic sites, or rare and irreplaceable natural areas

(B) compatibility with scale and design of structures existing in that area

2-5.1.3. The capacity of **roads and highways** in the vicinity to safely accommodate expected traffic flows. In making this determination, the Board may require submission of a traffic impact study made by a professional traffic engineer.

2-5.1.4 Any Town of Hartford **bylaws** in effect.

2-5.1.5 Utilization of **renewable energy resources**.

2-5.2 **Approval Conditions**. In permitting a Conditional Use, the Zoning Board of Adjustment may impose conditions found necessary to meet the stated objectives of the Zoning District and protect the best interests of the surrounding property, the neighborhood, or the town as a whole. These conditions may include, but need not be limited to the following:

2-5.2.1. Increasing the required lot size or setback distance;

2-5.2.2. Limiting the coverage or height of buildings;

2-5.2.3. Controlling the location and number of vehicular access points;

2-5.2.4. Increasing the number of off-street parking or loading spaces;

2-5.2.5. Limiting the number, location and size of signs;

2-5.2.6. Requiring landscaping and screening in certain areas;

2-5.2.7. Specifying a time limit for construction, alteration, or enlargement for a structure to house the proposed use;

2-5.2.8. When the project will cause the level of traffic service on a road or street to drop below a Level C (AASHTO Standards), requiring that the project make a contribution proportionate to the project's share of the excess traffic. Such contribution may include:

(A) installation of acceleration or deceleration lanes on the street or highway adjacent to any driveway, frontage or service road;

(B) improvements to access or other intersections affected.

- 2-5.2.9.** The Zoning Board of Adjustment may require applications for Conditional Use Approval and/or Variances to have **professional site plans** prepared by Surveyors, Engineers or Architects licensed by the State of Vermont.
- 2-5.2.10.** The Zoning Board of Adjustment may require the submission of a bond, escrow account, or other surety in a form acceptable to the Town to assure one or more of the following: the completion of the project, adequate stabilization, or protection of public facilities that may be affected by a project.

The Board may require that no zoning permit, except for any permits that may be required for infrastructure construction, may be issued unless the streets and other required public improvements have been satisfactorily installed in accordance with the approval decision and pertinent bylaws. In lieu of the completion of the required public improvements, the Board may require for the benefit of the municipality a performance bond or other security issued either by a bonding or surety company approved by the legislative body or by the owner with security acceptable to the legislative body in an amount sufficient to cover the full cost of those new streets and required improvements on or in those streets or highways and their maintenance for a period of two years after completion as is estimated by the Town. This bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within the period fixed in the subdivision bylaws for that completion and for the maintenance of those improvements for a period of two years after completion. Any costs incurred by the Town related to the performance bond or other securities are the responsibility of the applicant and/or property owner.

The performance bond required by this subsection shall run for a term to be fixed by the Board, but in no case for a longer term than three years. However, with the consent of the owner, the term of that bond may be extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided within the term of the performance bond, the bond shall be forfeited to the municipality and upon receipt of the proceeds of the bond, the Town shall install or maintain such improvements as are covered by the performance bond.

2-5.3 Changes to an Approved Use. Any enlargement or alteration of a Conditional Use shall be reviewed as a Conditional Use by the Zoning Board of Adjustment to permit the specifying of new conditions. Exemptions: Amendments to an approved Conditional Use which, in the opinion of the Chair or Vice Chair of the Zoning Board of Adjustment and Administrative Officer, are minor and have no adverse effect in terms of the approval criteria outlined in section 2-5.1. Changes which involve a variance will not be considered minor.

2-5.3 Except as otherwise provided in Article V, a change in use, expansion or contraction of land, area, or alteration of structures or uses which are designated as a Conditional Use within the district in which they are located and are existing therein prior to the effective date of these amendments, shall conform to all regulations herein pertaining

to Conditional Uses, and shall not be commenced unless and until a permit is issued by the Zoning Board of Adjustment for such change, expansion, construction or alteration under this Section.

2-6 ACCESSORY USES

Accessory uses are those uses which are not specifically listed for a zoning district in Section 2-9 and are on the same lot with and of a nature which the Administrative Officer determines is incidental and subordinate to the principal use or structure. Appeals from the Administrative Officer's determination may be made to the Zoning Board of Adjustment.

Accessory uses shall not significantly alter:

- 2-6.1** The character of the area affected;
- 2-6.2** Traffic on roads and highways in the vicinity;
- 2-6.3** The principal use of the property.

If the principal use on a lot requires a Conditional Use permit, any accessory use shall also require a Conditional Use permit. If the principal use on the lot is a permitted use, the accessory use shall also be permitted.

2-7 DWELLING UNIT DENSITY

In every case, the Administrative Officer shall determine the maximum number of dwelling units permitted on any lot by dividing the lot size, provided by a survey (furnished by the owner and sealed by a Vermont Registered Land Surveyor), by the minimum area per dwelling unit standards for the district in which the lot is located. In all cases such determination shall be rounded to the nearest whole number.

2-8 CLASSIFICATION OF LOTS, SOURCE OF WATER AND SEWAGE SERVICE

The tables set forth in Section 2-9 make reference to the "class" of lot, a distinction which is based on the means by which a lot receives potable water and/or sewage disposal service. The classes are follows:

<u>Lot Classification</u>	<u>Provision for Water and Sewage</u>
1	Off-lot water supply <u>and</u> sewage disposal
2	Off-lot water supply <u>or</u> sewage disposal
3	On-lot water supply <u>and</u> sewage disposal

Generally, but not exclusively, off-lot water supply and sewage disposal service is provided through municipal facilities. On-lot water supply is usually from a well, spring, brook or other source on or near the lot. On-lot sewage disposal systems are usually an engineered septic tank and leach field arrangement on or near the lot.

2-9 DISTRICT OBJECTIVES AND LAND USE CONTROL

The following tables establish the objectives of each of the districts hereby established and the provisions of these Regulations that apply respectively in each district. Any use designated as a "Permitted Use" in the table relating to a particular district may be commenced in such district pursuant to Section 2-4 of this Regulation. Regulations establishing a classification of lots in certain districts for the purpose of establishing the minimum area per dwelling unit of such lots and the minimum lot size of such lots are set forth in the following tables.

In addition to those uses specifically listed in this Section, the following are also permitted in all districts:

- Accessory use to any permitted or approved conditional use
- Planned Development
- Home Occupation

Summary of Permitted & Conditional Uses by Zoning District

	COMMERCIAL/MIXED-USE										RESIDENTIAL						RURAL				
	IC	IC2	CB	CB2	HC	QG	QI	RC2	VB	VRC	R1M	R-1	R-2	R-3	VR1	VR2	RL1	RL3	RL5	RL10	FC
Adult Oriented Business	P	P																			
Agriculture	P	P				P											P	P	P	P	P
Bakery	P	P	P	P	P	P	P	P	P	C											
Banking, Financial Institution	P	P	P	P	P	C	C	C	C	C											
Bar	P	P	P	P	P	C	C	C	C												
Bed & Breakfast	C	C	P	P	C	C	P	P	P	P							C	C	C	C	C
Campground						C	C											C	C	C	
Cemetery					C	C	C	C	C	C							C	C	C	C	
Contractor's Yard	C	C	C	C	C			C													
Contractor's Shop	C	C	C	C	C		C	C	C	C											
Crematory	C	C			C																
Daycare Facility	C	C	C	C	C	C	C	C	C	C							C	C	C	C	
Dwelling Unit, Single			C	C		P	P	P	P	P							P	P	P	P	P
Dwelling Unit, Two			C	C		C	P	P	P	P							C	C			
Dwelling, Multi-Unit			P	P		C	P	P	C	C							P	C			
Farmstand	P	P	C	C	P	C	C	C	C	C							C	C	C	C	C
Food Assembly/Catering	P	P	P	P	P	C	C	C	C	C											
Funeral Home	P	P	P	P	P	C	C	C	C	C							C	C			
Garden Center	P	P	C	C	P	C	C	C	C	C											
Home Business	C	C	C	C	C	C	C	C	C	C							C	C	C	C	C
Hospital/Medical Center	P	P	C	C	P		C														
Hotel, Motel, Inn	P	P	P	P	P	C	C	C	C	C											
Junkyard	C	C																			
Kennel	C	C	C	C	C		C	C					C	C			C	C	C	C	C
Light Manufacturing/Industry	P	P	C	C	C		C	C													
Lt. Mfg/Retail Sales	P	P	C	C	C	C	C	C	C	C											
Lodging House			C	C				C		C							C				
Manufacturing/Industry	C	C																			
Medical Clinic	P	P	P	P	P	C	C	C	C	C											
Mixed Use Building			P	P		C	C	C		P	C										
Motor Vehicle Car Wash	C	C	C	C	C																
Motor Vehicle Fueling Facility	P	P	C	C	C			C	C												
Motor Vehicle Repair	C	C	C	C	C				C												
Motor Vehicle Sales	P	P	C	C																	
Museum ≤ 10,000 Sq. Ft.	P	P	P	P	P	C	C	C	C	C											
Museum >10,000 Sq. Ft.	P	P	C	C	P																
Nursing Care Facility	P	P	P	P	P	C	C	C	C	C							C	C	C	C	C
Office < 2,500 Sq. Ft.	P	P	P	P	P	P	P	P	P	P							C	C			
Office 2,500 - 10,000 Sq. Ft.	P	P	P	P	P	C	P	C	C	C											
Office > 10,000 Sq. Ft.	P	P	C	C	C		C														
Open Air Market	C	C	C	C	C	C	C	C	C	C											
Parking Facility	P	P	C	C	C	C	C	C	C	C											
Passenger Terminal	C	C	C	C	C	C	C	C	C	C											
Place of Worship	P	P	P	P	P	C	C	C	C	C							C	C	C		
Printing, Publishing	P	P	P	P	P			C		C											
Public Assembly Facility < 2,500 sf	P	P	P	P	P	C	C	C	C	C							C	C	C	C	C
Public Assembly Facility 2,500 sf +	P	P	C	C	P	C	C	C	C	C							C	C			
Public Facility	C	C	C	C	C	C	C	C	C	C							C	C	C		
Public Information Facility	P	P	P	P	P	C	C	C	C	C											
Recreational Facility	P	P	C	C	C	C	C	C	C	C							C	C	C		
Research, Testing Lab	P	P	C	C	C		C	C		C											
Restaurant	P	P	P	P	P	C	C*	C	C	C											
Retail <2,500 Sq. Ft.	P	P	P	P	P	P	P	P	P	P											
Retail 2,500-10,000 Sq. Ft.	P	P	P	P	P	C	C	C	C	C											
Retail >10,000 Sq. Ft.	C	C	C	C	C																
School	C	C	C	C	C	C	C	C	C	C							C	C	C		
Storage, Mini/Self	C	C	C	C	C			C													
Transportation Terminal	C	C																			
Veterinary Clinic	C	P	P	P	P	C	C	C	C	C							C	C			
Warehouse	C	C	C	C	C																

* No drive thru restaurants in QI

ALL DISTRICTS: Accessory Uses, PUD, Home Occupation

“I/C”
INDUSTRIAL COMMERCIAL ZONING DISTRICT

Objective

To reserve locations for commercial and light industrial operations which require larger lots than are available in other commercial districts. The I-C Districts offer large, relatively level tracts of land with good highway access and sufficient distance to buffer existing residential neighborhoods.

Permitted Uses*

Permitted Upon Issuance of a Conditional Use Permit*

Adult Oriented Business
 Agriculture
 Bakery
 Banking, Financial Institution
 Bar
 Farmstand
 Food Assembly/Catering
 Funeral Home
 Garden Center
 Hospital/Medical Center
 Hotel, Motel, Inn
 Light Manufacturing/Industry
 Light Manufacturing/Retail Sales
 Medical Clinic
 Motor Vehicle Fueling Facility
 Motor Vehicle Sales
 Museum (No Size Limit)
 Nursing Care Facility
 Office (No Size Limit)
 Parking Facility
 Place of Worship
 Printing, Publishing
 Public Assembly Facility (No Size Limit)
 Public Information Facility
 Recreational Facility
 Research, Testing Laboratory
 Restaurant
 Retail ≤ 10,000 Sq. Ft.
 Veterinary Clinic

Bed & Breakfast
 Contractor's Yard
 Contractor's Shop
 Crematory
 Daycare Facility
 Home Business
 Junkyard
 Kennel
 Manufacturing/Industry
 Motor Vehicle Car Wash
 Motor Vehicle Repair
 Open Air Market
 Passenger Terminal
 Public Facility
 Retail > 10,000 Sq. Ft.
 School
 Storage, Mini/Self
 Transportation Terminal
 Warehouse

Minimum Area and Dimensional Standards

Class	<u>Area (in square feet)</u>		<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
	<u>Per Dwelling</u>	<u>Per Lot</u>	<u>Width</u>	<u>Depth</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
1	10,000	10,000	70	80	10	10	20
2	20,000	40,000	125	100	30	15	25
3	40,000	40,000	125	100	30	15	25

Maximum Lot Coverage: 90%

* See Sections 2-5 and 4-1 regarding required reviews and approvals

“I/C-2”

INDUSTRIAL COMMERCIAL TWO ZONING DISTRICT

Objective

To reserve locations for commercial and light industrial operations which require larger lots than are available in other commercial districts. The I-C Districts offer large, relatively level tracts of land with good highway access and sufficient distance to buffer existing residential neighborhoods and to allow for taller structures.

Permitted Uses*

Adult Oriented Business
 Agriculture
 Bakery
 Banking, Financial Institution
 Bar
 Farmstand
 Food Assembly/Catering
 Funeral Home
 Garden Center
 Hospital/Medical Center
 Hotel, Motel, Inn
 Light Manufacturing/Industry
 Light Manufacturing/Retail Sales
 Medical Clinic
 Motor Vehicle Fueling Facility
 Motor Vehicle Sales
 Museum (No Size Limit)
 Nursing Care Facility
 Office (No Size Limit)
 Parking Facility
 Place of Worship
 Printing, Publishing
 Public Assembly Facility (No Size Limit)
 Public Information Facility
 Recreational Facility
 Research, Testing Laboratory
 Restaurant
 Retail ≤ 10,000 Sq. Ft.
 Veterinary Clinic

Permitted Upon Issuance of a Conditional Use Permit*

Bed & Breakfast
 Contractor's Yard
 Contractor's Shop
 Crematory
 Daycare Facility
 Home Business
 Junkyard
 Kennel
 Manufacturing/Industry
 Motor Vehicle Car Wash
 Motor Vehicle Repair
 Open Air Market
 Passenger Terminal
 Public Facility
 Retail > 10,000 Sq. Ft.
 School
 Storage, Mini/Self
 Transportation Terminal
 Warehouse

Minimum Area and Dimensional Standards

Class	Area (in square feet)		Lot Dimensions (in feet)		Setbacks (in feet) (From Property Lines)		
	Per Dwelling Unit	Per Lot	Width	Depth	Front	Side	Rear
1	10,000	10,000	70	80	10	10	20
2	20,000	40,000	125	100	30	15	25
3	40,000	40,000	125	100	30	15	25

Maximum Lot Coverage: 90%

Height: Structures up to a maximum of 60’ are allowed as a permitted use provided the structures meet fire safety requirements established by the Hartford Fire Department.

* See Sections 2-5 and 4-1 regarding required reviews and approvals

“HC”
HIGHWAY COMMERCIAL ZONING DISTRICT

Objective

To provide for well-planned and coordinated development of commercial facilities and services that can be effectively integrated with the existing village and/or scenic character along major transportation corridors.

Permitted Uses*

Bakery
 Banking, Financial Institution
 Bar
 Farmstand
 Food Assembly/Catering
 Funeral Home
 Garden Center
 Hospital/Medical Center
 Hotel, Motel, Inn
 Medical Clinic
 Museum (no size limit)
 Nursing Care Facility
 Office ≤ 10,000 Sq. Ft.
 Place of Worship
 Printing, Publishing
 Public Assembly Facility (no size limit)
 Public Information Facility
 Restaurant
 Retail ≤ 10,000 Sq. Ft.
 Veterinary Clinic

Permitted Upon Issuance of a Conditional Use Permit*

Bed & Breakfast
 Cemetery
 Contractor's Shop
 Contractor's Yard
 Crematory
 Daycare Facility
 Home Business
 Kennel
 Light Manufacturing/Industry
 Light Manufacturing/Retail Sales
 Motor Vehicle Car Wash
 Motor Vehicle Fueling Facility
 Motor Vehicle Repair
 Office > 10,000 Sq. Ft.
 Open Air Market
 Parking Facility
 Passenger Terminal
 Public Facility
 Recreational Facility
 Research, Testing Laboratory
 Retail > 10,000 Sq. Ft.
 School
 Storage, Mini/Self
 Warehouse

Minimum Area and Dimensional Standards

Class	<u>Area (in square feet)</u>		<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
	Per Dwelling	Per Lot	<u>Width</u>	<u>Depth</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
	Unit	Lot					
1	10,000	10,000	70	80	20	10	20
2	20,000	20,000	125	100	30	20	30
3	40,000	30,000	125	100	30	20	30

Maximum Lot Coverage: 75%

* See Sections 2-5 and 4-1 regarding required reviews and approvals

"CB"
CENTRAL BUSINESS ZONING DISTRICT

Objective

To provide for intensive mixed use development in an area that has been served as Hartford’s commercial center for more than a century. The area is particularly suited to compact development due to the availability of public parking, public water and sewer services, and public transportation. Approved uses should be consistent with the role of the district as a historic, pedestrian-friendly center for retail, business, and tourist activities, public services and high-density housing.

Uses: Only commercial development shall be allowed on the first floor street front portion of a building within the boundary of the village center as specified in Section 2-1 and 2-2 of these Regulations.

Permitted Uses*

Bakery
 Banking, Financial Institution
 Bar
 Bed & Breakfast
 Dwelling, Multi-Unit
 Food Assembly/Catering
 Funeral Home
 Hotel, Motel, Inn
 Medical Clinic
 Mixed Use Building
 Museum ≤ 10,000 Sq. Ft.
 Nursing Care Facility
 Office ≤ 10,000 Sq. Ft.
 Place of Worship
 Printing, Publishing
 Public Assembly Facility < 2,500 Sq. Ft.
 Public Information Facility
 Restaurant
 Retail ≤ 10,000 Sq. Ft.
 Veterinary Clinic

Permitted Upon Issuance of a Conditional Use Permit*

Contractor's Shop
 Contractor’s Yard
 Daycare Facility
 Dwelling Unit, Single
 Dwelling Unit, Two
 Farmstand
 Garden Center
 Home Business
 Hospital/Medical Center
 Kennel
 Light Manufacturing/Industry
 Light Manufacturing/Retail Sales
 Lodging House
 Motor Vehicle Car Wash
 Motor Vehicle Fueling Facility
 Motor Vehicle Repair
 Motor Vehicle Sales
 Motor Vehicle Service Station
 Museum > 10,000 Sq. Ft.
 Office > 10,000 Sq. Ft.
 Open Air Market
 Parking Facility
 Passenger Terminal
 Public Assembly Facility ≥ 2,500 Sq. Ft.
 Public Facility
 Recreational Facility
 Research, Testing Laboratory
 Retail > 10,000 Sq. Ft.
 School
 Storage, Mini/Self
 Warehouse

Minimum Area and Dimensional Standards

Class	Area (in square feet)		Lot Dimensions (in feet)		Setbacks (in feet) (From Property Lines)		
	Per Dwelling	Per Lot	Width	Depth	Front	Side	Rear
1	2 FAR	2,000	25	N/A	0	0	0

Maximum Lot Coverage: 90%

* See Sections 2-5 and 4-1 regarding required reviews and approvals

"CB-2"
CENTRAL BUSINESS TWO ZONING DISTRICT

Objective

To provide for intensive mixed use development and taller buildings in an area that has served as Hartford's commercial center for more than a century. The area is particularly suited to compact development due to the availability of public parking, public water and sewer services, and public transportation. Approved uses should be consistent with the role of the district as a historic, pedestrian-friendly center for retail, business, and tourist activities, public services and high-density housing.

Permitted Uses*

Bakery
Banking, Financial Institution
Bar
Bed & Breakfast
Dwelling, Multi-Unit
Food Assembly/Catering
Funeral Home
Hotel, Motel, Inn
Medical Clinic
Mixed Use Building
Museum ≤ 10,000 Sq. Ft.
Nursing Care Facility
Office ≤ 10,000 Sq. Ft.
Place of Worship
Printing, Publishing
Public Assembly Facility < 2,500 Sq. Ft.
Public Information Facility
Restaurant
Retail ≤ 10,000 Sq. Ft.
Veterinary Clinic

Permitted Upon Issuance of a Conditional Use Permit*

Contractor's Shop
Contractor's Yard
Daycare Facility
Dwelling Unit, Single
Dwelling Unit, Two
Farmstand
Garden Center
Home Business
Hospital/Medical Center
Kennel
Light Manufacturing/Industry
Light Manufacturing/Retail Sales
Lodging House
Motor Vehicle Car Wash
Motor Vehicle Fueling Facility
Motor Vehicle Repair
Motor Vehicle Sales
Motor Vehicle Service Station
Museum > 10,000 Sq. Ft.
Office > 10,000 Sq. Ft.
Open Air Market
Parking Facility
Passenger Terminal
Public Assembly Facility ≥ 2,500 Sq. Ft.
Public Facility
Recreational Facility
Research, Testing Laboratory
Retail > 10,000 Sq. Ft.
School
Storage, Mini/Self
Warehouse

Minimum Area and Dimensional Standards

Class	Area (in square feet)		Lot Dimensions (in feet)		Setbacks (in feet) (From Property Lines)		
	Per Dwelling	Per Unit	Width	Depth	Front	Side	Rear
1	2 FAR	2,000	25	N/A	0	0	0

Maximum Lot Coverage: 90%

Height: Structures up to a maximum of 60' are allowed as a permitted use provided the structures meet fire safety requirements established by the Hartford Fire Department.

* See Sections 2-5 and 4-1 regarding required reviews and approvals

**“QG”
QUECHEE GORGE ZONING DISTRICT**

Objective

To preserve the natural beauty and aesthetic qualities of the Quechee Gorge area, and encourage responsible commercial development that will compliment this unique district. This district will represent tourist related businesses, and will balance the needs of the local community and those of the traveling public.

In order to conserve and strengthen the irreplaceable natural, cultural, and historic features of the area, to maintain and improve the continued long-term vitality of the Quechee Gorge district, and to enhance Vermont’s traditional rural image, the following criteria are set forth: Harmony of exterior design with other properties; Compatibility of exterior materials with other properties; Compatibility and sufficiency of the proposed landscaping; Prevention of the use of incompatible designs of buildings, color schemes or exterior materials.

Permitted Uses*

Agriculture
Dwelling Unit, Single
Bakery
Office < 2,500 Sq. Ft.
Retail < 2,500 Sq. Ft.

Permitted Upon Issuance of a Conditional Use Permit*

Banking, Financial Institution
Bar
Bed & Breakfast
Campground
Cemetery
Daycare Facility
Dwelling, Multi-Unit
Dwelling Unit, Two
Farmstand
Food Assembly/Catering
Funeral Home
Garden Center
Home Business
Hotel, Motel, Inn
Light Manufacturing/Retail Sales
Medical Clinic
Mixed Use Building
Museum ≤ 10,000 Sq. Ft.
Nursing Care Facility
Office 2,500-10,000 Sq. Ft.
Open Air Market
Parking Facility
Passenger Terminal
Place of Worship
Public Assembly Facility (no size limit)
Public Facility
Public Information Facility
Recreational Facility
Restaurant
Retail 2,500-10,000 Sq. Ft.
School
Veterinary Clinic

Minimum Area and Dimensional Standards

<u>Class</u>	<u>Area (in square feet)</u>		<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
	<u>Per Dwelling</u>	<u>Per Lot</u>	<u>Width</u>	<u>Depth</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
Any	1 acre	1 acre	125	150	20	15	20

Maximum Lot Coverage: 75%

* See Sections 2-5 and 4-1 regarding required reviews and approvals

“QII”
QUECHEE INTERSTATE INTERCHANGE ZONING DISTRICT

Objective

To provide for well-planned and coordinated development (commercial facilities/services and residential) that can be effectively integrated with the scenic character of the I-89/Route 4 gateway while maintaining safe and efficient traffic flow. This district will balance the needs of the community and those of the traveling public.

In order to enhance Vermont’s traditional settlement pattern (compact villages surrounded by open space) and ensure coordinated development, the following criteria are set forth:

- Protect natural resources, including scenic views and wildlife habitat corridors;
- Preserve existing vegetation wherever possible;
- Apply access management principals;
- Design buildings to fit the character of the site with attention given to mass and scale;

Permitted Uses*

Bakery
Bed & Breakfast
Dwelling Unit, Single
Dwelling Unit, Two
Dwelling, Multi-Unit
Office ≤ 10,000 Sq. Ft.
Retail < 2,500 Sq. Ft.

Permitted Upon Issuance of a Conditional Use Permit*

Banking, Financial Institution
Bar
Campground
Cemetery
Contractor’s Shop
Daycare Facility
Farmstand
Food Assembly/Catering
Funeral Home
Garden Center
Home Business
Hospital/Medical Center
Hotel, Motel, Inn
Kennel
Light Manufacturing/Industry
Light Manufacturing/Retail Sales
Medical Clinic
Mixed Use Building
Museum ≤ 10,000 Sq. Ft.
Nursing Care Facility
Office Building > 10,000 Sq. Ft.
Open Air Market
Parking Facility
Passenger Terminal
Place of Worship
Public Assembly Facility (no size limit)
Public Facility
Public Information Facility
Recreational Facility
Research, Testing Laboratory
Restaurant (no drive-thru)
Retail 2,500–10,000 Sq. Ft.
School
Veterinary Clinic

Quechee Interstate Interchange (continued)

Minimum Area and Dimensional Standards

<u>Class</u>	<u>Area (in square feet)</u>		<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
	<u>Per Dwelling</u>	<u>Per Unit</u>	<u>Width</u>	<u>Depth</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
1	8,000	4,500	50	80	20	10	20
2	20,000	10,000	100	100	20	10	20
3	40,000	20,000	125	100	20	10	20

Maximum Lot Coverage: 75%

* See Sections 2-5 and 4-1 regarding required reviews and approvals

“RC-2”

RESIDENTIAL COMMERCIAL TWO ZONING DISTRICT

Objective

To provide for mixed uses in areas which may have public water and sewer systems and generally are located on major highways. New development should be consistent with the predominantly residential character of these areas.

Permitted Uses*

Bakery
 Bed & Breakfast
 Dwelling Unit, Single
 Dwelling Unit, Two
 Dwelling, Multi-Unit
 Office < 2,500 Sq. Ft.
 Retail < 2,500 Sq. Ft.

Permitted Upon Issuance of a Conditional Use Permit*

Banking, Financial Institution
 Bar
 Cemetery
 Contractor’s Shop
 Contractor’s Yard
 Daycare Facility
 Farmstand
 Food Assembly/Catering
 Funeral Home
 Garden Center
 Home Business
 Hospital/Medical Center
 Hotel, Motel, Inn
 Kennel
 Light Manufacturing/Industry
 Light Manufacturing/Retail Sales
 Lodging House
 Medical Clinic
 Mixed Use Building
 Motor Vehicle Fueling Facility
 Motor Vehicle Repair
 Museum ≤ 10,000 Sq. Ft.
 Nursing Care Facility
 Office 2,500–10,000 Sq. Ft.
 Open Air Market
 Parking Facility
 Passenger Terminal
 Place of Worship
 Printing, Publishing
 Public Assembly Facility (no size limit)
 Public Facility
 Recreational Facility
 Research, Testing Laboratory
 Restaurant
 Retail 2,500–10,000 Sq. Ft.
 School
 Storage, Mini/Self
 Veterinary Clinic

Minimum Area and Dimensional Standards

Class	<u>Area (in square feet)</u>		<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
	Per Dwelling		Width	Depth	Front	Side	Rear
	Unit	Lot					
1	3,500	6,000	50	50	20	10	20
2	15,000	20,000	100	100	25	10	20
3	30,000	40,000	125	100	25	15	20

Maximum Lot Coverage: 65%

* See Sections 2-5 and 4-1 regarding required reviews and approvals

“VB”
VILLAGE BUSINESS ZONING DISTRICT

Objective

To provide for a mixed-use neighborhood scale district with high residential densities and service businesses centrally located within a predominantly residential village.

Permitted*

Bakery
 Bed & Breakfast
 Dwelling Unit, Single
 Dwelling Unit, Two
 Mixed Use Building
 Office < 2,500 Sq. Ft.
 Retail < 2,500 Sq. Ft.

Permitted Upon Issuance of a Conditional Use Permit*

Banking, Financial Institution
 Bar
 Cemetery
 Contractor’s Shop
 Daycare Facility
 Dwelling, Multi-Unit
 Farmstand
 Food Assembly/Catering
 Funeral Home
 Garden Center
 Home Business
 Hotel, Motel, Inn
 Light Manufacturing/Retail Sales
 Medical Clinic
 Motor Vehicle Fueling Facility
 Museum ≤ 10,000 Sq. Ft.
 Nursing Care Facility
 Office 2,500–10,000 Sq. Ft.
 Open Air Market
 Parking Facility
 Passenger Terminal
 Place of Worship
 Public Assembly Facility (no size limit)
 Public Facility
 Public Information Facility
 Recreational Facility
 Restaurant
 Retail 2,500–10,000 Sq. Ft.
 School
 Veterinary Clinic

Minimum Area and Dimensional Standards

<u>Class</u>	<u>Area (in square feet)</u>		<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
	<u>Per Dwelling</u>	<u>Per Lot</u>	<u>Width</u>	<u>Depth</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
1	2,000	4,000	50	N/A	0	0	0

Maximum Lot Coverage: 90%

* See Sections 2-5 and 4-1 regarding required reviews and approvals

“VR-C”
VILLAGE RESIDENTIAL -COMMERCIAL ZONING DISTRICT

Objective

To provide an area of mixed residential-commercial uses in or near village centers where commercial facilities generate little traffic and are compatible with a village residential environment.

Permitted Uses*

Bed & Breakfast
 Dwelling Unit, Single
 Dwelling Unit, Two
 Office < 2,500 Sq. Ft.
 Retail < 2,500 Sq. Ft.

Permitted Upon Issuance of a Conditional Use Permit*

Bakery
 Banking, Financial Institution
 Cemetery
 Contractor’s Shop
 Daycare Facility
 Dwelling, Multi-Unit
 Farmstand
 Food Assembly/Catering
 Funeral Home
 Garden Center
 Home Business
 Hotel, Motel, Inn
 Light Manufacturing/Retail Sales
 Lodging House
 Medical Clinic
 Mixed Use Building
 Museum ≤ 10,000 Sq. Ft.
 Nursing Care Facility
 Office 2,500–10,000 Sq. Ft.
 Open Air Market
 Parking Facility
 Passenger Terminal
 Place of Worship
 Printing, Publishing
 Public Assembly Facility (no size limit)
 Public Facility
 Public Information Facility
 Recreational Facility
 Research, Testing Laboratory
 Restaurant
 Retail 2,500–10,000 Sq. Ft.
 School
 Veterinary Clinic

Minimum Area and Dimensional Standards

<u>Class</u>	<u>Area (in square feet)</u>		<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
	<u>Per Dwelling</u>	<u>Per Lot</u>	<u>Width</u>	<u>Depth</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
1	3,500	6,000	50	50	10/20**	10	20

* See Sections 2-5 and 4-1 regarding required reviews and approvals

** 10’ for principal structure and 20’ for attached or detached garages and other structures.

Maximum Lot Coverage: 65%

**“R-1”
RESIDENTIAL ONE ZONING DISTRICT**

Objective

To encourage predominantly residential development at relatively high densities in established neighborhoods close to the village centers which have public water and sewer services, and are located within easy access to public transit.

Permitted Uses

Dwelling Unit, Single
Dwelling Unit, Two

Permitted Upon Issuance of a Conditional Use Permit*

Bed & Breakfast
Cemetery
Daycare Facility
Dwelling, Multi-Unit
Farmstand
Funeral Home
Home Business
Hospital/Medical Center
Nursing Care Facility
Office < 2,500 Sq. Ft.
Place of Worship
Public Assembly Facility (no size limit)
Public Facility
Recreational Facility
School
Veterinary Clinic

Minimum Area and Dimensional Standards

<u>Class</u>	<u>Area (in square feet)</u>		<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
	<u>Per Dwelling</u>	<u>Per Lot</u>	<u>Width</u>	<u>Depth</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
1	4,000	8,000	60	80	10/20**	10	20
2&3	1 acre	1 acre	125	100	25	15	20

* See Sections 2-5 and 4-1 regarding required reviews and approvals

** 10' for principal structure and 20' for attached or detached garages and other structures

Maximum Lot Coverage: 65%

“R-1M”
RESIDENTIAL ONE, MULTI-FAMILY ZONING DISTRICT

Objective

To encourage predominantly multi-family residential development at relatively high densities in established neighborhoods close to the village centers which have public water and sewer services, and are located within easy access to public transit.

Permitted Uses*

Dwelling Unit, Single
 Dwelling Unit, Two
 Dwelling, Multi-Unit

Permitted Upon Issuance of a Conditional Use Permit*

Bed & Breakfast
 Cemetery
 Daycare Facility
 Farmstand
 Funeral Home
 Home Business
 Lodging House
 Nursing Care Facility
 Office < 2,500 Sq. Ft.
 Place of Worship
 Public Assembly Facility (no size limit)
 Public Facility
 Recreational Facility
 School
 Veterinary Clinic

Minimum Area and Dimensional Standards

<u>Class</u>	<u>Area (in square feet)</u>		<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
	<u>Per Dwelling</u>	<u>Per Lot</u>	<u>Width</u>	<u>Depth</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
1	4,000	8,000	60	80	10/20**	10	20
2&3	1 acre	1 acre	125	100	25	15	20

* See Sections 2-5 and 4-1 regarding required reviews and approvals

** 10' for principal structure and 20' for attached or detached garages and other structures

Maximum Lot Coverage: 65%

**“R-2”
RESIDENTIAL TWO ZONING DISTRICT**

Objective

To encourage moderately-dense, and predominantly residential development in established neighborhoods having good access to highways, public transit and public water and sewer services.

Permitted Uses

Dwelling Unit, Single
Dwelling Unit, Two

Permitted Upon Issuance of a Conditional Use Permit*

Bed & Breakfast
Cemetery
Daycare Facility
Dwelling, Multi-Unit
Farmstand
Home Business
Kennel
Nursing Care Facility
Place of Worship
Public Assembly Facility < 2,500 Sq. Ft.
Public Facility
Recreational Facility
School

Minimum Area and Dimensional Standards

<u>Class</u>	<u>Area (in square feet)</u>		<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
	<u>Per Dwelling</u>	<u>Per Lot</u>	<u>Width</u>	<u>Depth</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
1	6,000	10,000	70	90	10/20**	10	20
2&3	1 acre	1 acre	125	100	25	15	20

* See Sections 2-5 and 4-1 regarding required reviews and approvals

** 10' for principal structure and 20' for attached or detached garages and other structures

Maximum Lot Coverage: 65%

“R-3”
RESIDENTIAL THREE ZONING DISTRICT

Objective

To encourage predominantly residential development at lower densities in established neighborhoods more distant from village centers. While not all parts of these districts are now served by public water and sewer, such services can be extended relatively efficiently as development continues.

Permitted Uses

Dwelling Unit, Single

Permitted Upon Issuance of a Conditional Use Permit*

Bed & Breakfast
 Cemetery
 Daycare Facility
 Dwelling Unit, Two
 Farmstand
 Home Business
 Kennel
 Nursing Care Facility
 Place of Worship
 Public Assembly Facility < 2,500 Sq. Ft.
 Public Facility
 Recreational Facility
 School

Minimum Area and Dimensional Standards

<u>Class</u>	<u>Area (in square feet)</u>		<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
	<u>Per Dwelling</u>	<u>Per Lot</u>	<u>Width</u>	<u>Depth</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
1	8,000	12,000	80	100	25	15	20
2&3	1 acre	1 acre	125	100	25	15	20

Maximum Lot Coverage: 65%

* See Sections 2-5 and 4-1 regarding required reviews and approvals

**“VR-1”
VILLAGE RESIDENTIAL ONE ZONING DISTRICT**

Objective

To provide for a range of residential development in village areas served by public utilities.

Permitted Uses

Dwelling Unit, Single
Dwelling Unit, Two

Permitted Upon Issuance of a Conditional Use Permit*

Bed & Breakfast
Cemetery
Daycare Facility
Dwelling, Multi-Unit
Farmstand
Home Business
Nursing Care Facility
Place of Worship
Public Assembly Facility < 2,500 Sq. Ft.
Public Facility
Recreational Facility
School

Minimum Area and Dimensional Standards

<u>Class</u>	<u>Area (in square feet)</u>		<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
	<u>Per Dwelling</u>	<u>Per Lot</u>	<u>Width</u>	<u>Depth</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
1	4,000	8,000	60	80	10/20**	10	20

* See Sections 2-5 and 4-1 regarding required reviews and approvals

** 10' for principal structure and 20' for attached or detached garages and other structures

Maximum Lot Coverage: 65%

“VR-2”
VILLAGE RESIDENTIAL TWO

Objective

To maintain the residential character of established village neighborhoods where public water and sewer are not likely to be available in the foreseeable future.

Permitted Uses

Dwelling Unit, Single
 Dwelling Unit, Two

Permitted Upon Issuance of a Conditional Use Permit*

Bed & Breakfast
 Cemetery
 Daycare Facility
 Farmstand
 Home Business
 Nursing Care Facility
 Place of Worship
 Public Assembly Facility < 2,500 Sq. Ft.
 Public Facility
 Recreational Facility
 School

Minimum Area and Dimensional Standards

<u>Class</u>	<u>Area (in square feet)</u>		<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
	<u>Per Dwelling</u>	<u>Per Unit</u>	<u>Width</u>	<u>Depth</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
3	20,000	20,000	100	100	25	15	20

* See Sections 2-5 and 4-1 regarding required reviews and approvals

“RL-1”
RURAL LANDS ONE ZONING DISTRICT

Objective

To provide areas where residential development can occur in a rural setting. These lands, where moderate density is permitted, are near major roadways and could be served by public water and sewer some time in the future.

Permitted Uses

Agriculture
 Dwelling Unit, Single

Permitted Upon Issuance of a Conditional Use Permit*

Bed & Breakfast
 Cemetery
 Daycare Facility
 Dwelling Unit, Two
 Farmstand
 Home Business
 Kennel
 Place of Worship
 Public Assembly Facility < 2,500 Sq. Ft.
 Public Facility
 Recreational Facility
 School

Minimum Area and Dimensional Standards

<u>Class</u>	<u>Area (in square feet)</u>		<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u>		
	<u>Unit</u>	<u>Per Lot</u>	<u>Width</u>	<u>Depth</u>	<u>(From Property Lines)</u>		
					<u>Front</u>	<u>Side</u>	<u>Rear</u>
Any	1 acre	1 acre	125	150	35	25	25

* See Sections 2-5 and 4-1 regarding required reviews and approvals

“RL-3”
RURAL LANDS THREE ZONING DISTRICT

Objective

To provide areas for expansion of existing rural-residential development at lower densities than RL-1.

Permitted Uses

Agriculture
 Dwelling Unit, Single

Permitted Upon issuance of a Conditional Use Permit*

Bed & Breakfast
 Campground
 Cemetery
 Daycare Facility
 Dwelling Unit, Two
 Farmstand
 Home Business
 Kennel
 Place of Worship
 Public Facility
 Recreational Facility
 School

Minimum Area and Dimensional Standards

<u>Area (in square feet)</u>				<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
<u>Class</u>	<u>Unit</u>	<u>Lot</u>	<u>Lot Size</u>	<u>Width**</u>	<u>Depth**</u>	<u>Front**</u>	<u>Side**</u>	<u>Rear**</u>
Any	3 acres	3 acres	1 acre	250	250	35	35	35

* See Sections 2-5 and 4-1 regarding required reviews and approvals

** For lots under 2.0 acres, the minimum lot width is reduced to 125' and lot depth is reduced to 150'. Minimum side and rear setbacks are reduced to 25'.

**“RL-5”
RURAL LANDS FIVE ZONING DISTRICT**

Objective

To limit developmental density in areas which are now largely in agricultural or forestry uses, where development may be difficult and/or undesirable and public water and sewer services cannot be provided efficiently. Since the rural character of these lands depends on open space and natural areas, protection of these features should be considered when evaluating proposed conditional uses.

Permitted Uses

Agriculture
Dwelling Unit, Single

Permitted Upon Issuance of a Conditional Use Permit*

Bed & Breakfast
Campground
Cemetery
Daycare Facility
Farmstand
Home Business
Kennel
Place of Worship
Public Facility
Recreational Facility
School

Minimum Area and Dimensional Standards

<u>Area (in square feet)</u>				<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
<u>Class</u>	<u>Unit</u>	<u>Lot</u>	<u>Lot Size</u>	<u>Width**</u>	<u>Depth**</u>	<u>Front**</u>	<u>Side**</u>	<u>Rear**</u>
Any	5 acres	5 acres	1 acre	300	300	40	50	50

* See Sections 2-5 and 4-1 regarding required reviews and approvals

** For lots under 2.0 acres, the minimum lot width is reduced to 125' and lot depth is reduced to 150'. Minimum front setback is reduced to 35' and the side and rear setbacks are reduced to 25'.

**“RL-10”
RURAL LANDS TEN ZONING DISTRICT**

Objective

To limit developmental density in areas which are now largely in agricultural or forestry uses, where development may be difficult and/or undesirable and public water and sewer services cannot be provided efficiently. Since the rural character of these lands depends on open space and natural areas, protection of these features should be considered when evaluating proposed conditional uses.

Permitted Uses

Agriculture
Dwelling Unit, Single

Permitted Upon Issuance of a Conditional Use Permit*

Bed & Breakfast
Campground
Cemetery
Daycare Facility
Farmstand
Home Business
Kennel

Minimum Area and Dimensional Standards

<u>Area (in square feet)</u>				<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
<u>Class</u>	<u>Unit</u>	<u>Lot</u>	<u>Lot Size</u>	<u>Width**</u>	<u>Depth**</u>	<u>Front**</u>	<u>Side**</u>	<u>Rear**</u>
Any	10 acres	10 acres	1 acre	400	300	50	50	50

* See Sections 2-5 and 4-1 regarding required reviews and approvals

** For lots under 2.0 acres, the minimum lot width is reduced to 125' and lot depth is reduced to 150'. Minimum front setback is reduced to 35' and the side and rear setbacks are reduced to 25'.

“FC”
FORESTRY/CONSERVATION ZONING DISTRICT

Objective

Provide for commercial forestry and the protection of timber, wildlife and other natural resources in the largest unfragmented forested area of Hartford. Much of the land is characterized by steep slopes, the absence of improved roads and remoteness from the Town’s developed villages. Development applications must be carefully reviewed to ensure the protection of the area’s rural character.

Permitted Uses

Agriculture
 Dwelling Unit, Single

Permitted Upon Issuance of Conditional Use Permit*

Bed & Breakfast
 Farmstand
 Home Business
 Kennel

Minimum Area and Dimensional Standards

<u>Area (in square feet)</u>				<u>Lot Dimensions (in feet)</u>		<u>Setbacks (in feet)</u> (From Property Lines)		
<u>Class</u>	<u>Unit</u>	<u>Lot</u>	<u>Lot Size</u>	<u>Width</u>	<u>Depth</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
Any	28 acres	28 acres	28 acres	600	600	50	50	50

* See Sections 2-5 and 4-1 regarding required reviews and approvals

2-10 OVERLAY DISTRICTS

2-10.1 Purpose: The Hartford Master Plan identifies many areas throughout the Town that encompass significant natural resources and have particular importance to the Town's rural character. These areas make Hartford a special place and represent the Town's heritage of working farms and forest lands as part of a sustainable, environmentally sound, local resource-based economy. These areas include such features as prime and statewide agricultural soils, forests, wetlands, riparian areas, steep slopes, important wildlife habitat, scenic views, ridgelines and hillsides. Since they are located in multiple zoning districts, and the characteristics of these areas vary, special overlay zoning districts are established in sections of the town to ensure sufficient protection of these important features. It is not the Town's intent to prevent development in the overlay districts, but rather have appropriate placement of development to minimize impacts on these areas as much as possible.

2-10.2 General Provisions for Rural Lands, Agricultural Lands, and Wildlife Connector Overlay Districts

2-10.2.1 Objective: To promote the preservation of the rural character, sensitive features and natural resources, including prime agricultural soils, wetlands, steep slopes, important wildlife habitat, scenic views, ridgelines and hillsides, in the Rural Lands, Agricultural, and Wildlife Connector Overlay Districts.

2-10.2.2 Effect on Existing Regulations: These Overlay District standards are intended to supplement the development regulations and standards set forth in the underlying zoning districts, and shall not repeal or alter any existing ordinances, regulations, or bylaws of the Town of Hartford except as provided herein.

2-10.2.3 District Boundaries: These standards shall apply to all land within the Rural Lands Zoning Districts (RL-1, RL-3, RL-5, RL-10 and FC) referred to as the Rural Lands Overlay District, and all lands within the Agricultural and Wildlife Connector Overlay Districts as identified in the most recently adopted Hartford Master Plan.

2-10.2.4 Supplemental Development Standards: All development and subdivisions should be laid out so they integrate carefully into the natural resources while protecting and minimizing fragmentation of land, and adverse visual and environmental impacts on these natural resources. To achieve this, the following supplemental standards shall apply:

- (A) Subdivisions creating two or more new lots will meet major subdivision requirements, including a detailed mapping of natural resources. Given the extent of sensitive natural resources, the Planning Commission may require a Planned Development for the site in accordance with Section 4-3 of these Regulations.

- (B) Development envelopes and associated development shall be located down-slope of ridgelines and prominent hills in areas where ridgelines and hillsides are easily visible from existing roadways, and shall be considered relative to the availability of less visible locations on-site. Additional landscaping may be required to screen development to reduce visibility.
- (C) When locating structures, roads, driveways, utility corridors and rights-of-way, one or more of the following should be employed:
 1. Place improvements at the wooded edge and/or nearby developed areas. If not possible, place improvements in a manner that minimizes encroachment in wooded areas and open fields.
 2. Follow existing contours, roads, tree lines, and stone walls.
 3. Share roads, driveways, utility corridors and rights-of-way.
 4. Place developments and subdivisions close to roads.
 5. Follow established settlement patterns.
- (D) Locate development such that it will not conflict with existing agricultural uses in the area, and provide adequate buffers between potentially conflicting uses.
- (E) Create an efficient use of land that results in cluster development, small networks of utilities and roads, and large sections of unfragmented land.
- (F) Any other rules and regulations that the Planning Commission may prescribe to supplement these standards, provided these rules and regulations are not inconsistent with the Zoning Regulations.

In addition to the Overlay District General Provisions set forth in these Regulations, the following additional provisions specific to the Agricultural and Wildlife Corridor Overlay Districts shall be followed.

2-10.3 Agriculture Overlay District

2-10.3.1 Objective: To promote the continuation of agriculture, retain the maximum possible amount of agricultural lands, which often provide important scenic views, protect historically viable farmland and prime and statewide agricultural soils, and preserve Hartford's rural character, scenic characteristics including open lands, views, and working landscape qualities in accordance with the Hartford Master Plan.

2-10.3.2 Supplemental Development Standards: In addition to the General Provisions for all Overlay Districts specified in Section 2-10.2 above, all development and subdivisions involving lands in an Agricultural Overlay District are subject to the following supplemental standards.

- (A) Development envelopes shall be located at field edges or, in the event that no other land is practical for development, on the least fertile soils in order to

minimize the use of productive agricultural land and impacts on existing farm operations.

- (B) Buildings should be clustered to avoid the fragmentation of productive farmland/open land.

2-10.4 Wildlife Connector Overlay District

2-10.4.1 Objective: To provide sufficient area for animals to move freely between conserved lands, undeveloped private lands, contiguous forest habitat, and other important habitat, land features, and natural communities within and beyond the boundaries of the Town in order to meet their necessary survival requirements.

2-10.4.2 Supplemental Development Standards: In addition to the General Provisions for all Overlay Districts specified in Section 2-10.2 above, all development and subdivisions involving lands in a Wildlife Connector Overlay District are subject to the following supplemental standards.

- (A) Development will be encouraged close to roads and/or developed areas to allow sufficient wildlife corridors through the area.
- (B) A buffer area of adequate size from the edge of development shall be established to ensure the protection of critical wildlife habitats and travel corridors.
- (C) Written review from the Vermont Department of Fish and Wildlife regarding the impact of the proposed development on the wildlife corridor and significant wildlife habitats when requested by the Planning Commission for Site Development Plan and Subdivision applications or by the Administrative Officer for zoning permits.

2-10.5 Application Review Procedures:

2-10.5.1 Site Development Plan and Subdivision Applications: As part of a Site Development Plan or Subdivision application; all commercial, industrial, multi-family residential development or subdivision applications in overlay district are required to demonstrate how the proposed project adheres to the overlay districts standards addressed in Section 2-10.2 above. Wireless communication facilities in compliance with Section 3-18 are exempt from meeting this requirement.

2-10.5.2 Administrative Review Process: Except for exemptions identified in 2-10.5.3 below, residential uses, including new single unit dwelling, and two-unit dwelling, residential additions, and accessory structures are required to submit an administrative application to the Administrative Officer indicating how the proposed project adheres to the overlay districts standards addressed in Section 2-10.2 above. If the Administrative Officer determines that the application adheres to the Supplemental Development Standards as applicable in 2-10.2.4, 2-10.3.2, and 2-10.4.2, the permit will be issued. However, if the Administrative Officer determines

that the applicable development standards cannot be met, the application will be denied. The applicant may then submit a notice of appeal to the Zoning Board of Adjustment as described in 1-4.8 of these regulations.

2-10.5.3 Exemptions: The following uses are exempt from the administrative review process for overlay districts. However, building/zoning permitting requirements and all other Zoning Regulations apply.

- (A) Agricultural buildings
- (B) Residential additions with a building footprint less 500 square feet.
- (C) Attached garages with a building footprint less than 500 square feet.
- (D) Accessory structures, including pools and hot tubs, less than 250 square feet in area and less than 10' in height.
- (E) Attached decks less than 500 square feet.

**ARTICLE III
GENERAL PROVISIONS**

3-1 LOTS

3-1.1 Setbacks There shall be no structures erected within required setback areas. Every part of a required setback shall be open from grade level to the sky, unobstructed, except for:

3-1.1.1. Projection of **sills, cornices, pilasters, steps, chimney and eaves** from a structure a maximum distance of 2 feet into the setback;

3-1.1.2. Projection of **wheelchair access ramps** from a structure into the setback a maximum of half the setback width;

3-1.1.3. **Fences** which comply with the limitations set forth in Section 3-7 below;

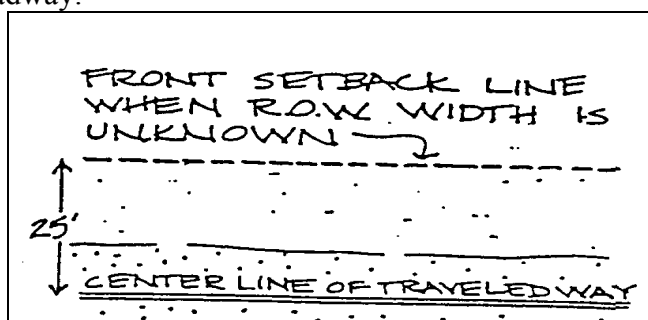
3-1.1.4. **Free-standing signs** which comply with the limitations set forth in the Hartford Sign Ordinance;

3-1.1.5. Above-ground **fuel storage tanks** which are fully screened from any public roadway or adjacent property.

3-1.2 Measurement of Lots and Setbacks

3-1.2.1. On public rights-of way 50 feet or more wide, the **front setback** shall be measured from the edge of the right-of-way.

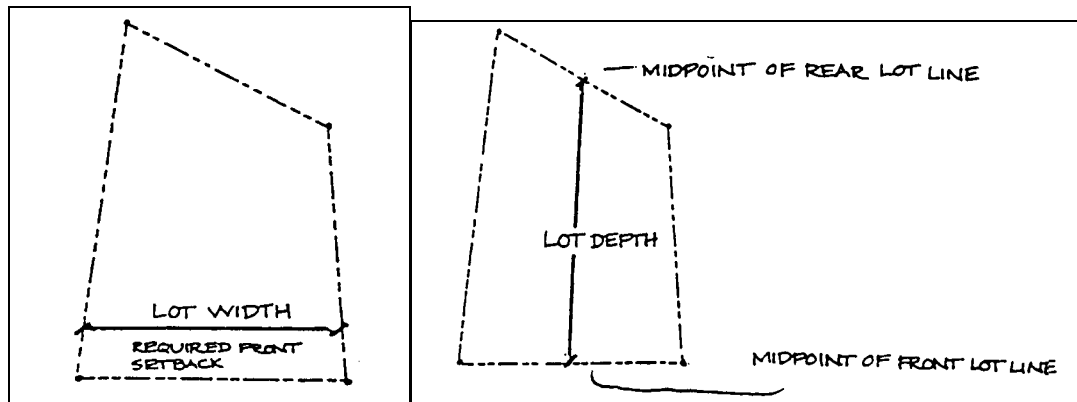
On public rights-of way of less than 50 feet or of un-determined width, the front setback shall be measured from a line 25 feet away from the centerline of the traveled portion of the roadway.



3-1.2.2. Any **corner lot** shall need to meet front setbacks on any side adjoining a street or right-of-way and side setbacks for the remaining sides. For an odd-shaped lot, the Administrative Officer shall determine which setbacks apply on which sides.**3-1.2.3.** For the purpose of determining setbacks, a **lot with access from a private right-of-way** will be considered to front on the lot line where the right-of-way gives access to the lot.

3-1.2.4. The **depth** of a lot shall be considered to be the distance between the midpoints of straight lines extending across the lot at the foremost and rearmost points of the side lot lines.

3-1.2.5. The **width** of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front setback.



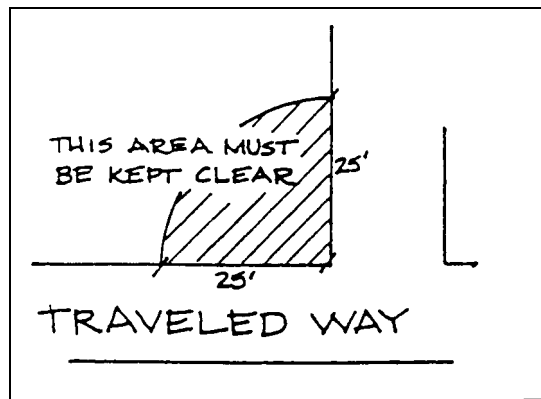
3-1.2.6. The Planning Commission shall determine the method of measurement for **odd-shaped lots** at the time subdivision approval is granted.

3-1.3 Lots in Two Zoning Districts. Where a district boundary divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend 30 feet into the more restricted part, provided the lot has frontage on a street in the less restricted district. In Rural Lands Districts, this distance shall be 100 feet.

3-1.4 Reduction in Lot Area. No lot shall be so reduced in area that the area, setbacks, lot width, frontage, coverage or other requirements of these Regulations shall be smaller than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose.

3-1.5 Double-Counting Not Allowed. Space required under these Regulations to satisfy area, setback or landscaping requirements in relation to one structure shall not be counted as part of an area, setback or landscaping requirement for any other structure.

3-1.6 Obstruction of Vision. On corner lots, there shall be no obstruction to vision between thirty inches and ten feet above the ground in the area which lies within 25 feet of the point where the edges of the two traveled ways intersect.



3-2 **STRUCTURES**

3-2.1 Height. Except for farm structures and windmills with blades less than 20 feet in diameter and structures in the CB-2 and I-C2 zoning districts, structures shall not exceed a height of 40 feet. Building height shall be measured from the proposed finished grade at the front of the building to the highest point of the roof for flat or mansard roofs, or to the midpoint between the eaves and ridgeline for other roofs. Rooftop apparatus such as air conditioning units, antennae and solar collectors shall be included in the measurement.

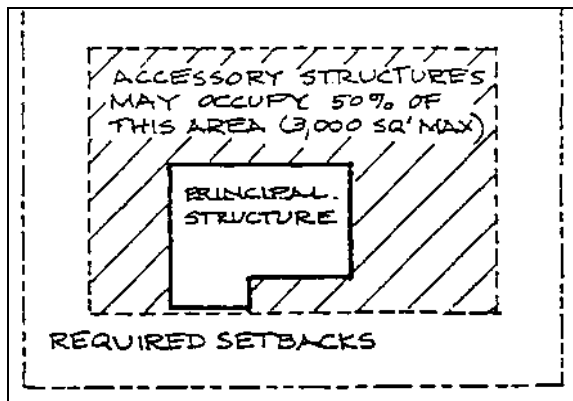
The Zoning Board of Adjustment may grant a Conditional Use Permit for structures which exceed a height of 40 feet, providing such an increase will not be disruptive to its surroundings or create a hazard. In the CB-2 and I-C2 zoning districts, structures up to 60' do not require a Conditional Use Permit provided the structures meet fire safety requirements established by the Hartford Fire Department.

3-2.2 Principal Structures on Lots. In Residential and Rural Lands Districts, there shall be only one principal structure on a lot unless otherwise approved under the Planned Development provision. In such districts, if there is a dwelling unit on a lot, the structure in which the dwelling unit is located shall be considered the principal structure.

3-2.3 Accessory Structures on Lots. In Residential and Rural Lands Districts the following limitations apply:

3-2.3.1. There shall be no more than three (3) detached accessory structures on a lot;

3-2.3.2. The combined area of all accessory structures on a lot shall not exceed the lesser of 3,000 square feet or 50 percent of the area remaining after excluding (1) required setbacks and (2) the area occupied by the principal structure (see illustration).



3-2.3.3. These limitations do not apply to structures used for agricultural purposes in districts where Agriculture is a permitted use.

3-2.4 Demolition, Burning or Abandonment of Structures. Not later than 6 months after a permanent or temporary building or structure has been damaged, destroyed, demolished or abandoned, all scrap, damaged or unsafe materials shall be removed from the site. Any excavation thus remaining shall be covered over or filled to the normal grade by the owner. An extension of time may be granted by the Zoning Board of Adjustment as a Conditional Use.

3-3 ACCESS AND PARKING

3-3.1 Required Access to Public Roads or Public Waters. No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right-of-way of record at least 50 feet wide. The Planning Commission may approve a reduction in width to a minimum of 20 feet provided the drive serves four or fewer dwelling units and adequate safe access will exist with such reduced width.

3-3.2 Location of Curb Cuts in Relation to Intersections. Except for driveways accessing one- and two-family dwellings, all curb cuts shall be located at least 100 feet from any intersecting public right-of-way on the same side of the street.

3-3.3 Off-Street Parking. Off-street parking spaces shall be provided in accordance with the specifications of this Section whenever any new use is established or existing use enlarged.

3-3.3.1. Location. Whenever possible, off-street parking shall be on the same lot as the use itself. If parking is to be provided on public or private land off-site, the following provisions apply:

(A) Safety: The passage between the parking lot and the building for which parking is being provided shall be safe and well lighted.

- (B) **Maximum Distance to Off-Site Parking**: The distance between the pedestrian entrance to the parking lot and the nearest public entrance to the building shall be no more than 1,000 feet, except in the Downtown White River Junction Parking District.
- (C) **Downtown White River Junction Parking District**: This area (as delineated on Downtown White River Junction Parking District Map) is recognized as a high density residential, retail and service center in the Town, with a walkable scale and access to public transit, on-street parking and municipal parking lots. Development projects within this district may use off-site parking anywhere within the district regardless of distance, providing it meets the requirements of Subsection 3-3.3.1.
- (D) **Lease or Easement Required**: If the parking is to be provided on private land owned by someone other than the applicant, the applicant shall submit evidence that a lease or easement for a period equal to the proposed use has been obtained and that it has been recorded in the Town Land Records.
- (E) **Use of Municipal Parking**: If an applicant proposes that some or all of the parking requirement is to be met through the use of a municipal lot, the applicant may submit evidence that such use can be accommodated by existing facilities or propose a cost-sharing plan with a contribution to assist in the construction of additional facilities.

3-3.3.2. Size of Parking Spaces. With the exception of parallel parking, each space shall be configured so it can contain a rectangle 18 feet long and 9 feet wide, exclusive of access drives or aisles. Parking spaces may be installed at an angle as long as the usable area of each space meets this requirement. Parallel parking space shall be a minimum of 22 feet long by 8 feet wide exclusive of access drives or aisles.

3-3.3.3. Special Needs Parking. Parking for the handicapped shall be provided in accordance with provisions of the Americans with Disabilities Act as amended at the time of application for Site Plan Review.

3-3.3.4. Minimum Width of Access Drives and Aisles.

- (A) The following dimensional requirements shall apply unless varied by the Planning Commission based on evidence supplied by a qualified transportation professional, specializing in the field of traffic analysis:

Access drive at its intersection with a public street: 15 feet for one-way traffic, 26 feet for two-way traffic, and 12 feet per lane for three or more lanes. A minimum curb return radius of 20 feet shall be provided.

Internal drive which does not directly access any parking spaces: 12 feet for one-way traffic and 24 feet for two-way traffic.

Width of an aisle between parking spaces:

90 degree parking, one way	20 feet
90 degree parking, two way	24 feet
60 degree parking, one way	18 feet
60 degree parking, two way	24 feet
45 degree parking, one way	13 feet
45 degree parking, two way	24 feet

(B) **Large Vehicle Accommodation**: Lots to be used by larger vehicles shall meet dimensional requirements established during Site Development Plan Review

(C) **Large Parking Lots**: Except for automobile dealership display parking areas, parking lots with 100 or more parking spaces shall have an internal circulation road which meets the minimum design and construction standards of a public road. Only parallel parking shall be permitted on an internal circulation road.

3-3.3.5. Drive-in/Drive-thru Businesses. Drive-in food service, restaurants and banks with drive-in teller windows, and other drive-in businesses shall have a stacking lane for each window or remote customer service point able to accommodate a minimum of three vehicles to keep the line of waiting vehicles from extending into the public right-of-way or interfering with on-site parking and access.

3-3.3.6. Stacked Parking. Each parking space shall have access to a driveway or street. However, the Planning Commission may permit stacked parking (one vehicle behind another) in order to meet the minimum parking requirements where unique circumstances exist on a lot if the users will be residents of a single dwelling unit, accessory apartment or duplex unit, or if there is a dedicated employee-only parking, signed as such.

3-3.3.7. Safety, Access and Circulation.

(A) **Traffic Flow and Pedestrian Safety**: Parking shall be designed to provide for maximum ease in traffic flow and pedestrian safety.

(B) **Egress Requirements**: Vehicles shall exit facing the street as close to a 90° angle as possible, unless the Planning Commission finds that some other arrangement will meet the safety requirements of the site.

(C) **Parking Availability**: No parking space shall be used for any purpose that limits its availability for parking year-round. Spaces which will be blocked by winter snow piles or be unsafe due to snowfall from adjacent roofs may not be considered as part of the required spaces, nor may spaces being used for emergency access, loading or deliveries, dumpsters or storage of merchandise, unregistered vehicles or other materials.

- (D) **Surface Materials and Drainage**: Surfacing materials and drainage shall be adequate to withstand the traffic expected and ensure a dry surface during periods of expected use. When possible, water shall be retained on site and allowed to filter into the ground.
- (E) **Parking Lot Maintenance**: Parking areas shall be adequately drained, lighted, and kept free of snow and ice.
- (F) **Street and Sidewalk Improvements**: The Planning Commission may require, as a condition of granting approval to a site plan, such improvements to the street network or public sidewalks as may be required to provide safe and adequate access to the parking area.

3-3.3.8. Visual Considerations

(A) Parking in the Front Setback:

1. **Single Family, Accessory Apartments and Two Family Units**: Parking may occupy up to 50% of the front lot line of the parcel without the approval of the Planning Commission. For corner lots, the front lot line shall be defined as the side with access to a public or private road.
2. **Other Uses**: Parking areas shall be located behind the front building line of a structure unless approved by the Planning Commission.

(B) **Landscaping**: The site shall be designed and landscaped to minimize negative visual impacts and maximize safety. Plantings may be required for this purpose both within the lot and between it and any public road or adjacent property. Plants shall not be invasive to Vermont, shall be selected for their ability to survive under special conditions found in a parking lot, and shall be protected from damage by vehicles and maintenance equipment, including snow removal and storage.

(C) **Defining Parking Area**: The outside edges of the parking lot shall be delineated by curbing, fencing, or other means that will confine vehicles to the areas intended for parking.

(D) **Parking on Lawns**: Parking shall not be allowed on lawns unless it is demonstrated that the use of such areas will be so infrequent that the grass will not be damaged.

(E) **Parking Buffers**: Where any non-residential or mixed-use district abuts a residential district, the parking area shall be located at least 10' from the property line abutting the residential district, and the spaces shall be landscaped.

3-3.3.9. Number of Parking Spaces Required.

(A) Unless the number is varied by the Planning Commission in accordance with Subsections (B) through (F), parking spaces shall be provided as follows:

USE	NUMBER OF SPACES
One or 2-family dwelling	2 per unit
Multi-family dwelling	2 per unit
Accessory Apartment	1.0 per unit
Dwelling in a Mixed Use Structure	1.5 per unit
Senior housing	1.0 per unit
Nursing Home/Assisted Living	1 per 4 beds
Clinic, Medical or Dental	1 per 250 sq. ft.
Lodging house	1 per resident
Motel, hotel, inn	1 per unit, and 1 per employee on site at peak times
Restaurant, bar	1 per 3 seats, plus 1 for each employee on site at peak times
Kennel	1 per employee on site at peak times and 1 per 1,000 sq. ft.
Daycare Facility	1 per employee on site at peak times plus 1 per 5 children
Primary or Middle School	1 per 4 seats in largest available assembly space or 2.5 per classroom, whichever is greater
High School	1 per 4 seats in largest available assembly space or 7 per classroom, whichever is greater
Theater or church	1 per 4 seats in main auditorium
Private club or lodge	1/4 the capacity of the building
Office or retail	1 per 300 sq. feet gross leasable area
Funeral home	1 per 100 sq. ft. of area open to the public
Warehouse/Industrial	1 per employee on site at peak times

(B) **Rounding Rule:** The number of required spaces shall be calculated to the nearest .1; totals shall be rounded to the nearest whole number when all items have been added.

(C) **Other Uses:** For uses not listed above, the Planning Commission shall decide the number of required parking spaces.

(D) **Excess Parking:** Parking shall not be constructed for any building or use in excess of the number specified above without the approval of the Planning Commission as specified in Subsection 3-3.3.9(E).

(E) Modification of Parking Requirements: If, in Site Plan Approval proceedings or at any time in the future after a duly warned hearing, the Planning Commission determines that unique usage or special conditions exist which warrant increasing or reducing the need for parking, it may require the provision of off-street parking spaces up to 50% more or less than the requirements in (A) above. In the Central Business District, the parking may be reduced beyond 50%. When approving an increase or reduction in any zoning district, the Planning Commission shall consider the following.

1. Is the site located on or within 1,000 feet of a transit route?
2. Are there shared parking facilities with abutting businesses which are sufficient to meet parking demand?
3. For mixed use projects, do the proposed uses have staggered business hours with minimal overlap?
4. Does the type of business proposed generate substantial pedestrian traffic and are adequate pedestrian facilities present?
5. Does an employer-sponsored “transit pass” program, or vanpool, carpool or rideshare program exist or can one be established (as a condition of the approval) to substantially reduce the need for on-site parking?
6. Is safe and adequate on-street parking available?
7. Is parking in municipal parking lots available?
8. Does the Institute of Traffic Engineers, American Planning Association or other professional source show parking demand requirements for the proposed use(s) that are different than the standards specified in these regulations?
9. Is there other information that justifies a change in the parking requirements?

Any reduction in required parking shall apply to the uses specified by the Planning Commission at the time of application only. In so reducing the required number of spaces the Planning Commission shall:

- (1) Specify some or all of the parking spaces as permanently reduced or as Deferred Parking (see Subsection 3-3.3.10 following).
- (2) Specify that no parking space designated for shared parking under the provisions of this subsection shall be assigned or reserved for a particular party of use unless expressly authorized by the Planning Commission.
- (3) Document precisely the calculation procedure used in determining the required number of spaces. In no case shall the parking be reduced below 100% of the largest parking generator as determined under (A) above.

(F) Traffic Study: The Commission may require an applicant for Site Plan Approval to submit a traffic study, at the applicant's expense, by a qualified transportation professional, specializing in the field of traffic analysis, of estimates of daily and peak hour traffic generation.

3-3.3.10 Deferred Construction of Parking Spaces

- (A) When the Planning Commission approves a reduction in parking as provided for in Subsection 3-3.3.9 (G) above, it may defer the construction of the required parking spaces until such time as it determines, after a hearing, that the spaces are needed.
- (B) Space for deferred parking shall be labeled "Future Parking" on the site plan and landscaped until needed.
- (C) The Planning Commission may require a Letter of Credit or other financial security instrument adequate to ensure that parking spaces will be constructed when they are needed.

3-3.4 Off-Street Loading

3-3.4.1 For every building erected, altered or extended for the purpose of business, trade or industry, there shall be off-street space for loading and unloading vehicles as follows:

- (A) Wholesale, warehouse, freight and trucking terminals: 1 for every 7,500 square feet of floor area;
- (B) All other: 1 for every 10,000 square feet of floor area.

3-3.4.2. Off-street loading spaces shall be scaled to the size of delivery vehicles expected and configured to maximize convenience for pick-up and delivery of bulk items. They shall be located in such a way as to minimize interactions with private vehicles and pedestrians and maximize safety in entering the public way. Required off-street loading space is not to be included as off-street parking space.

3-3.4.3. When an existing use is changed or altered, the requirements of Section 3-3.4.1 may be reduced by the Planning Commission if it finds there will be no traffic or safety hazard created.

3-4 PROTECTION OF SURFACE WATERS

3-4.1 Purpose: The purpose of this section is to protect water quality, reduce property loss, and preserve wildlife habitat by maintaining a riparian buffer (an undisturbed vegetated buffer) along surface waters. Riparian buffers provide many valuable functions including; filtering pollution and sediment from surface runoff, stabilizing streambanks to reduce erosion, regulating water temperatures vital for fish, and controlling flood waters by limiting runoff and slowing water velocity.

3-4.2 Affected Areas: A riparian buffer shall be maintained for a minimum of one hundred (100) feet from the top of the bank of the Connecticut, Ottauquechee and White Rivers, or for a minimum of thirty (30) feet from the edge of a stream or any other surface water identified on the most recent edition of the Hartford G.I.S. Natural Resources Map. The riparian buffer also includes the area between the river and the

top of the bank. No development, excavation, filling, clearing or grading shall occur within the buffer without Conditional Use approval from the Zoning Board of Adjustment except as specified in 3-4.4 and 3-4.5.

3-4.3 Surface Water Determination: Surface water includes all rivers, streams, brooks, creeks, ponds, lakes, and reservoirs identified on the most recent edition of the Hartford G.I.S. Natural Resources Map. Surface water excludes any isolated ponds and permitted stormwater detention ponds. If the accuracy of the map is questioned, a site visit will be made to determine the specific location of the surface water, including the top of bank or edge of water.

3-4.4 Exemptions and Buffer Width Reductions:

(A) Structures, lawns, mowed or cut areas, gardens, agricultural lands, golf courses, parks, athletic turf fields and trails existing before the adoption of these regulations that occur within the riparian buffer are allowed to continue to be maintained provided that they are maintained at least once every three years.

(B) Projects that have a Riparian Buffer Management Plan with the Agency of Natural Resources or Act 250 which was approved prior to the adoption of these regulations.

(C) Emergency repairs of damage caused by flooding or other natural disasters.

(D) On existing lots of 1.00 acre or less, the buffer width requirement is reduced by fifty percent (50%) without the need of a Conditional Use Permit.

(E) For home gardens, the buffer width requirement is reduced to twenty-five (25') feet without the need for a Conditional Use Permit. Gardens no longer being used must be allowed to return to a naturally vegetated condition.

3-4.5 Allowable Uses and Activities: The following uses are allowed provided that the least possible area of existing riparian vegetation is disturbed and disturbed riparian areas are replanted with a mixture of native or non-invasive trees, shrubs, and grasses. Disturbed areas that will not be replanted for one (1) week shall be temporarily mulched. Disturbed areas that will not be replanted within three (3) weeks shall be temporarily seeded and mulched and the use of other methods that may be needed to prevent erosion. Replanting must be completed within one year.

(A) Tree pruning and selective tree removal provided that it results in minimal breaks to the tree canopy.

(B) Installation of fences and signs and incidental recreational items such as canoe racks, picnic tables, barbecue grills, trash receptacles and benches or similar minor items provided that they are installed on a pervious surface.

- (C) Removal of non-native nuisance species as defined as noxious weeds by the Vermont Department of Agriculture.
- (D) Archaeological investigations coordinated with the Vermont Agency of Natural Resources and the Vermont Division for Historic Preservation.
- (E) Removal of trees and shrubs to enhance views provided the frontage area does not exceed a total of twenty-five 25 linear feet along the shoreline; the stumps and root systems of removed vegetation remain intact in the ground wherever possible; and the area is replanted with native or non-invasive shrubs and grasses. This 25 feet allowance includes any existing clearings. Additional surface water protection measures are required as stated in 3-4.6B and *Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont*, (Section 1, #8; surface water and stream crossing protective strips and Section 14; protective strips.
- (F) **Docks.** To minimize their impact, a dock on shoreline property must adhere to the following standards:
- (1) The dock is mounted on piles or floats.
 - (2) The dock shall be built in a way that does not alter shoreline banks, for example, no excavation or grading of shoreline soils.
 - (3) The dock may be part of the 25' frontage area that has been cleared for a view. Otherwise, buffer vegetation shall be left undisturbed beyond three (3) feet of the sides of the dock and it results in minimal breaks to the tree canopy.
 - (4) The dock shall be limited in size to 4' by 24' and shall not exceed twenty percent (20%) of the width of the water body. If a larger dock is proposed, a Conditional Use Permit application is required.
 - (5) If stairs to the dock are proposed for access, the stairs must be no wider than 6' and constructed over the bank rather than by steps cut into the bank.
- (G) Private connections to Town water and sewer lines. This requires additional surface water protection measures listed in 3-4.6A and 3-4.6B.
- (H) Underground or overhead gas, telephone, electric, steam, water or sewer collection, distribution or transmission systems maintained by public utilities, municipal or other governmental agencies; includes equipment and accessories used by such systems but not buildings. This requires additional surface water protection measures listed in 3-4.6B, 3-4.6C and 3-4.6D.

- (I) Installation of driveway culverts to serve drainage ditches along Town highways. Installation of other culverts serving driveways that cross surface waters as long as the finished grade does not exceed a height of six feet above the bottom of the culvert, the culvert shall be properly sized, and additional surface water protection measures listed in 3-4.6B, 3-4.6C and 3-4.6D are used.
- (J) Expansion of a legal non-conforming structure as permitted in Section 5-2 of the Zoning Regulations. This requires additional surface water protection measures listed in 3-4.6B, 3-4.6C and 3-4.6D.

3-4.6 **Applications**: A Conditional Use Permit is required for any activity in Affected Areas of Section 3-4.2 which is not exempt under Sections 3-4.4 and 3-4.5. Prior to granting Conditional Use Permit approval, the Zoning Board of Adjustment shall assess whether the basic project purpose can be achieved by moving the proposed construction, excavation, filling or grading to a site outside of the buffer. If such a move is not possible, the proposed use must then be designed to minimize adverse impacts on existing riparian vegetation, water quality and the integrity of the buffer provided that:

- (A) The least possible area of existing riparian vegetation is disturbed.
- (B) Disturbed riparian areas are replanted with a mixture of native or non-invasive trees, shrubs, and grasses. Areas that will not be replanted for one (1) week shall be temporarily mulched. Areas that will not be replanted within three (3) weeks shall be temporarily seeded and mulched and the use of other methods that may be needed to prevent erosion. Replanting must be completed within one year.
- (C) Erosion and sediment control measures are followed as specified in the most current edition of the *Low Risk Site Handbook for Erosion Prevention and Sediment Control* published by the Vermont Department of Environmental Conservation.
- (D) Tree and Shrub removal results in minimal breaks to the canopy, the stumps and root systems of removed vegetation remain intact in the ground wherever possible; the area is replanted with native or non-invasive shrubs and grasses and the method used complies with the most current standards of *Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont*.
- (E) Management and treatment of stormwater run-off from new development to achieve filtering of pollutants.

3-4.6.1 **Application Requirements**: Application for Conditional Use Permit approval shall include specific information pertaining to the following factors and such other information as the Zoning Board of Adjustment may require:

- (A) Area of excavation, filling and/or grading and proximity to top of bank for a river and to the water's edge for any other surface water;
- (B) Depth of excavation and proximity to top of bank for a river and to the water's edge for any other surface water;
- (C) Amount of material to be excavated, filled or graded;
- (D) Existing grade and proposed grade;
- (E) Proximity to flood hazard zone if any;
- (F) Description of the practices that will be used to protect water quality of project generated stormwater runoff based on guidance from the most current edition of *Low Risk Site Handbook for Erosion Prevention and Sediment Control*;
- (G) Erosion control plan; and
- (H) Plan for rehabilitation of the site at the conclusion of operations, including grading, seeding, planting, fencing, installation of drainage system, or other measures.

3-5 EXTRACTION OF EARTH RESOURCES/FILLING OF LAND

In all districts, the removal from a lot of more than 20 cubic yards per year of soil, sand, rock or gravel, the quarrying of stone, or the addition or on-site movement of more than 200 cubic yards per year of such materials shall require Conditional Use approval, except for (1) removal of material excavated for the foundation of a building for which current zoning permit exists or (2) removal or filling in connection with a development for which Site Development Plan Approval has been granted.

All excavation, filling and regrading shall conform to the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites (1982 edition, as amended).

3-5.1 Applications. Application for Conditional Use Approval shall include specific information pertaining to the following factors and such other information as the Zoning Board of Adjustment may require:

3-5.1.1. Depth of excavation and proximity to roads or adjacent properties;

3-5.1.2. Existing grade and proposed grade created by removal or addition of material;

3-5.1.3. Anticipated effect upon public health and safety;

3-5.1.4. Anticipated effect of noise, dust, or vibration on the use of adjacent properties;

- 3-5.1.5.** Anticipated effect of traffic on residential areas, potential for excessive congestion or damage to public roads;
- 3-5.1.6.** Measures for preventing erosion, controlling runoff, and conserving topsoil.
- 3-5.2** **Conditions of Approval**. The Zoning Board of Adjustment, in granting its approval may impose conditions with regard to the following:
- 3-5.2.1.** Duration of time the operation will be permitted;
- 3-5.2.2.** Plan for rehabilitation of the site at the conclusion of operations, including grading, seeding, planting, fencing, installation of drainage system and other measures;
- 3-5.2.3.** Hours of operation, routes of transportation, and amount of material to be removed or added;
- 3-5.2.4.** Plan for insuring public safety and protection of surrounding properties during operation.
- 3-5.3** The Board may require that a suitable bond or other security be provided adequate to assure compliance with its conditions, except that no bond shall be required for quarrying.
- 3-5.4** An existing extraction or filling operation may not be extended beyond the original lot unless the entire operation is reviewed and meets all requirements of these Regulations.

3-6 **LANDSCAPING**

- 3-6.1** **Open Space Requirements**. Except in the Central Business and Village Business Districts, no development shall take place which leaves less than 15% of the lot in open space. This requirement does not apply to single and two-family residences.
- 3-6.2** **Plantings**. The following provisions shall apply to the planting element of all landscape plans submitted for Site Development Plan Approval:
- 3-6.2.1.** Plant materials included in landscape plans may be trees, shrubs, lawns, flower gardens, ground covers, cropland, pasture, meadows, wetlands and forests.
- 3-6.2.2.** Natural cover shall be retained on a site to the extent possible and reasonable. Site clearing shall be kept to the minimum required for the construction of buildings and improvements.
- 3-6.2.3.** Plantings included in landscape plans receiving Site Development Plan approval shall be maintained in a healthy, growing condition. Where forest, cropland

and “natural” areas are included, provision shall be made for their ongoing maintenance.

3-6.2.4. The choice and placement of plantings in parking areas shall take into account the special hazards of salt, vehicles and maintenance equipment, and include provision for adequate and safe snow removal.

3-6.2.5. Any landscape plan submitted for Site Development Plan Approval shall show the locations and types of plants to be removed as well as the species, sizes, quantities and locations of all new plants to be installed. Additional information may be required by the Planning Commission under the provisions of Article 4-1 below.

3-6.3 Grading and Drainage. The following provisions shall apply to any changes which affect drainage of water to or from a property.

3-6.3.1. Any changes in grading shall be made so that runoff is directed to established drainage courses and will not cause ponding or flooding of other properties, or exceed the capacity of downstream drainage facilities.

3-6.3.2. When possible, drainage systems shall be designed so that water runoff existing prior to site development shall not be increased after development.

3-6.3.3. All changes in grade shall be controlled so as not to cause a nuisance or damage to other properties or erosion of topsoil.

3-7 FENCES, HEDGES, AND RETAINING WALLS

Fences and hedges shall comply with the following standards. No permit is required to install a fence or hedge except as specified under subsection 3-7.4 below.

3-7.1 All fences and hedges shall conform to the provision of 24 VSA Section 3817 which states that a person shall not erect or maintain an unnecessary fence or other structure for the purpose of annoying the owners of adjoining property by obstructing their view or depriving them of light or air.

3-7.2 A fence or hedge may be erected on a boundary line if it can be erected and maintained from the property of the person erecting it.

3-7.3 The maximum height of fences and hedges shall be 6.5 feet except as follows:

Residential and R-C districts within the front setback:

3.5 feet

Setback area separating residential and commercial uses:

8 feet

Within I-C Districts:

8 feet

Developments requiring Conditional Use and/or Site Plan Approval:

As approved by the Zoning Board of Adjustment and/or Planning Commission.

- 3-7.4** In Commercial Districts, retaining walls over 42" in height shall require the issuance of a zoning permit and certification by a Professional Engineer on their design, structural stability, and construction. In Residential and Rural Districts a permit shall be required for such walls only when the distance between the wall and any boundary or easement line is less than twice the height of the wall.

3-8 AGRICULTURE

- 3-8.1** In districts where Agriculture is a permitted use, activities included in the Department of Agriculture list of Accepted Agricultural Practices shall not be restricted under these regulations.
- 3-8.2** In Residential and Commercial Districts, the raising or harboring of livestock shall be prohibited on lots of less than one acre. On lots of one acre or more, approval may be granted as a Conditional Use provided no objectionable odor, noise, nuisance, health or safety hazards are created. Common household pets are not meant to be restricted by this Section.
- 3-8.3** A zoning permit is not required for the construction of a structure meeting the definition of farm structure as defined in 24 V.S.A. 4413 (d)(1). However, a property owner shall notify the Zoning Administrative Officer of the intent to build a farm structure on the form provided by the Town. Property owners shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets.

3-9 FORESTRY

- 3-9.1** Growing and cutting trees is allowed in all districts without a permit so long as the following provision and those of Section 3-10 below are met. Cutting in excess of these limits shall require a Conditional Use Permit.

3-9.1.1. Except when wooded land is being cleared for immediate conversion to another purpose, no cutting shall be permitted within 200 feet of any public road, public waterway, stream or brook which leaves the standing merchantable timber at less than 50 percent of that standing at the beginning of the first harvest after the effective date of these amendments.

3-9.1.2. Whenever any logging, timber cutting, wood cutting or sawmill operation takes place, the person(s) responsible for such operation shall dispose of any slash and mill waste produced so that one shall remain:

- (1) in any public water body, river, stream or brook;
- (2) within 25 feet of any land owned by another person;

- (3) within 50 feet of any public water body, roadway, river, stream or brook. When slash and mill waste is disposed of in an area more than 50 but less than 200 feet from a public roadway, no part of the waste shall extend more than 4 feet above the ground.

3-10 LAND USE PERFORMANCE STANDARDS

In accordance with Section 4414(5) of the Act, the following performance standards together with all applicable state standards must be met in all districts on a continuing basis. The Administrative Officer shall withhold a zoning permit or certificate of occupancy until satisfied that a proposed construction or use will comply with the following standards.

If the Administrative Officer finds at any time that a use is exceeding or may exceed performance standards or will in any way create potentially hazardous conditions, the property owner may apply for Conditional Use approval.

3-10.1 Noise volume shall be limited to 70 decibels or less at or beyond the property line. Noise levels or frequencies which are not customary in the district or neighborhood or which represent a repeated disturbance to others shall not be permitted.

3-10.2 Earth moving and hauling, rock drilling or crushing, jack hammer and similar **excessively loud equipment** shall not be operated on Sundays or between the hours of 5:30 p.m. and 7:00 a.m. except in emergency situations.

3-10.3 No use shall emit **dust, noxious odors** or odors which are considered offensive that are detectable beyond property lines. However, where agriculture is a permitted use, customary agricultural activities shall not be restricted under this subsection.

3-10.4 No use shall, as part of normal operations, produce **vibrations** which are detectable without instruments at the property line.

3-10.5 Illumination from lighting fixtures or other light sources shall be shielded or of such low intensity as not to cause undue glare, reflected glare, sky glow, or a nuisance to traffic or abutting properties. Lights used to illuminate parking areas and drives shall be so arranged and designed as to deflect light downward and away from adjacent residential areas and public highways. Lights shall be of a "downshield luminaire" type where the light source is not visible from any public highway or from adjacent properties. Only fixtures which are shielded do not expose a light source, and which do not allow light to "flood" the property are permitted to be attached to buildings. Searchlights are not permitted.

3-10.6 Fire, explosive and similar **safety hazards** which would substantially increase the risk to an abutting property, or which would place an unreasonable burden on the Fire Department, shall be prohibited.

3-10.7 No use shall result in **burying or seepage into the ground** of material which endangers the health, comfort, safety or welfare of any person, or which has a

tendency to cause injury or damage to property, plants or animals. Commercial, industrial or institutional facilities having underground fuel storage shall maintain all tanks and related equipment with leak detection and spill control systems incorporating the best available safety practices and technology, consistent with government and industry standards.

3-11 HOME OCCUPATION

Home Occupations are permitted in all districts upon issuance of a zoning permit. A commercial activity will be considered a Home Occupation protected under section 4412(4) of the Act if it meets the following criteria:

- 3-11.1** The commercial activity is carried on by full-time residents of the dwelling only. There shall be no outside employees.
- 3-11.2** The commercial activity taking place at the property is carried on entirely within the dwelling. Materials relating to the business may be stored outside if they are properly screened. Detached accessory structures are not used in connection with the commercial activity. Services may be provided off site.
- 3-11.3** Signs must conform to the Hartford Sign Ordinance.
- 3-11.4** Traffic generated by the commercial activity does not exceed 6 vehicles a day, and delivery of products by vehicles other than automobiles does not exceed 7 per week.
- 3-11.5** No more than one vehicle bearing the name of the business is stored or parked where it is visible from the street or adjacent properties. One piece of heavy equipment/construction equipment under 30' in length may be stored or parked on site. Tow trucks under 30' in length are permitted providing that the commercial activity is limited to dispatch of the tow truck from the residence and that the client's vehicle is not towed to the property where the Home Occupation is permitted.
- 3-11.6** Parking meeting the requirements of section 3-3 is provided off-street with no more than two spaces in the front yard. For uses not included in section 3-3.3.9A of the Zoning Regulations, the Zoning Administrative Officer shall decide the number of parking spaces required.
- 3-11.7** Retail sales are limited to products produced on site or accessory products.
- 3-11.8** Permitted commercial activities include:
 - Barber shop, beauty salon;
 - Catering;
 - Computer consulting, design, programming and management;
 - Food processing;
 - Woodworking, furniture making/repair/caning;
 - Home crafts such as rug weaving;

- Instruction in arts or recreational activities such as writing, painting, sculpting, music, dance, skating, and skiing;
- Home office;
- Photo studio;
- Sewing/tailoring/upholstering;
- Telephone answering and sales;
- Tutoring.

3-11.9 Prohibited commercial activities include:

- Contractor shops;
- Contractor yards;
- Repair, sales, inspecting and painting of vehicles, boats and trailers;
- Retail except as allowed under section 3-11.7;
- Vehicle service station;
- Welding.

3-11.10 The Zoning Board of Adjustment shall decide if an application for Home Occupation that is not specifically permitted under section 3-11.8 or prohibited by section 3-11.9 meets the intent of this section and section 2-5 of the Zoning Regulations.

3-12 **HOME BUSINESS**

Home Businesses are Conditional Uses in all districts. A commercial activity or business carried out in the home or an accessory structure shall be considered a Home Business if the following requirements are met. Such activity must obtain a Conditional Use Permit.

3-12.1 The principal operator of the business or activity shall be a full-time resident of the dwelling.

3-12.2 No more than 3 employees (2 in VBD, VRC and VR districts) who are not full-time residents of the dwelling shall be employed in the business.

3-12.3 The Zoning Board of Adjustment may limit the number of vehicles bearing the name of the business that may be stored or parked where they are visible from the street or adjacent properties. One piece of heavy equipment/construction equipment under 30' in length may be stored or parked on site. Tow trucks under 30' in length are permitted providing that the commercial activity is limited to dispatch of the tow truck from the residence and that the client's vehicle is not towed to the property where the Home Business is permitted.

3-12.4 Signs shall conform to the requirements of the Hartford Sign Ordinance.

3-12.5 Subject to limitations set by the Board of Adjustment; products produced on site by the business may be displayed and sold from an accessory structure or at an outdoor

stand. Materials relating to the business may be stored outside if they are properly screened.

3-12.6 Retail sales are limited to products produced on site or accessory products.

3-12.7 Parking meeting the requirements of section 3-3 is provided off-street with no more than two spaces in the front yard. For uses not included in section 3-3.3.9 A of the Zoning Regulations, the Zoning Board of Adjustment shall decide the number of parking spaces required.

3-12.8 The applicant must demonstrate that the volume of traffic generated by the commercial activity does not alter the essential character of the neighborhood or impair the use of other properties.

3-12.9 Permitted commercial activities include:

- Barber shop, beauty salon;
- Catering;
- Computer consulting, design, programming and management;
- Food processing;
- Woodworking, furniture making/repair/caning;
- Home crafts such as rug weaving;
- Instruction in arts or recreational activities such as writing, painting, sculpting, music, dance, skating, and skiing;
- Home office;
- Photo studio;
- Sewing/tailoring/upholstering;
- Telephone answering and sales;
- Tutoring.

3-12.10 Prohibited commercial activities include:

- Contractor shops;
- Contractor yards;
- Repair, sales, inspecting and painting of vehicles, boats and trailers;
- Retail except as allowed under section 3-12.6;
- Vehicle service station;
- Welding.

3-12.11 The Zoning Board of Adjustment shall decide if an application for Home Business that is not specifically permitted under section 3-12.9 or prohibited by section 3-12.10 meets the intent of this section and section 2-5 of the Zoning Regulations.

3-13 PARKING AND STORAGE OF VEHICLES

3-13.1 Unregistered vehicles. No more than one unregistered vehicle may be stored on a lot in Residential or Rural Districts unless it is inside a structure or fully screened from view from all adjacent properties and any other viewpoint within 800 feet of the storage area.

3-13.2 Vehicles for sale. No more than 2 motor vehicles, including mobile homes, snowmobiles, boats, or trailers may be displayed for sale on a lot at one time except when such use is permitted as a Motor Vehicle Sales Facility.

3-13.3 Large vehicles and construction equipment. No vehicle larger than 30' may be stored on a lot in Residential or Rural Districts unless approved by the Zoning Board of Adjustment as a Conditional Use. This restriction does not apply to vehicles used for agricultural purposes in districts where agriculture is a permitted use.

3-13.4 Recreational vehicles

3-13.4.1. No more than 2 campers, boats, or other recreational vehicles over 20' long may be parked in Residential or Rural Lands districts unless screened from all adjacent properties and any public roadway passing within 200 feet of the vehicle or boat.

3-13.4.2. Except in permitted campgrounds, a recreational vehicle may not be used as sleeping quarters for more than 14 days per year.

3-13.5 Box trailers. Box trailers may be parked in I-C or R-C districts for up to 30 days by permit from the Zoning Administrator if the following conditions are met:

3-13.5.1. The use of trailers shall be accessory to the principal use of the lot.

3-13.5.2. Trailers shall sit on inflated tires (except sea boxes and the like).

3-13.5.3. The exterior of trailers shall be well maintained and free of rust.

3-13.5.4. Trailers shall not be lighted.

3-13.5.5. Trailers shall not be used to store hazardous and/or inflammable liquids, materials, products or wastes, including but not limited to petroleum.

3-13.5.6. Box trailers shall not occupy required setbacks or parts of lots which provide required parking or which are necessary for traffic flow, safety or landscaping requirements.

3-13.5.7. Trailers shall not be used for advertising purposes.

3-13.5.8. No more than 10 percent of a lot may be occupied by trailers.

3-13.6 Vehicles used for storage. The conversion of buses, motor vehicles, recreational vehicles and other motor vehicles for storage use or other temporary use is prohibited.

3-13.7 Vehicles used during construction. Upon approval of the Board of Adjustment, a mobile home or travel trailer may be located on the construction site of a new residence for a period not to exceed one year, if, in the opinion of the Board, not to do so would cause a hardship.

Construction trailers may be used at construction sites for office and laboratory use on the condition that they are placed a minimum of ten feet from any property line, are used for a project with a valid zoning permit and are removed before a certificate of occupancy is requested. No construction trailer may be placed in such a way that obstructs sight distance along the traveled way, at any intersection or driveway. Any construction trailer found to obstruct sight distance will be required to be relocated immediately.

3-14 TEMPORARY SPECIAL SALES ON RESIDENTIAL LOTS

A permit shall not be required for temporary special sales of used property on residential lots (for example auctions, garage sales, lawn sales, bazaars, and flea markets) or products grown, gathered or made by the occupants if such sales meet the following restrictions.

3-14.1 No auction shall occur more than 2 days at the same location per year.

3-14.2 No temporary special sale shall occur for more than 6 days per year.

3-14.3 Items for sale shall not be placed within the front setback.

3-14.4 Sales exceeding these limits must apply for and receive a Conditional Use Permit.

3-15 OUTDOOR SWIMMING POOLS

Every outdoor swimming pool more than 24 inches deep which is constructed after the effective date of this amendment shall be completely enclosed by a wall and/or fence not less than 4 feet high measured on the outside of the enclosure.

3-15.1 Railings and posts shall be constructed so as not to provide footholds for climbing over the fence from the outside.

3-15.2 No openings, other than doors or gates, with dimensions greater than 4" shall be permitted.

3-15.3 There shall be a maximum of 2 inches between the bottom of the fence and the ground below.

3-15.4 Gates or doors through such enclosures shall be equipped with self-closing and

self-latching devices capable of remaining securely closed at all times when not in actual use, provided, however, that the door of any residence forming any part of the enclosure need not be so equipped. Any self-latching device accessible from the outside of the enclosure shall be at least 40 inches above the ground.

- 3-15.5** A fence shall not be required for an above-ground pool with at least 48 inches between pool decking or pool top and adjoining grade provided that the access ladder or steps shall be retracted or blocked when not intended for use.

3-16 MOBILE HOME PARKS

Mobile home parks shall be constructed and operated in accordance with Title 10 Chapter 153, as follows. In addition to receiving approval from the town Planning and Zoning Boards, mobile home parks are required to register with the Vermont Agency of Natural Resources.

- 3-16.1** No mobile home or mobile home park shall be located within 100 feet of any stream, pond or lake.

- 3-16.2** A minimum of 8,000 square feet lot area shall be provided for each mobile home in each mobile home park, including at least 5,000 square feet for each mobile home site plus at least 3,000 square feet for each mobile home in common open space, exclusive of roads. Such open space shall be accessible to all residents of the mobile home park, and shall have a minimum dimension of 30 feet.

These minimums shall be reduced by 5% of total otherwise required for each of the facilities which are provided in the park:

- Central recreational building
- Central laundry and drying facilities
- Central television antenna system
- Central maintenance shed
- Underground utilities, including fuel storage.

- 3-16.3** At least 2 trees of at least 1-inch caliper shall be planted on each mobile home site. All trees required under this section shall be suitably maintained by the owner or lessee.

- 3-16.4** At least one off-street parking space shall be provided for each mobile home, and at least one off-street parking space shall be provided for each two mobile homes for visitor parking. The space need not be paved. The space may be included in the minimum lot area requirement as specified in section 3-16.2 above.

- 3-16.5** All buildings which are not physically connected must be at least 15 feet apart, except as otherwise permitted under Site Development Plan review.

3-17 CAMPGROUNDS, INCLUDING TRAVEL TRAILER CAMPS

3-17.1 A campground shall have an area of not less than 10 acres.

3-17.2 Each camping space shall be individually defined and shall have its own access drive and parking place.

3-17.3 Spaces which are to be used by travel trailers or recreational vehicles must be at least 1800 square feet in area and 30 feet wide and must have a compacted gravel surface at least 20 feet wide.

3-17.4 No camping space shall be closer to a public street right-of-way than 80 feet, or closer to a property line than 50 feet.

3-17.5 A landscaped strip of land at least 25 feet wide shall be maintained around the perimeter of the campground, except that the strip shall be 50 feet wide on any side which abuts a residential property.

3-17.6 An adequate and safe water supply shall be provided.

3-17.7 There shall be provision for solid waste disposal.

3-18 WIRELESS COMMUNICATION FACILITIES

3-18.1 Purpose: The purpose of this Section shall be to:

(A) Facilitate the provision of wireless communication services to the residences and businesses of the Town of Hartford.

(B) Provide standards and requirements for the operation, siting, design, appearance, construction, monitoring, modification, and removal of wireless communication facilities.

(C) Protect the historic, cultural, natural, and aesthetic resources of the Town of Hartford and property values therein.

(D) Minimize the adverse visual affects of wireless communication facilities through careful design and siting standards.

(E) Locate wireless communication facilities and/or antennas in a manner, which promotes the general safety, health, welfare and quality of life of the residents of the Town of Hartford and those who visit.

(F) Encourage the use of alternative design tower structures, collocation (new antennas on existing facilities), camouflaged facilities, monopoles, stealth facility and construction of facilities with the ability to locate three or more providers.

3-18.2 Authority: Pursuant to 24 V.S.A. section 4401 et seq. the Planning Commission and the Zoning Board of Adjustment of the Town of Hartford are authorized to review, approve, conditionally approve, and deny applications for wireless communications facilities, including sketch, preliminary and final plans, and installation. Pursuant to 24 V.S.A. Section 4414, the Planning Commission and Zoning Board of Adjustment are authorized to hire qualified persons to conduct an independent technical review of applications and to require the applicant to pay for all reasonable costs thereof.

3-18.3 Exemptions: The following wireless communication facilities are exempt from Section 3-18. If the facility exceeds forty (40) feet, a Conditional Use Permit is required per Section 3-2.1.

(A) Amateur radio tower

(B) Citizens band radio

(C) Receiving antennae

The following wireless communication facilities are exempt from Section 3-18 provided that the height of such facility does not exceed forty (40) feet:

(A) Police, fire, ambulance, and other emergency dispatch

(B) Single use local business radio dispatch

No other wireless communication facility shall be considered exempt from these Regulations for any reason whether or not said facility is proposed to share a facility or other structure with such exempt uses.

3-18.4 Approval Process

3-18.4.1 Wireless communication facilities may be permitted as conditional uses in all zoning districts. All proposed wireless communication facilities, except those identified under Section 3-18.3, whether new (non-collocated) or collocated, must be reviewed by the Zoning Board of Adjustment as a conditional use under the requirements of this section and under the requirements of Section 2-5 of the Hartford Zoning Regulations prior to the issuance of a zoning permit by the Administrative Officer.

3-18.4.2 Wireless communication facilities require Site Development Plan approval by the Planning Commission in accordance with Section 4-1 of Hartford Zoning Regulations and 24 V.S.A. Section 4416. All proposed wireless communication facilities must be reviewed by the Planning Commission for Site Development Plan approval under the requirements of this section and under the requirements of Section 4-1 of the Hartford Zoning Regulations prior to the issuance of a zoning permit by the Administrative Officer.

3-18.4.3 All wireless communication facilities are deemed to be a structure as the term structure is defined and used in the Hartford Zoning Regulations. Any activity with respect to wireless communication facilities that constitutes Land Development as this term is defined and used in the Hartford Zoning Regulations shall require a zoning permit in accordance the Hartford Zoning Regulations.

3-18.4.4 A wireless communication facility shall not be considered an essential service as defined by the Hartford Zoning Regulations. An applicant for a proposed facility must be a licensed wireless communication provider or must provide a copy of its executed contract to provide land or facilities to an existing provider to the Administrative Officer at the time that an application is submitted. A permit shall not be granted for a wireless communication facility to be built on speculation.

3-18.4.5 Conditional Use Permit applications for wireless communication facilities shall not be deemed complete until the application has been reviewed and deemed complete by the Zoning Board of Adjustment. Site Development Plan applications shall not be deemed complete and received until the application has been reviewed and deemed complete by Planning Commission.

3-18.5 Review Standards: Prior to granting such approval, the Planning Commission and Zoning Board of Adjustment shall make affirmative findings for each of the following criteria in addition to the other applicable provisions set forth in Section 3-18 (Wireless Communication Facilities) Section 2-5 (Conditional Uses) and Section 4-1 (Site Development Plan Approval):

3-18.5.1 Setbacks: (Planning Commission)

Wireless communication facilities shall comply with the setback provisions of the zoning district in which the facility is located.

3-18.5.2 Fall Zones: (Planning Commission)

3-18.5.2A Fall Zones for Existing and New Ground Mounted Facilities:

To ensure public safety, the minimum distance of any ground mounted wireless service facility to any property line, habitable dwelling, business, right-of-way, institutional or public building shall be no less than the height of the facility, including antennas or vertical appurtenances. This setback shall be referred to as a fall zone. The fall zone may cross property lines, so long as the applicant secures a fall zone easement from the affected property owner(s). The area of the easement shall be shown on all applicable plans submitted to the Town, and the terms of the easement shall be provided as part of the Site Development Plan review.

3-18.5.2B Fall Zones for Non-Ground Mounted Facilities: In the event that an existing structure such as a building, barn silo, church steeple, or utility pole is proposed as a mounting for a wireless communication facility, a fall zone setback shall not be required.

3-18.5.3 Height Limitations: (Zoning Board of Adjustment)

3-18.5.3A Height Limitations for Ground Mounted Facilities/Towers: In order to protect public safety and to preserve the scenic character and appearance of the area, the height limit for a wireless communication facility, antennas and facility-related fixtures in all districts shall not exceed twenty (20) feet above the average height of the tree line within one hundred fifty (150) feet of the base of the facility. Notwithstanding the above, an additional height not to exceed twenty (20) feet may be approved upon a finding by the Zoning Board of Adjustment as part of the Conditional Use review, that the additional height is necessary in order to provide adequate coverage, or to accomplish collocation as outlined in Section 3-18.5.11, and that the additional height will not have an adverse visual impact on the scenic character or appearance of the area as per Section 3-18.5.14.

3-18.5.3B Height Increase for Existing Structures and Buildings: In the event that an existing structure (other than a wireless communication tower) is proposed as a mount for a wireless communication facility, the height of the structure shall not be increased by more than fifteen (15) feet above the highest point of a flat or mansard roof or fifteen (15) feet above the midpoint of other roofs unless the facility is completely camouflaged; for example, a facility within a flag pole, steeple or chimney. The increase in the height of the structure shall be in scale and proportionality to the structure as originally configured. A provider may locate a wireless communication facility on a building that is legally non-conforming with respect to height, provided that the provisions of this section are met.

3-18.5.4 Camouflaging Facilities: (Zoning Board of Adjustment)

New ground mounted wireless communication facilities shall not be located within open areas or on or near the top of a ridge.

To the greatest extent feasible, all wireless communication facilities shall be designed to blend into the surrounding environment through the use of existing vegetation, landscaping and screening, the use of compatible materials and colors, or other camouflaging techniques.

3-18.5.4A Camouflage for Ground Mounted Facilities/Towers: A buffer of dense tree growth that extends continuously for a minimum distance of one hundred fifty (150) feet from the mount shall surround new ground mounted wireless communication facilities. Such buffer shall screen views of the facility in all directions. The trees must be existing on the subject property, planted on site, or within a landscape easement on an adjoining site. The Planning Commission shall have the authority to decrease, relocate, or alter the required buffer based on site conditions and add other conditions to the permit regarding screening and landscaping. The vegetated buffer area shall be protected by a landscape easement or be within the area of the provider's

lease. The easement or lease shall specify that the trees within the buffer shall be maintained and shall not be removed or trimmed, unless the trees are dead or dying and present a hazard to persons or property, or approval is granted by the Zoning Board of Adjustment.

3-18.5.4B Camouflage for Facilities on Existing Buildings or Structures – Roof Mounts: When a wireless communication facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front façade in order to limit their impact on the building’s silhouette.

3-18.5.4C Camouflage for Facilities on Existing Buildings or Structures – Side Mounts: Wireless communication facilities that are side-mounted shall be camouflaged.

3-18.5.4D Camouflaging for Equipment Shelters: Equipment shelters shall be camouflaged behind an effective year-round landscape buffer at the time of planting, equal to or greater than the height of the proposed building, and/or wooden fence as determined by the Planning Commission as part of Site Development Plan review. If mounted on a rooftop, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be part of the original structure.

3-18.5.5 Lighting: (Planning Commission)

3-18.5.5A Wireless Communication Facility Lighting: Wireless communication facilities shall not be illuminated by artificial means and shall not display lights unless such lighting is specifically required by the FAA or other federal or state authority for a particular wireless communication facility because of its height. If any lighting is required solely because of the height of the facility, the applicant must demonstrate that it has or will request the least visually obtrusive marking and/or lighting scheme in the FAA applications. Additionally, the Planning Commission as part of Site Development Plan review may review the plan to determine if the lighting requirement can be eliminated by a reduced height or a change in location of the facility.

3-18.5.5B Ground Lighting: Emergency, safety or security ground lighting may be utilized when there are people at the site. All ground lighting shall be directed downward towards the facility, shielded and away from neighboring properties.

3-18.5.6 Bulk, Height, and Glare: (Zoning Board of Adjustment)

All wireless communication facilities shall be designed in such a manner as to minimize the visual impact of height, mass, and guy wire supports for the intended use. Materials utilized for the exterior of any structure shall be of a type, style, and location so as to minimize glare and not result in an adverse visual impact on any historic or scenic view, public vantage point or from abutting properties.

3-18.5.7 Finish: (Zoning Board of Adjustment)

New wireless communication facilities shall have a galvanized finish unless otherwise required. The Zoning Board of Adjustment as part of Conditional Use review may require the wireless communication facility to be painted or otherwise camouflaged to minimize the adverse visual impact.

3-18.5.8 Fencing: (Planning Commission)

The area around the wireless communication facility and communications equipment shall be completely fenced and gated for security to a height of eight (8) feet. Fencing shall be chosen as to minimize visual impact and be consistent with its intended safety purpose.

3-18.5.9 Signs: (Planning Commission)

A sign no greater than six (6) square feet stating the name of the facility's owner and a 24-hour emergency telephone number shall be posted adjacent to the entry gate. In addition, "No Trespassing" or other warning signs and the federal wireless communication facility registration plate, where applicable, may be posted on the fence or as required to meet federal requirements. No commercial signs or lettering shall be placed on the tower or facility. This provision supercedes the Hartford Sign Ordinance.

3-18.5.10 Noise: (Planning Commission)

The Planning Commission may impose conditions to minimize the affect of noise from the operation of machinery or equipment upon adjacent properties and to ensure the standards of Section 3-10.1.

3-18.5.11 Collocation: (Zoning Board of Adjustment)

New wireless communication facilities shall be designed structurally, electrically and in all respects to accommodate both the applicant's antenna, additional antennas, and the rearrangement of antennas when the overall permitted height allows. The owner of an approved facility shall allow other providers to collocate on the facility subject to reasonable terms and conditions. Notwithstanding, there shall be no affirmative obligation on the owner to increase the height or width of the facility in order to accommodate the equipment or facilities of another user.

3-18.5.11.1 The applicant must demonstrate to the satisfaction of the Zoning Board of Adjustment that the new wireless communication facility cannot be accommodated on an existing or approved facility or structure due to one of the following reasons:

3-18.5.11.1A Structural or Spatial Capacity: The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved facility, as documented by a structural engineer licensed to practice in the State of Vermont. Additionally, the existing or approved wireless communication facility cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.

3-18.5.11.1B Radio Frequency Interference: The proposed antennas and equipment, alone or together with existing facilities, equipment or antennas, would create radio frequency interference (RFI) in violation of federal standards or requirements as documented by a qualified radio frequency engineer.

3-18.5.11.1C Radio Frequency Radiation: The proposed antennas and equipment, alone or together with existing facilities, equipment or antennas, would create radio frequency radiation (RFR) in violation of federal standards or requirements without unreasonable modification or mitigation measures as documented by a qualified radio frequency engineer.

3-18.5.11.1D Existing Facilities: Existing wireless communication facilities cannot accommodate, or be reasonably modified to accommodate, the planned equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a qualified radio frequency engineer.

3-18.5.11.1E Aesthetics: Aesthetic reasons make it unreasonable to locate the planned equipment upon an existing or approved wireless communication facility.

3-18.5.11.1F Coverage: There are no existing or approved wireless communication facilities in the area in which coverage is sought.

3-18.5.11.1G Other: Other specific unforeseen reasons make it unreasonable to locate the planned equipment upon an existing or approved wireless communication facility.

3-18.5.12 Access Roads: (Planning Commission)

If available, existing entrances and driveways shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual and environmental impact. To the extent practicable, new access roads shall follow the

contour of the land and be located within existing forest or forest fringe areas and not in open fields.

3-18.5.13 Above Ground Utilities: (Zoning Board of Adjustment)

Utility or service lines shall be designed and located so as to minimize or prevent disruption to the scenic character of the area.

3-18.5.14 Determination of Visual Impact: (Zoning Board of Adjustment)

Upon review of the applicant's visual analysis, supporting materials, testimony from the parties, and inspections from the designated vantage points, the Zoning Board of Adjustment shall determine that the proposed facility does not have an adverse visual impact on the scenic or natural beauty of the land proposed to be developed (including scenic areas as identified in the Hartford Master Plan).

The Zoning Board of Adjustment shall consider, among other things, the following:

- (A) The amount of time and time of year during which the proposed facility will be viewed by the traveling public on a public highway, public trail, or public water body;
- (B) The frequency of the view of the proposed facility by the traveling public;
- (C) The degree to which the view of the proposed facility is screened by existing vegetation, the topography of the land, and existing structures;
- (D) Background features in the line of sight to the proposed facility that obscure the facility or make it more conspicuous from all angles of view;
- (E) The distance of the wireless communication facility from key vantage points and the proportion of which the facility will be visible above the skyline or treeline;
- (F) The number of members of the traveling public or residents of Hartford and neighboring towns who will be affected by the alteration of the scenic character of the area;
- (G) The sensitivity or unique value of the particular view affected by the proposed facility; and
- (H) Significant disruption of a view that provides context to an historic or scenic resource, including the Appalachian Trail.

3-18.5.15 Non-Complying Wireless Communication Facility: (Zoning Board of Adjustment)

Any changes to a non-complying wireless communication facility must be in conformity with these Regulations unless a variance from these Regulations is obtained from the Zoning Board of Adjustment.

3-18.6 Conditions: The Planning Commission and Zoning Board of Adjustment shall have the authority to impose conditions consistent with the purpose of Sections 2-5.2, 3-18, and 4-1.2 in approving a proposed plan for the development of a wireless communication facility. It shall be the obligation of the permittees and subsequent assigns to remain in compliance with all conditions.

3-18.7 Application Requirements: In addition to the Site Development Plan application requirements of Section 4-1.2, an application shall include the following supplemental information:

- (A) The names and addresses of the neighboring Planning Commission and the Regional Planning Commission if the proposed facility might be visible from parcels in a neighboring community.
- (B) The address of the regional Appalachian Trail Conference office if the proposed facility is located within one mile of the Appalachian Trail or if the facility might be visible from the Appalachian Trail within Hartford or surrounding towns.
- (C) The name(s) and address(es), fax/telephone numbers and e-mail address(es) of the persons to be contacted who are authorized to act in the event of an emergency regarding the structure or safety of the facility.
- (D) A vicinity map on the most recent United States Geological Survey Quadrangle map, showing the area within a three-mile radius of the proposed facility site, including the location of the facility and indicate the property lines of the proposed facility parcel and all easements or rights-of-way needed for access from a public right-of-way to the facility.
- (E) Site plan of the entire development indicating all proposed improvements including landscaping, utility lines, guy wires, screening and roads. The site plan shall be at a scale no smaller than one (1) inch equals fifty (50) feet.
- (F) Elevations showing all façades and indicating all exterior materials and colors of the tower, buildings and associated facilities.
- (G) In the case of a ground mounted facility, the approximate average height of the existing vegetation within one-hundred fifty (150') feet of the base of the facility.
- (H) A report prepared by qualified radio frequency engineer and a licensed structural engineer that:
 - 1. Describes the height, design, and elevation of the proposed facility.

2. Documents the height above grade for all proposed mounting positions for antennas to be collocated on a wireless communications facility and the minimum separation distances between antennas.
 3. Describes the facility's proposed capacity, including the number, height, and type(s) of antennas that the applicant expects the facility to accommodate.
 4. Describes potential changes and cost to those existing facilities or sites in their current state that would enable them to provide adequate coverage, and provide a map that describes coverage of the existing and proposed facilities.
 5. Describes existing coverage. In the case of a new wireless communication facility proposal, the applicant shall demonstrate to the satisfaction of the Zoning Board of Adjustment that the new wireless communication facility cannot be accommodated on an existing or approved facility or structure within a five (5) mile radius of the proposed site. The documentation shall include, for each facility site or proposed site within such radius, the exact location, ground elevation, height of tower or structure, and sufficient additional data to allow the independent reviewer to verify that other locations will not be suitable.
 6. Describes the output frequency, number of channels, sector orientation and power output per channel, as appropriate for each proposed antenna.
 7. Includes a written explanation for use of the proposed facility, including reasons for seeking capacity in excess of immediate needs, if applicable, as well as plans for additional development and coverage within Hartford.
 8. Demonstrates that the tower and related equipment are structurally able.
 9. Demonstrates the wireless communication facility's compliance with the zoning district setback and the fall zone setback for facility and support structures.
 10. Provides assurance that at the proposed site, the applicant will establish and maintain compliance with all FCC rules and regulations particularly with respect to radio frequency radiation (RFR). The Town may hire independent engineers to perform evaluations of compliance with FCC regulations, standards and requirements on an annual basis at unannounced times.
 11. Includes other information required by the Planning Commission or Zoning Board of Adjustment that is necessary to evaluate the request.
 12. For structural engineers, include an engineer's stamp and registration number. For radiofrequency engineers, provide a list of credentials.
- (I) A letter of intent committing the facility owner and his or her successors to permit shared use of the facility if the additional user agrees to meet reasonable terms

and conditions for shared use, including compliance with all applicable FCC regulations, standards and requirements and the provisions of these Regulations.

- (J) For a wireless communication facility to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure (to be provided to the Administrative Officer at the time an application is submitted).
- (K) To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the proposed facility.
- (L) Construction sequence and time schedule for completion of each phase of the entire project.
- (M) Information detailing the contents of the equipment shelters servicing the proposed wireless communication facility. The information shall include the type and quantity of oil, gasoline, batteries, propane, natural gas, or any other fuel stored within the shelter. Information shall be submitted which demonstrates that any hazardous materials stored on site shall be housed to minimize the potential for any adverse impact an abutting property.
- (N) Computer generated photo simulations of the proposed facility showing the facility from all public rights-of-way from which it may be visible. Each photo shall be labeled with the line of sight, elevation and with the date taken imprinted on the photograph. The photos shall show the color of the facility and the method of screening.
- (O) Balloon Test: The applicant shall fly or raise a five (5) foot diameter balloon (painted black or dark blue) at the maximum height of the proposed facility at a location within fifty (50) horizontal feet of the center of the proposed facility. The applicant shall provide at least seven (7) days written notice to the Administrative Officer of the date and time of the test. The sole purpose of this test is to identify the location and height of the proposed facility and not its visual impact.
- (P) A written visual analysis with supporting illustrations demonstrating the visual impact of the proposed facility, including photographs of the balloon test and elevation views of the facility from each of the five (5) vantage points previously designated by the Administrative Officer.
- (Q) A Plan for removal and restoration of the site following abandonment of the facility.
- (R) A landscape easement on an adjoining site, if this is needed to satisfy the requirements of camouflaging ground mounted facilities as provided in Section 3-18.5.4A.
- (S) Any additional information requested by the Planning Commission or the Zoning Board of Adjustment.

3-18.8 Provision for Independent Consultants: Pursuant to 24 V.S.A. § 4440(d), the Town will employ or contract with consultants (whose services shall be paid for by the applicant) to undertake additional studies or review of application materials to assist the Planning Commission and/or Zoning Board of Adjustment in the technical review of applications. Any or all final reports or documents prepared by the consultant shall be made available to the applicant and other parties to the proceeding.

3-18.9 Amendments: An amendment to a prior approved wireless communications facility may be considered by the Planning Commission and Zoning Board of Adjustment and shall require Site Development Plan and Conditional Use Approval when any of the following are proposed:

(A) An increase in the number of facilities permitted on the site;

(B) Addition of any external equipment or additional height not approved in the original application.

3-18.10 Maintenance: The owner of the facility shall maintain the wireless communication facility in good condition at all times. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

3-18.11 Radio Frequency Radiation Monitoring: Upon receiving a zoning permit, the permittee shall annually demonstrate compliance with all FCC standards and requirements regarding Radio Frequency Radiation (RFR) and provide the basis for representations to the Administrative Officer. A survey by another permittee on the same site, since it will demonstrate compliance of all emitters, may be submitted provided there is annual demonstration of site compliance.

3-18.12 Temporary Wireless Communication Facilities: Any wireless communications facility designed for temporary use is subject to the following:

(A) A temporary facility for special events is permitted no longer than five days use during a special event. A special events permit is required from the Selectboard.

(B) Due to damage or destruction of a permitted wireless communication facility, a temporary facility is permitted no longer than thirty days. A temporary use permit is required from the Administrative Officer.

(C) The maximum height of a temporary facility is 40 feet.

(D) A temporary facility must comply with all applicable portions of these Regulations.

3-18.13 Notification of Abandonment or Discontinuance: At such time that an owner of the wireless communication facility plans to abandon or discontinue operation of said wireless communication facility, such owner shall notify the Town of Hartford's

Administrative Officer by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that an owner fails to give such notice, the facility shall be considered abandoned upon discontinuation of operations for a continuous period of one hundred and eighty (180) days.

3-18.14 Removal: Upon abandonment or discontinuation of use, the owner of the facility shall physically remove the wireless communication facility within ninety (90) days from the date of abandonment or discontinuation of use. “Physically remove” shall include, but not be limited to:

(A) Removal of antennas, facility mount, equipment shelters and security barriers from the subject property.

(B) Proper disposal of the waste materials from the site in accordance with local, state and federal solid waste disposal regulations.

(C) Restoring the location of the facility in accordance with the approved restoration plan.

3-18.15 Security for Removal: Prior to issuance of a zoning permit, the applicant shall provide a performance bond, or similar form of surety acceptable to the Hartford Selectboard to cover the full costs for removal (as described in Section 3-18.14) and disposal of abandoned wireless communication facilities. The amount of the security shall be based upon the removal costs, plus a fifteen (15) percent contingency and updated on an annual basis. A cost estimate shall be provided by the applicant and certified by a civil engineer licensed in Vermont.

3-18.16 Failure to Remove: If the owner of the facility does not remove the facility (as described in Section 3-18.14) then the Selectboard may, after holding a public hearing, with notice to the owner and abutters, to consider issuing a declaration of abandonment. The owner of the wireless communication facility shall dismantle and remove the facility within ninety (90) days of receipt of a declaration of abandonment. If the abandoned facility is not removed at the end of this ninety (90) day period, the Town may execute the security to pay for this action.

3-18.17 Wireless Communication Facilities Insurance: The facility owner shall maintain a liability policy on all wireless communication facilities naming the Town of Hartford as the beneficiary. The amount of the policy shall be \$2 million dollars in 2001 dollars, to be adjusted annually according to the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all urban consumers, all items, northeast, seasonally adjusted.

3-18.18 Consistency with Federal Law: These Regulations have been drafted to be consistent with Section 704 of the 1996 Telecommunications Act. Accordingly, the Regulations shall not prohibit or have the effect of prohibiting the provision of

personal wireless communications services; shall not unreasonably discriminate among providers of functionally equivalent services; and shall not regulate personal wireless services based on the environmental effects of radio frequency emissions to the extent that these facilities comply with the Federal Communications Commission Regulations concerning such emissions.

3-19 ADULT ORIENTED BUSINESS

3-19.1 Purpose and Intent: The purpose of this section is to establish reasonable and uniform regulations for Adult Oriented Businesses, which unless closely regulated, tend to have adverse secondary impacts on the community. The regulations are intended to protect the health, safety and welfare of the citizens of the Town of Hartford, and to prevent the deleterious siting of and/or concentration of Adult Oriented Businesses within Town. The regulations are intended to maintain separation between incompatible land uses, while protecting land uses such as residences, places of worship, schools, parks and day care facilities from adverse impacts commonly associated with Adult Oriented Businesses. It is not the intent of this section to limit the content of, or restrict or deny adult access to, sexually oriented books, films or other materials protected by the First Amendment, or to deny access by distributors of such materials to their markets. Neither does this section condone or legitimize the distribution of obscene material.

3-19.2 Types of Adult Oriented Businesses: For the purpose of these Regulations, the following three categories of Adult Oriented Businesses shall only be allowed within the IC (Industrial/Commercial) zoning district pursuant to the issuance of a zoning permit and subject to receiving site development plan approval by the with the approval of Planning Commission in accordance with Section 4-1 and the following regulations.

3-19.2.1 Adult Retail defined as an establishment that rents and/or sells media or other goods and meets any one of the following:

(A) 10% or more of the public floor area is devoted to adult media; or

(B) 5% or more of the public floor area is devoted to the display of sexually oriented toys or novelties; or

(C) It advertises itself out in any forum as: “XXX,” “adult,” “sex,” or otherwise as a sexually oriented adult business other than an adult retail store, adult cabaret or adult motion picture theater.

3-19.2.2 Adult Cabaret defined as an establishment which features dancing or other live entertainment which constitutes the primary live entertainment, as determined from a pattern of advertisement and frequency of performances, and is distinguished or characterized by an emphasis on the exhibition of specific sexual activities and/or specified anatomical areas for observation of patrons.

3-19.2.3 Adult Theater defined as an establishment emphasizing or predominately showing sexually oriented movies.

3-19.3 Standards: In addition to all other applicable standards set forth in these Regulations, Adult Oriented Businesses shall meet the following standards:

3-19.3.1 Setbacks: An Adult Oriented Business shall meet the following setback standards in addition to the standard setbacks of the IC zoning district. The distance shall be measured in a straight line from the property line of any listed use to the closest exterior wall of the Adult Oriented Business.

(A) An Adult Oriented Business shall be located a minimum of 500 feet from any other Adult Oriented Business already in existence.

(B) An Adult Oriented Business shall be located a minimum of 1,000 feet from any existing place of worship, school, daycare facility, library, and/or park within the Town of Hartford or adjacent municipality.

(C) An Adult Oriented Business shall be located a minimum of 500 feet from any residential zoning district.

3-19.3.2 Screening: Sexually oriented toys or novelties, adult media, or live performances shall not be displayed or be visible from the exterior of the establishment. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view from the exterior of the establishment for each door as an entrance/exit to the Adult Oriented Business.

3-19.3.3 Signs: Signs shall meet the standards set forth in the Hartford Sign Ordinance. In addition, no sign visible from the exterior of the establishment for an Adult Oriented Business shall include any image or depiction of, linguistic reference to, nudity, Specified Anatomical Areas, Specified Sexual Activity, or any device or paraphernalia designed for use in connection with Specified Sexual Activity. Also, the building entrance to an Adult Oriented Business shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises.

3-19.3.4 Noise: No lascivious sounds associated with sexual conduct shall be audible outside the building or portion of the building in which Adult Oriented Business is conducted.

3-20 ACCESSORY DWELLING UNITS

An accessory dwelling unit that is located within a single-family dwelling or in an existing accessory structure that is on the same lot as a single family dwelling shall be a permitted use. However, Conditional Use Approval is required if the creation of the accessory dwelling unit involves one or more of the following (i) a new accessory structure; (ii) an increase in the height or floor area of the existing dwelling; or, (iii) an increase in the dimensions of the parking areas.

3-21 GROUP HOMES AND RESIDENTIAL CARE HOMES

In zoning districts where residential uses are allowed, Group Homes and Residential Care Homes shall constitute a permitted single-family residential use of the property except that no such Home shall be permitted if it is located within 1,000 feet of another such home.

3-22 HOME CHILD CARE

Home Child Care serving six or fewer children shall be considered to constitute a permitted single-family residential use of property. Home Child Care serving no more than six full-time children and four part-time children, as defined in these Regulations, requires Site Development Plan Approval. Home Child Care serving more than six full-time and four part-time children as defined in these Regulations requires Site Development Plan Approval and Conditional Use Approval.

3-23 HOME ADULT CARE

Home Adult Care serving six or fewer adults shall be considered to constitute a permitted single-family residential use of property. Home Adult Care serving no more than six full-time adults and four part-time adults, as defined in these Regulations, requires Site Development Plan Approval. Home Adult Care serving more than six full-time and four part-time adults as defined in these Regulations requires Site Development Plan Approval and Conditional Use Approval.

**ARTICLE IV
SPECIAL PROVISIONS**

4-1 SITE DEVELOPMENT PLAN APPROVAL

In accordance with Section 4416 of the Act, no zoning permit shall be issued by the Administrative Officer for any use or structure until the Planning Commission grants Site Development Plan Approval. In reviewing site plans, the Planning Commission may impose appropriate conditions and safeguards only with respect to the adequacy of traffic access, circulation and parking, landscaping and screening, and the protection of renewable energy resources. The Planning Commission shall act to approve or disapprove any such site plan within 60 days of its initial review. Failure to act within such period shall be deemed approval.

The clearing of vegetation and/or construction of driveways and roads in preparation for a use requiring Site Development Plan Approval shall not occur before Site Development Plan Approval has been granted.

4-1.1 Exemptions. Exempted from this requirement are one-and two-family dwellings and their related structures, home occupations, agriculture and forestry uses, and essential services. Also exempted are amendments to uses or structures which, in the opinion of the Zoning Administrator and Planning Commission Chairperson, are minor and have no adverse effect in terms of the objectives stated below in Sec. 4-1.3. All such amendments shall be reported to the Planning Commission.

Changes which involve curb cuts, internal or external circulation patterns and pedestrian circulation and changes which would require a variance will not be considered minor and are not exempt from this requirement.

4-1.2 Applications. The owner shall submit 2 copies of a site development plan drawing showing at a minimum the name and address of the owner of record, names of adjoining property owners, parcel size and location, access road(s), existing and proposed structures, existing and proposed drainage and grading, landscape features significant for the development (water, vegetation), the name and address of the person or firm preparing the drawing, scale of map, north arrow, and date.

If any of the following are pre-existing on the site or will be included in the development of the site, they shall be drawn to scale on the plan: internal streets, driveways and walks, utility easements and rights-of-way, parking and loading areas, above-ground equipment such as propane tanks, utility lines, transformers and switches, outside storage areas, sewage disposal areas, plantings, exterior lighting and signs. The Planning Commission may require such plan to be prepared by a professional architect, landscape architect, engineer, or surveyor. Building information, including elevations and floor plans may also be required.

In addition, some or all of the following may be required by the Planning Commission:

- 4-1.2.1. Site location map of the proposed development;
 - 4-1.2.2. Building information, including elevations and floor plans;
 - 4-1.2.3. A survey of the property or a portion of the property prepared by a licensed engineer and/or land surveyor showing boundaries, contours, vegetation and natural features, structures, access points, utility easements and rights-of-way;
 - 4-1.2.4. Information regarding and deed restrictions on file in the town land records;
 - 4-1.2.5. Stormwater drainage plan, including site grading, prepared by a licensed engineer;
 - 4-1.2.6. Plan for emergency vehicle access;
 - 4-1.2.7. Detailed specifications of existing and proposed plantings and other landscape elements such as benches and walkways;
 - 4-1.2.8. Timetable for completion of improvements. For phased developments, construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
 - 4-1.2.9. Cost estimate of all project construction and landscape materials to be installed.
 - 4-1.2.10. Estimate of daily and peak hour traffic generation and/or a traffic impact study.
 - 4-1.2.11. Any other information or data that the Planning Commission may reasonably require.
- 4-1.3 **Review Standards.** The Planning Commission shall conform to the requirements of Section 4416 of the Act before acting upon any application. The Planning Commission shall consider and may impose conditions in relation to the following objectives:
- 4-1.3.1. Maximum safety of **traffic circulation between the site and the street network** and integration with the overall traffic pattern, including provisions for auxiliary roadways connecting with adjacent properties where appropriate. Included in this evaluation shall be the location, number and width of access points, curve radii at access points, acceleration or deceleration lanes on adjacent public streets, sight distances, lighting, location of sidewalks and other walkways, and the overall relationship of the proposed development with existing traffic conditions in the area. All modes of transportation shall be taken into account, including pedestrian, bicycle, handicapped, delivery and emergency vehicles and public transportation.
 - 4-1.3.2. Adequacy of **on-site circulation, parking, and loading facilities**, with particular attention to safety. Included in this evaluation shall be traffic movement

patterns, drive and aisle widths, directional signs, location of loading docks and parking areas, number and size of parking spaces, and provision for lighting, drainage, snow removal and access for emergency vehicles and public transportation.

4-1.3.3. Adequacy of landscaping, screening, and setbacks in achieving maximum compatibility with and protection of adjacent properties by screening from them any glare produced by interior or exterior lights and unsightly areas such as storage areas, and parking lots; assurance that landscape materials will not interfere with visibility or safety and that they are of a type that can survive and be maintained as proposed.

4-1.3.4. Adequacy of provision for safety and convenience of pedestrians, bicyclists, and handicapped persons. Included in this evaluation shall be lighting of walks and entrances, design and placement of walks and crosswalks, pick-up points for public transportation and provision of bicycle racks.

4-1.3.5. Protection of renewable energy resources including a finding that the proposed development does not adversely affect the ability of adjacent properties to use this form of energy.

4-1.3.6. Compliance with other provisions of these Regulations including 3-6, Landscaping, and 3-10 Land Use Performance Standards.

4-1.3.7. Other factors that are directly related to the above aspects of Site Plan Review.

- 4-1.4** The Commission may require the submission of a bond, escrow account, or other surety in a form acceptable to the Town to assure one or more of the following: the completion of the project, adequate stabilization, or protection of public facilities that may be affected by a project.

The Commission may require that no zoning permit, except for any permits that may be required for infrastructure construction, may be issued unless the streets and other required public improvements have been satisfactorily installed in accordance with the approval decision and pertinent bylaws. In lieu of the completion of the required public improvements, the Commission may require for the benefit of the municipality a performance bond or other security issued either by a bonding or surety company approved by the legislative body or by the owner with security acceptable to the legislative body in an amount sufficient to cover the full cost of those new streets and required improvements on or in those streets or highways and their maintenance for a period of two years after completion as is estimated by the Town. This bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within the period fixed in the subdivision bylaws for that completion and for the maintenance of those improvements for a period of two years after completion. Any costs incurred by the Town related to the performance bond or other securities are the responsibility of the applicant and/or property owner.

The performance bond required by this subsection shall run for a term to be fixed by the Commission, but in no case for a longer term than three years. However, with the consent of the owner, the term of that bond may be extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided within the term of the performance bond, the bond shall be forfeited to the municipality and upon receipt of the proceeds of the bond, the Town shall install or maintain such improvements as are covered by the performance bond.

4-2 DESIGN REVIEW DISTRICT

As provided for in Section 4414 (E) of the Act, provision is hereby made for establishment of design review districts for any area containing structures of historical, architectural or cultural merit, as well as areas with striking vistas, agricultural settlement patterns or other significant landscape features. Within this designated district, all structures that are erected, reconstructed, altered, restored, moved, or demolished, or land development that is commenced must be in compliance with the Design Review sections detailed in these Regulations. A Design Review Committee (DRC) may be appointed by the Selectboard in accordance with Section 4433 of this Title to advise the Planning Commission.

4-2.1 Downtown White River Junction Design Review District

4-2.1.1 Purpose: The purpose of this District is to recognize that White River Junction's natural beauty and visual and historic character represent an important asset to the Town, and contribute substantially to White River Junction's economic base. In order to protect and enhance these attributes, the District is established to ensure that development considers the existing architecture, site layout, streetscape design, and sign placement and design. This design review is not intended to require property owners to solely rehabilitate or replicate. Although reuse of existing buildings is encouraged wherever possible, new construction is appropriate when designed with sensitivity to the historic character and design features in the District. Specific recommendations for development and redevelopment of the Downtown are made in the *White River Junction Design Plan* (2001) and *White River Junction Design Guidelines* (2001) and which incorporated into the Zoning Regulations by reference.

4-2.1.2 Goals: The design goals of the Downtown White River Junction Design Review District are as follows:

- (A) To maintain a vibrant downtown, economically, functionally and culturally.
- (B) To preserve and conserve the historic qualities of the downtown and retain a sense of place.
- (C) To ensure architectural and site enhancements and/or new development projects preserve and/or enhance the historic qualities of downtown.
- (D) To acknowledge and preserve the integrity of the built form of the downtown, including landmarks, buildings and streetscape patterns.

- (E) To support public and private sector design and development that is compatible with the qualities of the downtown streetscape, townscape and historic architecture.
- (F) To educate the public on the value of preserving and enhancing the downtown and the historic district.
- (G) To create suitable places for pedestrians.
- (H) To create suitable places for pedestrians.
- (I) To accommodate parking with the least impact and encourage shared parking where appropriate.

4-2.1.3 District Boundaries: The Downtown White River Junction Design Review District shall consist of all lands designated on the White River Junction Design Review District Boundary Map referenced in Section 2-1 of these Zoning Regulations.

4-2.1.4 Uses: All uses that are currently permitted or conditionally permitted in the underlying zoning district remain the same. All dimensional requirements from the underlying zoning district, unless otherwise stated in the *White River Junction Design Guidelines*, remain the same.

4-2.1.5 Design Review Approval: Except as hereafter provided, no person shall do or cause to be done any of the following acts with respect to any building located within the Downtown White River Junction Design Review District without first obtaining Design Review Approval from the Hartford Design Review Committee, and Design Review Approval from the Planning Commission. If after review by the Design Review Committee, the Committee determines that the changes are minor and have no adverse effect related to the goals identified in Section 4-2.1.2, the Design Review Committee may recommend to the Planning Commission that the proposed change be approved administratively in accordance with Section 4-2.1.6.

- (A) New construction including, but not limited to, a building, wall, fence, or other streetscape or site development activities on private and public land, including in the right-of-way.
- (B) Addition, alteration or restoration of the exterior of a building, including windows, doorways, porches, roofing, siding and other materials when different from those existing.
- (C) Alteration of the roof line of a building, excluding chimney alterations.
- (D) Moving of a building from its present location to another.
- (E) The demolition of a building (see Section 4-2.1.12)

4-2.1.6 Administrative Design Review Approval: If, in the opinion of the Zoning Administrator and the Planning Commission chairperson with input from the Design Review Committee chairperson, the following items are determined to be minor and have no adverse effect related to the goals identified in Section 4-2.1.2, Administrative Design Review Approval may be granted. Such improvements may include:

- (A) Landscaping upgrades consistent with the guidelines;
- (B) Routine maintenance or repair of any structure, as long as the maintenance or repair does not result in any change of design, type of material, or appearance of the structure or its appurtenances;
- (C) Simple utility adjustments or upgrades such as replacement of a transformer, new power poles or satellite dish;
- (D) Installation of permanent signs; or
- (E) Installation of exterior lighting.

Otherwise, Design Review Approval by the Planning Commission is required.

4-2.1.7 Exempt Development: The following activities are exempt from Design Review Approval requirements:

- (A) Routine site maintenance and repair;
- (B) A change in use or occupancy;
- (C) Exterior changes that cannot be seen from any public area;
- (D) Interior changes;
- (E) The re-facing of an existing sign; or
- (F) Painting (using the same color or changing to a different color).

4-2.1.8 Review Procedures: For application deadlines, the applicant shall consult the Hartford Planning Commission and Zoning Board of Adjustment adopted schedule. Once an application for Design Review Approval is received by the Administrative Officer and determined to be complete, the following procedures shall be followed:

- (A) The DRC shall meet to review the application within ten (10) days of the application submittal deadline. Said meeting may be continued upon mutual consent by the DRC and applicant.
- (B) The DRC shall forward a written recommendation of the application to the Planning Commission prior to the next scheduled Planning Commission public hearing.

- (C) The Planning Commission shall review the DRC recommendation on the proposal at a public hearing and render a decision on the application within forty-five (45) days after the adjournment of the public hearing.

4-2.1.9 Application Requirements: In addition to the submittal requirements of Section 4-1, any application for construction, reconstruction, alteration, or demolition of any building in the Downtown White River Junction Design Review District shall include the following:

- (A) Narrative describing the project;
- (B) Description of materials to be used on the exterior of the building;
- (C) Proposed architectural elevations (prepared by an architect registered in the State of Vermont) showing door and window types, shutters and other exterior details;
- (D) Color photographs of the subject building;
- (E) Color photographs of existing buildings on adjacent or nearby properties to illustrate the existing streetscape;
- (F) Site plan; and
- (G) Any additional information which may be requested by the DRC or the Planning Commission as necessary for a clear understanding of the proposal including scale models or other three-dimensional analyses.

4-2.1.10 Diversity of Design: These Regulations recognize the value of diversity in design solutions based on a wide variety of architectural styles and design philosophies, without imposing a particular aesthetic value or prohibiting the introduction of new forms into the built environment, provided these are consistent with the intent of this District.

4-2.1.11 Design Criteria: In making a determination on an application, the Design Review Committee and Planning Commission shall give consideration to the *White River Junction Design Plan* and *White River Junction Design Guidelines* and the following criteria:

- (A) The way in which the project preserves and/or enhances the integrity of the historic architecture of the downtown and the specific buildings.
- (B) The way in which the project uses historically appropriate or compatible materials where possible in rehabilitation and new construction projects.
- (C) The way in which the project respects existing setbacks, scale and massing when developing a new building or addition.

- (D) The way in which the project employs appropriate lighting patterns and levels that reflect use, safety and security.
- (E) The way in which the project implements streetscape elements on a building by building basis.
- (F) The way in which the project preserves the landscape, including existing terrain, trees and vegetation to the extent feasible.
- (G) The way in which the project promotes accessibility and rear access from parking areas to commercial buildings.
- (H) The way in which the project provides efficient and effective vehicular and pedestrian circulation.
- (I) The way in which the details being proposed for the building including window, door, and trim are compatible with the existing and adjacent buildings' historic and design qualities.

4-2.1.12 Demolition of Historic Buildings within the Design Review District: All requests for the demolition of a building listed as a contributing property on the National Register of Historic Places within the Downtown White River Junction Design Review District shall be submitted to the Administrative Officer.

- (A) The DRC shall meet to review the request within ten (10) days of the application submittal deadline. Said meeting may be continued upon mutual consent by the DRC and applicant.
- (B) The DRC shall forward a written recommendation of the application to the Planning Commission prior to the next scheduled Planning Commission public hearing.
- (C) The Planning Commission shall review the DRC recommendation on the proposal at a public hearing and render a decision on the application within forty-five (45) days after the adjournment of the public hearing.

The applicant shall provide evidence at the time of the demolition request that one of the following conditions has been met:

- (A) Retention of the building is not feasible because it is structurally unsound as determined by a structural engineer licensed in the State of Vermont; or
- (B) Rehabilitation of the building, or portion thereof, would cause undue financial hardship. The applicant must provide clear and convincing evidence that any reasonable return cannot be obtained from the building without approval of the request for demolition.

If the request for demolition is approved by the Planning Commission, the applicant shall provide an opportunity to the Historic Preservation Commission to conduct photo documentation of the interior of the building no less than fifteen (15) days prior to the scheduled demolition.

If a building has been damaged by flood, fire, wind or other act of nature in excess of seventy (70) percent of its fair market value prior to damage as determined by a State of Vermont certified or licensed real estate appraiser permission for demolition may be granted by the Administrative Officer without prior review by the DRC or the Planning Commission.

4-3 PLANNED DEVELOPMENT

In accordance with section 4417 of the Act, the Planning Commission may vary certain regulations in order to encourage new communities, innovation in design and layout, more efficient use of land and to preserve the natural and scenic qualities of the open land in town. Approval for a Planned Development may be granted by the Planning Commission with the approval of a subdivision plat. Approval of a Planned Development includes approval of a Major Subdivision.

4-3.1 Proposals for planned development shall be submitted to the Planning Commission. The material accompanying the proposal shall contain the following:

4-3.1.1 Required site plan shall show all buildings, parking areas and landscaping at a scale sufficient to permit the study of all elements of the plan. All utilities shall also be shown and described. Typical elevations and floor plans of all buildings may also be required. In addition, the site plans shall show the adjacent building outlines and other outstanding features within two hundred (200) feet. Amendments to approved site plans which, in the opinion of the Zoning Administrator and Planning Commission Chairperson, are minor and have no adverse effect in terms of the objectives stated in section 4-3.1.2 may be approved administratively upon filing of the appropriate applications.

4-3.1.2. A narrative master plan, the Official Development Plan, which shall state the objective, uses (permitted and/or conditional as appropriate), area and dimension standards, phasing, and any other land use standards appropriate to the planned development and necessary to meet the objectives and intent of the Hartford Master Plan, Zoning Regulations, and the planned development. 4-3.2 The purpose (conditions) of planned development shall be to encourage a development which will result in:

4-3.2.1. A choice in the types of environment and living units (where applicable) available to the public, and quality in land uses so that development will be a permanent and long-term asset to the town.

- 4-3.2.2.** Open space and recreation areas if dwelling units are a part of the development.
- 4-3.2.3.** A pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion.
- 4-3.2.4.** An efficient use of land resulting in small networks of utilities and streets.
- 4-3.2.5.** An environment in harmony with surrounding development.
- 4-3.2.6.** A more desirable environment than would be possible through the strict application of other sections of these Regulations.
- 4-3.3** Density may vary within the development. The Planning Commission may permit an additional number of dwelling units in an area designated for residential use so long as the total number of such dwelling units shall not exceed one hundred twenty-five (125) percent of the permitted number of units based on a calculation in conformance with strict application of the zone district standards for area per family contained in the table of Article II for the district in which the land is situated. This density bonus shall never be automatic, but shall be based on a review by the Planning Commission that concludes that the developer's plan includes design, innovative features, or facilities that satisfy the purposes listed in 4-3.2 above.
- 4-3.4** The predominant use or impact of the land use shall not differ substantially from the uses permitted in the district in which the plan is located. In a planned development, dwelling units may be multi-family. In a planned development in a residential district, commercial educational and public facilities may be allowed which are designed to serve the development and the area around the development.
- 4-3.5** Minimum area and dimension requirements may be waived; however, these will be evaluated by the Planning Commission on their individual merit. Any changes which are granted shall be noted on the plat.
- 4-3.6** A planned development shall comply with the following standards:
- 4-3.6.1.** Off-lot water and sewer may be required for over six (6) dwelling units.
- 4-3.6.2.** At least fifty (50) percent of the development shall be in open space for public and/or common usage. The regulations for control and maintenance of this open space shall be approved by the Planning Commission. This may be waived by the Planning Commission for commercial and industrial planned developments providing adequate screening and landscaping is provided.
- 4-3.6.3** The municipality may, at any time, accept the dedication of land or any interest in land for public use and maintenance.

The Planning Commission may require that the applicant or landowner provide for and establish an organization or trust for the ownership and maintenance of any common facilities or open space, and that this organization or trust shall not be dissolved or revoked nor shall it dispose of any common open space, by sale or otherwise, except to an organization or trust conceived and established to own and maintain the common open space, without first offering to dedicate the same to the municipality or other governmental agency to maintain those common facilities or that open space.

4-3.7 The Planning Commission may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in these Zoning Regulations for planned development, provided the rules and regulations are not inconsistent with the Zoning Regulations. The Planning Commission shall hold a public hearing after public notice as required by Section 4464 of the Act prior to the establishment of any supplementary rules and regulations for planned development.

4-4 LIMITATIONS ON REVIEW AUTHORITY

The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements and only to the extent that regulations do not have the effect of interfering with the intended functional use:

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

4-5 VARIANCES

The Zoning Board of Adjustment shall hear and decide requests for variances as required by section 4469(a) of 24 V.S.A. Chapter 117. In granting a variance, the Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these Regulations and the municipal plan currently in effect. The Board may grant a variance and render a decision in favor of the appellant only if *all* of the following facts are found, and the findings are specified in its written decision:

- There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions

generally created by the provisions of these Regulations in the neighborhood or district in which the property is located;

- Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these Regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
- The unnecessary hardship has not been created by the appellant;
- The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and
- The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these Regulations and from the plan.

4-6 PLANNING COMMISSION AND ZONING BOARD OF ADJUSTMENT REVIEW PROCESS

The annual list of application deadlines and Public Hearings for the Planning Commission and Zoning Board of Adjustment shall be available in December of each year. The schedule may be amended by the Planning Commission or Zoning Board of Adjustment as necessary. Regular meetings may be cancelled at any time by the Chair of the respective Commission/Board. To the extent possible, applications requiring review by the Planning Commission and Zoning Board of Adjustment shall be scheduled to be heard during the same application cycle. The Planning Commission and Zoning Board of Adjustment shall adopt procedures for submission and review of said applications. The Planning Commission and Zoning Board of Adjustment must issue a written decision within 45 days of the closing of the Public Hearing. Failure to issue a decision within this period shall be deemed approval and shall be effective on the 46th day.

4-7 INDEPENDENT TECHNICAL REVIEW

The Planning Commission/Zoning Board of Adjustment/Administrative Officer may obtain an independent technical review of an application at the applicant's expense in accordance with adopted policies/ procedures. (The Hartford Selectboard adopted a policy on March 28, 2006 outlining procedures and standards for assessment of technical review costs on zoning applicants.)

4-8 SETBACK WAIVERS

4-8.1 Purpose: The intent of this section is to provide flexibility in setback requirements for the placement of primary and accessory structures in all zoning districts while maintaining the character of the area.

4-8.2 Allowable Waivers: One of the following conditions must exist in order for a waiver to be considered, providing that a minimum setback of 5' is

maintained. Waivers do not apply to setbacks from surface waters, which must meet provisions set forth in Section 3-4 of these Regulations and the Hartford Flood Hazard Area Regulations. Such waivers may be granted for new and complying existing structures by the Zoning Board of Adjustment following a Public Hearing.

- (A) When the reduction is no greater than the front or side setbacks for existing structures on adjacent lots on the same street frontage.
- (B) For greater fire safety as recommended by the Hartford Fire Department.
- (C) For greater preservation of open land/agricultural land or scenic vistas.
- (D) For greater preservation of other natural resources, such as, but not limited to surface waters, wetlands or steep slopes.
- (E) For increased energy conservation and renewable energy structures.
- (F) The waiver, if authorized, will represent the minimum necessary to achieve the stated purpose of this Section.

4-8.3 Application Procedures: Applications shall be submitted to the Zoning Board of Adjustments for review and consideration at a Public Hearing in accordance with Section 4414 (3) of the Act and the Town's application procedures and schedule.

4-8.4 Approval Criteria: The Zoning Board of Adjustment shall determine that in issuing the setback waiver, the proposed development will:

- (A) Be compatible with the scale and design of structures and overall existing development pattern of the surrounding area.
- (B) Not impair reasonable or appropriate use of adjoining properties.
- (C) Not result in greater impacts on natural resources.
- (D) Not impair sight distances on public or private roads.

4-8.5 Conditions of Approval: In permitting a waiver, the Board may require certain conditions to meet the stated objectives of the Zoning District, reduce or eliminate impacts, or protect the interests of the surrounding properties, neighborhood or Town as a whole. These conditions may include, but need not be limited to the following:

- (A) Limit the size of the structure;
- (B) Require landscaping and screening;
- (C) Reduce the encroachment into the setback;
- (D) Control the location and number of vehicular access points; or
- (E) Require applications to have professional site plans prepared by a Surveyor, Engineer or Architect licensed by the State of Vermont.

ARTICLE V
NON-CONFORMING USES, STRUCTURES, & LOTS

The following provisions shall apply to all uses, structures, and lots lawfully existing on March 1, 1962, which do not conform to the requirements set forth in these Regulations and to all uses, structures, and lots established after March 1, 1962, that, although conforming to the Zoning Regulations at the time of their establishment, no longer conform by reason of amendments to the Regulations.

*(The words "use" and "structure" in this Article shall refer to both the principal and accessory uses and structures on a lot.)

5-1 NON-CONFORMING USES

5-1.1 Continuation of a Non-conforming Use. Any non-conforming use may be continued indefinitely, but may not be changed, resumed after discontinuance, or expanded except as provided below.

5-1.2 Change of a Non-conforming Use. Any non-conforming use may be changed to another non-conforming use, providing that the new non-conforming use, in the opinion of the Zoning Board, does not increase the adverse effect on the surrounding area. Conditional Use Approval and Site Development Plan Approval shall also be required.

5-1.3 Resumption of a Non-Conforming Use. A non-conforming use which has been discontinued will be governed by the following regulations:

5-1.3.1. A non-conforming use which has been discontinued for a period of up to 180 days may be resumed without Zoning Board or Planning Commission approval.

5-1.3.2. A non-conforming use which has been discontinued for a period of 181 days or longer shall not be resumed unless a permit for extension has been obtained from the Administrative Officer prior to the expiration of the first 180 days.

The first permit for extension shall be effective for 1 year from the date of issue, and up to three 6-month renewals may be issued so long as application for each renewal is made prior to the expiration of the prior renewal. The maximum time from date of discontinuance of the nonconforming use to expiration of all extensions shall be 3 years.

5-1.3.3. A non-conforming use which has been discontinued for a period of between 181 days and 3 years may be resumed only if the permits required in Subsection 5-1.3.2 have been obtained and the Zoning Board finds that the resumed non-conforming use will not adversely affect the surrounding area. Conditional Use approval and Site Development Plan Approval shall also be required.

5-1.3.4. A non-conforming use which has been discontinued for 3 years or more, or for which the permits required under Subsection 5-1.3.2 have been allowed to expire, shall not be resumed, nor shall it be replaced with another non-conforming use.

5-1.3.5. A non-conforming use which has been changed to a conforming use shall not be resumed.

5-1.3.6. The intent to resume a non-conforming use shall not confer the right to do so.

5-1.3.7. A non-conforming use shall be considered discontinued if substantial operation of the non-conforming use of the lot or structures on the lot has not occurred for a continuous period of time.

In considering whether or not a non-conforming use has been discontinued, the Zoning Board shall make findings about some or all of the following factors:

- (A) Whether physical changes have been made on the lot or to a structure or sign on the lot.
- (B) Whether machinery and equipment customarily used to perform the non-conforming use have been removed from the lot.
- (C) Whether there has been a change of customary business practices.
- (D) Whether revenues have been received and expenses incurred during the period of discontinuance, and if so, to what extent and for what use.
- (E) Whether a lease (or a sale) of the lot for a use different from the nonconforming use has occurred.
- (F) Whether licenses or other permits necessary to perform the non-conforming use have been renewed and whether insurance coverage has been renewed.
- (G) Whether any performance of the non-conforming use that has occurred has been merely of a token extent.
- (H) Whether there has been a decrease or termination in the use of utilities, such as water, wastewater, telephone, heating fuel, solid waste disposal, and electrical usage.
- (I) Whether the non-conforming use, if formerly "open to the public," has continued to be "open to the public."
- (J) Whether the lot, and structures, machinery, and equipment on the lot, have received normal maintenance.
- (K) Whether there has been a decrease in traffic to and from the lot.

(L) Whether the personnel who perform the use have been present on the lot.

(M) Whether what may appear to be discontinuance is in fact a shutdown for repairs or renovations.

(N) Whether discontinuance is the result of an inability to locate a tenant to continue the non-conforming use in spite of a diligent search to find such a tenant.

5-1.4 Expansion of a Non-conforming Use. The Zoning Board may allow the expansion of any non-conforming use on a lot or within a structure on a lot up to 20% greater than its existing size at the time it became a non-conforming use provided that such expansion does not adversely affect the surrounding area. Conditional Use Approval and Site Development Plan Approval shall also be required.

Single and two-family dwellings which are non-conforming uses may expand without Planning Commission or Zoning Board Approval.

5-2 NON-COMPLYING STRUCTURES

5-2.1 Continuation of a Non-complying structure. Any non-complying structure may be continued indefinitely, but may not be expanded, or repaired or reconstructed after destruction or damage, except as provided below.

5-2.2 Expansion of a Non-complying Structure. A non-complying structure may be expanded only in conformity with the dimensional requirements of the Zoning Regulations unless a variance or setback waiver from those dimensional requirements is obtained from the Zoning Board of Adjustment. A variance or setback waiver may be granted in accordance with Sections 4-5 or 4-8.

Single and two-family dwellings and their accessory structures which already exist within the setback area for a lot may be expanded without the necessity for a variance or setback waiver providing:

1. The expansion comes no closer to the lot line than the existing structure,
2. The height of the addition does not exceed the maximum height normally allowed, and
3. The length of the side of the structure extending into the setback shall not exceed 20% of the original length of the non-complying structure. This expansion shall only be allowed once without a variance or setback waiver.

5-2.3 Repair or Reconstruction of a Non-complying Structure. A non-complying structure which has been destroyed or damaged by a fire, explosion or other catastrophe may be repaired or reconstructed within the same footprint, but only if such repair or reconstruction is commenced within two years and completed within three years of such destruction or damage.

5-2.4 Normal Maintenance and Repair of a Non-complying Structure. Nothing in this section shall be deemed to prevent the structural alteration or repair, the substantial rehabilitation or remodeling, or the normal maintenance of a non-complying structure provided that such action does not have the effect of increasing the degree of non-compliance.

5-3 ADVERSE EFFECT

In considering whether or not a change, resumption, or expansion of a non-conforming use will adversely affect the surrounding area, the Zoning Board shall make findings about some or all of the following factors:

- 5-3.1** The history of use of the lot.
- 5-3.2** The size and location of adjoining and neighboring lots.
- 5-3.3** The uses made, or which have received zoning permits to be made, of adjoining lots and the impact of the proposal on those uses.
- 5-3.4** The location of existing and proposed structures on the lot and the relation of those structures to those on adjoining lots and to the dimensional requirements of the Zoning Regulations.
- 5-3.5** The objective of the zoning district in which the lot and adjoining lots are located as defined in Section 4-2-9 of the Zoning Regulations.
- 5-3.6** The suitability of the proposed expanded use to the character of the neighborhood.
- 5-3.7** Whether an increase in business hours or a change in hours from daytime to nighttime will result and the effect of such an increase or change on adjoining uses and the neighborhood.
- 5-3.8** Whether the proposed use will result in an increase in noise, fumes, dust, or odors.
- 5-3.9** Whether greater volumes of vehicular traffic will be generated and what impact this greater volume of traffic will have on the use of adjoining lots, on the neighborhood, and on pedestrian and vehicular safety.
- 5-3.10** Whether there will be an increase in the number of employees.
- 5-3.11** Whether there will be an increase in outdoor activity or outdoor storage.
- 5-3.12** Whether there is adequate off-street parking as required by the Zoning Regulations.
- 5-3.13** Whether there will be an increase in storm drainage and lighting on adjoining lots and in the neighborhood.

- 5-3.14** Whether there will be screening or landscaping to lessen any adverse effects on adjoining lots and the neighborhood.
- 5-3.15** Whether there is an increase in the visibility of the use from adjoining lots and from public ways.
- 5-3.16** Whether the proposed use is providing a service to the neighborhood.
- 5-3.17** Whether there is an increase in safety risk to the neighborhood.
- 5-3.18** Whether there is a change from seasonal to year round use.

5-4 NON-CONFORMING LOTS

In zoning districts where the minimum lot size is greater than one-eighth acre, existing small lots may be developed if they are at least one-eighth of an acre in area with a width or depth of at least 40'. In zoning districts where the minimum lot size is less than one-eighth acre, existing small lots may be developed upon the granting of Conditional Use Approval.

ARTICLE VI DEFINITIONS

6-1 WORD DEFINITIONS

The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word shall is mandatory; the word may is permissive. The words used or occupied include the words intended, designed, or arranged to be used or occupied.

6-2 TERM DEFINITIONS

Access Ramp. Structure built on the outside of a building to allow direct entry to the building by persons in wheelchairs.

Accessory Dwelling Unit. An efficiency or one-bedroom apartment, located within or appurtenant to a single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

- The owner of the single-family dwelling occupies either the primary dwelling or accessory dwelling.
- The property has sufficient wastewater capacity.
- The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
- Applicable setback, coverage, and parking requirements specified in these Regulations are met.

Accessory Product. A product that is incidental and subordinate to the overall service performed by the commercial activity, i.e. the sale of shampoo at a barber shop or beauty salon.

Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adequate Capacity. (provider's capacity for wireless telephony) when the grade of service ("GOS") is p.05 or better for median teletraffic levels offered during the typical busy hour, as assessed by direct measurement of the facility in question. The GOS shall be determined by the use of standard Erlang B calculations. As call blocking may occur in either the land line or radio portions of a wireless network, adequate capacity for this regulation shall apply only to the capacity of the radio components. When determined prior to the installation of the personal wireless services facility in question, adequate capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the

busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the coverage area.

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

Adult Cabaret. An adult-oriented business establishment that regularly features dancing or other live entertainment which emphasizes the exhibition of specified sexual activities and/or specified anatomical areas for the observation of patrons (see Adult Oriented Business, Specified Anatomical Areas, Specified Sexual Activities).

Adult Media. Magazines, books, videotapes, movies, slides, cd-roms, or other devices used to record computer images, or other media that are distinguished or characterized by the emphasis on matter depicting, describing or relating to specified anatomical areas and/or specified sexual activities.

Adult-Oriented Business. An establishment catering to patrons 18 years of age or older, which devotes a substantial portion of its business activity, as determined under Section 3-19.2, to sexually-oriented materials or entertainment (see Adult Cabaret, Adult Retail, Adult Theater).

Adult Retail. An adult-oriented business establishment that devotes a substantial portion of its business, as defined herein, to the sale and/or rental of adult media, and/or sexually-oriented toys and novelties, in accordance with the requirements of these Regulations (see Adult Media, Adult Oriented Business).

Adult Theater. An adult-oriented business establishment in an enclosed building which presents motion pictures, films, video tapes, cable television, or any other such visual media, of which a substantial portion of the total presentation time is devoted to the showing of visual, sexually-oriented adult media depicting, describing or relating to specified anatomical areas and/or specified sexual activities for observation by patrons (see Adult Media, Adult Oriented Business, Specified Anatomical Areas, Specified Sexual Activities).

Affiliated Ownership. Ownership in the same name, or, if ownership is in different names, control of the different ownership entities resides with the same individual(s) or entity(s). For example, ownership in the name of John Smith, an individual, is affiliated with ownership in the name of John Smith, Inc. (a corporation) where John Smith is the majority shareholder of the corporation. It is also affiliated with ownership in the name of John and Mary Smith, husband and wife.

Affordable Housing. Any housing which falls within one of the following:

- (A) Housing that is owned by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30 percent of the household's gross annual income.
- (B) Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

Affordable Housing Development. Any housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years or longer as provided in municipal bylaws. (Statutory Definition)

Agriculture. Use of land for growing crops and raising or keeping livestock, including cattle, horses, sheep, hogs, goats and poultry.

Alternative Design Tower Structure. Artificial trees, clock towers, bell steeples, light poles, silos and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also Stealth Facility).

Amateur Radio Tower. A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

Antenna. A device for transmitting and/or receiving electromagnetic waves, which is attached to a wireless communication facility or other structure.

Assisted Living Facility. Residences for the elderly and/or disabled persons that provide rooms, meals, personal care, and health-related care to individuals who require assistance but not at the level provided by a hospital or nursing care facility.

Bakery. The manufacturing and production of all bakery products. It must include a retail area for sales and may include wholesale sales. The size of the bakery excluding retail space may not be larger than 2,500 square feet of space.

Bank. The land area immediately adjacent to the bed of the stream, river or other body of water that defines the channel sides and contains stream flow within the channel.

Banking/Financial Institution. Any financial institution involved in the direct deposit or withdrawal of funds or a structure which houses facilities to deposit or withdraw funds electronically.

Bed and Breakfast. A dwelling in which rooms are rented on a daily basis to transients. Distinguished from an inn, motel or hotel in that the owner lives on the property or adjacent property; **and** the use does not change the residential character of the neighborhood. If food service is intended for those other than guests staying overnight, then a Conditional Use Permit is required.

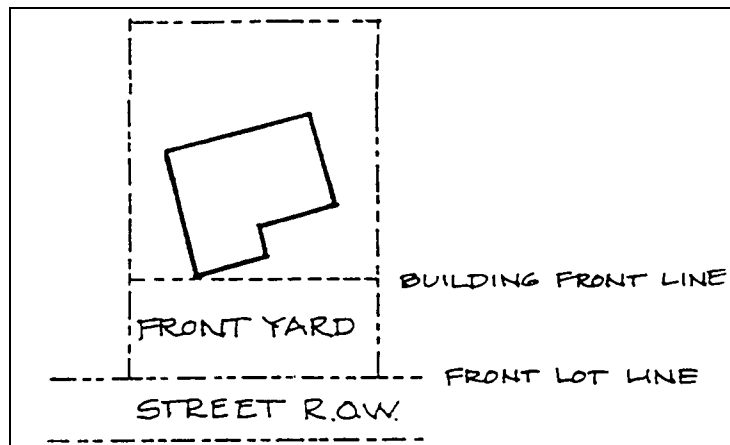
Bar. An establishment, or portion thereof, subject to Vermont Liquor Control Regulations, and primarily devoted to the serving and on-site consumption of alcoholic beverages, and where the service of food is only incidental to the consumption of such beverages (alcoholic beverage is greater than fifty percent (>50%) of the gross sales of food and beverages of the establishment). Includes micro-brewery.

Best Management Practices. Conservation practices or management measures that control soil loss and reduce water quality degradation caused by nutrients, animal wastes, toxins, sediment and runoff.

Buffer. Any space between adjoining land uses or between a land use and a natural feature, that is intended and designed to reduce the impact of one use on the other use or feature. Buffers may include open space, woodland, landscaped areas, undisturbed vegetated areas, or other types of physical, visual or sound barriers.

Building Front Line.

Line parallel to the front lot line transecting the point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.



Building. Any structure for the shelter, support or enclosure of persons, animals or property of any kind, but excludes bus shelters and street furniture with approval of VTrans or the Hartford Department of Public Works.

Camouflaged. Wireless communication facilities that are disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

Campground. Land used or intended to be used for temporary occupancy by two or more tents, trailers, or other movable dwellings.

Cemetery. Land used or dedicated to the burial of the dead, which may include columbariums and mausoleums, and maintenance facilities, but specifically excludes crematoriums. An individual or family burial plot on private land, registered with the Hartford Town Clerk in accordance with state law, is exempted from this definition. This includes pet cemeteries.

Channel. The segment of the radiation spectrum to or from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

Collocation. Locating the wireless communications equipment of more than one provider on a single structure.

Commercial Activity/Use. An occupation, employment or enterprise that is operated for profit or as a non-profit by the owner, lessee or licensee.

Commercial District. Any area zoned Commercial-Industrial, Highway Commercial, Quechee Gorge, Quechee Interstate Interchange, Central Business, Residential-Commercial Two, Village Business or Village Residential-Commercial.

Communication Tower. A guyed, monopole, or self-supporting wireless communication facility, constructed as a free-standing structure or in association with a building, other permanent structure, or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

Construction Trailer, Office. A trailer or other structure used as a temporary office in conjunction with a permitted construction project.

Contractor's Shop. Any building used for storage of materials and equipment used in a contracting business, such as plumbing, electrical work, landscaping or appliance repair. Some activities of the business may be carried out in the shop. No outside storage, manufacturing, motor vehicle repairs, or regular retail sales or services are included in this definition.

Contractor's Yard. Any area of land and/or buildings used by any type of building trade or construction contracting business for outdoor storage of equipment or materials.

Crematory. An establishment where human or animal remains are burned in a furnace. All crematoriums shall follow State of Vermont protocol, licensing and all other applicable regulations.

Curb Cut. The area of land adjacent to a public or private right-of-way used regularly for vehicular access; the intersection of a driveway access and the right-of-way.

Day Care Facility. Use of land and structures, or parts thereof, to care for adults or children during daytime or nighttime hours, but not around the clock. (See Home Child Care and Home Adult Care).

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

Dwelling Unit. One room, or rooms, connected together, constituting a separate, independent housekeeping establishment, physically separated from any other rooms or dwelling units which may be in the same structure, and containing facilities for its own independent living including sleeping, food preparation and sanitation.

Dwelling Multi-Unit. A building containing three or more individual dwelling units.

Dwelling Unit, Single A structure consisting of a single dwelling unit and a single dwelling unit only. To be considered a single-family dwelling in terms of use, the structure must be occupied by one of the following:

- (A) A single-family unit;
- (B) A group comprised of unrelated persons, each of whom are residing at a dwelling as defined in 42 U.S.C. §3602(b) and each of whom qualify as being handicapped as defined in 42 U.S.C. §3602(h) and each of whom are otherwise entitled to the protections of 42 U.S.C. §3604(f).

Dwelling Unit, Two. A structure containing two individual dwelling units.

Essential Services. Underground or overhead gas, telephone, electric, steam, water or sewer collection, distribution or transmission systems maintained by public utilities or municipal or other governmental agencies; includes equipment and accessory structures used by such systems but not buildings for human occupancy. Also includes roads and public rights-of-way.

Equipment Shelter. A structure located at a base station designed principally to enclose equipment used in connection with wireless communication facility transmissions.

FAA. Federal Aviation Administration.

Fall Zone. The distance of any ground-mounted wireless service facility to any property line, dwelling, or similar, including antennas or other vertical appurtenances.

Family/Household. Any number of individuals related by blood, marriage, civil union or adoption, occupying a dwelling unit as a single housekeeping unit. A group of not more than five persons keeping house together, but not necessarily related by blood or marriage.

Farmstand. Commercial enterprise offering for sale to the public minimally processed agricultural products such as fresh produce, Christmas trees, honey, maple syrup, fresh eggs and minor related products accessory to agriculture, such as pots, mulch, soil, hand and garden tools. Also may include the sale of trees, shrubs, flowers and other vegetation. Agricultural products shall occupy at least 75% of the indoor and outdoor selling area. The sale of any product produced solely from the on-site farm is not regulated.

Farm Structure. A building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in subdivision 6001(22) of Title 10, but excludes a dwelling for human habitation.

FCC. Federal Communications Commission.

Floor Area, Residential. The sum of the gross horizontal areas of all floors of a building from the exterior face of the exterior walls, but excluding any area where the floor-to-ceiling height is less than six feet.”

Floor Area Ratio (FAR), Residential. The gross floor area of all buildings and structures on a lot designated for residential use, divided by the total lot.”

Food Assembly/Catering. Any facility which prepares food for delivery and consumption off the premises. This does not include food processing. See Manufacturing or Light Manufacturing.

Forestry. The growing, cutting, or harvesting of forest products for commercial use.

Funeral Home. An establishment for the preparation and/or display of the deceased and associated memorial services prior to burial or cremation. Does not include a crematory.

Garage Sale. See Temporary Special Sale.

Garden Center. A business dedicated to the sale of garden related products and landscaping, i.e. hand tools, shrubbery, ornamental outdoor items, annual/perennial/vegetable plants, seeds (excluding grains), fresh cut flowers. Products may be sold in and outside the retail structure. Also includes the growing of trees, shrubs, flowers and other vegetation. Excluded are all gas/electric powered tools and equipment.

Gross Leasable Area. The total floor area to be made available for lease, including basements, hallways, rest rooms, closets, mezzanines, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

Ground-mounted. Mounted on the ground.

Group Home. Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight (8) unrelated persons, who have a handicap or disability as defined in 9 V.S.A. § 4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.

Guyed Wireless Communication Facility. A lattice wireless communication facility that is secured to the ground or other surface by diagonal cables for lateral support.

Heavy Equipment/Construction Equipment. Equipment including but not limited to, bulldozers, backhoes, excavators, bucket loaders, and dump trucks.

Home Adult Care. A residence that is used to provide care on a regular basis in the caregiver's own residence for not more than ten adults at any one time. Of this number, up to six adults may be provided care on a full-time basis and the remainder on a part-time basis. Care of an adult on a part-time basis shall mean care for not more than four hours a day.

Home Business. Use of a dwelling and/or land and accessory structures by a full or part-time resident of that dwelling for a business or commercial occupation that is secondary to the residential use and which does not substantially change the residential character of the neighborhood (see Section 3-12).

Home Child Care. A residence that is used to provide care on a regular basis in the caregiver's own residence for not more than ten children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. Care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver; except:

- (A) These part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days which occur during the school year; and
- (B) During the school summer vacation, up to 12 children may be cared for provided that at least six of these children are school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (age 7 and older) and who reside in the residence of the caregiver. (See State Statutes 33 V.S.A. § 4902(3)).

Home Occupation. Use of a minor portion of a dwelling by a full or part-time resident for an occupation which is customary in residential areas and which does not change the residential character of the neighborhood. .

Home Office. Use of a minor portion of a dwelling for an office of a practitioner of a recognized profession and which does not change the residential character of the neighborhood.

Hospital/Medical Center. An institution authorized by the state to provide primary and emergency health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, or other physical or mental conditions. Including as an integral part of the institution related facilities such as laboratories, outpatient facilities, training facilities, medical offices, central service facilities, and staff residences. It may include the retail sale of pharmaceuticals and medical supplies as an accessory use. Does not include medical clinic, convalescent or nursing homes, community houses, or other similar facilities.

Hotel/Motel/Inn. A structure or structures or portion thereof offering transient lodging accommodations on a daily rate. If the hotel/motel/inn is used by the same occupant for more than 90 days in any 365 day period, its use is defined as an Extended Stay Hotel/Motel/Inn and must be permitted as such. See also "Bed and Breakfast" and "Lodging House."

Hotel/Motel/Inn, Extended Stay. A structure, structures or portion thereof, intended, used or designed to be used for extended transient lodging on a weekly or monthly basis and contains in-room facilities for food preparation.

Interested Persons/Parties. An interested person/party is defined as:

- (1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
- (2) The Town of Hartford or any adjoining municipality.
- (3) A person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these Regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaw of that municipality.
- (4) Any ten (10) voters or property owners within the municipality who, by signed petition to the Zoning Board of Adjustment, allege that any relief requested by a person under this section, if granted, will not be in compliance with the policies, purposes or terms of the plan or regulations of the municipality. This petition must designate one person to serve as the representative of the petitioners related to the appeal.

- (5) Any department or administrative subdivision of the state owning property or any interest therein within the municipality or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

Isolated Pond. A pond external to stream channels ~~and~~ which does not discharge directly into any other surface water.

Junkyard. Land or building used for the collecting, storage, or sale of wastepaper, glass, rags, scrap metal or **other** discarded material, or for the collecting, wrecking, dismantling, storage, salvaging ~~and~~ or sale of machinery parts or vehicles not in running condition.

Kennel. A lot, premises, use, or structure where domesticated animals are housed, groomed, bred, boarded, trained or sold. Also includes animal shelter. May include a dwelling unit associated with the operation of the kennel.

Land Development. The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land. (Statutory Definition)

Landscaping. All outdoor elements of a developed lot or developed portion of a lot, including, but not limited to, natural features, plantings, ponds and pools, grading and drainage, signs, lighting, walkways, playgrounds and crosswalks.

Light Manufacturing/Industry. Any manufacturing of an inoffensive nature that does not cause negative impacts such as fumes, smoke, noise. Specifically excluded, without limiting the definition, are foundries or other similar operations that handle molten metal and metal forming operations that utilize presses to stamp, punch, or otherwise shape metal or bars. The intent is to allow for light industrial uses that are appropriate in a downtown area or in a mixed use residential/professional/ industrial district, and which have few, if any, impacts related to the manufacturing process itself and/or affiliated impacts such as traffic or large or frequent truck deliveries.

Light Manufacturing/Retail Sales. A light manufacturing establishment which includes a retail space related to manufactured items. The establishment must include retail and may be open to the public for tour-oriented observation of manufacturing process.

Lodging House. A single-family dwelling in which six or more unrelated adults live as permanent, seasonal, or occasional residents. The occupants may live as a single housekeeping unit, or the dwelling may be primarily occupied by one person with sleeping rooms rented to additional people (includes Boarding House, Rooming House, Dormitory, and Private Recreational Lodge)

Lot. A parcel of land occupied or to be occupied by only one main building and the accessory buildings or uses customarily incidental to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved

public street, or other means of access approved by the Planning Commission and may consist of:

- (A) A single lot of record;
- (B) A portion of a lot of record;
- (C) A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;
- (D) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of these Regulations.

Lot of Record. A lot which is part of a subdivision recorded in the office of the Town Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Manufacturing/Industry. The processing, treatment and/or conversion of raw, semi-finished or finished materials into a different form or state including the physical assembly from standardized parts, that is a distinct or finished product that differs from its individual components. Also includes the storage and distribution of bulk products. This definition does not include the processing of agricultural goods raised on the premise, which falls under the definition of agriculture.

Medical Clinic. A building or part thereof, greater than 2,500 sq. ft. used for medical, dental, surgical, or therapeutic, treatment of patients on an outpatient basis. This excludes hospitals/medical centers.

Mixed Use Building. A building with street-level commercial space in combination with dwelling units and/or space occupied or designed to be occupied by other uses which are permitted or conditional uses in the district.

Mixed Use District. Any area that is zoned to allow residential and commercial uses which are permitted or conditional. Includes Central Business (CB), Quechee Gorge (Quechee Gorge), Quechee Interstate Interchange (QII), Residential/Commercial 2 (RC-2), Village Residential/Commercial (VR-C), and Village Business (VB) zoning districts.

Mobile Home. A prefabricated dwelling unit which is designed for long term and continuous residential occupancy ~~and that~~ is designed to be moved on wheels. The term does not include a recreational vehicle.

Mobile Home Park. Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile Home Park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of

employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes. 10 V.S.A. §6201(2). (Statutory Definition)

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

Motel. See Hotel.

Motor Vehicle/Car Wash. A building or premises or portion thereof used for washing motor vehicles, by automatic device or self-service.

Motor Vehicle Fueling Facility. Any area of land, including structures thereon, that is used for the supply of gasoline, or oil or other fuel for the propulsion of motor vehicles, or facilities used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles as an accessory use to the fueling facility and may include retail. A Motor Vehicle Fueling Facility is not a sales or major repair agency for autos, trucks or trailers.

Motor Vehicle Repair Facility. Establishment for the repair of new and used motor vehicles, trailers, motor homes, and boats. Motor vehicle repair facilities may include body shops.

Motor Vehicle Sales Facility. Establishment for the display and sale of new and/or used motor vehicles, trailers, motor homes, and boats.

Mount. The structure or surface upon which antennas are mounted, including the following types of mount (see ground-mounted, roof-mounted, side-mounted and structure-mounted).

Museum. A building open to the public for the display of exhibits and/or hands-on activities related to culture, nature and/or history.

Nonconforming Lot or Parcel. A lot or parcel that does not conform to the present bylaws covering dimensional requirements but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer. (Statutory Definition)

Nonconforming Structure. A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer. (Statutory Definition)

Nonconforming Use. Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the Administrative Officer. (Statutory Definition)

Nursing Care Facility. A place licensed by the State of Vermont, other than a hospital, that maintains and operates facilities and provides in-patient nursing care to those suffering from illness, disease, injury, or deformity and require nursing care. Also includes assisted living facilities.

Office. Structure used primarily for administrative and/or professional services or activities.

Off-Lot Water and Sewer. Centralized services which provide water to and process sewage from 10 or more independent users.

On-Lot Water and Sewer. Water which comes from a source on the lot where it is used or from a nearby source serving less than 10 users; sewage treatment which takes place on the lot where the sewage is generated or on a lot which serves less than 10 users.

Open Air Market. Any seasonal retail business where goods are sold outdoors or under an open structure. Items sold may include vegetables, prepared food, new and used household goods, personal effects, art work, handicrafts, or antiques, in small quantities on a temporary or limited basis. This use includes flea markets and farmer's markets. Spaces or booths may be rented or leased to individuals for the sale of products.

Open Space. Those areas within a lot or parcel of land that are not paved, roofed or occupied by structures and are equally accessible to all users of the property or development. Examples of outdoor areas that will not be considered open space are private yards, streets and drives, parking lots, tennis courts, swimming pools, and paved pedestrian malls. Meadowlands, woodlands and other natural areas, playgrounds, courtyards, golf courses, and recreation fields will be considered open space.

Parking Facility. A lot and/or garage used for the temporary storage of motor vehicles, and as the principal use of the property.

Passenger Terminal. Any structure or transit facility that is primarily used, as part of a transit system, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another. The transport of goods is allowed as an accessory use.

Performing Arts Facility. A facility or site used for the viewing of dramatic or musical productions, performing arts or motion pictures.

Permit [Wireless Communication Facility only]. Embodies the rights and obligations extended by the municipality to an operator to own, construct, maintain, and operate its facility within the boundaries of the municipality.

Permitted Use. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Place(s) of Worship. A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public

worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities. (Statutory Definition)

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

Principal Building. A structure or a group of structures, in which the primary use of the lot on which the building is located is conducted.

Principal Use. The main use of land or structures, as distinguished from a secondary or accessory use.

Printing/Publishing. A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing. Retail copy businesses are not included in this definition. See Retail.

Provider. An entity authorized and/or regulated by the FCC to provide wireless communications services to individuals or institutions.

Public Assembly Facility. Any structure or area where large numbers of individuals collect to participate in or observe programs, including Performing Arts Facility. Includes Library.

Public Facility. Structure and/or land used by agencies and departments of local, county, state and federal government. Includes office, library, post office, courthouse, correctional institution, fire, police or ambulance station, garage, warehouse, transfer station, or recycling facility. This use may include Public Assembly as an accessory use. It does not include School or Recreational Facility (see definitions).

Public Information Facility. A structure principally used to provide tourism information and services to the public.

Public Road. Public road or right-of-way owned by the town or state and meeting State Standards Class 1, 2, 3 or 4.

Radiofrequency (RF) Engineer. An engineer specializing in electrical or microwave engineering, especially the study of radio frequency.

Receiving Antenna. Antenna used exclusively for receiving signals for television and radio broadcast.

Recreational Facility. A public or private structure or outdoor facility designed for recreational activities, including bowling alleys, skating rinks, health clubs, pool halls, video arcades, dance halls, ballrooms, swimming pools, racket courts, and the like and land developed and equipped for such activities as hiking, skiing, skating, picnicking, swimming, playing baseball, volleyball, basketball, and golf.

Recreational Vehicle. Any vehicle having all the following characteristics: (1) used or constructed to permit its use as a conveyance on the public streets and highways; (2) used or constructed to permit its use as a dwelling or sleeping place for one or more persons; and (3) not capable of readily being connected to a community sewer and water service. Includes tent trailers, truck campers, and vehicles converted to sleeping facilities. Does not include mobile homes.

Research/Testing Lab. A facility for scientific and/or academic research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residential Care Home. A place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board and personal care to three or more residents unrelated to the home operator. If there are less than three residents than the home shall be treated as a single-family dwelling. If there nine or more residents, then the home shall be treated as a multi-family dwelling.

Residential care homes shall be divided into two groups, depending upon the level of care they provide, as follows:

(A) Level III, which provides personal care, defined as assistance with meals, dressing, movement, bathing, grooming, or other personal needs, or general supervision of physical or mental well-being, including nursing overview and medication management as defined by the licensing agency by rule, but not full-time nursing care; and

(B) Level IV, which provides personal care, as described in section (A), or general supervision of the physical or mental well-being of residents, including medication management as defined by the licensing agency by rule, but not other nursing care.

Residential District. Any area zoned Residential 1 (R-1), Residential 2 (R-2), Residential 3 (R-3), Village Residential 1 (VR-1) or Village Residential 2 (VR-2). Does not include R-C2 or any RL districts.

Residential Lot. Lot on which there is a single-unit, two-unit or multi-unit dwelling, lodging house or bed-and breakfast.

Restaurant. Commercial establishment where the primary activity is preparing and serving food to the public, and which supplies indoor or outdoor seating for customers. Without seating, the establishment is treated as retail space.

Retail. Structure or use of a lot in which goods, services or merchandise are sold or leased to the public. Does not include establishments better described by other terms under these definitions, such as warehouse, motor vehicle sales facility, motor vehicle fueling facility, farmstand or restaurant. Includes wholesale establishments.

RFR (Radiofrequency Radiation). The emissions from wireless communication facilities.

RFI (Radiofrequency Interference). The emissions from wireless communication facilities, which can affect the normal operation of electronic devices, generally in a harmful way.

Riparian Buffer. A vegetated area, including trees, shrubs and herbaceous vegetation, which exists or is established to protect surface waters.

Roof-mounted. Mounted on the roof of the building.

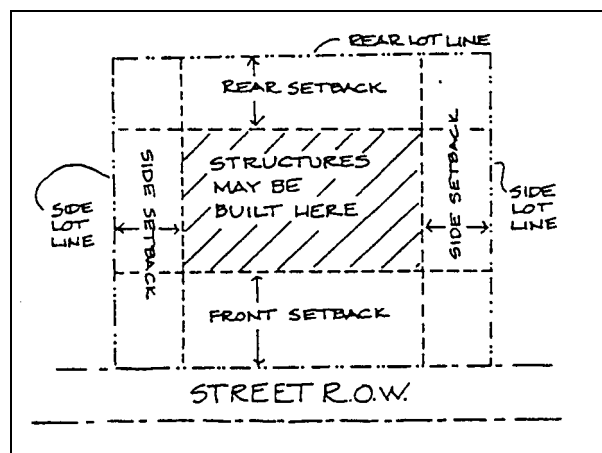
Rural Lands District. Any area zoned RL-1, RL-3, RL-5, RL-10, and FC.

Scenic View. A wide angle or panoramic field of sight that may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far away object, such as a mountain, or a nearby object, such as an historic building.

School. A public or private establishment used for education or instruction. Such instruction may be in any branch of knowledge and may include business schools, trade schools, vocational schools drivers' education, and schools of dance, gymnastics, martial arts, and similar pursuits.

Screening. Permanently installed material, including fences, walls, plants or berms, which shields, conceals or hides something on one site from view from outside the site.

Setback. Space required adjacent to the lot boundary which may not be occupied with a building or structure.



Sexually Oriented Toys or Novelties. Instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

Side-mounted. Mounted on the side of the building.

Specified Anatomical Areas.

- (1) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Human genitals in a state of sexual stimulation or arousal, or acts of human masturbation, sexual intercourse, sodomy, or fondling, or other erotic touching of human genitals, pubic region, buttock, or female breast.

Structure-mounted. Mounted on a structure other than a building.

Stealth Facility. Any communications facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, antenna structures designed to look like light poles, and structures designed to resemble natural features such as trees or rock outcroppings. (See also Alternative Design Tower Structure.)

Storage Facility, Mini/Self. A structure containing separate, individual and private storage spaces of varying sizes leased or rented for varying periods of time.

Street (or Road) Frontage. Lot lines which abut a public street or road.

Structurally Able. The determination that a tower or structure is capable of carrying the load imposed by the proposed equipment under all reasonable predictable conditions as determined by a professional structural engineering analysis.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, swimming pools, freestanding signs, satellite dishes, commercial above-ground fuel tanks, but excludes bus shelters and street furniture with approval of VTrans or the Hartford Department of Public Works.

Surface Water. Includes all rivers, streams, brooks, creeks, ponds, lakes, and reservoirs, identified on the most recent edition of the Hartford G.I.S. Natural Resources Map. It excludes isolated ponds and permitted stormwater detention ponds.

Swimming Pool. A structure intended for bathing, swimming or diving, made of concrete, masonry, metal, vinyl or other impervious material, provided with a re-circulating or controlled water supply.

Temporary Special Sale. (Garage Sale, Tag Sale, Yard Sale, Rummage Sale). Sale of personal property that has been previously used. Also includes sale by a nonprofit organization of previously-used or handcrafted items donated for the sale.

Temporary Wireless Communication Facility. Any tower, pole, antenna, etc., designed for use while a permitted permanent wireless facility is under construction or repair, or for a special event or conference.

Top of Bank. At the point of the average annual high water mark as delineated by the area where woody vegetation starts growing.

Tower. A vertical structure for antenna(s) that provide wireless communication services.

Trailer/Box Trailer. A structure standing on wheels, designed to be towed or hauled by another vehicle, and used for carrying materials and/or storage of goods, or objects.

Trailer Park or Camp. See Campground.

Transportation Terminal. A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck or other modes of transportation. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office.

Tree Canopy. Refers to the layer of leaves, branches and stems of trees that cover the ground when viewed from above.

Vantage Point. A point located on a public roadway, waterway or path from which a proposed wireless communication facility will be visible.

Veterinary Clinic. A building or part thereof used for the care, diagnosis, treatment and temporary boarding of animals. Boarding of animals is only allowed within an enclosed building with the operation of a veterinary clinic. May include a dwelling unit associated with the operation of a veterinary clinic. Also See Kennel.

Warehouse. Building used primarily for the storage of goods and materials. Does not include retail outlets.

Wireless Communication Facility. A tower, pole, antenna, guy wire, or related fixture intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic spectrum-based transmissions/reception regulated by the FCC; the construction or improvement of a road, trail, building, or structure incidental to a communication facility. This definition does not include amateur radio facilities.

Yard, Front. Space between the front lot line and the front line of a building extended to the side lot lines of the lot. The front lot line is that boundary which abuts a street or, in the case of lots which do not abut a street, is that boundary which abuts the right-of-way used for access. On lots which have frontage on more than one street, the front yard shall extend along the entire length of boundary which abuts such streets. *See **Building Front Line.***