

The Village of Hyde Park



ZONING & SUBDIVISION BYLAWS

**Adopted October 16, 2025
Effective November 5, 2025**

Land Use and Development Regulations

The Village of Hyde Park
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The Village of Hyde Park, Land Use and Development Regulations

Village Zoning Bylaws

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1. AUTHORITY AND PURPOSE

1.1. Enactment

These bylaws, set forth in this text and map, are hereby established as authorized in §4402(1) of the Vermont Municipal and Regional Planning and Development Act (Title 24, Chapter 117 of the Vermont Statutes Annotated [V.S.A.]) hereinafter referred to as “the Act” and have been enacted in accordance with the provisions of the Vermont Municipal and Regional Planning and Development Act, hereinafter referred to as “the Act.”

In accordance with the Act, the Village of Hyde Park establishes zoning and subdivision regulations known as the “Village of Hyde Park Land Use and Development Regulations,” hereinafter referred to as “the bylaws.”

1.2. Applicability

All land development within the Village of Hyde Park is subject to regulation under these bylaws.

1.3. Development includes, but is not limited to:

- A. The construction, reconstruction, conversion, alteration, relocation, or enlargement of any building or other structure including the replacement of a mobile home.
- B. Any earth moving requiring heavy machinery, the construction of any pond or lake, or of any mining, excavation, or landfill.
- C. Any change in use of any structure or land or part thereof.
- D. Adjusting or relocating the boundary between two or more parcels.
- E. Dividing a parcel into two or more lots.

1.4. Development does not include:

- A. Normal maintenance and repair of an existing structure that does not result in any change to the footprint or height dimensions of the structure, an increase in wastewater generation, or a change in use.
- B. The internal alteration of existing structures that do not result in a change in the use or external appearance of property.
- C. The external alteration or improvement of existing structures, which does not result in a change in the use, or character of the property.
- D. Structures that do not exceed 300 square feet in floor area providing such structures meet setback requirements and are:
 - 1. outside of the Flood Hazard Area Overlay District or
 - 2. unattached sheds, or
 - 3. additions to existing structures that are not heated and do not have water and wastewater facilities and are not combined with additional similar unfinished space to exceed 300 square feet.
- E. Uses of land that do not include a structure or the storage of materials.

- F. The grading and landscaping of land when not associated with other land development provided existing drainage patterns are not substantially altered on adjacent properties. This exemption does not include landfilling with new materials, including but not limited to soil, sand, stone, and/or gravel.
- G. Reasonable modifications in order to afford persons with a disability full enjoyment of the premises, including, as provided by the Fair Housing Act but not limited to, installation of access ramps compliant with the Americans with Disabilities Act.
- H. The demolition of structures.
- I. The use of a minor portion of a dwelling for a home occupation that meets the limitations established under Section 6. Home Occupation of this bylaw.
- J. Farming including:
 - 1. Accepted agricultural and best management practices (AAPs, BMPs) as defined by the Commissioner of Agriculture, Food, and Markets [§4413(d)]
 - 2. The construction or alteration of farm structures; however, such construction or alteration shall meet setbacks required by these bylaws, unless specifically waived by the Commissioner of Agriculture, Food and Markets. Written notification, including a sketch plan showing the proposed structure and associated setback distances from road rights-of-way, property lines, and surface waters, together with any waiver from the State, shall be made to the Administrative Officer prior to construction, as required under the AAPs. [§4413(d)]
- K. Forestry including:
 - 1. Accepted management practices for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation [the Act §4413(d)].
 - 2. The construction of logging roads and bridges provided the roads and bridges are used exclusively for agriculture or forestry.
- L. Power generation and transmission facilities that are regulated under 30 V.S.A. §248 by the Vermont Public Service Board.
- M. Hunting, fishing, and trapping as specified under 24 V.S.A. §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these bylaws are defined as outdoor recreation facilities.
- N. Electric Vehicle Charging Stations intended for use by residents, employees, or guests of the principal use of the lot, but not made available to the general public.
- O. Garage sales, yard sales, auctions, or similar activities that do not exceed four (4) consecutive days, nor more than thirty (30) total days in any calendar year.

- 1.5. **Unless specifically exempted herein, no land development shall commence within the area** affected by these regulations without a permit therefore issued by the Administrative Officer.
- 1.6. **This bylaw shall not repeal, abrogate, or impair any other land use controls**, including but not limited to statutes, regulations, rules, ordinances, permits, easements, deed restrictions, and covenants. However, the provisions of this bylaw shall be minimum requirements and shall, therefore, take precedence over any concurrent and less restrictive controls.
- 1.7. **The issuance of a permit under these bylaws shall not relieve the applicant from the obligation of obtaining any necessary approvals by Federal or State law.**

1.8. **Intent**

It is the intent of these bylaws:

- A. To implement the Town and Village of Hyde Park Comprehensive Development Plan so as to achieve orderly community growth, development, and fair property taxation;
- B. To affect the purpose of 10 V.S.A. Chapter 32 (flood hazard regulations), and in accordance with §§4411(b)(3)(G) and 4424 of the Act, as amended, there are hereby established Flood Hazard Area Zoning Bylaws for Village of Hyde Park, Lamoille County, Vermont. The purpose of these provisions is to:
 - 1. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public service that results from flooding;
 - 2. Ensure that the design and construction of development in flood hazard areas is accomplished in a manner that minimizes or eliminates the potential for flood damage;
 - 3. Manage all flood hazard areas designated pursuant to 10 V.S.A. §753;
 - 4. Make wise use of agricultural land in flood prone areas; and
 - 5. Make landowners and the Municipality eligible for Federal Flood Insurance.
- C. To further the purposes of the Act §4302.

1.9. **Effective Date**

These bylaws shall be effective twenty-one (21) days after adoption (by majority vote of the Board) and shall remain in effect until repealed or amended in accordance with the Act §4442(c)(1). The vote on these bylaws shall not take effect if, within twenty-one (21) days of the original vote to adopt by the Board, five percent (5%) of the voters of the Municipality file a petition for a meeting of the Municipality to consider the bylaws or amendment of them. In that case, a meeting of the Municipality shall be duly warned for the purpose of acting upon the bylaws or amendment of them by Australian ballot [the Act §4442(d)].

All zoning and subdivision regulations previously in effect for the Village of Hyde Park are repealed as of the effective date of these bylaws.

1.10. **Amendment**

These bylaws, including any zoning maps incorporated by reference, may be amended or repealed only in accordance with the requirements and procedures established in the Act [§§4441,4442].

1.11. **Severability**

The provisions of these bylaws are severable. In the event that any part of these bylaws, or their application, is judicially determined to be invalid, such determination shall not affect the validity of any other part of these bylaws or their application.

1.12. **Computation of Time**

Where an event is required or permitted to occur by these bylaws before, on, or after a specified period of time measured from another event, the first day shall not be counted and the final day shall be counted in calculating the period [§4303a].

1.13. **Development during the Adoption or Amendment Process**

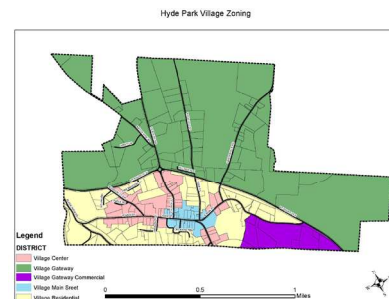
- A. Once notice for a public hearing on the adoption or amendment to these bylaws is issued by the Board, the Administrative Officer shall review any new application filed after the date of the notice under Both the proposed bylaws or amendment and the existing zoning bylaws. [§4449(d)]
- B. If the proposed bylaws or amendment has not been adopted within 150 days of the notice, or if the proposed bylaws or amendment is rejected, then new applications shall be reviewed under the existing bylaws. [§4449(d)]
- C. An application that has been denied under a proposed bylaw or amendment that has not been adopted within the 150-day period shall be reviewed again, at no cost, under the existing zoning bylaws, upon request of the applicant. [§4449(d)]

2. **ZONING DISTRICT MAP**

2.1. **Establishment of Zoning Districts**

The Village of Hyde Park is hereby divided into the following zoning districts whose locations are identified on the Village of Hyde Park Official Zoning Map, shown on the last page, 156.

- 1. Village Main Street (V-Main)
- 2. Village Center (VC)
- 3. Village Residential (VR)
- 4. Village Gateway Commercial (VGC)
- 5. Village Gateway Rural (VGR)



- 2.2. In addition to the four zoning districts, three overlay districts are hereby established encompassing the Service Area Overlay (SAO) flood hazard areas (FHA) and the Wellhead Protection Area Overlay District (WHPA).

A. Establishment of the Official Zoning Map (page 147, last page)

1. The Official Zoning Map shall consist of the Village of Hyde Park Zoning Map; the Village of Hyde Park Flood Insurance Rate Maps hereafter referred to as the FIRM maps (published by the Federal Emergency Management Agency, hereafter FEMA); and the Village of Hyde Park Flood Boundary and Floodway Maps, hereafter FBFM (published by FEMA).
2. The Official Zoning Map is hereby adopted by reference and declared to be part of this bylaw. Regardless of the existence of copies which may be made or published from time to time, the Official Zoning Map located in the Village of Hyde Park Clerk's Office shall be the final authority as to the zoning status of all land and water areas in the Village of Hyde Park. An unofficial reproduction of the Village of Hyde Park Zoning Map is included as an attachment to these bylaws (Attachment A).
3. The signatures of the Board, attested by the Village Clerk, shall identify the Official Zoning Map. No changes of any nature shall be made on the Official Zoning Map except in conformance with the formal amendment procedures and requirements set forth in the Act §§4441, 4442.
4. The Flood Hazard Area District boundaries contained within the Official Zoning Map are unofficial reproductions of the FEMA FIRM and FBFM maps. The Flood Hazard Area provisions of this zoning bylaw shall apply to areas identified as areas of special flood hazard on the FEMA FIRM maps, dated November 4, 1981, or more recent revisions, and as a regulatory floodway on the FEMA FBFM maps, dated November 4, 1981, or more recent revisions, and further delineated in the Flood Insurance Study, dated June 15, 1981.

B. Interpretation of Zoning District Boundaries

When interpreting the boundaries of Districts on the Official Zoning Map, the Administrative Officer shall consult the appropriate District's description and follow the rules below.

1. Boundaries indicated, as approximately following roads, transportation, or utility rights-of-way shall be construed to follow such centerlines. The abandonment of roads and/or rights-of-way shall not affect the location of boundaries.
2. Boundaries indicated, as approximately following lot lines, shall be construed to follow such lot lines.
3. Boundaries indicated as following a watercourse shall be construed as following a watercourse at the deepest level.

4. Boundaries indicated as parallel to, or extensions of a feature in 1, 2, and 3 above, shall be so construed.
 5. Boundaries of the designated flood hazard area shall be determined by scaling distances on the FIRM or FBFM maps, as appropriate.
 - i. Where available, (i.e. Zones A, A1-A30, AE, and AH), the base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood Insurance Study and accompanying maps (of most recent date) shall be used to administer the provisions of these bylaws.
 - ii. In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e. Zone A), base flood elevation and floodway information available from State or Federal agencies or other sources shall be obtained and reasonably utilized to administer the provisions of these bylaws.
- 2.3. When the Administrative Officer cannot definitely determine the location of a District boundary line by the above rules or by the scale or dimensions on the Official Zoning Map, the DRB shall interpret the District boundary. Disputes over the exact location of Flood Hazard Area boundaries shall be resolved by the DRB based upon survey and/or other evidence including input from the State Department of Environmental Conservation. Independent Technical Review may be required, subject to the provisions of Section 9.1.12 on page 89 of these bylaws.
- 2.4. **Lots in two or more zoning districts**
The provisions of the District within which the structure is being constructed or use being proposed shall apply. (For example, part of parcel A is in Village Center District and the remaining portion is in the Village Residential District. The landowner cannot build an operation not allowed in the Village Residential District on the portion of his/her property that lies in the Residential District).
- 2.5. **The minimum frontage and minimum setback requirement** for the District in which the structure is to be located shall control, and if the structure is to be in both Districts, the more restrictive requirement shall prevail.

3. PURPOSE OF ZONING DISTRICTS

3.1. **Village Main Street (V-Main) and Village Center (VC)**

The Village Main Street and Village Center Districts serve as the core of the Village of Hyde Park. The Village Main Street District consists of the higher density area of Main Street with multi-story commercial, mixed use and civic buildings are located closer to the sidewalk characteristic of a traditional Vermont shire-town. The Village Center District consists of mixed use, moderate density neighborhoods.

The purpose of these Districts is to provide for a mix of commercial, residential, institutional, and governmental uses in a traditional pedestrian friendly environment. Reuse and restoration of existing buildings, as well as new development, is encouraged, provided it is designed with sensitivity towards the Village's historic character.

Multi-level buildings of varying architectural styles with ground level commercial space accessible from the street are encouraged in this Districts. Most buildings contain at least two stories. Architectural features such as dormers and copulas are incorporated into most buildings with more than two stories. The upper stories of buildings may be occupied by both residential and non-residential uses.

“Carriage houses” are located behind many principal structures. In general, carriage houses are smaller than the principal structure, but are similar in style and appearance. Reuse of existing carriage houses and construction of new ones is encouraged in this District. Carriage houses may contain a wide range of residential and non-residential uses.

While residential uses are anticipated in the Village Main Street District, it is essential that residential uses not dominate the district. Therefore, within the Village Main Street District residential uses other than single family homes should generally be located in upper stories or within carriage houses to the rear of structures, rather than in ground level space that could otherwise be occupied by storefronts.

Large institution buildings, such as the Lamoille County Court House and Hyde Park Elementary School, are located within these Districts. These institutional uses should be allowed to expand within the Districts as needed to continue to serve the community. It is understood that these structures will likely be larger than most other buildings within the Districts. For example, it is anticipated that institutional buildings may have three to four stories. Use of landscaping, fenestration, and other architectural features is encouraged to interrupt the bulk of these larger buildings.

An inviting pedestrian friendly streetscape is an important component of the Village Main Street and Village Center Districts. Sidewalks and paths should be constructed along streets and from streets to buildings. Buildings located close to the sidewalk with inviting storefronts or deep front porches contribute to this atmosphere. Street trees, public art, and public and private seating areas along Main Street are also encouraged. Pedestrian connectivity to public areas such as Moss Woods and the Lamoille Valley Rail Trail is an important component of development within these Districts. On-street parking and other traffic calming measures are encouraged to decrease vehicle speed and encourage pedestrian safety.

Sufficient parking is necessary for commercial viability. However, on-site parking lots should not be allowed to dominate the visual appearance of Main Street. On-street parking and public parking areas should provide most of the parking needs of the Districts. New off-street parking lots should not be permitted in front of buildings, but rather should be

located to the side or rear of buildings. Use of shared and off-site lots to accommodate parking needs is strongly encouraged.

3.2. **Village Residential (VR)**

The Village Residential District extends to those lands south of Route 15/100 surrounding the Village Center.

The purpose of this District is to encourage residential development in areas within walking distance of the Village Center, which can utilize existing infrastructure such as municipal water, sewer, and sidewalks. The District is made up of residential neighborhoods with homes lining residential streets. Many homes have relatively narrow front yards and large front porches. “Carriage houses” are located behind many homes. In general, carriage houses are smaller than the home, but similar in style and appearance.

The District provides a variety of housing options, including a mix of single and multi-family housing. Buildings containing multi-family housing are similar in design and scale to the predominately single family homes. Small home-based businesses may be found in this district if they are compatible with the predominantly residential character of the District. These uses may be located within a primary structure or carriage house.

Lodging uses, such as bed and breakfasts and small inns, may also be located in the Village Residential District, provided they have a similar exterior design and scale as residential uses. Special care should be taken to ensure that lodging uses do not create undue traffic burdens on neighborhood streets. Any onsite parking needed to serve such uses should be located to the side or rear of the principal structure. On-street parking may be approved, provided safe pedestrian circulation on the street is maintained.

Pedestrian connections between neighborhoods, to the Village Center, and to community amenities such as Hyde Park Elementary School, Moss Woods, and Lamoille Valley Rail Trail are of particular importance in this District. On higher volume streets formal sidewalks may be required, while on lower volume neighborhood streets, shared shoulders may be sufficient. Any roads serving new development should be designed to accommodate cyclists and pedestrians in addition to automobiles. Small “pocket parks,” green spaces, and community gardens are encouraged for any new development, including new subdivisions, or where large existing homes are converted to multi-family housing.

3.3. **Village Gateway Commercial (VGC)**

The Village Gateway Commercial District is located east of Centerville Brook and south of East Main Street and Route 15/100.

This District serves as the southern “Gateway” to the Village of Hyde Park. It is envisioned that this district will be more densely developed than the “rural Gateway” north of Route

15/100. The District will contain a mix of uses and provide for small-scale businesses. Development within the District should complement, rather than compete with, the Village Center.

While roadside visibility is important for the viability of some businesses, measures should be taken to prevent the appearance of strip development along Route 15/100. Curb cuts should be limited to avoid impeding circulation on Route 15/100, and interior circulation roads serving multiple lots and uses may be required on larger parcels. Any new roads in the District should be designed to accommodate pedestrians and cyclists in addition to automobiles. On-street parking is encouraged along at least one side of new shared access roads. Over time, pedestrian connections to the Village Center should be developed.

New buildings should have the general appearance of historic buildings found along Main Street in the Village Center District. In order to accomplish this, larger, more modern buildings may be shielded from the road via use of false facades and/or frontage buildings utilizing façade elements similar to those required in the Village Center. In addition, Green space, landscaping, and other visual treatments may be necessary to soften the appearance of development along Route 15/100.

3.4. Village Gateway Rural (VGR)

The Village Gateway Rural District includes all lands north of Route 15/100 within the Village of Hyde Park.

This District serves as the “Gateway” to Hyde Park Village and is intended to preserve the scenic, rural landscape along Routes 15 and 100 while providing for continued agricultural use of land, municipal-owned solar and other municipal-owned clean renewable energy production facilities and well planned residential development outside of the Village Core. Commercial uses that support agricultural operations, small scale lodging (those with fewer than 10 rooms), and outdoor recreational uses may also occur in this District.

Meadowlands and farmland should be protected in this District. New development should be located along existing hedgerows, at field edge, or on the least productive areas in order to minimize the fragmentation of agriculturally productive lands and disruption of the scenic qualities of the site. Clustered residential development and non-residential uses should be designed to replicate the development patterns found in traditional Vermont farmsteads and roadside hamlets. Planned Unit Development provisions are recommended and encouraged to accomplish this objective.

3.5. Service Area Overlay (SAO)

The Service Area Overlay is located at the main roadway entrances to the Village of Hyde Park.

While the primary purpose of this Overlay is to allow automotive base uses, such as motor vehicle fuel sales, motor service and repair, car washes and retail sales which may be

prohibited in the underlying zoning district at critical intersections while maintaining the historic character of the Village of Hyde Park, other conditional uses apply. See Section 6.6 and page 33. Development in the Service Area Overlay should be designed to draw visitors and motorists from Route 15 and Route 100 into the Village Main Street and Village Center Districts. New structures should be carefully located and designed to avoid the appearance of strip development, and pedestrian connectivity with the Village Center shall be strongly encouraged.

3.6. Wellhead Protection Area Overlay (WHPA)

The Wellhead Protection Area (WHPA) Overlay District applies to lands adjacent to the sources supplying any public water supply on the most recent “Water Source Protection Areas” map prepared by the Vermont Agency of Natural Resources Water Supply Division.

The above referenced map is herein incorporated by reference and made a part of these bylaws. The purpose of this Overlay is to protect the ground water and ground water recharge areas from adverse development or land use practices and to preserve and protect present and potential sources of water supply for the public health and safety.

In order to thoroughly protect these public water sources, the WHPA District restricts any land uses that could potentially compromise surface or groundwater quality. Development in the immediate vicinity of a well is limited to agriculture and forestry and outdoor recreation. Development in the remaining “recharge area” surrounding the well must ensure to ensure that materials associated with any such development (such as fuel, home heating oil, and chemical fertilizers) do not contaminate ground water. Total impervious surface shall be limited to ten percent (10%), unless low impact development practices and techniques that allow for the on-site reabsorption and treatment of storm water are utilized.

3.7. Flood Hazard Area Overlay

A. Purpose

It is the purpose of this District to minimize and prevent loss of life and property, to reduce hazards to public safety and wellbeing, to minimize and prevent the disruption of commerce, to minimize and prevent the impairment of the tax base, and to minimize the extraordinary public expenditures and demands on public services that result from flood by:

1. Restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or that cause excessive increase in flood heights or velocities;
2. Requiring that the design and construction of development in the flood hazard areas is accomplished in a manner that minimizes or eliminates the potential for flood damage;
3. Prohibiting filling of the flood hazard area unless compensating for the flood carrying capacity elsewhere; and
4. Promoting wise use of the flood hazard areas as agricultural lands and open space.

B. Development in Flood Hazard Area

1. New development within the flood hazard area is prohibited. Minor additions and changes of use of existing structures may be permitted under limited circumstances.
2. Any existing structure that is substantially improved shall be elevated two (2) feet above base flood elevation, or to the 500-year flood elevation, whichever is greater, or flood proofed in accordance with the most recent FEMA guidelines. Fill may be used to elevate existing structures; however, any use of fill shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation.
3. The DRB may require use of PUD provisions to prevent new incursions into the floodplain. Plantings and other treatments to increase floodwater attenuation may be required as a condition of approval for any development impacting this District.

4. DIMENSIONAL ZONING DISTRICT STANDARDS

4.1. Lot Configuration for the four Zoning Districts

Village Main Street (V-Main)

Village Center (VC)

Village Residential (VR)

Village Gateway Commercial (VGC), and

Village Gateway Residential (VGR)

	V-Main	VC	VR	VGC	VGR
Minimum Area	NA	NA	NA	NA	1.5 Acres
Road Frontage	NA	NA	NA	NA	90 ft. unless on 15 or 100, then 1,000ft
Lot Coverage	75% max	60% Max	50% Max	60% Max*	NA
<i>Max Residential Density with public water and sewer</i>					
1 -4-unit dwelling	NA	NA	NA	NA	1.5 acres
5 or more-unit dwelling	0.1 acre for each DU greater than 4	0.33 acre for each DU greater than 4	0.25 acre for each DU greater than 4	Prohibited per Table of Uses	1.5 acres for each DU greater than 4
<i>Max Residential Density without public water and/or sewer</i>					
1 – 2-unit dwelling	NA	0.33 acre	0.5 acre	0.5 acre	1.5 acres
3 or more-unit dwelling	0.1 acre for each DU greater than 2	0.33 acre for each DU greater than 2	0.5 acre for each DU greater than 2	Prohibited per Table of Uses	1.5 acres for each DU greater than 2

*20,000 sq. ft. is the maximum size for a structure in the Village Gateway Commercial District

4.2. Lot Area

Except lots in mobile home parks (See Section 6.5.3), lot area shall include the entire extent of the parcel, including lands considered not developable such as wetlands and portions under roadways (to center of right of way) or other rights-of-way. Any State highway and any Class 1, 2, or 3 Town highway shall be considered to subdivide a lot. Class 4 roads and private rights-of-way across properties shall not be considered to subdivide a parcel.

4.3. Road Frontage

The required minimum road frontage shall be contiguous. A lot may have additional noncontiguous road frontage as long as the minimum requirement is contiguous.

4.4. Lots With No Road Frontage

No land development shall be permitted on lots which do not have frontage on a public or private road, public waters, or, with the approval of the DRB [the Act §4412(3)], access to such a road or waters by a permanent easement or right-of-way recorded in the land records upon transfer of the property. The minimum width of such an easement shall be determined based on the total potential density of the lot to be served, in accordance with the Table below:

TOTAL POTENTIAL DENSITY (Total Lot Area/District Residential Density)	EASEMENT WIDTH
1-3 dwelling units	30 feet
4 or more dwelling units	60 feet*
<i>*The DRB may increase the required easement width to 70 or reduce to 50 based on site conditions. The DRB shall determine the required easement width based on grades, future utility service, and needs for roadside storm water management.</i>	

Such easements or rights-of-way shall be suitable to construct a driveway that meets current town standards. All new and improved driveways accessing a Town road shall obtain access permit from the Selectboard prior to the issuance of a zoning permit. In accordance with Section 7 a new access permit shall be required for any change of use of an existing driveway.

4.5. Lot Coverage

The total ground floor area of all structures, parking areas, access drives, and walkways shall not exceed the maximum percentage of lot area as set forth for the District. However, public parking areas, public seating areas, street furniture, and public art shall not be counted toward total lot coverage.

4.6. Residential Density

Residential uses shall not exceed the maximum number of allowable dwelling units (not including accessory dwelling units) for the District in which they are located. The maximum potential residential density for a parcel shall be established by dividing the total parcel area by the maximum residential density for the District.

- A. The provision of Section 4.1.4 shall not apply to affordable, elderly and accessible housing developments within the Village Main Street, Village Center District and Village Residential District. In these Districts, affordable, elderly and accessible housing developments shall be limited by lot coverage requirements rather than the number of dwelling units per acre. In order to be considered an affordable, elderly and

accessible housing developments, at least twenty percent (20%) of the units proposed must meet the definition of an affordable, elderly, or accessible dwelling found in Section 13, Definitions.

- B. Where a parcel is located in two or more Districts, the number of dwelling units permissible shall be the sum of the permissible units in each District of the entire parcel. All sums are rounded down. Where a parcel is located in more than one Municipality, (including the Town of Hyde Park), only those portions of the parcel within the Village of Hyde Park may be used to calculate residential density.
- C. The following table outlines lot coverage density bonuses and exceptions for affordable, elderly and accessible housing developments, for each zoning district:

<u>Lot Coverage Density Bonuses</u>					
	V-Main	VC	VR	VGC	VGR
Public Access to Public Amenity	plus 10%	plus 10%	plus 10%	plus 10%	plus 10%
Meets LEED or VT Builds Green	plus 10%	plus 10%	plus 10%	plus 10%	NA
Historic Preservation Standards	plus 10%	plus 10%	plus 10%	plus 10%	NA
<u>Affordable</u> , accessible, or elderly dwelling units	Only limited by lot coverage See Section 4.6(A)			NA	Plus 25%

4.7. Number of Uses/Structures per Lot

Multiple uses in one principal structure, including residential and non-residential uses, may be permitted on a single lot. If all component uses within a principal structure are permitted in the District, the structure shall be considered a permitted structure (see Section 6 for the Table of Uses). If any component use within a principal structure is conditional in the District, the structure shall be considered conditional. Multiple principal structures may be permitted on a single lot, provided density and/or lot coverage requirements are not exceeded, subject to the following standards:

- A. **Village Main Street, Village Center District and Village Residential District:**
Two principal structures shall be permitted, subject to site plan review, provided the second principal structure meets the dimensional standard for a “carriage house” in the District in which the lot is located. Additional principal structures on a single lot may be permitted subject to PUD review.
- B. **Village Gateway Commercial District:**
Multiple principal structures may be permitted, subject to site plan review, provided additional principal structures meet the definition of a “frontage building.”
- C. **Village Gateway Rural District:**
On any lot containing a single-family dwelling, a second principal structure containing a home occupation or outdoor recreation may be permitted, subject to site plan and conditional use review by the DRB. Additional principal structures on a single lot may be permitted subject to PUD review.

4.8. Building Placement

A. Setback requirements

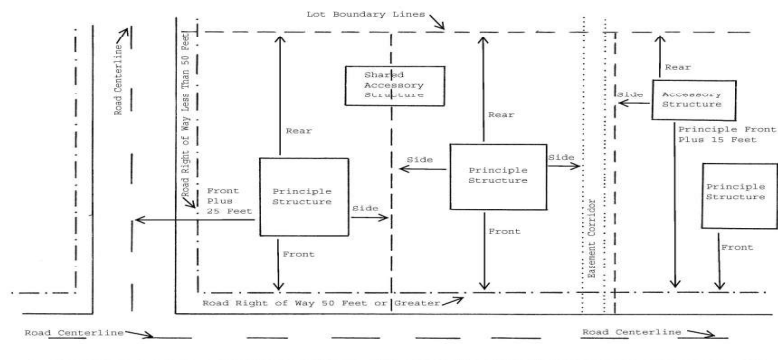
All primary and accessory structures shall conform to the minimum setback requirements of the District in which they are located. The setback is a horizontal line from a road, lot line, boundary, or other designated feature to the nearest part of a structure (including roof overhangs). In some Districts, principal and accessory structures may be subject to different setback requirements.

B. The following table outlines setback requirements for each of the zoning districts:

	<u>V-Main</u>	VC	VR	VGC	VGR
Principal Structure Setback					
Front of Parcel	<u>0 min – 25ft max</u>	0 min – 25ft max	0 min – 25ft max	20 ft min – 50 ft max	40 ft min**
Back and Sides of Parcel	<u>6 ft or attached*</u>	6 ft or attached	6 ft or attached	6 ft or attached	15 ft min
Access Structure and Carriage House Setback					
Front of Parcel	<u>min 15 ft behind front of principal structure</u>	min 15 ft behind front of principal structure	min 15 ft behind front of principal structure	min 15 ft behind front of principal structure	40 ft min**
Back and Sides of Parcel	<u>5 ft min or attached*</u>	5 ft min or attached	5 ft min or attached	5 ft min or attached	15 ft min

**In the Village Main Street District, the setback at the back and sides of parcel shall be zero (0) feet if abutting a Village owned greenspace.*

*** In the Village Gateway Rural District, for lots with frontage on Route 15 or 100, the front setback shall be at fields' edge or at least 1000ft, whichever is less.*



4.2 Building Placement. Requirements for placement of principle, accessory, and shared structures may vary by district. Contact the Zoning Administrator to discuss.

1. **Front Setback:** Front setback requirements (as established by the District in which the lot is located) shall be applied from any public or private road. Corner lots must meet front setbacks on both roadways. The setback shall be measured from the edge of the right-of-way, except in cases where the right-of-way is less than fifty (50) feet wide.

Where the right-of-way is less than fifty (50) feet wide, the front setback shall be measured from the centerline of the existing roadway, and twenty-five (25) feet shall be added to the front requirement.

2. **Side and Rear Setback:** Side and rear setbacks shall be measured from the side or rear property line. In some Districts and within PUDs, structures may be permitted to sit on two or more lots (creating a “footprint lot”). In such a case, the building shall be divided at the property line by a firewall meeting all applicable State building code standards. In the absence of a recorded survey, side and rear property lines shall be determined as agreed upon by all property owners.
3. **Waivers of minimum front, side, and rear setback requirements** may be granted by the DRB, subject to conditional use review. Side and rear setbacks may not be reduced to less than five (5) feet from the property line. The applicant must demonstrate:
 - i. A structural or functional necessity;
 - ii. That there will not be an undue adverse public safety, environmental, or aesthetic effect upon adjoining properties; and
 - iii. That the waiver, if authorized, will represent the minimum waiver necessary to afford relief and will represent the least deviation possible from these bylaws.
4. **Surface Waters:** Setbacks from surface waters shall be as provided in Section 7, Surface Water Protections.

4.9. Height and Roof Design

- A. **Height:** Height of all structures shall not exceed the maximum for the District, measured in feet and/or number of stories.

In the VC and VR districts the height of carriage houses and accessory structures shall not exceed the height of the principal structure located on the lot.

	<u>V-Main</u>	VC	VR	VGC	VGR
Building Height					
Permitted	<u>35 ft max</u>	35 ft max	35 ft max	35 ft max	35 ft max
Conditional	<u>No Max</u>	<u>45 ft max</u>	45 ft max	45 ft max	45 ft max
# of Stories					
Permitted	<u>1.5-2.5 stories</u>	1.5-2.5 stories	1.5-2 stories		
Conditional	<u>3-4 stories</u>	3- 3.5 stories	2.5-3.5 stories		

- B. In some Districts, additional height/stories used or intended for human occupancy may be permitted, subject to conditional use review by the DRB, provided that:
 1. The structure does not constitute a hazard to public safety or to adjoining properties;
 2. The portion of the structure exceeding thirty-five (35) feet is not to be used for advertising purposes;

3. Any lighting shall be restricted to the minimum required for security and safe operation and shall conform with Section 10. Exterior Lighting of these bylaws; and,
 4. The proposed building height and scale is consistent with the character of the immediate surroundings, as defined by the District Purpose Statement in Section 3. This “character of the area test” shall not be required for one additional story and associated increase in height when proposed for a residential or mixed-use development meeting the definition of an “affordable housing development” in 4303(2) of the Act in areas served by water and wastewater infrastructure, provided that the structure complies with the Vermont Fire and Building Safety Code.
- C. Subject to conditional use review, the DRB may permit roof appendages such as rooftop elements (spires, steeples, minarets, cupolas, belvedere, widows walk), chimneys, ventilators, tanks, or similar parts of a building to exceed the permitted and conditional height limit, provided all roof appendages occupy an aggregate of not more than twenty percent (20%) of the area of the building and are not used for any human occupancy.
1. The height limitations set forth above shall not apply to the following:
 - i. Farm structures, as specified by the most current Vermont Department of Agriculture Accepted Agricultural Practices
 - ii. Rooftop solar collectors less than ten (10) feet high or wind turbines with blades less than twenty (20) feet in diameter, or similar structures.
 - iii. Flagpoles less than fifty (50) feet in height
 - iv. Telecommunication towers, which shall be subject to the provisions of Section 6.
 - v. Power generation and transmission facilities regulated by the Vermont Public Service Board.
- D. **Roof Design:** Roofs of all structures, including accessory structures with a footprint greater than three hundred (300) square feet shall meet the roof design standards for their District. In some Districts use of specific roof types/designs is required.
- E. In the M-Main, VC, VR and VGC districts roofs with a pitch of 4:12 or less shall provide either:
1. A cornice or parapet at least three feet in height, or
 2. A pediment framed by cornices at least six inches in width along all three sides. A larger parapet or pediment may be required if necessary to screen any roof-mounted equipment from street level. This standard shall not apply to compound roofs or secondary roofs (such as over porches, dormers, and other similar building extensions).
- F. In the VGC Roof Design Standards may be met utilizing false facades and/or frontage buildings. If false facades are utilized, the false façade shall be at least three (3) feet higher than the uppermost point of the building. Additional height may be required to ensure sufficient screening from any public road. If frontage buildings are utilized, such buildings shall occupy at least 75% of the frontage between the building and the road.
- G. All multifamily structures and non-residential structures in the VGR shall either

1. Utilize Vermont Vernacular roof designs and roof-top elements, as described in “The Historical Architecture of Vermont; Guide to Vermont Architecture” (1996) published by the Vermont Division for Historic Preservation, or
 2. Be situated so as to be screened from neighboring properties and any public road. Screening shall be accomplished by either existing vegetation or landscaping.
- H. Construction of single-story primary buildings in the Village Main Street (V-Main), Village Center (VC) and Village Residential (VR) districts is Conditional and shall be designed such that additional stories may be added in future. Roof beams and walls shall be structurally designed to bear the load of at least one story.
1. In the Village Main Street (V-Main), Village Center (VC) and Village Residential (VR) Districts a cornice with decorative mounts shall be required for single story, flat roofed buildings. At least one mount shall be located no more than three feet from each corner of the roof. An additional mount shall be required for every ten feet of horizontal length of the building façade. Mounts shall be evenly spaced.
 2. Subject to conditional use review by the DRB, roof design standards may be modified in order to accommodate a green roof and or roof-mounted renewable energy generation.

4.10. Building Facades

Building façade standards shall be required for certain uses and Districts.

A.

<u>Window Coverage</u>	V-Main, VC, VR, &VGC
Ground Floor	40% min, 80% max
Upper Floors	20% min, 60% max

- B. Subject to conditional use review by the DRB, maximum window coverage may be waived on south and west facing building facades where the applicant can provide evidence from an appropriate design professional demonstrating that additional window area will provide passive solar gain.
- C. In the Village Main Street (V-Main), Village Center (VC), Village Residential (VR) and Village Gateway Commercial (VGC) districts, façade elements (including but not limited to porches, stoops with stairs, patios/terraces, bay windows, or Board approved murals) are required. In these districts, buildings with a single bay or buildings with multiple bays that are not required by district dimensional standards shall incorporate at least one façade element in the street facing façade.

1. The following table outlines porch, stoop, and patio/terrace façade dimensions:

<u>Porches</u>	
Depth	5 ft. min, 16 ft max
Vertical Clearance	8 ft. min
Length	6 ft min
<u>Stoops w/stairs</u>	
Depth	6 ft. min
Length	6 ft. min
Height Above Ground	2 ft. max
<u>Patios/Terraces</u>	
Depth	8 ft. min
Length	at least 40% of façade

2. Bay Windows that are a façade element shall have transparent windows on both front and side surfaces
3. Murals are conditional and subject to Development Review Board review and should cover at least 40% of building façade. A sign or advertisement shall not constitute a mural.

- D. Bays in the Village Main Street (V-Main), Village Center (VC), Village Residential (VR) and Village Gateway Commercial (VGC) districts and except for institutional structures, street facing building facades greater than 60 ft. in width shall be divided into bays. The bay closest to the front of the parcel shall be considered the “primary building bay”, other bays shall be considered “secondary bays”. The bay width shall be a minimum of 20 ft and a maximum of 60 ft with a minimum depth of 4 ft. between bays.

Buildings requiring two or more bays shall incorporate façade elements in accordance with the table below.

Number of Bays Required	# of Bays that must incorporate a façade element
1-3	1
4-5	2
6 or more	1 for every 2 bays

- E. On a case-by-case basis, subject to conditional use review, the DRB may permit alternative façade elements to those referenced in the District Standards. Alternative façade elements shall meet the descriptions found in the Style Guide and Glossary of the Historic Architecture of Vermont: Guide to Vermont Architecture, published by the Vermont Division for Historic Preservation (1996). If the project involves an historic structure the DRB may require that the alternative façade element comply with the written recommendations from an Architectural Historian and/or Archeologist approved to conduct Section 106 Reviews by the Vermont Agency of Commerce and Community Development.
- F. In the VC and VR the roof over each building bay shall contain at least one dormer or roof element if the building meets one or more of the following criteria:
 - 1. The building has 3 or more stories:
 - 2. The building is greater than 35 feet in height, or
 - 3. The building requires more than two bays (as defined above, see 4.4.4.)
 - i. Institutional buildings in the VC with 3-4 stories or greater than 35 feet in height, or requiring more than two bays shall either meet the requirement above or shall contain a single rooftop element over the primary building bay.
 - ii. Such rooftop elements should be at least 20% of the area of the primary building bay
- G. In the VGC any building requiring two (2) or more bays shall meet at least on of the following standards:
 - 1. Provide at least one dormer or rooftop element over each building. The dormer or rooftop element should be located in the center of the bay.
 - 2. Vary roof design at least once per bay. Varying roof design may include a change in roof height, change in slope of roof, change in direction of slope (e.g. creating a cross gable roof), or change in roof style (e.g. flat, gable. Mansard, etc.).
- H. In the Village Gateway Rural District (VGR), all multifamily structures and non-residential structures shall either:
 - 1. Utilize Vermont Vernacular building facades, including window/building openings and façade elements, as described in “The Historical Architecture of Vermont; Guide to Vermont Architecture” (1996) published by the Vermont Division for Historic Preservation, or
 - 2. Be situated so as to be screened from neighboring properties and any public road. Screening shall be accomplished by either existing vegetation or landscaping.
- I. **Color:** Applicants are encouraged to utilize colors that are consistent with the traditional coloration of buildings in the Village of Hyde Park, which consists of muted colors with low reflectance. Generally, no more than three principal colors

should be used on a single building bay, and bright, complimentary colors are used only as accents. This standard does not apply to a mural approved by the Board or their designated authority.

5. OVERLAY DISTRICTS

5.1. Service Area Overlay

Delineation of the District: The Service Area Overlay shall encompass those areas depicted on the Service Area Overlay Map attached to these regulations.

A. General Standards for all Development in the Service Area Overlay District

1. All underlying district standards (Village Gateway Rural or Village Residential), including but not limited to lot configuration, building placement, height and roof design, and building facade standards, shall apply within the SAO, except that Village Gateway Commercial Sign standards shall apply within the SAO.
2. Where the SAO overlays the Village Gateway Rural and Village Residential, DRB may waive the requirement for one thousand (1,000) feet between new curb cuts on Route 15 and Route 100, provided any new access is sufficiently spaced and designed to ensure smooth movement of traffic, and to ensure that vehicle queuing does not inhibit movement of the Route 100/Route 15 Roundabout.
3. All development in the SAO shall be designed to ensure that pedestrian circulation is adequately separated from vehicular movements. In order to accomplish this objective, the DRB may require additional curbing, landscaping and screening, and pedestrian walkways. In order to mitigate the impacts of large curb cuts, the DRB may require measures such as striping, contrasting or textured paving, and/or mountable curbs at road and driveway access points to define narrower car lanes while maintaining sufficient pavement width for safe turning of larger vehicles.

5.2. Wellhead Protection Area Overlay District

A. Delineation of District

The Wellhead Protection Area (WHPA) Overlay District shall consist of the following three areas:

1. WHPA-1: A circle of radius 200 feet surrounding each of the water supply wells serving any public water supply on the most recent “Water Source Protection Areas” map, on file with the Vermont Agency of Natural Resources Water Supply Division.
2. WHPA-2: Wellhead protection areas in active use identified on the most recent “Water Source Protection Areas” map on file with the Vermont Agency of Natural Resources Water Supply Division that are delineated as Zone 2 on the water system’s most recent Source Protection Plan.
3. WHPA-3: Wellhead protection areas in active use identified on the most recent “Water Source Protection Areas” map on file with the Vermont Agency of Natural Resources Water Supply Division that are delineated as Zone 3 on the water system’s most recent Source Protection Plan.

The above maps are herein incorporated by reference and made a part of these regulations.

B. Prohibited Uses within the WHPAs

1. Solid or hazardous waste disposal sites;
2. Underground storage tanks (except for storing drinking water);
3. Storage, manufacture, or processing of commercial fertilizers or pesticides;
4. Storage of road salt;
5. Gas stations, dry cleaners, car washes, injection wells;
6. Motor vehicle junk yards;
7. Electric utility substations; and
8. Any facility involving the collection, handling, manufacture, use, storage, transfer, or disposal of hazardous materials or hazardous wastes, including petroleum

C. Permitted Uses in the WHPA Overlay District

1. WHPA-1: Passive recreation; Maintenance and repair of any existing structure or use
2. WHPA-2: All permitted uses in the WHPA-1 above; Agriculture and Forestry
3. WHPA- 3: All permitted uses in the WHPA-1 and WHPA-2 above; All permitted uses within the underlying District that do not involve the collection, handling, manufacture, use, storage, transfer, or disposal of hazardous materials or hazardous wastes

D. Conditional Uses

The following uses may be permitted in the Wellhead Protection Area Overlay District as conditional uses by the DRB in accordance with Sections 12. and 9. of these bylaws:

1. WHPA-1: none
2. WHPA-2: All permitted and conditional uses within the underlying District
3. All permitted uses within the underlying District involving the collection, handling, manufacture, use, storage, transfer, disposal of hazardous materials or hazardous wastes; All conditional uses within the underlying District.

E. General Standards for all Development in the Wellhead Protection Area Overlay District

1. Lot coverage shall not exceed ten percent (10%) unless the applicant utilizes Low Impact Development practices and techniques to manage stormwater. Such practices shall allow for the on-site reabsorption and treatment of stormwater, such that it will not contaminate or inhibit the recharge of groundwater. Examples of Low Impact Development Practices are outlined in Section 10. of these regulations.
2. Within the WHPA-2, as part of the Conditional Use Review process, the applicant shall obtain the recommendations of a civil or environmental engineer regarding appropriate site design to prevent groundwater contamination and to ensure recharge of the aquifer. These recommendations shall be incorporated as conditions of approval.

3. Within the WHPA-3, the DRB may require the applicant to obtain the recommendations of a civil or environmental engineer regarding appropriate site design to prevent groundwater contamination and to ensure recharge of the aquifer. If required, these recommendations shall be incorporated as conditions of approval. As a condition of approval, the DRB may require the applicant to decommission all abandoned wells, including those less than twenty (20) feet deep, located on the property to be developed. The DRB may also require the applicant, at his/her expense, to decommission abandoned wells, including those less than twenty (20) feet deep, located within the Wellhead Protection Area Overlay District on neighboring properties, provided the landowner's permission can be obtained. Abandoned wells shall be decommissioned by a Vermont licensed well driller in accordance with Chapter 21, Parts 11 and 12 of the Vermont.

F. Water Supply Rule

1. Underground tanks storing petroleum, or any other substance other than water, are prohibited. Above ground tanks shall be located on an impervious surface such as a concrete or asphalt pad large enough to prevent any leak from contacting soil or groundwater.
2. Any area used for motor vehicle repairs or similar activities shall be located on an impervious surface such as a concrete or asphalt pad large enough to prevent any leak from contacting soil or groundwater.
3. The DRB may require the applicant to obtain the recommendations of a civil or environmental engineer regarding appropriate site design to prevent groundwater contamination and to ensure recharge of the aquifer. These recommendations shall be incorporated as conditions of approval.

5.3. Flood Hazard Area Overlay

- A. **Delineation of the District:** These regulations shall apply to Special Flood Hazard Areas and the River Corridors in the Village of Hyde Park. These hazard areas overlay any other underlying zoning districts. The standards of this overlay district are the minimum that must be met before meeting the additional standards applicable in the underlying district.

1. The Flood Hazard Area (FHA) Overlay District shall consist of the following areas:
 - i. The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.
 - ii. The River Corridors as published by the Vermont Agency of Natural Resources, including the Statewide River Corridors and refinements to that data based on field-based assessments which are hereby adopted by reference.

Where River Corridors are not mapped, the standards of this overlay shall apply to the area measured as fifty (50) feet from the top of the stream bank or slope.

2. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas

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

B. Interpretation of Hazard Area boundaries

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

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

C. Specifically prohibited uses within the FHA

1. Creation of new principal structures (included the placement of manufactured homes);
2. Storage or junk yards;
3. New fill, except as necessary to elevate existing structures above the base flood elevation;
4. Any new principal or accessory structures in the floodway;
5. Critical facilities; and
6. All development not exempted under section 1.4, or permitted or conditional below

D. Permitted Uses and development

The following uses and development activities are permitted upon issuance of a zoning permit, provided they are located outside of the floodway and any River Corridor. All permitted uses shall comply with the General Standards for all development within the Flood Hazard Area Overlay found in Section 5.4.

1. Maintenance, repair, and non-substantial improvements of an existing structure, including building utilities;
2. Accessory structures;
3. Development related to onsite septic or water supply systems; and
4. At-grade parking

E. Conditional Uses

The following uses may be permitted in the Flood Hazard Overlay District as conditional uses by the DRB in accordance with Section 5.4 (D) of these bylaws:

1. Substantial improvement, elevation, relocation, or flood proofing of existing structures;
2. New or replacement storage tanks for existing structures;
3. Improvements to existing structures in the floodway;
4. Grading, excavation; or the creation of a pond;
5. Improvements to existing roads;
6. Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
7. Public utilities;
8. Improvements to existing principal structures in the River Corridors that do not expand the footprint of the existing structure more than five hundred (500) square feet;
9. Accessory structures in the River Corridors, with a foot print of five hundred (500) square feet or less, that represent a minimal investment
10. Building utilities in the River Corridors; and
11. At-grade parking located within a River Corridor

5.4 Development Standards for all Development in the Flood Hazard Overlay District:

The following standards shall apply to all subdivision and development, whether permitted or conditional, in the Flood Hazard Area Overlay District. The criteria below are the minimum standards for development in the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

A. Special Flood Hazard Area

All development located in the Special Flood Hazard Area, but not within the floodway or River Corridor shall comply with the following standards.

All development shall be:

1. Reasonably safe from flooding;
2. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
3. Constructed with materials resistant to flood damage;
4. Constructed by methods and practices that minimize flood damage;
5. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. Adequately drained to reduce exposure to flood hazards;
7. Located so as to minimize conflict with changes in channel location over time and the need to with such changes; and,

8. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of two (2) feet above base flood elevation, or to the 500-year flood elevation, whichever is greater, and to securely anchor such fuel storage tanks to prevent flotation, or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.
9. **In Zones AE, AH, and A1 – A30** where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one (1.00) foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer.
10. Structures to be substantially improved in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least two (2) feet above base flood elevation, or to the 500-year flood elevation, whichever is greater. Such elevation must be documented, in as-built condition, with a FEMA Elevation Certificate;
11. Structures to be substantially improved or meet the definition of substantial damage or repetitive loss in Zones A, A1-30, AE, and AH shall be located such that the lowest floor, including any basement, with attendant utility and sanitary facilities, is at least two (2) feet above base flood elevation, or to the 500-year flood elevation, whichever is greater. Such elevation must be documented, in as-built condition, with a FEMA Elevation Certificate;
12. **Non-residential structures** to be substantially improved shall:
 - i. Meet the elevation standard above, or
 - ii. Shall be designed so that the lowest floor, including basement, together with attendant utility and sanitary facilities is at least two (2) feet above the base flood elevation, or to the 500-year flood elevation, whichever is greater; so that the structure is watertight with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for flood proofing shall not be issued until a licensed professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
 - iii. Dry flood proofing measures used to meet the above flood proofing standard must be achieved without the use of human intervention at the time of flooding unless the facility is adequately staffed at all hours with people trained and able to deploy the facility's flood proofing measures.
13. **Fully enclosed areas** below grade on all sides (including below grade crawlspaces and basements) are prohibited.

14. Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, shall
 - i. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 - ii. Include a signed non-conversion agreement from the owner of the structure with the permit stating that the enclosed area below the BFE will not be converted to another use not listed above in section above and that the community would have the ability to inspect the exterior and interior of the enclosed area in compliance with the standards laid out in the non-conversion agreement; and
 - iii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a licensed professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings on two (2) walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
15. **Recreational vehicles** must be fully licensed and ready for highway use, and shall either;
 - i. Be on the site for fewer than one hundred eighty (180) consecutive days, or
 - ii. Be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” found below
16. **A small accessory structure of five hundred (500) square feet or less** that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria for fully enclosed areas above grade (above).
17. **Water supply systems** shall be designed to minimize or eliminate infiltration of flood waters into the systems.
18. **Sanitary sewage systems** shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
19. **On-site waste disposal systems** shall be located to avoid impairment to them or contamination from them during flooding.
20. The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;
21. **Bridges and culverts**, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.

22. **Subdivisions and Planned Unit Developments** must be accessible by dry land access outside the special flood hazard area.
23. **Existing buildings**, including manufactured homes, to be substantially improved or meet the definition of substantial damage or repetitive loss in Zone AO shall have the lowest floor, including basement and the attendant utility and sanitary facilities, elevated above the highest adjacent grade, at least (2) two feet above the depth number specified on the community's FIRM, or at least three (3) feet if no depth number is specified.
24. **Manufactured homes** must be elevated and anchored to resist flotation, collapse, or lateral movement. Manufactured homes placed or substantially improved within A1-30, AH, and AE Zones must be elevated such that the lowest floor is at least two (2) feet above the Base Flood Elevation and be securely anchored provided that the manufactured home is:
 - i. Outside a manufactured home park or subdivision;
 - ii. In a new manufactured home park or subdivision;
 - iii. In an expansion to an existing manufactured home park or subdivision;
 - iv. On a site in an existing park which a manufactured home has incurred substantial damage as a result of the flood.
25. In A1-30, AH, and AE Zones, manufactured homes to be placed or substantially improved in an existing manufactured home park must be elevated so that:
 - i. The lowest floor is at least two (2) feet above Base Flood Elevation, or
 - ii. The chassis is supported by reinforced piers no less than 48 inches in height above grade and securely anchored.
26. **Compensatory Storage:** Where fill is allowed for use to elevate existing structures located in the SFHA, areas that are located below the BFE shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation. All excavations shall:
 - i. Have the exposed soil stabilized against erosion, preferably through seeding and mulching;
 - ii. Be located above the ground water level to minimize ponding and sedimentation; and
 - iii. Be contiguous with existing flood water storage and conveyance.

B. Floodway Areas

1. Encroachments or development above grade and less than one (1) foot above the base flood elevation are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice by a licensed professional engineer, certifying that the proposed development will:
 - i. Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
 - ii. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

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

C. River Corridors

1. Improvements to existing structures and any associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area shall not decrease the distance between the existing primary building and the top of bank;
2. Accessory structures may be located within fifty (50) feet of the existing primary building, provided that the location does not decrease the distance between the existing primary structure and the top of bank.
3. Development shall not increase the susceptibility of that property or other properties to fluvial erosion damage;
4. Development shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion;
5. Development shall not cause an undue burden on public services and facilities, including roads, bridges, culverts, and emergency service providers, during and after fluvial erosion events.
6. Bridge and culvert projects must have a Stream Alteration Permit, and Channel management activities must be authorized by the Agency of Natural Resources.
7. Any development exempt from minimal land use regulations (such as agriculture and public utilities) shall comply with all applicable standards established by the State of Vermont.

D. Development Review Procedures

1. Application Requirements

In addition to all other application requirements, any application for development within the flood hazard area overlay shall include:

- i. Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, River Corridors, the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
- ii. Base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres;
- iii. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required,

shall be submitted to the ZA and attached to the permit before work can begin.

- E. For subdivisions, the DRB shall review subdivision proposals and other development, including manufactured home parks or subdivisions, to determine whether such proposal will be reasonably safe from flooding. If a subdivision or other development proposal is in the Flood Hazard Area, the DRB shall assure that:
1. Such proposals minimize flood damage;
 2. Public utilities and facilities are constructed as to minimize flood damage, and
 3. Adequate drainage is provided

F. Referrals

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

G. Records and Recording Requirements

In addition to the recording requirements found in Section 12. the Administrative Officer shall properly file and maintain a record of:

1. Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the Special Flood Hazard Area; and
2. All flood proofing and other certifications required under this regulation.

H. Precedence of Bylaw

The provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, State, or Federal laws or regulations. Where this flood hazard regulation imposes a greater restriction, the provisions here shall take precedence.

I. Severability

If any section, provision, or portion of this overlay and/or bylaw is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

J. Warning of Disclaimer of Liability

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

6 USE STANDARDS

6.1 Permitted Uses

Permitted uses for each District are denoted with a “P” in the Table of Uses in Section 6.6.below. All permitted uses require a Zoning Permit (sometimes called a “Building Permit”) approved by the Administrative Officer according to the requirements of Sections 9 and 12.

In some cases, Site Plan approval by the DRB may be required prior to the issuance of a Zoning Permit, in accordance with Section 9. Site Plan Review. Site Plan approval by the DRB is required for a permitted use whenever any of the following conditions are met:

- A. Any expansion of the structure or total impervious surface, in culmination with any previous expansion over a five (5) year period, exceeds the thresholds outlined in the Table below.

DISTRICT	TOTAL INCREASE IN GROSS FLOOR AREA	AND/ OR	TOTAL INCREASE IN IMPERVIOUS SURFACE
VC, VR, VGC, VGR	1,500 square feet		0.25 acres

- B. The Administrative Officer is unable to determine if any standard for Site Plan Review is met and refers the application to the DRB.

6.2 Conditional Uses

Conditional uses for each District are denoted with a “C” in the Table of Uses in Section 6.6 below. Before the Administrative Officer may issue a Zoning Permit, a conditional use requires approval of the DRB subject to the requirements of Section 9. Conditional Use Review.

6.3 Prohibited Uses

If a specifically defined use is neither permitted or conditional within a District, it shall be considered prohibited. Prohibited uses for each District are denoted with an “X” in the Table of Uses in Section 6.6 below.

6.4 Undefined Uses

Uses are defined in Section 12. Definitions. If a proposed use is not specifically defined, the Administrative Officer shall determine if it is substantially similar to a specifically defined use found within the Table of Uses. This determination may be appealed to the DRB under Section 12. Appeals. If the proposed use is not substantially similar to a specifically defined use, it shall be considered an undefined use. Undefined uses may be reviewed by the DRB subject to Conditional Use requirements of Section 9. Conditional Use Review.

6.5 Multiple Uses In A Single Structure

Multiple uses in one principal structure, including residential and non-residential uses, may be permitted on a single lot, provided that District lot coverage requirements are not exceeded.

- 6.6 Table Of Uses - Section 13. Definitions: The Administrative Officer shall determine the applicability of a specific definition to a proposed use. Said determination may be appealed to the DRB under Section 12. Appeals.

6.6 TABLE OF USES, THE VILLAGE OF HYDE PARK												
Use Categories	V-Main Village Main Street			VC Village Center			VR Village Residential			VGC	VGR	SAO
Use categories are intended to be broadly defined by the AO and may be appealed.	Ground Floor	Other Floors	Carriage House	Ground Floor	Other Floors	Carriage House	Ground Floor	Other Floors	Carriage House	Gateway Commercial	Gateway Rural	Service Area Overlay
Single or two unit Dwelling ⁽¹⁾	P	P	P	P	P	P	P	P	P	X	P	P
3 or 4 Unit Dwelling w/ water and sewer ⁽¹⁾⁽⁴⁾	P	P	P	P	P	P	P	P	P	X	P	P
3 or 4 Unit Dwelling w/out water and/or sewer ⁽¹⁾	P	P	P	C	P	C	P	P	C	X	P	P
5 Unit or greater Dwelling w/ water and sewer ⁽¹⁾⁽⁴⁾	P	P	P	P	P	P	C	C	C	C	C	C
5 Unit or greater Dwelling w/out water and/or sewer ⁽¹⁾	C	C	C	C	C	C	C	C	C	C	C	C
Accessory Apartment	Reference Section 6											
Child Care / Group Home	Reference Section 6											
Office / Services	P	P	P	P	P	P	C	C	C	P	C	C
Financial / Banking Institution	P	P	P	C	C	C	C	X	X	P	X	C
Retail	P	P	P	C	C	C	C	X	X	P	X	C
Gallery / Studio / Museum	P	P	P	P	P	P	C	C	C	P	C	C
Repair, Service & Sales ⁽³⁾	P	P	P	C	C	C	C	X	X	P	C	C
Lodging ≤ 3 Guest Rooms	P	P	P	P	P	P	C	C	C	C	P	C
Lodging 4-9 Guest Rooms	P	P	P	C	C	C	C	C	C	C	C	C
Lodging ≥ 10 Guest Rooms	P	P	C	C	C	C	C	X	X	C	X	X
Restaurant / Food Service	P	P	C	C	C	C	C	C	X	P	X	C
Community Facilities	Reference Section 6											
Home Occupation / Business	Reference Section 6											
Place of Worship	P	P	C	P	P	C	C	C	C	P	C	C
Indoor Recreation Facility	P	P	P	P	P	P	C	X	C	P	C	C
Outdoor Recreation Facility	C			C			C			C	C	C
Public Assembly Hall	P	P	C	P	P	C	C	X	X	C	C	C
Light Manufacturing	C	C	C	C	C	C	X	X	X	C	C	C
Heavy Industry	X	X	X	X	X	X	X	X	X	C	C	C
Forest Products Processing	X	X	X	X	X	X	X	X	X	C	C	C
Agricultural Enterprise	C	C	C	C	C	C	C	X	X	C	P	C
Warehouse	X	C	C	X	C	C	X	X	X	C	C	C
Contractor Yard	X	X	X	X	X	X	X	X	X	C	C	C
Kennel	C	C	C	C	C	C	X	X	X	C	C	C
Earth/Gravel Extraction	X	X	X	X	X	X	X	X	X	C	C	C
Motor Vehicle Service/Repair	C	X	C	C	X	C	X	X	X	C	C	C
Motor Vehicle Sales	X	X	X	X	X	X	X	X	X	C	C	C
Motor Vehicle Fuel Sales	C	X	X	X	X	X	X	X	X	C	C	C
EV Charging Station ⁽²⁾	C	X	C	C	X	C	X	X	X	C	C	C
Car Wash	X	X	X	X	X	X	X	X	X	C	C	C
Adult Use Establishment	X	X	X	X	X	X	X	X	X	C	X	X

⁽¹⁾ Type of dwelling shall be based on total number of units within the structure. Total number of units in all stories and structures on a lot shall not exceed maximum residential density as prescribed under Section 4. ⁽²⁾ EVC stations intended for use by residents, employees, or guests of the principal use of the lot, but not made available to the general public, are exempt from these regulations. ⁽³⁾ See Definition, page 144 for limitations on exterior lot usage. ⁽⁴⁾ Applicants are responsible for demonstrating the property is served by both public wastewater and water infrastructure, as defined in the Definitions Section of these Regulations.

6.7 Specific Use Standards

A. Accessory Apartments

In accordance with the Act §4412 (1)(E), one accessory apartment, which is located within or attached to a single-family dwelling or which is within an accessory structure to the single family dwelling, may be approved as a permitted accessory use in any zoning district, subject to the issuing of a zoning permit by the Administrative Officer under Section 9., and the following requirements:

1. The construction of any addition or new structure for an accessory apartment must meet relevant requirements for development under these bylaws.
2. The accessory apartment shall fulfill the requirements of a dwelling unit – One room, or connected rooms, constituting a separate, independent housekeeping establishment for the occupancy, rental, or lease, and physically containing independent cooking, bathroom/toilet facilities, and sleeping facilities. A mobile home shall not be considered an accessory apartment and shall be considered a primary structure.
3. One of the residences is occupied by the owner; and
4. If the accessory apartment results in a total number of bedrooms that exceeds the number of bedrooms prior to creation of the accessory apartment, the applicant shall demonstrate compliance with State wastewater regulations.
5. A zoning permit issued for an accessory apartment shall clearly state that the dwelling(s) is permitted only as an accessory to the principal residential use of the property and as such shall be retained in common ownership. Such a dwelling unit may be subdivided and/or converted for conveyance or use as a principal dwelling only if it is found to meet all current municipal regulations applying to a single (or two) family dwelling, including all density and dimensional requirements for the District in which it is located. All applicable municipal permits and approvals shall be required prior to the subdivision, conversion, or conveyance as a principal dwelling.

B. Child Care Facilities

No permit shall be issued for the creation or operation of a child care facility without obtaining all licenses and registrations required under State law. Operation of a facility in violation of license or registration shall constitute a violation of these bylaws.

1. Unregistered or unlicensed facilities. Child care facilities that are exempt from State licensure and registration through 33 V.S.A. §3502(b) are not regulated under these provisions but may be regulated in other sections of this bylaw. Such exemptions include:

- i. Persons providing care for children of not more than two families;
 - ii. Hospitals or establishments holding a license issued by the Department of Health, or persons operating a program primarily for recreation or therapeutic purposes;
 - iii. Day care facilities operated by religious organizations for the care and supervision of children during or in connection with religious services or church sponsored activities;
 - iv. Nursery schools or other preschool establishments, attended by children of less than compulsory school age, which are subject to regulation by the Department of Education. [33 V.S.A. §3502(b)(1-4)]
2. A State registered or licensed family child care home operated within a single family dwelling shall be considered by right to constitute a permitted single family residential use of the property. [the Act §4412(5)] Such uses shall not require a permit issued by the Administrative Officer. The applicant shall notify the Administrative Officer in writing of intent to establish use.
 3. A State registered or licensed family child care home operated in a dwelling other than a single family dwelling (e.g. duplex, multifamily housing) shall be treated as a conditional use.
 4. A licensed child care facility shall be reviewed as a service establishment and is subject to conditional use and site plan review as appropriate.

C. Group Residential Care Homes

In accordance with the Act §4412(1) (g), a residential care facility to be operated under State licensing or registration, serving not more than eight (8) persons who have a handicap or disability as defined in 9 VSA §4501 or a crisis care home serving not more than eight (8) persons, shall be considered by right to constitute a permitted single-family residential use of property, and shall not require a permit issued by the Administrative Officer. The applicant shall notify the Administrative Officer in writing of intent to establish use. Any new structure housing such a facility shall comply with all applicable District Standards in Section 5. A State registered or licensed residential care home serving nine (9) or more developmentally disabled or physically handicapped persons on a full time basis or a crisis care home serving nine (9) or more persons, shall be permitted in accordance with all District Standards for a multifamily dwelling.

D. Community Facilities

In accordance with the Act [§4413], development associated with a community facility requires approval under these regulations and shall meet the same standards as comparable types of private development (for example, a State-owned office building shall meet the standards for an office/service use), unless meeting the standard(s) will interfere with the intended function or use of the facility or associated infrastructure.

1. Community facilities in the Village Main Street and Village Center Districts shall either meet the roof design and building façade standards for all buildings in the district, or the roof design and building façade standards for institutional

buildings, unless meeting the standard(s) will interfere with the intended function or use of the facility or associated infrastructure.

2. This section shall apply to the following community facilities:
 - i. State, County, or Municipal owned and operated institutions and facilities;
 - ii. Public and private hospitals;
 - iii. Public and Private Schools and other educational institutions certified by the Vermont State Department of Education;
 - iv. Regional solid waste management facilities certified under 10 V.S.A. chapter 159;
 - v. Waste management facilities for which a notice of intent to construct has been received under 10 V.S.A §6606a; and,
 - vi. Emergency shelters. For purposes of this subsection, regulating the daily or seasonal hours of operation of an emergency shelter shall constitute interfering with the intended functional use.

E. Place of Worship

A Place of Worship shall be considered permitted or conditional in accordance with the Table of Uses. In accordance with the Act [§4413], development associated with a Place of Worship shall meet all standards of these regulations, unless meeting the standard(s) will interfere with its intended function or use.

In accordance with the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA), these regulations shall not treat religious assemblies or institutions on less than equal terms with nonreligious institutions, nor shall these regulations discriminate against any assemblies or institutions on the basis of religion or religious denomination.

F. Roadside Stands for the Sale of Agricultural Products

These provisions shall not apply to retail sales of agricultural products that qualify for the agricultural exemption found in the Act §4413(1)).

Roadside stands for the sale of agricultural products shall be permitted as an accessory use in all Districts, subject to the following provisions:

1. The stand meets one of the following setbacks, whichever is less:
2. The front setback for the district in which the stand is located, or at least twenty-five (25) feet from a State Highway or ten feet (10) from a Town Road, as measured at the nearest edge of the roadway surface.
3. The stand complies with applicable side yard requirements;
4. Parking for the stand is provided without obstructing the road travel lane; and
5. The stand contains no plumbing facilities;
6. The stand structure is open on at least one side; and
7. The gross floor area of the stand is no greater than 300 square feet.

Retail sales of agricultural products that do not meet the above provisions may be permitted,

subject to the following:

1. If retail is a permitted or conditional use in the District in which the stand is located, the stand shall be subject to review as a retail use.
2. In all other Districts, such stands may be permitted, subject to conditional use review.

G. Home Occupations

No provision of this bylaw shall infringe upon the right of any resident to use a minor portion of a single-family dwelling or two-family dwelling unit for an occupation which is customary in residential areas and which does not change the character of the area (the Act §4412(4)). A zoning permit shall not be required for a home occupation meeting the standards below. A zoning permit shall be required if new structures are created in association with the home occupation.

1. Defining Home Occupations

- i. Home Occupations are accessory uses to residential properties, which are clearly incidental and subordinate to the residential use.
- ii. Sale of goods or products from the property is allowed by mail-order, shipping company, and infrequent customer visits by invitation with no public sales. The home occupation does not have a sign.
- iii. The home occupation shall be carried on by residents of the dwelling unit. No more than one (1) additional employee who is not a resident of the dwelling unit may be permitted.

2. Character of Neighborhood

In order to ensure that a home occupation will not change the character of the residential area, all home occupations shall comply with the following standards:

- i. All business activities or transactions associated with the home occupation shall be carried on entirely within the dwelling unit; no outside storage shall be permitted.
- ii. No traffic shall be generated which would be uncharacteristic of the neighborhood. If the use will generate additional delivery traffic or customer visits, it shall be considered a home business.
- iii. If the home occupation involves an outside employee, then one (1) additional parking space shall be provided in addition to the minimum required for the residential use. New parking required for the home occupation shall be provided off-street.
- iv. The home occupation shall meet the performance standards in Section 7.
- v. Any exterior displays or signs shall be prohibited.

H. Home Businesses

1. Purpose

The purpose of these provisions is to allow for small home-based businesses within the Village Center and Village Gateway Rural Districts, while guarding the property rights of neighboring households. Home businesses are not permitted within the Village Residential District. If any of the thresholds or Standards below is exceeded, the Use may only be permitted in accordance with the Table of Uses in Section 6.6. Home businesses require a permit from the Zoning

Administrator.

2. Defining Home Businesses

- i. Home businesses are more likely than home occupations to have an impact on neighboring properties. Home businesses are treated as accessory uses to residential properties and must clearly be incidental and secondary to the residential use.
- ii. The home business shall be carried on by residents of the dwelling unit. Up to four (4) additional employees who are not residents of the dwelling unit are permitted.
- iii. A home business may have a sign. Any sign shall meet the requirements of 7. Signs. Any other exterior displays shall be prohibited, with the exception of Public Art approved by the Board or their designated authority in accordance with Section 7.

3. Home Business Standards

In order to ensure that a home business will not change the character of the residential area, the owner must demonstrate that it will comply with all of the following standards:

- i. All business activities or transactions associated with the home business shall be carried on entirely within the dwelling unit or accessory structure.
- ii. The business shall not necessitate any change in the outside appearance of the dwelling unit, other than the addition of a sign meeting the standards in Section 8.5.
- iii. No traffic shall be generated which would be uncharacteristic of the neighborhood. Generally, this shall mean no more than two (2) package deliveries per day, and no more than five (5) customer visits per week.
- iv. If the home business involves outside employees, then one (1) additional parking space per employee shall be provided in addition to the minimum required for the residential use. New parking required for the home business shall be provided off-street.
- v. No objectionable vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the home business.

I. Mobile Homes

New mobile homes shall comply with all dimensional requirements and other provisions for the District in which they are located, including but not limited to lot configuration, building placement, height and roof design, and building façade standards. Mobile homes shall be treated the same as conventional homes. No zoning regulation shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded (the Act §4412(1)(B)).

J. Mobile Home Parks

Any new mobile home park shall be treated as a PUD, subject to the requirements of Section 11. In accordance with the Act §4412(7)(b), if a mobile home park legally in existence as of the effective date of these bylaws is found to be nonconforming, this nonconforming

status shall apply to the park as a whole, and not to individual mobile home sites within the park. Accordingly:

1. A vacated mobile home site within a mobile home park shall not be considered a discontinuance or abandonment of non-conformity under Section 8, Non-Conformities.
2. The requirements of these bylaws, including District dimensional standards, shall not have the effect of prohibiting the replacement of mobile homes on existing sites within a mobile home park.

K. Motor Vehicle Fuel Sales

Any building associated with the use shall comply with all dimensional standards for the district in which it is located, including, but not limited to, lot configuration, building placement, height and roof design, and building facades and signs.

1. Setback and Buffer Requirements

In addition to the lot configuration and building placement standards for the district in which the use is located, any application for Motor Vehicle Fuel Sales shall comply with the following setback and buffer requirements:

- i. The lot used for such a facility shall not be located within three hundred (300) feet of any lot occupied by a school, hospital, library, or place of worship.
- ii. All fuel and oil shall be stored at least thirty-five (35) feet from any property line.
- iii. Pumps, lubricating, and other service devices shall be located at least fifty (50) feet from any property line.
- iv. All underground storage tanks shall meet applicable state and federal requirements for design and installation and monitoring.

2. Design Standards

In addition to the driveway and access standards found in Section 7., any application for Motor Vehicle Fuel Sales shall comply with the following standards:

- i. There shall be no more than two (2) access driveways from any street.
- ii. The maximum width of each driveway shall be forty (40) feet.
- iii. A curbed, landscaped area shall be maintained at least five (5) feet in depth along all street frontage not occupied by a driveway or building.

3. Canopies covering pump islands shall comply with the following standards:

- i. If the canopy is located behind the principal structure on the lot and screened from any public road by structures and/or landscaping, no additional design standards shall apply.
- ii. If the pitch of the canopy is 8:12 or greater, no additional design standards shall apply. If pitch of the canopy is more than 4:12 but less than 8:12, it shall comply with the following: The gable end shall be oriented toward the nearest public road, and if located on a corner lot (frontage on two public roads), a cross gable canopy shall be

required, and all gable ends shall have a pediment framed with cornices at least six inches in width along all sides. If the pitch of the canopy is 4:12 or less, the full exterior of the canopy shall be capped with a cornice with decorative mounts.

- iii. At least one mount shall be located no more than three feet from each corner of the canopy. An additional mount shall be required for every ten feet of horizontal length of the canopy. Mounts shall be evenly spaced.

4. Stormwater Treatment Practices

The DRB may require the installation of stormwater treatment practices approved for use in stormwater hot spots as defined by the Vermont Department of Environmental Conservation. Motor Vehicle Service/Repair or Car Wash Facilities

If Motor Vehicle Service/Repair or Car Wash facilities are to be included as accessory uses to Motor Vehicle Fuel Sales, such facilities shall comply with the standards outlined below.

L. Electrical Vehicle Charging Stations

Electric Vehicle Charging Stations intended for use by residents, employees, or guests of the principal use of the lot, but not made available to the general public, shall not require a permit under these regulations. Electric Vehicle Charging Stations for use by the general public and/or paying customers shall require conditional use in accordance with the Table of Uses in Section 6.6.

M. Motor Vehicle Service/Repair

Any building associated with the use shall comply with all dimensional standards for the district in which it is located, including, but not limited to, lot configuration, building placement, height and roof design, and building facades and signs.

1. Setback and Buffer Requirements

In addition to the lot configuration and building placement standards for the district in which the use is located, any application for Motor Vehicle Service/Repair shall comply with the following setback and buffer requirements:

- i. All fuel and oil shall be stored at least thirty-five (35) feet from any property line.
- ii. Pumps, lubricating, and other service devices shall be located at least fifty (50) feet from any property line.
- iii. All underground storage tanks shall meet applicable state and federal requirements for design and installation and monitoring.

2. State and Federal Regulations

All areas designated for vehicle repairs shall be constructed and operated in accordance with all applicable state and federal regulations. Bodywork and/or painting of vehicles shall only be conducted within designated areas meeting all applicable state and federal health and safety standards for proper ventilation. Such areas shall be located and designed

so that no fumes generated from these activities are detected at any property line.

3. Design Standards

- i. A curbed, landscaped area shall be provided and maintained at least five (5) feet in depth along all street frontage not occupied by driveway or building.
- ii. All vehicle repairs shall take place within an enclosed building or an outdoor area located behind the front building line and enclosed within a wall or privacy fence of sufficient height to screen vehicles from public view, or equivalent screening approved by the DRB.
- iii. All vehicle and service bay doors shall be located in accordance with loading requirements found in Section 8.4 of these bylaws

4. Stormwater Treatment Practices

The DRB may require the installation of stormwater treatment practices approved for use in stormwater hot spots as defined by the Vermont Department of Environmental Conservation.

N. Car Wash

Any building associated with the use shall comply with all dimensional standards for the district in which it is located, including, but not limited to, lot configuration, building placement, height and roof design, and building facades and signs.

In addition to the lot configuration and building placement standards for the district in which the use is located, any application for a Car Wash shall comply with the following setback and buffer requirements:

1. All fuel and oil shall be stored at least thirty-five (35) feet from any property line.
2. Pumps, lubricating, and other service devices shall be located at least fifty (50) feet from any property line.
3. All underground storage tanks shall meet applicable state and federal requirements for design and installation and monitoring.
4. Outdoor vacuuming and drying areas shall be located behind the front building line.
5. All off-street parking and waiting areas shall be on impervious surfaces. If onsite parking is provided, at least one [1] traffic lane shall be provided as means of egress without entering the car wash lane. Such lane shall be in addition to a stacking lane for vehicles waiting in line for the car wash.
6. A curbed, landscaped area shall be maintained at least five (5) feet in depth along all street frontage not occupied by a driveway or building.
7. All vehicle entry and exits shall be located in accordance with loading requirements found in Section 7.4 of these bylaws. The DRB may require the installation of stormwater treatment practices approved for use in stormwater

hot spots as defined by the Vermont Department of Environmental Conservation.

O. Warehouse

As part of the Conditional Use Review process for any warehouse, the applicant shall disclose the types of materials that will be stored. Storage of any materials not disclosed shall be considered a violation, unless an amendment to the initial approval is granted by the DRB. The storage of any explosive, hazardous/flammable materials, or firearms is prohibited. On at least an annual basis, the applicant shall provide the zoning administrator with an inventory of items stored in the warehouse. As a condition of approval, the Zoning Administrator shall be authorized to periodically inspect the facility to ensure compliance with these standards.

P. Outdoor Wood Fired Boilers

1. Outdoor Wood Fired Boilers shall be permitted as an accessory use in all districts.
2. Only Phase II or better Outdoor Wood fired Boilers may be permitted in the Village of Hyde Park.
3. All Outdoor Wood Fired Boilers shall comply with the most recent applicable rules established by the Vermont Agency of Natural Resources and/or US Environmental Protection Agency.
4. All Outdoor Wood Fired Boilers shall be located at least 200 feet from any other residence or building.
5. No Outdoor Wood Fired Boiler may be located within 1,000 feet of any school unless the boiler is owned by the school. Any Outdoor Wood Fired Boiler that is located less than 500 feet from any residence or building that is not owned by the owner or lessee of the Outdoor Wood Fired Boiler shall be equipped with a permanent stack extending higher than the peak of the roof of the structures being served.
6. As part of the application for an Outdoor Wood Fired Boilers, the applicant shall submit documentation demonstrating that the model is a Phase II or better Outdoor Wood Fired Boiler and complies with the most recent applicable rules established by the Vermont Agency of Natural Resources and/or US Environmental Protection Agency.
7. All Outdoor Wood Fired Boilers shall be operated in accordance with the manufacturer's maintenance and operation instructions and the most recent applicable rules established by the Vermont Agency of Natural Resources and/or US Environmental Protection Agency.
8. Operation of an Outdoor Wood Fired Boiler that is not in accordance with these standards (such as burning treated wood, non-biomass-household waste, or any other unallowable fuels) shall be considered a violation enforceable under Section 13.

Q. Extraction of Soil, Sand, or Gravel

In accordance with Section 4407(8) of the Act, in any District the removal of soil, sand, or gravel for sale (except when incidental to construction of a building on the same premises) shall be permitted only upon approval by the DRB of a plan for the rehabilitation of the site, and after a public hearing. In any District, the following provisions shall apply:

1. Performance Bond

Before approval of any new or proposed extension of a soil, sand, or gravel operation, a performance bond shall be secured from the applicant sufficient to ensure that upon completion of the extraction operations the abandoned site will be left in a safe, attractive, and useful condition in the interest of public safety and general welfare. The owner(s) shall submit a plan of proposed improvements to accomplish this end. The bond shall be sufficient to cover the cost of re-development of the site as a park, lake recreation area, or other usable open space.

2. The removal of all material shall be conducted so as to result in the improvement of the land, giving due regard to the contours of the vicinity, such as leveling slopes and removing hills. The digging or creating of pits or steep slopes shall not be permitted, unless provision is made to refill such pit.
3. The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall be fertilized, mulched, and re-seeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Administrative Officer.
4. All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street, or private property. All provisions to control natural drainage water shall meet with the approval of the Administrative Officer.
5. No excavation, blasting, or stock piling of materials shall be located within one thousand (1,000) feet of any street or other property line.
6. No power-activated sorting machinery or equipment shall be located within three hundred (300) feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
7. All excavation slopes in excess of 1:2 shall be adequately fenced as determined by the Administrative Officer.
8. Extension of an existing non-conforming operation shall not be permitted.
9. Stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited.
10. The DRB may attach any conditional conditions as it may find necessary for the safety and general welfare of the public.

Q. Wireless Telecommunications Facilities

1. Purpose:

The purpose of these provisions is to protect the public health, safety, and general welfare while accommodating the communications needs of residents and businesses. These provisions shall:

- i. Preserve the character, appearance, and property values of the Village of Hyde Park while allowing adequate telecommunications services to be developed.
- ii. Protect scenic, historic, significant wildlife habitat, and significant natural resources of Hyde Park through careful design and siting standards.

- iii. Provide standards and requirements for the siting, design, appearance, construction, monitoring, modification, and removal of wireless telecommunications facilities.
- iv. Minimize tower proliferation by requiring the sharing of existing communications facilities where possible and appropriate.
- v. Facilitate the provision of telecommunications services to the residents and businesses of Hyde Park.
- vi. Encourage the location of towers in nonresidential areas and away from sensitive areas such as Well Head Protection Areas, wetlands, and endangered species habitat.

R. Consistency with Federal Law

1. In addition to other findings required by this bylaw, the Administrative Officer or Development Review Board shall find that its decision regarding an application is intended to be in conformance with current Federal law and current FCC regulations. The bylaw does not:
 - i. Prohibit or have the effect of prohibiting the provision of personal wireless services.
 - ii. Unreasonably discriminate among providers of functionally equivalent services;
 - iii. Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the current FCC regulations concerning such emissions.

2. Specific Use Standards

Specific use standards for wireless telecommunication facilities include provisions regulating both wireless telecommunications equipment and wireless telecommunications towers under these provisions.

- i. Wireless telecommunication equipment includes all equipment (including repeaters) with which a wireless telecommunications system transmits and receives the waves which carry their services. Equipment may be mounted on towers, buildings, or other structures.
- ii. Small telecommunication equipment (dishes less than 24 inches or antennas) is considered part of the structure on which it is attached. Equipment meeting this standard is exempt under zoning permit exemptions.
- iii. Large telecommunication equipment (those not meeting the standards for small telecommunications equipment) is subject to conditional use review and site plan review.
- iv. Where possible, equipment must be disguised, camouflaged, hidden, or positioned such that its view is limited from public places (roads, etc.). Stealth technologies must be used where available.
- v. Wireless telecommunication towers are structures whose primary purpose is to support wireless telecommunication equipment and which will extend vertically twenty (20) feet or more. All wireless telecommunications towers require conditional use approval and site plan approval. Existing structures such as church steeples and agricultural barns and silos are not considered towers provided the mounting of telecommunications equipment is secondary to another use. Use of existing structures must meet application requirements (a) through (d) in (i) below.

3. Application requirements

A report and design by a qualified and licensed engineer and other documentation by the applicant or representative that:

- i. Describes the height, design, and elevation of the tower or structure.
- ii. A site plan which includes:
 - a. A location map (typically a portion of the most recent USGS Quadrangle or map constructed with similar information) showing the area within at least a two-mile radius of the tower site.
 - b. A vicinity map showing the entire vicinity within a two thousand five hundred (2,500) foot radius of the tower site, including the telecommunications facility, topography, public and private roads and driveways, buildings and structures, water features, wetlands, landscaped features, historic sites, and habitat for threatened and endangered species. It shall indicate the property lines of the proposed tower site parcel and all easements or rights-of-way needed from a public way to the tower.
 - c. A site plan showing, in addition to the other application requirements for site plan approval, all structures, topography, public and private roads and driveways, water features, wetlands, landscaped features, historic sites, habitat for threatened and endangered species, existing vegetation, and property lines within five hundred (500) feet of the proposed tower location as well as a circle delineating the tower's "fall zone."
 - d. Elevations showing all facades and indicating all exterior materials and colors of towers, buildings, and associated facilities.
- iii. Documented proof of compliance with all FCC requirements.
- iv. Documents of steps the applicant will take, including an intermodulation study, in order to avoid interference with any established or proposed public safety telecommunications.
- v. If a telecommunication tower is proposed, a comprehensive regional tower plan detailing all potential and existing towers used by the telecommunications provider and how the proposed tower contributes to the overall plan for maximum coverage with a minimum of towers. The Municipality is essentially requesting the telecommunication provider's master plan for the region.
- vi. Submission at the time of application to the Administrative Officer of documented proof that the applicant is a telecommunications provider or a copy of the applicant's executed contract to provide land or facilities to an existing telecommunications provider.
- vii. Documents, for new tower locations, that co-location on an existing tower are not a feasible option.
- viii. The DRB may require a commitment by the tower owner and his or her successors to permit shared use of the tower if the additional user agrees to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards, and requirements.

4. Specific Use Standards, Conditional Use Review

The following standards apply to all towers and equipment requiring conditional use approval.

i. Permissible/prohibited locations

Telecommunication towers of any size are prohibited within the WHPA Districts and the Shoreline District. Except for the WHPA Districts and the Shoreline District:

- a. Telecommunication towers less than forty (40) feet tall are permissible in any district.
- b. Telecommunication towers up to one hundred twenty (120) feet tall are permissible in all Districts except in the North Hyde Park or Garfield zoning districts as described on page 8.

ii. Fall zones

The owner of a tower site must own the entire fall zone of a tower. The fall zone shall be a circle around the tower whose radius is the height of the tower; the effect of which is to show the potential area of impact in the event of catastrophic failure. This exercise is not to evaluate the likelihood of failure but to examine the worst-case scenario (terrorism, major accident, extreme negligence, etc.). The fall zone shall be free of all other uses including, but not limited to, residential, commercial, and industrial uses. Agricultural uses are permitted within fall zones.

iii. Minimizing towers

The proposal must demonstrate that the proposed tower contributes to a regional tower plan that maximizes coverage with a minimum of towers. Applications for new towers where an alternative structure already exists: Where a suitable, available alternative structure which will achieve the same or better level of service of a proposed new tower the alternative structure must be used

iv. Co-location requirements

The application for a new telecommunications tower shall not be approved unless the DRB finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or structure, due to one of the following reasons:

- a. The proposed equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer licensed to practice in the State of Vermont, or the existing or approved tower 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 new tower or facility.
- b. The proposed equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved facility as documented by a qualified engineer licensed to practice in the State of Vermont and such interference cannot be prevented at a reasonable cost.
- c. The proposed equipment, either alone or together with existing equipment, would create RFI or RFR in violation of Federal standards or requirements.
- d. A cost-benefit or other fiscal analysis demonstrates that the provider will be placed at an unfair disadvantage competitively against other providers in the area.
- e. Existing or approved towers cannot 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 engineer licensed to practice in the State of Vermont.

- f. Aesthetic reasons make it unreasonable to locate the planned telecommunications equipment upon an existing tower.
- g. There is no existing or approved tower in the area in which coverage is sought.
- h. Other unforeseen specific reasons make it unreasonable to locate the planned telecommunications equipment upon an existing tower.

v. Speculation prohibition

An applicant for a telecommunications tower permit must be a telecommunications provider or must have an executed contract to provide land or facilities to an existing telecommunications provider. A permit shall not be issued for a tower to be built on speculation.

vi. Fencing

- a. All tower sites shall be fenced to reasonably prevent access to the tower and all accessory buildings associated with the telecommunications facility.
- b. Where a church steeple, silo, or other existing structure is proposed as a tower, the applicant must demonstrate that access to the wireless telecommunications equipment is secure - doors accessing steeple area are secured; areas within silos and barn that contain communications equipment are not accessible except by authorized personnel; etc.
- c. All new telecommunications facilities must comply with FCC regulations.

vii. Environmental restrictions

No wireless telecommunications tower and/or large telecommunications equipment shall be located:

- a. Within five hundred (500) feet of the habitat of any State listed threatened or endangered species.
- b. Within two hundred (200) feet of any Class II or higher wetland.
- c. Within two hundred (200) feet of any river or perennial stream
- d. Within the Core Forest and Wildlife Habitat Overlay, unless no reasonable alternative exists.

viii. Interference with public safety telecommunications

No telecommunications equipment shall be placed, constructed, or operated in such a manner as to interfere with public safety telecommunications. All applications for new wireless telecommunications facilities shall be accompanied by an intermodulation study that predicts no likely interference problems and certification that the study has been provided to the appropriate public safety agencies. Before testing, operating new service, or changes to existing service, telecommunications providers shall notify the Municipality at least ten (10) days in advance of such changes and allow the Municipality to monitor interference levels during that testing period.

5. Specific Use Standard, Site Plan Review

The following standards apply to all towers and equipment requiring site plan approval.

- i. **Aesthetics:** Towers must be disguised, camouflaged, hidden, or positioned such that its view is limited from public places (roads, etc.). Stealth technologies must be used where available. Towers and equipment and any necessary support structures shall be designed to minimize the visual impacts on the surrounding environment, except where the Federal Aviation Authority (FAA), State or Federal authorities have dictated color.
 - a. Use of existing structures such as in a church steeple or agricultural structure (silos and barns) shall be considered to meet the aesthetic criteria provided the equipment and other accessory building and parking, etc. meet landscaping and screening requirements.
- ii. The tower shall not be lit except for manually operated emergency lights for use only when operating personnel are on site.
- iii. No advertising signs or lettering shall be placed on a tower, accessory building, or communication equipment shelter.
- iv. **The Balloon test:** Within thirty-five (35) days of submitting an application, the applicant shall arrange to fly, or rise on a mast, a three foot diameter brightly colored balloon at the maximum height of a tower and within fifty feet of the center of the proposed tower. The date, time, alternative weather date, and location of this balloon test shall be advertised by the applicant at one and two consecutive weeks in advance of the test date in the *News & Citizen* and the *Transcript*, or equivalent thereof. The applicant shall inform the DRB and abutting property owners in writing, at least two weeks in advance. The balloon shall be flown for at least six (6) consecutive daylight hours sometime between 8 a.m. and 6 p.m. on the dates chosen. The DRB shall witness the balloon flight. The applicant shall include, as evidence, photography of the balloon test taken with a lens within the range of 105 to 135 millimeters, from at least ten (10) different locations of the choosing of the DRB.
- v. **Screening:**
All wireless telecommunication facilities not concealed within an existing building (such as church steeples, silos, barns, etc.) shall be screened from view by suitable vegetation except where a design of non-vegetative screening better compliments the architectural character of the surrounding neighborhood. A planted or vegetative screen shall be a minimum of ten (10) feet in depth with a minimum height of six (6) feet and shall have the potential to grow to a height of at least fifteen (15) feet at maturity. Existing on-site vegetation outside the immediate site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless the disturbance is demonstrated to result in less visual impact of facility on surrounding properties and other vantage points.

6. Temporary Wireless Communications Facilities

Any wireless telecommunications facility designed for temporary use is subject to the following:

- i. Use of a temporary facility is permitted only if the owner has received a temporary use permit from the Municipality.
- ii. Temporary wireless telecommunications facilities are permitted for no longer than fifteen (15) days during a special event.
- iii. The maximum height of a temporary facility is fifty (50) feet above grade.

- iv. Temporary facilities must comply with all portions of these bylaws applicable to the request.

7. Abandonment of Wireless Telecommunications Facilities

Abandoned towers or abandoned portions of towers (above highest operating equipment) shall be removed as follows:

- i. Any tower or portion of a tower shall not be re-established if such use of said tower or portion of tower has been discontinued for a period of at least twenty-four (24) months. Once the tower or portion of said tower has been deemed abandoned, a zoning permit must be acquired to resume the original use. Intent to resume shall not confer the right to do so.
- ii. In the event the tower is not removed within the twenty-four (24) month time period from the cessation of use, the Municipality may remove the tower and all associated equipment, and the costs of removal shall be assessed against the property or tower owner.
- iii. In accordance with the Act §4414(12), the DRB may require a bond be posted, in an amount acceptable to the Board, at the time of approval of the wireless telecommunications tower application sufficient to cover the decommissioning or dismantling of wireless telecommunications facilities and ancillary improvements.

7. GENERAL PROVISIONS FOR ALL LAND DEVELOPMENT

7.1 Access

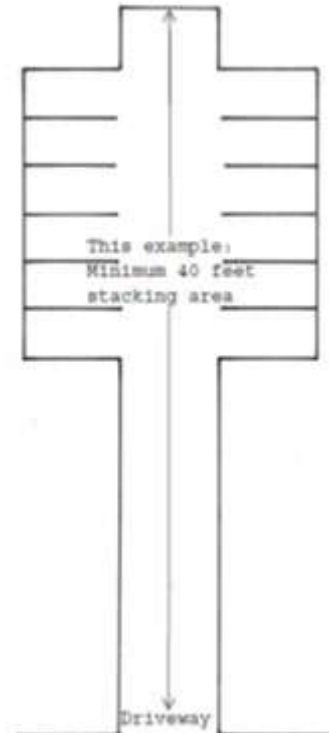
The purpose of access requirements is to ensure safe and efficient entrance and exit from public roadways, to reduce damage from flooding events, to mitigate erosion and storm water runoff impacts, and to ensure quality construction of driveway accesses.

- A. The DRB, Selectboard, and VTrans have separate authorities in approving accesses. Through these regulations the DRB has all authority (layout and design) of accesses onto private roads. The Selectboard has all authority over layout and design of accesses onto Municipal highways. VTrans requires a State highway access permit for any access onto a State highway. VTrans has all authority over these accesses, although the DRB will provide comment and recommendations to VTrans.
- B. The DRB shall review all accesses onto private roads to ensure they meet the Town of Hyde Park highway access standards. In the Village Gateway Rural and Village Gateway Commercial Districts, new access points (or “curb cuts”) on Vermont Highway Routes 15 and 100 for permitted and conditional uses shall not be closer than one thousand (1,000) feet from each other, except as necessary to provide access to properties existing in separate and non-affiliated ownership on or before October 27, 1977. Use of shared access points and driveways is strongly encouraged on these routes. The DRB may waive this standard for the following:
 - 1. A PUD in the Village Gateway Rural District that meets the standards of a Farmstead/Hamlet; or
 - 2. A development located within the Service Area Overlay, provided the new access is sufficiently spaced and designed to ensure smooth movement of traffic and that vehicle

queuing does not inhibit movement of the Route 100/Route 15 Roundabout.

7.2 Driveway Standards

- A. Driveway standards apply to all private driveways and private roads serving up to three (3) lots. Where a private road serves four (4) or more lots the road must meet the private road standards provided by the Town.
- B. Driveways shall not have slopes greater than eight percent (8%) so as to accommodate fire and rescue access. Drives with slopes up to ten percent (10%) may be allowed provided they are paved and ditched to prevent erosion. Driveways should also maintain a width and turning radius of not less than:
 1. Ten (10) feet wide and a minimum turn radius of five (5) feet for residential development. Driveway widths and turning radius may be larger to accommodate future development but should be kept as narrow as possible for aesthetic reasons.
 2. Eighteen (18) feet to thirty-six (36) feet wide and a minimum turn radius of ten (10) feet to thirty (30) feet for commercial and industrial sites in order to accommodate two-way traffic and turning trucks. The larger the trucks, the larger the turning radius and wider the driveway. Driveways may be wider to accommodate future development but should be kept as narrow as possible to reduce total impervious surface and associated storm water runoff.
- C. The following standards shall apply in the Village Gateway Commercial and Village Gateway Rural Districts:
 1. No driveway or private road shall be constructed within ten (10) feet of a property line, unless the driveway acts as a shared driveway serving the impacted property. This standard does not apply within a development approved as a PUD under Section 11. of these bylaws.
 2. Driveways should be long enough to allow adequate space for vehicles pulling off the roadway and to prevent stacking on the roadway. The stacking area shall be twenty (20) feet in length, plus twenty (20) additional feet per every ten (10) parking spaces required. Parking may be located adjacent to the stacking area. This standard does not apply to properties developed solely for a single family or two family dwelling. Those uses that require frequent use by larger trucks may require a larger stacking area (up to 150 feet long).
 3. Adequate space for maneuvering in and out of parking and loading areas shall be provided and located so as not to interfere with circulation to and within the site.
 4. With the exception of on-street parking, parking and driveways should be designed to allow vehicles to turn around so that there is no backing onto roadways.
 5. Circulation within sites should account for any anticipated loading needs, solid waste removal, and snow removal.



7.3 Parking

The following parking and loading standards shall be met by all development:

- A. Adequate parking spaces shall be provided in accordance with this section in any district whenever any new use is established, or when the present use is enlarged or changed. The Table below outlines general guidelines for the provision of parking and should be used as a guide in determining parking requirements.
- B. In general, parking should be sufficient to meet anticipated demand but should not be in excess of what is typically needed for the site.
- C. When any land or building is used for two (2) or more distinguishable uses, such that the hours of peak parking demand do not coincide, the total number of parking spaces required to serve the combination of all uses shall be reduced accordingly.
- D. Parking arrangements such as shared, on-street, and offsite parking shall be encouraged to meet parking needs. Excessive on-site parking shall be discouraged.
- E. Electric Vehicle Charging stations shall be included in the calculation of required parking spaces.

USE	RECOMMENDED PARKING SPACES
Residential Uses	
Dwelling unit, one bedroom/efficiency	1.0 per dwelling unit
Dwelling unit, two or more bedrooms	1.5 per dwelling unit
Group Home	0.33 per room
Retail and Service Uses	
Office/Services/Financial/Banking	1.0 per 800 sq. Gross Floor Area (GFA)
Retail/Repair, Service & Sales	1.0 per 500 sq. GFA
Gallery/Studio/Museum	1.0 per 500 sq. GFA
Lodging	1.2 per guest room
Restaurant/Food Service	1.0 per 800 sq. GFA
Recreation and Assembly Uses	
Place of Worship	0.33 per maximum occupancy
Indoor Recreation Facility	0.33 per maximum occupancy
Outdoor Recreation Facility	1.0 per 10 acres + 1.0 per 800 GFA
Public Assembly Hall	0.33 per maximum occupancy
Industrial Uses	
Light Manufacturing	1.0 per 800 sq. GFA
Heavy Industry	1.0 per 800 sq. GFA
Forest Products Manufacturing	1.0 per 800 sq. GFA
Agricultural Enterprise	1.0 per 800 sq. GFA
Warehouse	0.5 per 1000 sq. GFA
Contractor Yard	1.0 per 500 sq. GFA
Kennel	1.0 per 500 sq. GFA
Automotive	
Motor Vehicle Service/Repair	1.0 per 500 sq. GFA
Motor Vehicle Sales	1.0 per 500 sq. GFA
Motor Vehicle Fuel Sales	1.0 per 250 sq. GFA + 1.0 per pump
Car Wash	1.0 per 1,000 sq. GFA

(sq. = square feet, GFA = Gross Floor Area)

F. Shared Parking

Shared parking is encouraged and may be required. Parking for two (2) or more abutting lots may be constructed across any common side or rear lot line. Such parking may be served by a common driveway, either on the common boundary or entirely within the frontage of one lot. Where such common access is entirely within one lot, an access easement, lease, or other similar agreement shall duly be recorded.

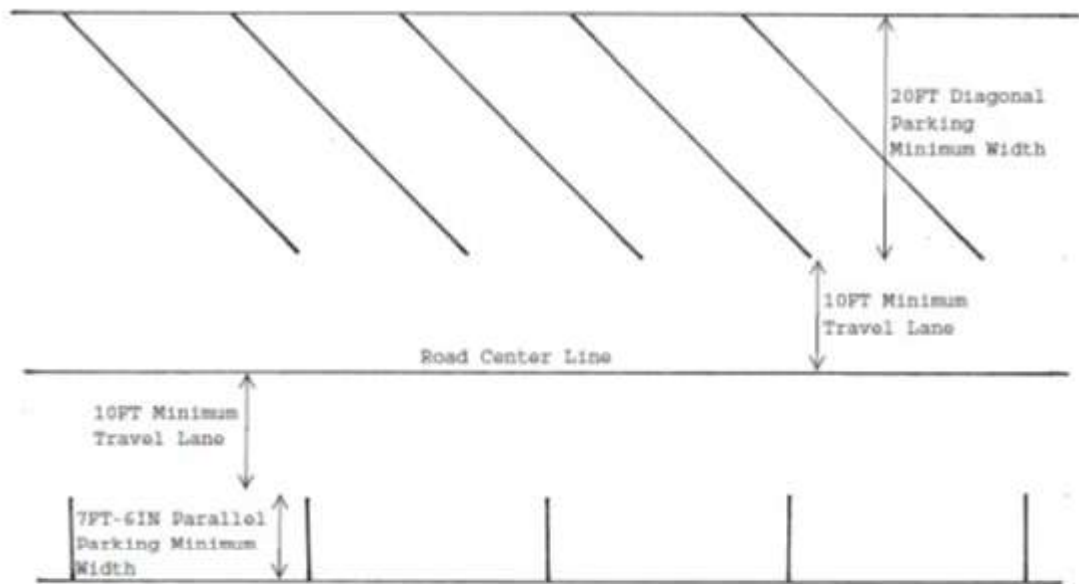
G. Public Parking

In order to encourage the provision of public parking, public parking areas, whether located on public or private property, shall not be counted toward total lot coverage.

H. On-Street Parking

The following provisions shall apply to on-street parking:

1. **Existing On-Street Parking:** No on-site parking shall be required for non-residential uses located within 1,500 feet of existing on-street parking.
2. **New On-Street Parking:** Subject to the approval of the entity responsible for management of the roadway (Vermont Agency of Transportation or Selectboard), to satisfy the parking recommendations above, new on-street parking may be created, or the number of on-street parking spaces may be increased, subject to the following requirements:



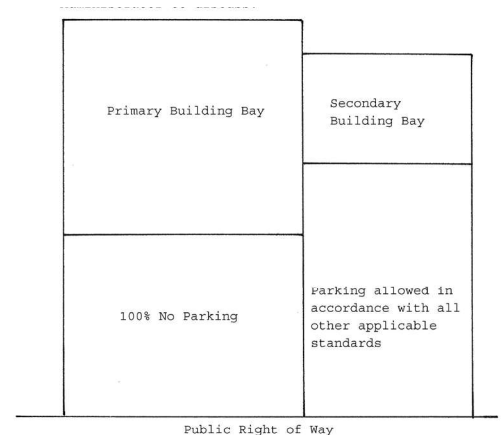
- i. New on-street parking shall be situated so as to maintain a minimum ten (10) foot wide travel lane. Narrower travel lanes shall only be approved with the consent of the Selectboard (on municipal roads) or the Vermont Agency of Transportation (on State Highways).

- ii. Parallel parking spaces shall be at least seven-feet-six-inches (7'6") wide. Diagonal parking shall be situated to allow for twenty (20) feet between the travel lane and the curb or edge of pavement.
- iii. Pedestrian infrastructure connecting the new on-street parking to the proposed use shall be provided by the applicant. On Main Street, Route 15, or Route 100, pedestrian infrastructure shall consist of a sidewalk at least five (5) feet in width. On other roads, alternative pedestrian infrastructure, including widened shoulders, may be considered by the DRB on a case-by-case basis, provided an easement of sufficient width to accommodate installation of future pedestrian infrastructure is provided by the applicant to the Town or Village of Hyde Park.
- iv. If the existing highway right-of-way lacks sufficient width to accommodate on-street parking and associated pedestrian infrastructure, the applicant shall provide a permanent easement to the Town or Village of Hyde Park for this purpose.

I. Off-Site Parking

Parking areas located on another premise may be used to satisfy parking requirements. Off-site parking areas shall meet the following requirements:

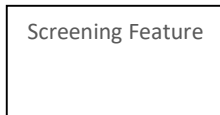
- 1. The proposed off-site parking area shall lie within one thousand five hundred (1,500) feet of the principal access of the proposed use. The DRB may approve off-site parking farther from the proposed use, provided the applicant can demonstrate that adequate pedestrian infrastructure or transportation management (such as a shuttle) to connect the parking area and proposed use exists or is proposed;
- 3. The proposed off-site parking area is not to be counted toward satisfying the parking requirements of any other use except in accordance with the provisions for shared parking in Section 7.1.9. above;
- 4. A lease, easement, lease, or similar agreement granting parking rights to the subject property shall be recorded in the Hyde Park land records.
- 5. Tandem or "stacked" parking may be allowed for residential uses and dedicated employee-only parking, provided that such parking does not create unsafe circulation on the site. If tandem parking is allowed, the first space shall have unobstructed access while the second space may be accessed through the first space.



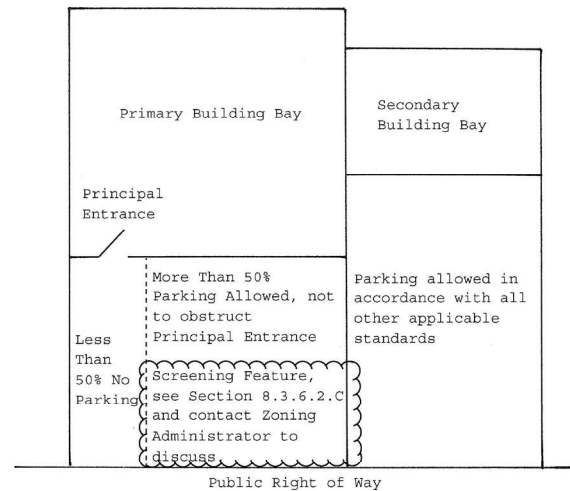
C. General Parking Provisions

1. Off-street, on-site parking lots for non-residential uses shall include parking for persons with disabilities. Such parking shall be set aside and identified with signs or pavement markings restricting use and displaying a State handicapped designation. There shall be at least one (1) such space, plus one (1) space for every twenty-five (25) spaces exceeding one (1). The handicapped spaces shall be those closest to the principal means of handicapped access to the proposed structure or use. Off-street parking spaces designated for handicapped use shall be counted toward satisfying the total number of recommended spaces.

2. In specific districts, the following additional standards shall apply:



- i. In the Village Main Street, Village Center, and Village Residential Districts, parking shall not occupy the area between the primary building bay and the public right-of-way. This provision shall not apply to on-street parking approved in accordance with Section 7.3(H).



- ii. In the Village Gateway Commercial District, no more than fifty percent (50%) of the area between the primary building bay and the public right-of-way shall be occupied by parking, unless such parking is screened by (a) a berm at least five (5) feet in height, or (b) a water feature at least 20 feet wide. In no case shall the parking, berm, or water feature be located so as to obstruct pedestrian access from the public right-of-way to the principal entrance of the building. This provision shall not apply to on-street parking approved in accordance with 7.3(H).

3. All open parking areas shall be properly drained in accordance with accepted best management practices for storm water drainage. Relocation or redesign of parking areas may be required to limit runoff and control erosion.
4. Provision shall be made for efficient snow removal of all parking, circulation, pedestrian, and loading facilities. Sufficient space shall be present for the storage of snow and the subsequent melt so as to minimize flooding of these areas.
5. All parking areas shall be landscaped in accordance with Section 10.

7.4 Loading and Service Areas

- A. Where a proposed development will require the frequent or regular loading or unloading of goods or passengers, sufficient service areas shall be provided. Service areas may also be required for emergency vehicles, waste disposal and collection, transit service, and other purposes as necessitated by the proposed use.

- B. All loading and service areas shall be clearly marked and located in such a manner so that parked vehicles will not block or obstruct sight visibility at intersections or from any internal road or access. With the exception of passenger pick-up or drop-off areas, loading and service areas shall be located to the side or rear of the structure they are serving, screened, or designed with architectural treatments that obscure them from view.
- C. The following standards shall apply to loading and vehicle bay doors , in the Village Main Street, Village Center, Village Residential, and Village Gateway Rural Districts.
 - 1. For single-family and two-family dwellings, detached and attached front-entry garages (with garage doors facing the frontage) shall meet the setback requirements for accessory buildings and carriage houses. Side- or rear entry garages (with garage doors facing away from the frontage) may be located on rear or side building façade. Attached garages shall meet the building façade standards for the district in which they are located.
 - 2. For all other principal structures, all new loading and vehicle bay doors shall be located on the rear or side building façade. New vehicle bay doors shall not be permitted on the front building façade.
 - 3. Existing loading and vehicle bay doors that do not comply with this section may be replaced and/or enlarged by up to fifty (50) percent in area.
 - 4. For a carriage house or accessory structure, loading and vehicle bay doors may be located on the front building façade.
- D. The following standards shall apply to loading and vehicle bay doors (, in the Village Gateway Commercial District.
 - 1. For single-family and two-family dwellings, detached and attached front-entry garages (with garage doors facing the frontage) shall meet the setback requirements for accessory buildings and carriage houses. Side- or rear entry garages (with garage doors facing away from the frontage) may be located on rear or side building façade. Attached garages shall meet the building façade standards for the district in which they are located.
 - 2. For all other principal structures. All new loading and vehicle bay doors shall be located on the rear or side building façade. New loading and vehicle bay doors shall not be permitted on the front building façade, unless screened from the public right-of-way right of way via frontage buildings, or a berm at least five (5) feet in height.
 - 3. Existing loading and vehicle bay doors that do not comply with this section may be replaced and/or enlarged by up to fifty (50) percent in area.
 - 4. For frontage buildings, loading and vehicle bay doors may be located on the rear building façade only.
- E. The DRB may modify the district specific provisions to provide loading and vehicle bay doors on pre-existing structures when strict conformity cannot be achieved due to site specific constraints (for example, limited lot area to provide a loading bay door to the side or rear of an existing structure).

In modifying these standards, the DRB shall attach reasonable conditions to minimize the visual impact of new loading and vehicle bay doors (for example, requiring additional landscaping/screening or building design treatments.)

7.5 Signs

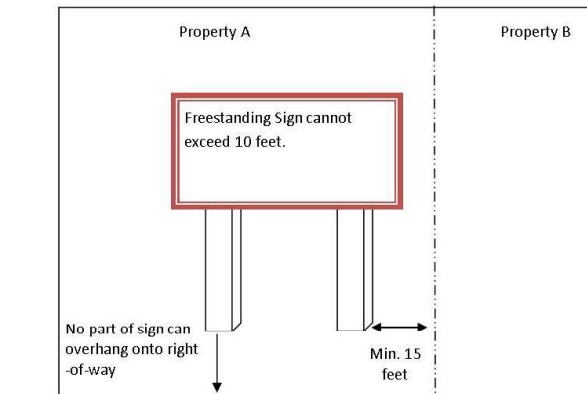
A. Applicability

A building permit shall be required prior to the erection, construction, or replacement of any outdoor sign. Sign dimensions and review requirements shall be subject to the district standards found in Section 5. Larger signs may require conditional use approval by the DRB.

B. Computation of Sign Area

The following provisions shall apply when computing the permissible area of a sign:

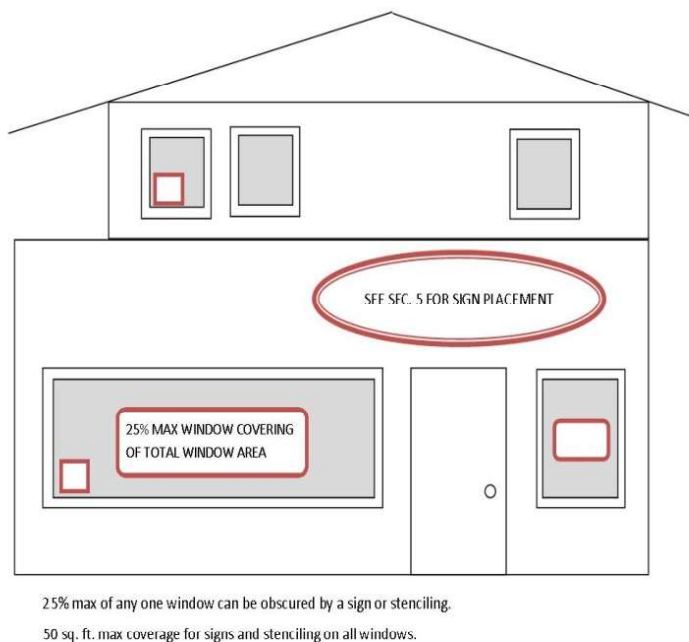
1. The total area of a sign shall not exceed the requirements as set forth in these bylaws.
2. Free standing and projecting attached sign measurement shall be the area included within the extreme limits of the sign surface. Parallel attached sign measurement shall be the total area of the wall or building surface clearly used as a sign.
3. Signs consisting of freestanding letters, numerals, or other devices shall include any intervening space between.



C. Number of Signs

The number of signs serving each building or lot shall be in accordance with the District standards found in Section 5.

Signs	VC	VR	VGC	VGR
Total signs per parcel- including multiple buisnesses on one parcel using common signs	2 max one free standing one attached either parallel or projecting	1 max free standing or attached	2 max	1 max
Temporary signs to be removed daily at close of business	1 max	NA	1 max	NA
Sign area Permitted	10 sq. ft. max	4 sq. ft. max	10 sq. ft. max	4 sq. ft. max
Conditional	25 sq. ft. max	10 sq. ft. max	25 sq. ft. max *	10 sq. ft. max
Common Sign area Permitted	15 sq. ft. max	6 sq. ft. max	15 sq. ft. max	6 sq. ft. max
Conditional	40 sq. ft. max	15 sq. ft. max	40 sq. ft. max	15 sq. ft. max
*for a single building in the VGC more than 10,000 sq. ft. in size that is insolated, contains functioning HVAC systems and is designed and intended for year round occupancy and use, the Conditional sign area is 40 sq. ft. max				



D. Common Signs Serving Multiple Businesses: Common signs serving multiple businesses within a single building or lot shall be allowed in accordance the District standards found in Section 5.

E. Window Signs and Stenciling
Signs may be displayed in building windows. Window signs and stenciling shall not obscure more than fifty (50) square feet of window area on any single building. Window stenciling may be placed on the inside of a window. Window signs and stenciling that obscure twenty-five percent (25%) or less of the area of a single window shall not be counted against number of allowed signs. Window signs and stenciling that obscure

more than twenty-five percent (25%) of the area of a single window shall be counted as a sign. Stained glass windows associated with a place of worship or similar use that does not

contain images of items or services for sale shall be exempt from the size limit.

F. Awnings

An awning with symbols, logo(s), or lettering (excluding the street address) is considered a sign for the purposes of these bylaws. The sign area shall comprise no more than thirty percent (30%) of the total exterior surface of an awning, and shall be counted against the total number of signs allowed for the building or lot.

G. Directional and safety signs

Signs to guide traffic and circulation or to protect public health and safety shall not count against sign totals, provided they are only as large as necessary and carry only the needed information. Such signs include, but are not limited to, “entrance only,” “exit only,” “parking in back of building,” “watch for falling ice,” etc.

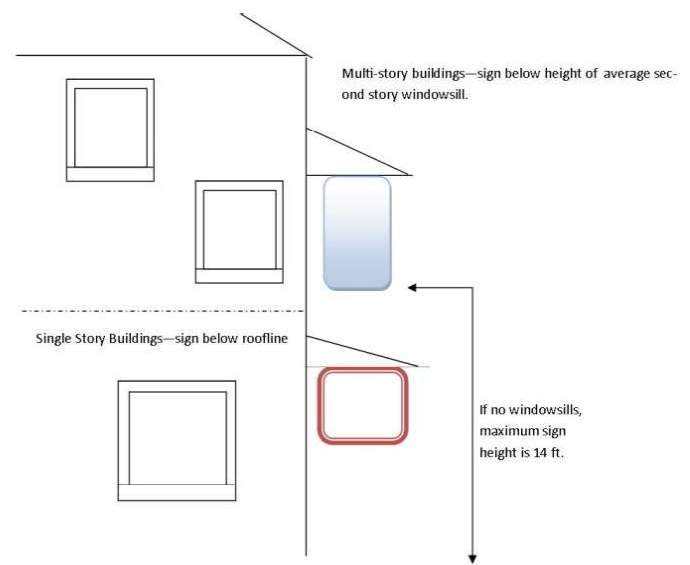
H. Illumination & Animation

Illumination of signs shall be subject to the following standards:

1. Signs may be illuminated only during those hours that the business being advertised is open for business.
2. Internally illuminated signs, including electronic message displays, are prohibited.
3. Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion, or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon the sign itself.
4. Lighting fixtures illuminating signs shall be designed to direct light downward and shall have a cut off angle of 90 degrees or less. Fixtures with a cut off angle of 60 degrees or less are encouraged to prevent sky glow.
5. Signs shall be illuminated by a steady light, which must be of one color only.
6. Signs which are animated or contain strings or pennants or similar attention-gathering media are prohibited.

I. Sign Setbacks

- i. Freestanding signs of eight (8) feet in height or less and/or signs affixed to a building shall not be subject to District setbacks. Such signs may be placed at the edge of the highway right-of-way, but shall not extend over the highway right-of-way.
- ii. Freestanding signs shall not be located within fifteen (15) feet of adjacent private property, unless permission from the adjacent property owner is granted. No sign shall be placed in such a way as to



obstruct views at an intersection.

J. Sign Height

1. Free standing signs shall not exceed ten (10) feet in height.
2. Parallel attached signs shall not extend above the building roofline.
3. Projecting attached signs on single story buildings shall not extend above the roofline.
4. Projecting attached signs on multi-story buildings shall not extend above the height of the average second story window sill. If no windowsills are present, no such sign shall be located more than fourteen (14) feet above ground level.

K. Sign Design Standards

All signs, whether permitted or conditional, shall meet the following standards:

1. All signs shall be constructed from the following materials: Wood (carved, sandblasted, etched, sealed or painted), metal (formed, etched, cast, engraved, primed and painted, or factory coated), and/or stone (carved, etched, or sandblasted). Unfinished materials, including unpainted wood, are discouraged.
2. Plastic and vinyl signs are prohibited.
3. Fonts shall be limited to serif typeface styles.
4. The design of the sign should be proportional with the building that it serves. The sign should not dominate the building or façade or obscure significant architectural features.
 - i. Signs shall be located at a similar height and level as surrounding signs in order to create a visually consistent streetscape.

L. Conditional Use Design Standards

In addition to the conditional use standards in Section 6, all signs requiring conditional use review shall meet the following standards:

1. No more than two (2) unique letter types or fonts shall be used on a single sign. In order to improve readability, the coloring of a sign should provide significant contrast between text and background.
2. No more than seventy-five percent (75%) of the total sign area shall be consumed by text, lettering, logos, or other imagery.
3. Large areas of blank space should be avoided, and generally no more than fifty percent (50%) of the sign area should be left blank.
4. Sign materials shall be similar in appearance and color to the building served by the sign. Durable materials shall be used. Signs should be designed to be consistent with the architectural features of the building which they serve.
5. Free standing sign bases shall be landscaped in accordance with Section 10. Landscaping. Decorative sign bases (such as laid stone, brick, etc.) may be used to satisfy this requirement.

M. Sign Content

The primary purpose of all business signs shall be for identification of the business (name), products sold, and the business or activity conducted on the premises; not for the

purpose of making advertising claims. Sexually explicit or other inappropriate content shall be prohibited.

N. Sign Maintenance

All signs shall be of durable materials and shall be maintained in good condition. A sign removed for repair or renovation may be re-installed at any time within a period of twelve (12) months without applying for a new permit. The Administrative Officer is empowered to order the removal of any sign which has fallen into disrepair and which has not been repaired after one-hundred-eighty (180) days' notice.

O. Generally Permitted Signs:

The following signs shall not require a zoning permit:

1. Signs erected by the Municipality, Town or State on public roads and/or State and Municipal properties.
2. Political signs. All signs associated with an election or vote. Such signs shall be promptly removed following the date of election or vote.
3. Holiday decorations provided such decorations are not arranged for the primary purpose of displaying items for sale.
4. All temporary signs such as lawn or garage sale signs. Such signs may be erected for no more than six (6) times per calendar year for a period not to exceed fourteen (14) days each time. All such temporary signs shall be removed no later than one (1) day following the sale. No more than one (1) temporary sign per lot or business shall be erected.
5. Temporary real estate or construction signs not to exceed sixteen (16) square feet in area and six (6) feet in height. Such signs shall be removed no later than one (1) week following closing of the property or completion of construction.
6. Signs on public structures.
7. Instructional, educational, and way-finding signs, provided such signs do not have the overt intent or effect of advertising a product or service for sale or an agency, organization, or business.
8. "OPEN" banners, no larger than 12 sq. ft., are permitted for a period not to exceed one (1) month, for a newly opened or relocated business.

P. Off-Premise Signs: Off-premise signs are prohibited in the Village of Hyde Park.

Q. Prohibited Signs: The following shall be prohibited in all Districts:

1. Signs that impair highway safety
2. Signs painted or placed on rock outcrops or similar natural features.
3. Roof signs and attached signs which extend above the roof line.
4. Signs which project over public rights-of-way or property lines
5. Franchise architecture and formula design is prohibited in all Districts. Franchises and national chains shall conform to all dimensional standards, including Building Façade Standards, for the District in which the use is located.

7.5 Fences

- A. Applicability: These bylaws shall apply to all fences constructed of wood, masonry, metal, plastic, or other similar material whose primary purpose is not agricultural in nature. These provisions are not applicable with respect to stone walls/fences, earthen berms, and hedgerows (and other vegetation).
- B. Supplemental information:
The applicant shall provide the following information:
 - 1. The location of any proposed and/or existing fence must be shown on any site or sketch plan if presented.
 - 2. For any fence proposed to be built on the property line, a letter signed by the abutting owner granting permission for on-line construction and access to perform routine maintenance.
- C. Specific use standards, Permitted uses: Fences may be approved by the Administrative Officer provided:
 - 1. The fence is not in any road or highway right-of-way and does not present a hazard to vehicles, and
 - 2. Is five (5) feet high or less, as measured from any point at ground level to the top of the fence post, and
 - 3. Is not in the flood hazard area (otherwise see Specific use standards – Conditional use approval, below)
- D. Specific use standards, Conditional use approval: Conditional use approval must be granted by the DRB when:
 - 1. The fence is more than five (5) feet high, and/or
 - 2. The sign is located in the Flood Hazard Area Overlay District. Fences are prohibited from the floodway. Fences in the floodway fringe must not impede the flow of water during such an event. It will be the responsibility of the applicant to provide sufficient proof to the DRB that this requirement will be met.
 - 3. In the Village Main Street, Village Center and Village Residential District, any fence in the front yard shall be constructed of wood, metal, or high density durable plastic designed to resemble wood. Chain linked fences and solid privacy fences are specifically prohibited in the front yard within these districts.

7.6 Ponds

- A. Purpose
To protect the lives and property of citizens; the infrastructure of the community; and the health of the natural environment, the construction of ponds shall require a zoning permit, and/or conditional use review by the DRB. The purpose of regulating said construction is to reduce the possibility of failure from improper design or construction; to minimize potential flood damages incurred to upstream properties by the storage of flood waters;

and to minimize the damages caused by the sudden release of stored waters from a failure of the dam or intentional rapid draining of the impoundment.

B. Administrative approval

Dug ponds that meet district setback requirements and do not require a berm, dam or other impoundment require a Zoning Permit approved by the Administrative Officer according to the requirements of Section 12. All such ponds shall meet the General Requirements outlined below. All other ponds shall require Conditional Use Review by the DRB.

C. Conditional Use Review

All other ponds and impoundments are subject to conditional use review. In granting approval, the DRB shall find that the proposed pond is located where failure of the embankment, berm, or other structure would not cause:

1. Loss of life;
2. Injury to persons or livestock;
3. Damage to residences, commercial building, or industrial buildings;
4. Damage to roads, bridges, culverts, railroads, or other infrastructure; or
5. Interruptions of the use of public utilities.

D. General requirements

In addition to other application requirements, the applicant must provide:

1. Any pond that will impound or will be capable of impounding in excess of 500,000 cubic feet of water must receive a permit from the Vermont Department of Environmental Conservation in accordance with 10 V.S.A. Chapter 43.
2. If the project necessitates any work in a stream and if a stream alteration permit or other approval is required from the Vermont Department of Environmental Conservation in accordance with 10 V.S.A. Chapter 41, the applicant must present evidence that such permit or approval has been received.
3. If the project requires a permit or approval due to impacts on wetlands; rare, threatened, or endangered species; or the passage of fish; or if the project requires a permit or approval from the US Army Corps of Engineers, the Act 250 District Commission, or any state or federal authority, the applicant must present evidence that such permit or approval has been received.
4. Any pond involving the impoundment of water through the creation of an embankment, berm, or other structure which exceeds the natural grade must provide documentation from a licensed engineer of the likely results of catastrophic failure of the impoundment. This exercise is not to evaluate the likelihood of failure but to examine worst case scenarios (terrorism, major accident, extreme negligence, etc.).
5. All impoundments must have an emergency spillway, designed by a Vermont licensed engineer, capable of passing flows that exceed what the control structure is capable of handling. All drainage shall flow into established watercourses.

- E. Conditions of approval
- F. Upon issuance of conditional use approval, the DRB shall duly note that the owner of the property is responsible for the pond's safety and is liable for its failure if he or she does not maintain, repair, or operate the pond in a safe and proper manner.

7.7 Swimming Pools

All swimming pools shall require a building permit and are subject to the following provisions:

- A. Pools shall be considered structures and shall meet all applicable setback requirements.
- B. All pools should be completely enclosed and secured by a self-latching gate and in compliance with safety standard acceptable to your insurer and all federal, state and local regulations.

7.8 Outdoor Seating, Street Furniture, and Public Art

Outdoor seating areas, public art, and street furniture may be located within the front yard setback. Subject to the approval of the entity responsible for management of the roadway, these items may be located within the highway right-of-way. Public outdoor seating areas, street furniture, and public art shall not be counted toward total lot coverage. Public art between the street and any front building façade shall be subject to the approval of the Board or their designated authority.

7.9 Recreational Vehicles

A resident can park a travel trailer, camper, motor home or other recreational vehicle on their residential property. Such a vehicle can also be parked at another site, with approval of the property owner, within a structure or in a location that is not visible from other properties. An RV that is occupied for more than thirty (30) consecutive days may be required to be permitted as a dwelling and meet all standards of the district.

7.10 Surface Water Protections

- A. To prevent soil erosion, protect wildlife habitat, and maintain water quality, an undisturbed vegetated buffer strip shall be maintained for a minimum of fifty (50) feet from all wetlands, perennial streams, and rivers. The fifty (50) foot buffer strip shall be measured from the mean water mark or delineated wetland boundary. No development, excavation, landfill, or grading shall occur within the buffer strip, and vegetation shall be left in an undisturbed state, with the exception of clearing and associated site development necessary to accommodate the following:
 - 1. Maintenance of lawns and other mowed areas in existence prior to the adoption of these bylaws
 - 2. Road, driveway, and utility crossings.
 - 3. Stream bank stabilization and restoration projects, in accordance with all applicable State and Federal regulations.
 - 4. Unpaved bicycle and pedestrian paths and trails.
 - 5. Public recreation facilities and improved river/lake accesses.
- B. The expansion or enlargement of any structure in existence prior to the effective date of these bylaws and not in compliance with this section is permitted with the approval of the DRB in accordance with Section 8, Non-Conforming Structures. For

development subject to conditional use review, minimum required setback and/or undisturbed buffer strip distances may be increased as appropriate based on site, slope, or soil conditions and the nature of the proposed use.

- C. Subject to Conditional Use Review, the DRB may authorize a reduction in the stream buffer, down to absolute minimum of ten (10) feet upon presentation of an impact study that provides sufficient documentation and justification that even with the reduction the same or greater degree of water quality protection, wildlife habitat protection, and stream bank stability would be afforded as would be with the full width buffer. In granting such a reduction, the DRB may require additional erosion control or runoff control measures as deemed necessary to protect water quality and bank stability and/or additional measures to protect wildlife, such as habitat restoration or improvement. An impact study shall meet the following requirements:
1. The Impact Study shall include detailed information regarding runoff and pollutant loading, bank stability, and erosion and flood control, including but not limited to the following:
 - i. This portion of the Impact Study shall be performed by a registered professional engineer.
 - ii. Description of the proposed project including location and extent of impervious surfaces, on-site processes or storage of material, the anticipated use of the land and buildings, description of the site including topographic, hydrologic, and vegetative features.
 - iii. Characteristics of natural runoff on the site and projected runoff with the proposed project, including its rate and chemical characteristics deemed necessary to make an adequate assessment of water quality.
 - iv. Measures proposed to be employed to reduce the rate of runoff and pollutant loading of runoff from the project area both during construction and after.
 - v. Proposed runoff control and reservoir protection measures for the site. These measures shall be designed to ensure that the rate of surface water runoff from the site does not exceed pre-development conditions and that the quality of such runoff is not less than pre-development conditions.
 - vi. The extent to which the reduced buffer will provide for stream bank stability and flood and erosion control. In no case shall a reduced buffer provide for less stream bank stability, flood control, and/or erosion control than would be provided by the prescribed buffer.
 2. The Impact Study shall include detailed information regarding impacts on wildlife habitat, including but not limited to:
 - i. Analysis of the project's impacts on habitat for fish and other aquatic animals, including impacts on the availability of woody debris and food supply and effects on water temperature in other portions of the water way.

- ii. Analysis of the project's impacts on habitat for amphibious and terrestrial organisms, including the reduced buffer's functional capacity as a wildlife corridor.
- iii. Description of measures, both on and off site, to improve or maintain the quality of wildlife habitat. The project shall be designed to ensure that the reduced buffer is of equal or greater value than the buffer prescribed by these bylaws.

7.11 Development of Steep Slopes

Development and disturbance of steep slopes should be minimized. The following standards shall apply to the development of steep slopes:

- A. If slopes between eight percent (8%) and ten percent (10%) are disturbed as a result of a proposed development, the DRB shall require the applicant to submit plans for erosion and sediment control during construction and plans for post-construction slope stabilization. The DRB may require that these plans be prepared by either a Landscape Architect or a registered professional engineer.
- B. Development and disturbance of more than 10,000 square feet of slopes greater than ten percent (10%) and shall require Conditional Use Review by the Development Review Board. In addition to the Conditional Use Standards in Section 10., applicants shall meet the following standards:
 - 1. The applicant shall provide a grading plan for the construction site and all access routes. Grades for roads and driveways shall not exceed the maximums prescribed in the Public Works Specifications. Switchbacks and curve radii shall be designed to allow for safe ingress and egress of service and emergency vehicles.
 - 2. Site disturbance, including cut and fill, shall be minimized and shall not create a detrimental impact on slope stability or increase erosion potential. The applicant shall submit plans for erosion and sediment control during construction and plans for post-construction slope stabilization. These plans shall be prepared by a registered professional engineer. Erosion and sediment control measures shall at minimum meet the requirements of the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites. Potential post-construction slope stabilization measures include, but are not limited to, retaining walls and/or dense landscaping.
 - 3. The DRB may require additional landscaping to stabilize the site and/or reduce the visual impact of the development. Plantings shall be selected in accordance with Section 10. Landscaping.
 - 4. In addition to the standards above, if the area of steep slopes to be developed is within five hundred (500) feet of a surface water protected, the required fifty (50) foot buffer strip shall be expanded to include an additional two (2) feet for every one (1) percent of slope. For example, if development occurs on a 16% slope, a buffer of 82 feet in width shall be required. (50 feet minimum buffer plus 32 feet (or 16 x2) of additional width)

5. The DRB may require a letter of credit, performance bond, escrow, or other surety, in an amount sufficient to provide for slope stabilization and to ensure stabilization plantings and improvements remain in satisfactory conditions for a period of three (3) years following construction.

7.12 Bulk Storage of Fuel Products

The bulk storage of any highly flammable liquid is prohibited in all Districts, unless specifically allowed by the Table of Uses. Normal residential use of gasoline, propane, kerosene, butane, diesel, etc. is allowed in all Districts, subject to all applicable State and Federal Regulations.

7.13 Performance Standards

The following standards apply to all uses, with the exception of agriculture and forestry, in all Districts. In determining ongoing compliance, the burden of proof shall fall on the applicant and/or all successors and assigns. No use shall cause, create, or result in smoke dust, odors, noxious gases, or other forms of air pollution which:

1. Constitute a nuisance to neighboring landowners, businesses, or residents;
2. Endanger or adversely affect public health, safety, or welfare; or
3. Are offensive or uncharacteristic of the area

A. Noise Emissions:

No person or persons owning, leasing, or controlling the operation of any source or sources of noise shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions, permit the establishment of a condition of noise pollution.

B. Noise guidelines shall apply to the use or occupancy of any lot or structure thereon and to the noise produced thereby, but shall not apply to the following:

1. The intermittent or occasional use, during the daytime, of homeowner's light residential outdoor equipment or commercial service equipment, provided said equipment and its use complies with other Village Ordinances;
2. Construction activities and the associated use of construction devices nor to the noise produced thereby, provided such activities, and such equipment and its use complies with other Village Ordinances;
3. The operation of any motor vehicle neither on any public roadway, nor to the noise produced thereby.

C. Homeowner's Light Residential Outdoor Equipment means all engine- or motor-powered garden or maintenance tools intended for repetitive use in residential areas, typically capable of being used by a homeowner. Examples of Homeowner's Light Residential Outdoor Equipment are: Lawn mowers, garden tools, riding tractors, snow blowers, snow plows, etc.

D. Commercial Service Equipment means all engine- or motor-powered equipment intended for infrequent service work in inhabited areas, typically requiring commercial

or skilled operators. Examples of Commercial Service Equipment are: Chain saws, log chippers, paving rollers, etc.

- E. Noise Pollution may generally be defined as a noise level measurement taken at the property line over thirty minutes. Thresholds include:

DISTRICT	MAXIMUM NOISE LEVEL	EQUIVALENT NOISE
VC, VGC,	70 decibels	Vacuum Cleaner/Hair Dryer
VR, VGR	65 decibels	Normal Conversation/Laughter

1. noticeable or clearly apparent vibration which, when transmitted through the ground, is felt at property lines without the aid of instruments;
2. glare, lumen, light, or reflection which constitutes a nuisance to other property owners or tenants; which impairs the vision of motor vehicle operators; or which is detrimental to the public health, safety, or welfare;
3. fire, safety, explosive, radioactive emission, or other hazard which endangers the applicants or neighboring properties or the general public or which results in a significantly increased burden on Municipal facilities and services;
4. liquid or solid wastes or refuse in excess of available capacities for proper disposal; which cannot be disposed of by available or existing methods without undue burden to municipal facilities; which pollute ground and surface waters; or which are otherwise detrimental to the public health, safety, and welfare.

7.14 Agricultural Operations

Agricultural operations shall at minimum observe Accepted Agricultural Practices (AAPs) as defined and administered by the Vermont Agency of Agriculture, Food and Markets, as revised. Forestry operations shall at minimum observe Acceptable Management Practices (AMPs) as defined and administered by the Vermont Department of Forests, Parks, and Recreation, as revised.

8. ABANDONED AND UNINTENTIONALLY DESTROYED USES/STRUCTURES, NON-CONFORMITIES

8.1 Abandoned uses and Structures

Any use of a lot or structure shall not be re-established if such use has been discontinued for a period of at least twelve (12) consecutive months. Once the use of a lot or structure has been deemed abandoned, a new zoning permit must be acquired to resume the original use. Intent to resume a use shall not confer the right to do so.

8.2 Damaged or destroyed structures

The reconstruction of structures that are damaged or destroyed is permitted provided the new

structure:

- A. Is used for the same purposes as the old structure, and
- B. Is built within in the same footprint as the previous structure, and
- C. Is substantially the same size and dimensions as the previous structure, and
- D. All existing setback distances are not reduced.

A new permit for land development will be required if the owners have not commenced redevelopment of the parcel within twenty-four (24) consecutive months following the date of unintentional damage or destruction. If the owners commence redevelopment of the parcel before the expiration of twenty-four (24) consecutive months following the date of unintentional damage or destruction, a new permit will not be required.

8.3 Pre-existing non-confirming lots (except small lots)

Any lot in existence on the effective date of these bylaws may be developed for the uses, permitted or conditional, in the District in which it is located (following the receipt of a zoning permit from the Administrative Officer and, if required, site plan/conditional use review by the Development Review Board) even if not conforming to minimum lot size requirements found in Section 5 of these bylaws, provided such lot is not less than one-eighth (1/8) acre in area with a minimum width or depth dimension of forty (40) feet [the Act §4412(7)].

- A. Regardless of minimum lot size and/or residential density requirements found in Section 4, such lots may be developed with a structure containing any uses, permitted or conditional, within the District and/or a single dwelling unit.
- B. The provision above shall not apply to designated affordable, elderly and accessible dwelling units located in the Village Main Street, Village Center or Village Residential, Districts, in which case density shall be limited by lot coverage rather than lot area.
- C. In the Village Gateway Commercial and Village Gateway Rural Districts, existing lots less than one-eighth (1/8) acre in area with a width or dimension less than forty (40) feet, shall not be developed.
- D. In the Village Main Street, Village Center and Village Residential Districts, regardless of minimum lot size and/or residential density requirements found in Section 4, such lots may be developed with a structure containing any uses, permitted or condition, within the District and/or single-dwelling unit, provided the lot is served by adequate on-site or offsite water and sewer. The provision above shall not apply to affordable, designated elderly and accessible dwelling units meeting the standards outlined in section 4.6(A), in which case density shall be limited by lot coverage rather than lot area.
- E. All other provisions of these bylaws must be met, including, but not limited to, setback and lot coverage requirements. This section does not negate the need for obtaining any other required permits or approvals as would normally be required under these bylaws. Any required conditional uses, site plan approvals, variances, and other permits must be obtained prior to the issuing of a zoning permit.

8.4 Non-conforming structure

Any legal structure or part thereof, which is not in conformance with the provisions of these bylaws concerning setback, height, size, or other structural requirements (including such things as signs,

lighting, buffers, and lowest floor elevation in floodplain zoning) shall be deemed a non-conforming structure [the Act §4412(7)]. Legal non-conforming structures exist as a result of construction prior to adoption of bylaws, construction under an earlier set of less restrictive bylaws, a permit improperly issued by the Administrative Officer, or through a variance issued at any time. Any non-conforming structure may be allowed to exist indefinitely, but it shall be subject to the following provisions:

- A. Except in the Flood Hazard Area Overlay District, a non-conforming structure may be restored or reconstructed after unintentional loss provided the reconstruction is completed within twenty-four (24) consecutive months and does not increase the degree of non-conformance that existed prior to the damage. Non-conforming structures within the Flood Hazard Area Overlay District must be reconstructed in accordance with the Flood Hazard Area Overlay District Standards [the Act §4424(2)].
- B. A non-conforming structure shall not be moved, altered, extended, or enlarged in a manner that will increase the existing degree of non-conformance.
- C. Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-conforming structure, provided that such action does not increase the degree of non-conformance. The phrase “shall not increase the degree of non-conformance” shall be interpreted to mean that the portion of the structure that is non-conforming shall not increase in size (or decrease in the event of failing to meet minimum standards such as parking). Therefore, portions of a structure within a setback area cannot be enlarged, portions above the maximum height cannot be expanded, a non-complying deck or porch cannot be enclosed, where parking is deficient the number or size of spaces cannot be reduced, etc. This phrase is not intended to prevent existing unfinished space from being finished or other similar scenarios provided there is no increase in size.
- D. Existing structures that do not meet the parking requirements in Section 7. shall not be considered non-conforming. Applicants are encouraged to utilize the alternative parking arrangements outlined in Section 7., such as shared parking, offsite parking, on-street parking, and bicycle parking to meet parking needs
- E. Alteration or expansion of a non-conforming structure for the sole purpose of compliance with mandated environmental, safety, health, or energy codes is permissible, subject to conditional use review by the DRB.
- F. A non-conforming structure that has been demolished shall not be reconstructed except in conformance with these bylaws. The DRB may grant a waiver from this provision if a hardship would be created by rebuilding in strict conformance with the requirements of these bylaws. In considering a waiver from these provisions, the DRB shall take into consideration the ability of the applicant to use remaining features of the property such as foundation, water supply, sewage disposal system, underground utilities, etc.

G. Notwithstanding the provisions outlined above, an existing structure not conforming to the building façade standards found in Section 4.10 may be renovated/expanded subject to the following:

1. Additions may be added to such a structure. If additions increase the floor area of the structure by more than twenty-five percent (25%), cumulatively for all additions constructed after the adoption of these bylaws, the additions shall meet building façade standards.
2. Internal renovations and changes of use may occur within such structures. Where change of use from a single family dwelling to another use results in substantial improvement of the structure (*value of renovations exceeds fifty percent [50%] of the market value of the structure*), the exterior of the structure shall also be renovated to meet any building façade standards for the District in which the structure is located.
3. For an existing, non-conforming structure, the DRB may waive one or more building façade standards, when such standard cannot be implemented without demolishing the structure (for example, where the existing framing does not allow construction of building bays). When such a waiver is granted, the DRB shall require alternative treatments (such as landscaping) to interrupt building bulk.

H. Non-conforming Uses

Any use, which does not conform to uses allowed in the District in which it is located or is otherwise not in compliance with the provisions of these bylaws, shall be deemed a non-conforming use [the Act §4412(7)]. Non-conforming uses are those that exist legally as a result of having existed prior to adoption of bylaws, a permit improperly issued by the Administrative Officer, or permitted under an earlier set of less restrictive bylaws. Any non-conforming use may be continued indefinitely, but it shall be subject to the following provisions:

1. The non-conforming use shall not be changed to another non-conforming use without approval by the DRB, and then only to a use that, in the opinion of the Board, is of the same or of a more conforming nature.
2. The non-conforming use shall not be expanded, extended, moved, or enlarged unless it is determined that such expansion, extension, movement, or enlargement does not increase the degree of non-conformance. Subject to conditional use review, the DRB may approve expanding a non-conforming use by up to twenty-five (25) percent of the use's floor area at the onset of non-conformance.
3. The non-conforming use shall not be re-established if such use has been discontinued for a period of at least twelve (12) consecutive months or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
4. The phrase "shall not increase the degree of non-conformance" shall be interpreted to mean that the aspect of the operation that is non-conforming shall not increase in size (or decrease in the event of failing to meet minimum standards). Therefore, a nonconforming use may not increase hours of operation, the numbers of tables, the

number of employees, or the size of the operation through the expansion of a complying structure.

Alteration or expansion of a non-conforming use for the sole purpose of compliance with mandated environmental, safety, health, or energy codes is permissible with approval by the DRB.

8.5 Non-Conforming Uses and Structures in the Flood Hazard Area Overlay

In addition to the standards for non-conforming structures found in Section 8. and non-conforming uses found in 8. above, the following provisions shall apply to all non-conforming structure or use in the Flood Hazard Area Overlay:

- A. Any expansion or substantial improvement of a non-conforming structure or use shall comply with the Development Standards for all development in the Flood Hazard Overlay District found in Section 3. of these bylaws.
- B. A non-conforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one (1) foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program;
- C. Non-conforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than twelve (12) months; and
- D. An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured homes must be placed so as to meet the development standards in this bylaw.

9. PERMIT REVIEW PROCEDURES

9.1 Type of Permit Applications and Review Authority

Applications for development are subject to review by the Administrative Officer, by the DRB, or by other parties as indicated in the table below:

TYPE OF REVIEW	SECTION	REVIEW AUTHORITY
Zoning Permit	9.	Administrative Officer
Sewer/Water Service	9.	Board of Trustees and/or Vermont Department of Environmental Conservation
Highway Access Permit	9.	Town Selectboard or Vermont Agency of Transportation
Site Plan Review	9.	Administrative Officer Or Development Review Board
Conditional Use Review	9.	Development Review Board
Subdivision Review	9.	Administrative Officer or Development Review Board
Minor Boundary Line Adjustment	9.	Administrative Officer
Planned Unit Development	9.	Development Review Board
Administrative Amendment	9.	Administrative Officer
Appeals of Administrative Officer Decisions	12.	Development Review Board
Appeals of DRB Decisions	12.	Vermont Environmental Court
Variances	12.	Development Review Board

9.2 Zoning Permit

- A. Applicability: No land development may be commenced without a zoning permit issued by the Administrative Officer.

- B. Applicant. All owners of the property on which the proposed land development will occur must be the applicant or a co-applicant for a zoning permit.
- C. Application requirements: An application for a zoning permit shall be submitted to the Administrative Officer along with the permit fee and all other approvals required by these bylaws. An application for a zoning permit should contain the following:
 - 1. A sketch plan, drawn to scale, which shows the following information in sufficient detail to determine whether the proposal is in conformance with these bylaws. Where a site plan map has been submitted for review by the DRB a sketch plan is not necessary. A sketch plan must include:
 - i. The size, shape, and dimensions of the parcel, including existing and proposed property boundaries.
 - ii. The location of major site features, including surface waters, wetlands, and floodplains.
 - iii. The size, height, and location of all existing and proposed structures in exact relation to all property lines, roads, and major features.
 - iv. Where locations of, and relationship between, property lines, roads, buildings, and other required information is in doubt, a recent land survey of the property may be required.
 - 2. A written description including:
 - i. The name and address of the applicant(s).
 - ii. The signature of the applicant(s).
 - iii. The location of the proposed development.
 - iv. The existing and intended use of all such structures and the land.
 - v. An identification of the District in which it is located.
 - vi. Where applicable, a report of State notification under of these bylaws, as required.
 - 3. Any other information that the Administrative Officer requires in order to ensure that the provisions of these bylaws are met, including any additional application requirements as required for a specific use.
- D. Permit applications in the Flood Hazard Overlay District shall, in addition to the information required above, include the following:
 - 1. A sketch map showing the distance of all features of the proposed land development from the nearest flooding water body and from the nearest boundary of the Flood Hazard District.
 - 2. All existing and proposed grade elevations.
 - 3. The elevation, in relation to mean sea level, of the lowest floor, including the basement, of any new or substantially improved structures.
 - 4. When applicable, the elevation to which any new or substantially improved structures will be flood-proofed.

5. Certification from a registered professional engineer or architect that the flood-proofed structure meets the flood-proofing criteria of these bylaws.
6. All variance actions, including justification for their issuance.

E. Application deemed received

The Administrative Officer shall, upon receipt, review the application to determine completeness. A complete application will include sufficient information for the Administrative Officer to make a determination of compliance and any applicable fees.

1. If the Administrative Officer finds the application incomplete, the Administrator shall within five (5) days after receipt, notify the applicant in writing of all additional information or fees required.
2. If the Administrative Officer finds the application complete, the Administrator shall record on the application the date on which the application was received.

F. Administrative Officer Action

Within thirty (30) days after the submission of a completed application and fees, the Administrative Officer must act on the permit [the Act §4448(d)]. Acting on the permit involves a documented action on the proposal.

The Administrative Officer may:

1. Determine that the application is exempt from these bylaws.
2. Decide to approve or deny the permit based on the General Standards for Permitted Uses, the Specific Use Standards, and other criteria as authorized in the Act.
3. Determine that the proposed use requires DRB approval and refer the application to the Clerk of the Development Review Board for consideration.
4. If the Administrative Officer fails to act within the thirty (30) day period, a permit shall be deemed issued on the thirty-first (31st) day [the Act §4448(d)].

G. General Standards for Permitted Uses

When determining the appropriateness of a proposed permitted use, the Administrative Officer shall determine:

1. That the proposed development meets all dimensional standards established for the District in Section 4.
2. If appropriate, the resumption of an abandoned uses Section 8. or the reconstruction of an unintentionally damaged or destroyed structure (provided all uses are conforming and structures are complying) Section 8.
3. If appropriate, that the development of an existing nonconforming lot is permissible [Section 8.].
4. If appropriate, that the use of an existing nonconforming structure is permissible [Section 8.]
5. If appropriate, that the use of an existing nonconforming use is permissible [Section 8.]
6. That proposed development meets the parking and loading requirements of Section 7.

- H. Specific use standards:
Where specifically defined, a proposed permitted use must meet specific use standards established in these bylaws.
- I. Decisions
A zoning permit shall be issued by the Administrative Officer only in accordance with the Act §4449(a) (1) and these bylaws.
1. If in the opinion of the Administrative Officer, the proposal as set forth in the application is in conformance with the provisions of these bylaws, the Administrative Officer shall approve the zoning permit. If the permit is approved, the Administrative Officer shall notify the applicant, in writing, of the approval stating the effective date of the permit.
 2. If in the opinion of the Administrative Officer, the proposal as set forth in the application is not in conformance with the provisions of these bylaws, the Administrative Officer shall deny the zoning permit. If the permit is denied, the Administrative Officer shall notify the applicant in writing, stating the reasons for denial and containing a statement of the period of time within which an appeal may be taken.
 3. No zoning permit shall be issued by the Administrative Officer until all state and local permits as well as required approvals from the DRB, Board, Selectboard, Health Officer, and/or any other local approval have been properly decided.
- J. Effective Date
No permit shall take effect until the time for appeal has passed. In the event an appeal is filed, the permit shall not take effect until the Development Review Board has heard the appeal and decided that the permit should be issued, whereupon it shall take effect after final adjudication of said appeal [the Act §4449(a)(3)].
1. The effective date of permits which did not require Development Review Board approval or a decision on appeal is fifteen (15) days from the date of issuance of the zoning permit.
 2. The effective date of permits which required DRB approval or involved an appeal of a decision of the Administrative Officer is thirty (30) days from the decision of the DRB or fifteen (15) days from the issuance of the zoning permit, whichever date is latest.
- K. Appeals
Appeals from the decisions of the Administrative Officer may be made to the DRB, as per Section 12. of these bylaws, within fifteen (15) days of the decision or act.
- L. Permit Expiration:
All development must be completed within a period of twenty-four (24) months from the effective date of the permit unless the deadline is altered below. A permit in which the deadline has lapsed without completion shall be deemed expired and may be subject to enforcement action.

1. The DRB may set the expiration date of a permit beyond twenty-four (24) months as a condition of approval for certain phased developments.
2. A one (1) year extension may be granted if active construction has continued, but has not been completed within the initial twenty-four (24) month period. The Administrative Officer, upon written request prior to the expiration date, may extend the zoning permit and associated approvals for a period not to exceed one (1) year without further review or hearings.
3. Reapplication for a new zoning permit, including all associated approvals, is required for incomplete development where the permit has expired. If appropriate, the Administrative Officer may find the incomplete development in violation of these bylaws, and action may be taken.
4. Any zoning permit issued based on material inaccuracies or misrepresentations in an application or in any supporting documentation to an application shall be null and void; and any associated development activity commenced under such permit shall constitute a violation of these bylaws subject to enforcement.
5. Unless expressly stated otherwise, all valid permits shall run with the land, valid for and binding upon any heir, assign, or successor who gains an undivided interest in the property.
6. A permit for a use which has been abandoned is not a valid permit.

M. Posting and Recording Requirements:

The Administrative Officer shall meet the posting and recording requirements of Section 12.

N. Water / Wastewater Service

Any connection to the Village of Hyde Park Wastewater/Sewer or Water District shall be subject to approval by the Board and in compliance with the most recent Water Ordinance and Wastewater/Sewer Ordinance.

Septic permits for septic disposal systems proposed to be built, altered, or replaced shall be subject to the Vermont Agency of Natural Resources Wastewater System and Potable Water Supply Rules, as most recently amended.

1. **New Construction, Single Lot**

No zoning permit for new construction of a use requiring increased wastewater capacity shall be considered “in effect” unless and until a wastewater and potable water supply permit is issued to the parcel owner under 10 VSA Chapter 64 of Title 10.

2. **New Construction, Subdivision, and Creation of Two or More New Lots**

An applicant may submit a permit application for review, and the DRB may condition the issuing of a final permit upon an approved wastewater and potable water supply permit under 10 VSA Chapter 64 of Title 10.

All community water systems and individual wells shall be subject to the Vermont Agency of Natural Resources Wastewater System and Potable Water Supply Rules and the Vermont Water Supply Rules, as most recently amended.

O. Highway Access Permit

All private roads, private drives, and rights-of-way proposed to intersect a Town owned road shall conform to the policies adopted by the Selectboard, as most recently amended.

In accordance with 19 V.S.A §1111, all new access points onto a State highway or within a State right-of-way are subject to approval by the Vermont Agency of Transportation, unless otherwise regulated by this bylaw. A new State or Town access permit shall be required for any change or expansion of use.

9.3 Development Review Board Procedures

A. **Concurrent Review:** Where an application is subject to two (2) or more types of review by the DRB, attempts shall be made to conduct review procedures concurrently.

B. Sketch Plan Review

Applicants are encouraged to participate in a Sketch Plan Review, which is an informal public hearing with the DRB to explore options in a preliminary manner with minimal expense involved. Sketch Plan Review provides the applicant an opportunity to consult early with the DRB prior to expending time and resources on detailed engineering plans. No formal decision is taken at this time, and no specific data is required for this review. Conceptual plans, layouts, and elevations may be discussed. The DRB may make recommendations for modifications or changes in subsequent submissions or make requests for additional studies or supporting documentation. If an applicant elects not to participate in Sketch Plan Review, he or she shall indicate so on the application form.

C. **Review Process:** The procedures of this section shall apply to all applications reviewed by the DRB.

1. Applications to the DRB shall include the following information:

- i. Completed application form signed by the landowner and applicant
- ii. Two (2) full-size and seven (7) reduced (11" x 17") copies and electronic files of a plan containing all pertinent items from the development review checklist found in Checklist Appendix of these bylaws.
- iii. Any additional letters or supporting documents
- iv. Application fee.

2. The Administrative Officer shall determine if any required items are not pertinent and shall determine when an application is complete.

3. Upon submission of a complete application, a public hearing of the DRB shall be warned in accordance with the Act §4464]. Any revisions made to the application

shall be submitted to the Administrative Officer at least one (1) week prior to the public hearing, unless such revisions are requested by Municipal Staff.

4. The DRB may recess proceedings on any application pending the submission of additional information. The date and place of the adjourned hearing shall be announced at the hearing. The Board shall adjourn the hearing promptly after all parties have submitted requested information and all parties present for the hearing have had the opportunity to be heard.
5. The DRB shall act to approve, approve with conditions, or deny an application within forty-five (45) days of the date that the public hearing is adjourned. The Board shall issue a written decision to include Findings, Conditions of Approval, and provisions for appeal to Environmental Court in accordance with the Act §4464(b). The decision shall be sent by certified mail to the applicant within the forty-five (45) day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing. All decisions shall be recorded in the land records of the Municipality. If the Board fails to act within the forty-five (45) day period, the application shall be deemed approved on the forty-sixth (46th) day, provided the applicant seeks Court affirmation of the deemed approval by direct appeal to the Environmental Court.
6. In granting an approval, the DRB may attach such reasonable conditions as it may deem necessary to implement the purpose and standards for a specified type of review and to ensure the proper installation of required improvements.
7. If the DRB finds that the proposed use does not satisfy the purpose and standards of the specified type of review and that reasonable conditions cannot be attached to the approval to ensure that they will be met, it shall deny the application.

D. Site Visits

To verify the location of proposed improvements and to evaluate conformity of the application with the standards of these bylaws and Town and Village of Hyde Park Comprehensive Development Plan, the DRB may make a site visit and require the applicant's attendance at the site visit.

E. Independent Technical Review

Pursuant to the ACT §4440 (A), the DRB may require an applicant to pay for the reasonable costs of an independent technical review of the application or related legal documents. Accordingly:

1. The DRB shall prepare a detailed scope for the technical review. The scope shall be strictly limited and relevant to specific review criteria upon which the Board is required to base its decision on the application and shall require that the review be completed in a timely manner, as specified by the Board.

2. The DRB, in consultation with the Board, shall retain a competent and, where applicable, licensed individual or company qualified in the pertinent field(s) to conduct the independent review.
3. The cost of the review shall be paid for by the applicant, in accordance with procedures established by the Board.

9.4 Site Plan Review

A. Purpose

Site plan review is required in order to ensure that a project will be of high quality, have an attractive and functional site design, and that the overall building and site design is consistent with the purpose and character of the District within which it is located.

B. Applicability

In any District, no permit shall be issued by the Administrative Officer until site plan approval is granted. Unless exempted herein, all development requires site plan approval. [the Act §4416]

C. Exemptions: Site plan review is not required for the following uses. However, all exempted uses shall meet dimensional and design standards for the zoning district in which the use is located and the general provisions for all land development found in Section 7 of these bylaws.

1. Single-family dwellings.
2. Two-family dwellings.
3. Accessory apartments.
4. Home occupations and businesses
5. Accessory structures to residential uses.

D. Administrative Site Plan Approval

1. The Administrative Officer may grant site plan if all of the following criteria are met:
 - i. All uses proposed are permitted uses in the District in which the parcel is located.
 - ii. Any structure containing the use conforms to all dimensional standards for the District in which it is located.
 - iii. Any expansion of the structure or total impervious surface, in culmination with any previous expansion over a five (5) year period, does not exceed the thresholds outlined in the Table below.
 - iv. All Section 9.4(D) standards can be met without a DRB waiver of the requirement.

DISTRICT	TOTAL INCREASE IN GROSS FLOOR AREA	AND/ OR	TOTAL INCREASE IN IMPERVIOUS SURFACE
VC, VR, VGC, VGR	1,500 square feet		0.25 acres

In granting Administrative site plan approval, the Administrative Officer shall ensure that all criteria/and/or standards outlined in these regulations are met. If the Administrative

Officer is unable to determine if any criteria, standard, and/or site plan review standard outlined in Section (9.4(d)) have been met, the application shall be subject to DRB review described in Section 12.

E. Site Plan Review Standards

In reviewing a site plan, the Zoning Administrator and/or DRB shall consider the following standards and conditions in reviewing the site plan as described in Section 12.:

1. Landscaping
2. Exterior Lighting
3. Pedestrian and Bicycle Access
4. Utilities
5. Storm water Management
6. Protection of Natural Resources

Site plans shall comply with any and all applicable Specific Use Standards in Section 6.7 and the General Provisions for all Land Development in Section 7.

F. Conditions of Approval

The DRB shall have the power to impose reasonable conditions and safeguards, to implement the standards above, and to ensure the proper installation of required improvements when approving site plan applications including, but not limited to:

1. The DRB can require shared access to adjoining properties or may limit access to the property to a side street or secondary road.
2. Where only a portion of a property is proposed for development, the DRB can require an applicant to submit a master plan showing how future development of the remainder of the property will be accessed and serviced.
3. The DRB has the power to limit the size and location of any parking or loading areas.
4. The DRB can require screening of parking from adjacent uses and from roadways in the vicinity.
5. The DRB can require the cost of planting to equal up to three (3) percent of the estimated total cost of the development.
6. The DRB can require provisions for sidewalks or walkways along public roads and/or pedestrian trails and walkways along waterways or other natural features.
7. The DRB can require additional site design to mitigate storm water runoff and erosion control.
8. The owner or developer can be required to provide a suitable performance bond or other form of security to guarantee the performance and completion of all improvements required pursuant to this section. The amount and form of such surety shall be subject to the approval of the Board prior to final Site Plan Approval.

9.5 Conditional Use Review

A. Applicability

A zoning permit for any use or structure that requires conditional use approval as defined per the District in Section 6.6 shall not be issued by the Administrative Officer until the DRB grants such approval. A use designated as a conditional use shall not require separate site plan review. Site plan review standards, submission requirements, and approval conditions in Section 10. shall become part of the conditional use review standards.

B. Purpose

The purpose of a conditional use is to extend the development options of all property owners within a particular zoning district without causing undue impact upon other property owners or violating the purpose of the Districts.

C. Review Procedures

The Development Review Board shall review any application for conditional use review in accordance with the procedures in Section 12.

D. Conditional Use Review Standards

When determining the appropriateness of a proposed conditional use, the DRB shall determine that the development or use will not result in an undue adverse effect on the general conditional use standards described under Section 10. [the Act §4414(3)]:

1. The capacity of existing or planned community facilities.
2. The character of the area affected.
3. Traffic on roads and highways in the vicinity.
4. Bylaws now in effect.
5. Utilization of renewable energy resources.

In reviewing an application for conditional use, the DRB shall also consider all site plan review standards and approval conditions in Section 10.

E. **Conditions of Approval**

The DRB shall have the power to impose reasonable conditions and safeguards to implement the standards above, to ensure the proper installation of required improvements, and to ensure the safety and general welfare of surrounding properties when approving conditional use applications including, but not necessarily limited to, the following [the Act §4464(b)(2)]:

1. For non-residential uses only, increased lot size or yard dimensions, unless maximum lot sizes or maximum setbacks are defined for the District in which the use is located.
2. Limiting lot coverage or height of buildings because of undue obstruction to view and reduction of light and air to adjacent property, provided such a limitation is in conformance with the purpose statement for the District in which the property is located
3. Controlling the location and number of vehicular access points to development to minimize traffic hazards.
4. Improvements or upgrades to the immediate transportation network serving the development. Such upgrades shall be in conformance with any capital budget in effect.

Such improvements need not correct all deficiencies in the existing network and should be commensurate with the proposal's actual impact. Especially within the Village Main Street, Village Center and Village Residential Districts, improvements that encourage modes of travel other than the single occupancy automobiles are encouraged. Examples include contributing to a planned sidewalk or pathway network, commuter lot, or transit service.

5. Requiring measures to minimize the adverse effects of land alterations on soil erosion, water quality, and scenic beauty as may be recommended by the County Forester, Natural Resource Conservation Service, District highway engineer, and other experts.
6. Requiring additional, suitable landscaping or screening where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;
7. Limitations on the hours of operation or levels of daily truck traffic permissible.
8. Specifying a time limit for construction of improvements to land or structures, including conditions to phase residential developments to minimize the impact on schools and other community facilities and services;
9. Requiring a performance bond from the applicant to ensure that the project is constructed and maintained in compliance with the permit and these bylaws;
10. Any additional conditions and safeguards that the DRB deems necessary to implement the purposes of the Act, the Town and Village of Hyde Park Comprehensive Development Plan, or these bylaws; and
11. For development in the Flood Hazard Areas, such additional reasonable conditions as the DRB may deem necessary to implement the above measures, including a condition that all appropriate State and Federal permits be obtained.

9.6 Subdivision Review -- General

A. Purpose

Subdivision review is intended to ensure orderly growth and coordinated development in Hyde Park, to guide community settlement patterns, to ensure the efficient extension of services, utilities, and facilities as land is developed, to promote the health, safety and general welfare of Hyde Park's inhabitants, and to implement the Town and Village of Hyde Park Comprehensive Development Plan, as most recently amended.

B. Applicability

In accordance with the Act §4418, Subdivision Review by the DRB is required whenever any subdivision of land is proposed for the purpose of sale, lease, or development. Applications for Planned Unit Development shall be reviewed under subdivision review concurrently with Planned Unit Development review in Section 11.

C. Minor vs. Major

For the purpose of these bylaws, subdivision of land shall be classified by the Administrative Officer as a minor subdivision or a major subdivision as follows:

1. Minor subdivisions shall include any subdivision of land, or the re-subdivision of a parcel within a period of one hundred twenty (120) months, which results in the

creation of three (3) or fewer lots (not including open land in a PUD) and which does not require the construction of any new public or private roads.

2. Minor subdivisions shall also include an amendment to an approved subdivision which does not result in a major subdivision.
3. Minor subdivisions shall require administrative review provided that there are no waiver requests and only residential uses will be constructed on the parcels.
4. Notice will be mailed to all adjoining landowners following administrative approval. An interested party may request a public hearing within the fifteen (15) day permit appeal period. If a hearing is requested, the DRB shall review the project as an appeal of an administrative decision.
5. Major subdivisions shall include any subdivision of land, or the re-subdivision of a previously subdivided parcel within a period of one hundred twenty (120) months, which results in the creation of four (4) or more lots (not including open land in a PUD) or which requires the construction of any new public or private streets.
6. Major subdivisions shall require preliminary and final review approval pursuant to Section 11 and 12., and shall require preliminary and final review approval by the DRB.

- D. Applicants are advised that subdivisions creating ten (10) or more lots or dwelling units within a radius of five (5) miles of any point on any involved land, and within any continuous period of five (5) years will require Act 250 Review and approval. Applicants are encouraged to consider potential Act 250 requirements when developing plans for subdivision.

9.7 Waiver of Subdivision Standard or Application Requirement:

An applicant may receive relief from a provision of these subdivision review procedures or standards through the granting of a waiver by the DRB. [the Act §§4418(2)(A)]. The purpose of a waiver is to address special circumstances of a particular plat or plats that are not requisite in the interest of the public health, safety, and general welfare or because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

- A. Application: An application for a waiver shall be filed with the Clerk of the DRB prior to, or concurrent with, the submission of the respective subdivision plat, in writing and shall include:

1. The name and address of the appellant.
2. A brief description of the property with respect to which the waiver is requested.
3. A reference to applicable regulation provisions for which relief is requested.
4. The nature of the relief requested by the appellant.
5. The alleged grounds why such relief is believed proper under the circumstances (i.e. how the proposal meets all requirements of this section).

B. Review Procedures

The DRB shall review any application for a waiver in accordance with the procedures in Section 12.

C. General Standards

The DRB may waive, subject to appropriate conditions, subdivision application requirements and subdivision standards under these bylaws.

D. The conditions for a waiver of an application requirement or subdivision standard are that the request(s):

1. Not be requisite in the interest of the public health, safety, and general welfare; or
2. Are inappropriate because extraordinary and unnecessary hardship may result from the strict compliance of these bylaws; or
3. Are inappropriate because of inadequate or lack of connecting facilities adjacent to or within proximity of the subdivision. [the Act §4418(2)(A)]

E. Posting

When a waiver is approved, notice must be posted within view of the public right-of-way nearly adjacent to the subject property until the time for appeals has passed. The notice shall contain a statement of the appeal period the Act §4449(b) and information as to where a full description of the project and approval can be found. Within three (3) days of following the issuance of the decision, a copy of the approval must be posted in at least one (1) public place in the municipality until the expiration of the fifteen (15) days from the date of issuance of the approval [the Act §4449(b)(2)].

F. Recording requirements

A copy of the decision shall be filed with the Administrative Officer and the Village Clerk as a part of the public record [the Act §4464(b)(3)]. The DRB shall meet all recording requirements of Section 12.

9.8 Subdivision-Preliminary Plan Review

A. Applicability

Preliminary plan review is required for all applications for major subdivision and major boundary line adjustments. At the discretion of the DRB, Preliminary Review and Final Review may be combined into one proceeding.

B. Purpose

The purpose of a preliminary plan review is to have a preliminary discussion about the proposal with the developer. Preliminary plan review is intended to ensure the most complete and efficient review of projects, to save resources for both the applicant and the Municipality, and to provide public and municipal input at the earliest stages of project development.

C. Review Procedures

The DRB shall review any application for preliminary plan review in accordance with the procedures in Section 12.

D. General Standards

When determining the appropriateness of a subdivision, the Development Review Board may consider any of the standards and conditions contained in these bylaws and any other applicable local bylaws.

E. Conformance

The DRB shall study the preliminary plan to determine whether or not it conforms to these bylaws, any capital budget and program in effect, the official map, the local sewerage ordinance, and any other municipal bylaws in effect. Where it deems necessary, the DRB will make specific recommendations for changes in subsequent submissions.

F. Conditions of Approval

1. Master Plan Review: As part of the requirements established, after preliminary plan review the DRB may require a description of the potential build-out of the entire parcel and adjacent parcels even if the application only includes a portion of the parcel(s).
2. When required, the Master Plan build-out shall include an indication of proposed roads, driveways or streets, the future probable lot lines and building envelopes of the remaining portion of the tract, and a description of the probable uses. The build-out may be drawn in a sketch plan format. The Development Review Board may require that the build-out be submitted as part of an extended preliminary plan review, or as a part of the final plat approval.
3. Requirements for Master Plan review are intended to ensure the orderly development of the Village of Hyde Park and will be required when the Development Review Board determines that the development currently under review may have an impact on the future develop-ability of the remaining parcel or adjacent parcels. It may also be required when the Development Review Board determines that the future build-out of the applicant's holdings, combined with the current proposal, may have a significant impact on the Village of Hyde Park.
4. Approval of an applicant's current application does not constitute approval of the Master Plan build-out.

9.9 Effect of Preliminary Plan Determination

Approval of a preliminary plan shall not constitute approval of a subdivision plat and is merely authorization for the applicant to file a final plat application.

DRB determinations and associated recommendations shall remain in effect for one (1) year from the date of issuance, unless otherwise specifically approved or extended by the DRB. Within one (1) year of the determination by the DRB, the applicant may apply to the DRB for final plat approval under Section 12. of these bylaws. At the expiration of one (1) year from approval by the DRB, the sub-divider shall be required to resubmit a sketch plan in accordance with these bylaws.

A. Posting

When a preliminary plan is approved, notice must be posted within view of the public right-of-way nearly adjacent to the subject property until the time for appeals has passed. The notice shall contain a statement of the appeal period [the Act §4449(b)] and information as to where a full description of the project and approval can be found. Within three (3) days of the issuance of the decision, a copy of the approval must be posted in at least one public place in the municipality until the expiration of the fifteen (15) days from the date of issuance of the approval [the Act §4449(b)(2)].

B. Recording Requirements

Preliminary plan approval must be sent to the Listers within three (3) days of issuance of approval [the Act §4449(b)(1)]. A copy of the decision shall be filed with the Administrative Officer and the Village Clerk as a part of the public record [the Act §4464(b)(3)]. The DRB shall meet all recording requirements Section 12. of these bylaws.

9.10 Subdivision, Final Plat Review

A. Applicability

Final plat approval is required for all applications for subdivision and major boundary line adjustment following preliminary plan approval.

B. Review Procedures

The Development Review Board shall review any application for final plat review in accordance with the procedures in Section 12.

C. General Standards

In reviewing a subdivision plat, the DRB must consider all of the subdivision standards required as a condition of preliminary plan review and any additional regulations deemed relevant, including other applicable local bylaws.

1. Subdivision standards found in Section 11. of these bylaws.
2. The proposed subdivision conforms to all other provisions of these bylaws , any capital budget and program in effect, any official map in effect, the sewerage ordinance, and any other municipal bylaw in effect.
3. Any proposed waiver has been properly decided under these bylaws.

D. Conditions of Approval:

1. Completion requirement or Performance bonding: For any subdivision which requires the construction of roads or other public improvements by the applicant, the DRB may require that no zoning permit, except for any permit that may be required for infrastructure construction, may be issued for an approved development unless the streets and other public infrastructure are satisfactorily installed in accordance with the approved decision and pertinent bylaws. [the Act §4464(b)(4)]
2. In lieu of completion of the required public improvements, the Development Review Board may require from the sub-divider for the benefit of the municipality a performance bond, letter of credit, or other surety issued either by a bonding

company or surety company approved by the Board or by the owner with security acceptable to the Board 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 (2) years after the completion as is estimated by the DRB or such Municipal Department or officials as the DRB designates. This bond, letter of credit, or other surety shall provide for, and secure to the public, the completion of any improvements that may be required within the period fixed for that completion and for the maintenance of those improvements for a period of two (2) years after completion. [the Act §4464(b)(4)]

3. The form, content, amount, and manner of execution of such bond, letter of credit, or surety shall be to the satisfaction of the Board. The term of such bond, letter of credit, or other surety may be fixed for a maximum of three (3) years, within which time period said improvements must be completed. The term of such bond or surety may, with mutual consent of the DRB and the applicant, be extended for an additional period not to exceed three (3) years. [the Act §4464(b)(2), §§4464(b)(4 - 6)]

E. Phasing

At the time the DRB grants final plat approval, it may require the subdivision to be divided into two or more phases to be developed at separate times. The DRB may impose specific conditions for the filing of an application for zoning permits to ensure the orderly development of the plat and coordination with the planned and orderly growth of the municipality, as reflected in any capital budgets and programs in effect. [the Act §4422]

1. The DRB may impose other conditions of approval as necessary to protect the public safety and welfare and to ensure compliance with these bylaws, and other bylaws and ordinances in effect [the Act §4464(b)(2)].

F. Effect of Final Plat Approval

The approval by the DRB of a final subdivision plat shall not be construed to constitute acceptance by the Municipality of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard (for roads) or the Board (for sewer/water infrastructure or utilities) in accordance with State statutes. Each approval shall contain a time limit within which all improvements shall be completed, not to exceed three (3) years unless otherwise required or extended by the DRB. [the Act §4463(c)]

G. Posting

When a final plat is approved, notice must be posted within view of the public right-of-way nearly adjacent to the subject property until the time for appeals has passed. The notice shall contain a statement of the appeal period [the Act §4449(b)] and information as to where a full description of the project and approval can be found. Within three (3) days of the issuance of the decision, a copy of the approval must be posted in at least one

public place in the municipality until the expiration of the fifteen (15) days from the date of issuance of the approval [the Act §4449(b)(2)].

H. Recording Requirements

Recording of approved subdivision plats is the responsibility of the sub-divider. Plats must be recorded with the Town Clerk in accordance with the requirements of Section 13.8.4 of these bylaws. Notice of final plat approval must be sent to the Listers within three (3) days of issuance of approval [the Act §4449(b)(1)]. A copy of the decision shall be filed with the Administrative Officer and the Town Clerk as a part of the public record [the Act §4464(b)(3)]. The applicant shall also file an electronic version of the final plat with the Administrative Officer and Town Clerk.

9.11 Minor Boundary Line Adjustment Approval

A. Applicability

Minor boundary line adjustment approval is required for all applications for minor boundary line adjustment.

B. Plat - Application requirements

The applicant shall submit to the Administrative Officer a permit application, fee, and other supporting documentation sufficient to determine compliance with these bylaws.

C. Application deemed received

The Administrative Officer shall, upon receipt, review the application to determine completeness. A complete application will include sufficient information for the Administrative Officer to make a determination of compliance and any applicable fees.

1. If the Administrative Officer finds the application incomplete, the Zoning Administrator shall, within five (5) days after receipt, notify the applicant in writing of all additional information or fees required.
2. If the Administrative Officer finds the application complete, the Administrator shall record on the application the date on which the application was received.

D. Administrative Officer Action:

Within thirty (30) days after the submission of a completed application and fees, the Administrative Officer must act on the permit [the Act §4448(d)]. Acting on the permit involves a documented action on the proposal. The Administrative Officer may:

1. Decide to approve or deny the permit based on this section and bylaws.
2. If the Administrative Officer fails to act within the thirty (30) day period, a permit shall be deemed issued on the thirty-first (31st) day the Act [§4448(d)].

E. General Standards for Boundary Line Adjustments:

When determining the appropriateness of a proposed boundary line adjustment, the Administrative Officer shall determine:

1. That the proposed boundary line adjustment meets the dimensional requirements, meets access requirements, and useable lot requirements set by these bylaws.
2. That water system and wastewater disposal requirements are met.

F. Decisions

A permit shall be issued by the Administrative Officer only in accordance with the Act §4449(a)(1) and these bylaws.

1. If in the opinion of the Administrative Officer the proposal as set forth in the application is in conformance with the provisions of these bylaws, the Administrative Officer shall approve the permit. If the permit is approved, the Administrative Officer shall notify the applicant, in writing, of the approval stating the effective date of the permit.
2. If in the opinion of the Administrative Officer, the proposal as set forth in the application is not in conformance with the provisions of these bylaws, the Administrative Officer shall deny the zoning permit. If the permit is denied, the Administrative Officer shall notify the applicant in writing, stating the reasons for denial and containing a statement of the period of time within which an appeal may be taken.
3. No zoning permit shall be issued by the Administrative Officer until all state, local permits and required approvals from the DRB, Board of Trustees, Health Officer, and/or any other local approval have been properly decided and issued.

G. Effective Date

No permit shall take effect until the time for appeal has passed. In the event an appeal is filed, the permit shall not take effect until the DRB has heard the appeal and decided that the permit should be issued; whereupon it shall take effect after final adjudication of said appeal [the Act §4449(a)(3)].

1. The effective date of minor boundary line adjustment applications is fifteen (15) days from the date of issuance of the approval.

H. Posting

When a minor boundary line adjustment is approved, notice must be posted within view of the public right-of-way nearly adjacent to the subject property until the time for appeals has passed. The notice shall contain a statement of the appeal period [the Act §4449(b)] and information as to where a full description of the project and approval can be found. Within three (3) days of the issuance of the decision, a copy of the approval must be posted in at least one public place in the municipality until the expiration of the fifteen (15) days from the date of issuance of the approval [the Act §4449(b)(2)].

I. Appeals

Appeals from the decisions of the Administrative Officer may be made to the DRB, as per Section 12. of these bylaws, within fifteen (15) days of the decision or act.

J. Posting and Recording Requirements

The Administrative Officer shall meet the posting and recording requirements of Section 12.

9.12 Planned Unit Developments (PUD)

A. Purpose

Planned Unit Developments (PUDs) are intended to further the goals and objectives of the Town and Village of Hyde Park Comprehensive Development Plan, and the purpose of the underlying zoning district by permitting flexibility in the application of land development bylaws. Planned Unit Developments (PUDs) are permitted in order to encourage flexibility in design and unified treatment of the development site; to promote efficient use of land; to facilitate the efficient and economical provision of streets and utilities; and to conserve the natural resources, historic features, and scenic qualities of the Village of Hyde Park. [the Act §4417]

B. Applicability

PUDs are encouraged for all development in the Village of Hyde Park. PUD review shall be required in the following circumstances:

1. For all major subdivisions, as defined in Section 9., in the Village Gateway Rural District; or
2. In all other Districts, when a subdivision results in the creation of ten (10) or more lots within a period of ten (10) years.

C. Coordination of Review

Applications for PUDs shall be reviewed pursuant to Section 9. Subdivision Review. PUDs may be classified as minor or major subdivisions, pursuant to Section 9. A PUD may include any permitted or conditional uses in the District in which it is located, subject to all required reviews. Where a proposed use or structure within the PUD requires site plan, conditional use, or other review under these regulations, efforts will be made to hold the review concurrently. Any subsequent zoning permit, site plan or conditional use approval within an approved PUD shall incorporate all applicable conditions of the PUD approval.

D. Permitted Density

The total base density in a PUD shall be eighty percent (80%) of the maximum potential residential density of the parcel, unless the applicant submits a density plan demonstrating that a greater number of lots could be created in a conventional subdivision meeting all requirements of these regulations. The density plan shall at minimum demonstrate that each potential lot satisfies all the dimensional requirements of the applicable zoning district and contains an area of compact, contiguous, buildable land equal to or greater than 10,000 square feet.

E. Lot coverage within a PUD shall be calculated based on the total coverage of the PUD, including open space land. Individual lots or portions of the PUD may exceed the acceptable maximum lot coverage, provided there is an offset by a lesser lot coverage in other

portion(s) of the PUD.

F. At the request of the applicant, the DRB may increase the residential density (number of lots or units) and/or increase maximum lot coverage, based on the criteria specified below.

1. A bonus may be granted for one or more of the following criteria, if identified in the District Dimensional Tables:
 - i. Provides public access to LVRT or Moss Woods: In order to be eligible for this bonus, the applicant shall provide deeded public access to the Lamoille Valley Rail Trail or Moss Woods.
 - ii. Meets Green Building Standards: In order to be eligible for this bonus, the applicant shall provide evidence, including third party verification, that the development meets criteria established for Leadership in Energy and Environmental Design, or Vermont Builds Green Certification, or Vermont High Performance Home energy standards. The DRB may also consider other “green building” certification programs, provided the program includes regionally based standards applicable to a cold weather climate and requires third-party review and verification/certification
 - iii. Meets Historic Preservation Standards: In order to be eligible for this bonus, the applicant must demonstrate that the project meets all Secretary of the Interior Standards for the Treatment of Historic Properties and follows the written recommendations of an Architectural Historian and/or Archeologist approved to conduct Section 106 Reviews by the Vermont Agency of Commerce and Community Development. Such recommendations shall be included as part of the application for PUD review.
 - iv. 60%+ or 75% of parcel area designated as open space: Within the Village Gateway Rural District only, the total number of lots or units may be increased by fifteen percent (15%) or twenty five percent (25%) if sixty percent (60%) or more or seventy five percent (75%) or more, respectively, of the parcel is designated as open space.
 - v. Contains designated elderly or accessible dwelling units: In order to be eligible for this bonus, The additional units will meet at least one of the following criteria
 - a. Occupancy of the dwelling units will be limited to people age 55 or older or people with disabilities; and/or
 - b. The dwelling units will be built to universal design standards.
2. The bonus shall be cumulative (but not sequential) for all criteria met: Both lot coverage and residential density may be increased as a result of the bonus. Lot coverage shall be increased based on the allowed lot coverage in the District, plus the total density bonus. (For example, if the maximum lot coverage in the District is 60% prior to granting of a density bonus and the project is eligible for a 20% density bonus, a total of 80% lot coverage may be permitted.) Residential density shall be increased based on the total number of units allowed, plus the percentage of lots

prescribed by the density bonus. (For example, if a lot could be developed with 10 units prior to granting of a density bonus and the project is eligible for a 20% density bonus, a total of 12 units may be permitted.)

3. If the bonus calculation results in a fractional number, it shall be rounded down to the nearest whole number.

9.13 Designation of Open Space Lands:

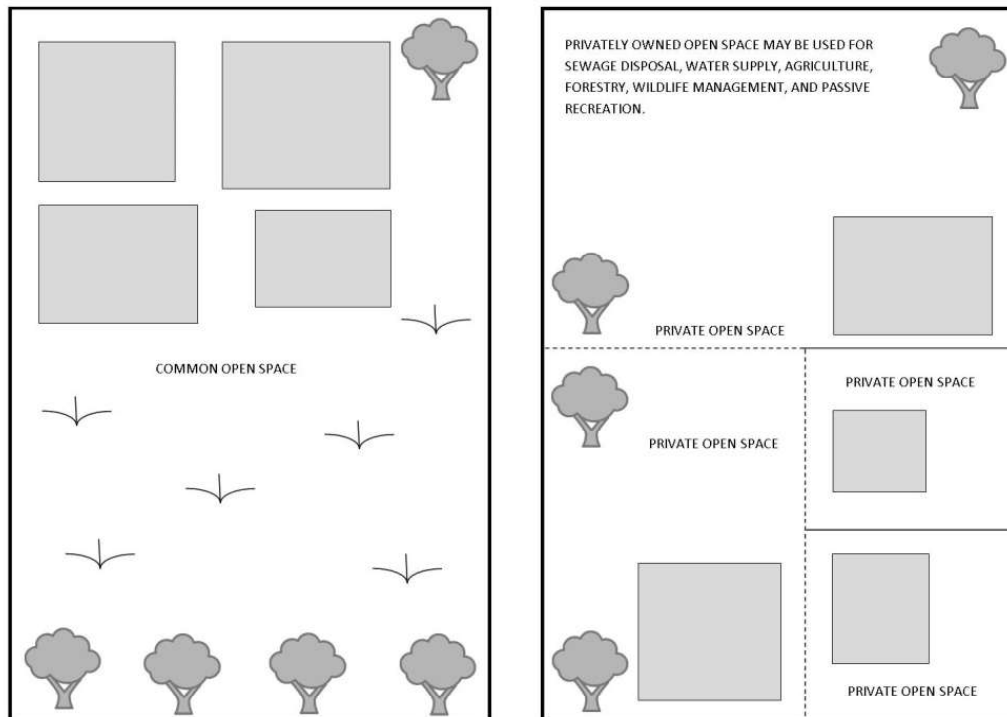
All PUDs in the Village Gateway Rural District shall make provisions for the preservation of open space. The lands set aside to be preserved for open space shall be reviewed and approved by the Development Review Board, in accordance with the following:

- A. At least 40% of the total parcel area shall be designated as open space.
- B. Land designated as open space shall be indicated with appropriate notation on the final development plat. Open space land shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot and establishing the person or entity responsible for its maintenance.
- C. The configuration of the open space land and the covenants governing its usage shall reflect the purpose of the open land and shall be suitable for its intended use.
- D. Open space land shall be configured to provide for large contiguous open space lands on the parcel. Fragmentation of open space land shall be avoided to the greatest extent possible, for example,
 1. by siting new driveways, private roads by sharing existing rights-of-way or following existing linear features such as roads, tree lines, stone walls, fence lines, or fields edge; and/or
 2. Clustering buildings and structures near exiting development and roads.
- E. Narrow strips of open space land shall only be approved when necessary to connect significant areas, such as significant wildlife habitat, or when designed to protect linear resources such streams or trails.
- F. The open space shall first protect meadowland and farmland. Recreational, forest land and wildlife habitat, and other common lands for community facilities shall be second in line for inclusion where agricultural land is present.
- G. Ownership of Open Space Lands

Open space land may be set aside as common land, as a separate undeveloped lot, or as a portion of a single lot, outside of the building envelope, to be held in private ownership. Open space land shall be dedicated, either in fee or through a conservation easement approved by the DRB, to the municipality, an owners' association comprised of present or future owners of the subdivided lots, and/or a nonprofit conservation organization. The ownership type shall be consistent with the best means of maintaining or managing the resources on the site. All costs

associated with administering and maintaining open space and/or common land shall be the responsibility of the applicant and subsequent landowners.

1. Common Open Space: The following provisions shall apply to commonly owned open space lands:
 - i. The common open space land may be used for water supply and/or septic waste disposal, either common or individual, provided that adequate control over the use of the land for these purposes is retained by the party or parties responsible for the maintenance of these facilities.
2. Privately Owned Open Space: In order to create larger lots for agricultural, forestry or preservation purposes, PUDs may also be designed with designated open space retained in private ownership rather than as common land. Such privately owned open space shall provide that:
 - i. All development (if any) is restricted to a designated building envelope within which development may occur as permitted in Section 6. "Table of Uses."
 - ii. The remainder of each lot is designated open space and is restricted through permanent deed restriction or easement from all development except sewage disposal, water supply, agriculture, forestry, wildlife management and passive recreation.
 - iii. Privately owned open space may be used for water supply and/or septic waste disposal, provided that adequate control over the use of the land for these purposes is retained by the party or parties responsible for the maintenance of these facilities.



H. District Standards

Within a PUD, the District Standards found in Section 4 may be modified in accordance with the following: Minimum lot size and frontage may be reduced in order to promote clustered development and land conservation, and/or to promote the development patterns described. Setbacks may be modified within the interior of the PUD. The minimum setback requirements for the District in which the PUD is located shall apply to the periphery of the development. Maximum height shall not be exceeded. No variation from the roof design standards shall be allowed. No variation from District standards for building façades, if any, shall be allowed. No variation from the standards of any Overlay District shall be allowed.

I. Development Standards and Dimensional Regulations

The following shall be met in order for the DRB to approve the application:

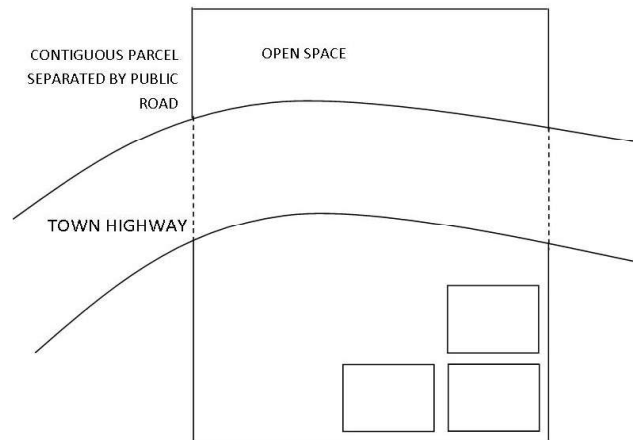
1. All PUDs shall comply with the subdivision review standards in Section 9., any and all applicable Specific Use Standards in Section 6., and the General Provisions in Section 7.
2. The PUD will meet, at a minimum, State regulations for sewage disposal and the protection of surface and ground water quality.
3. The Development Review Board may require that the PUD be phased in accordance with Section 9. and that development shall be proposed over a reasonable period of time in order that adequate municipal facilities and services may be provided.
4. PUDs are encouraged for all development in the Village of Hyde Park, including applications that will not result in development of an entire parcel. In such cases, the applicant may apply for a phased PUD, provided a Master Plan meeting the criteria outlined in Section 9. is submitted and approved by the DRB.

J. Associations and Lots within a PUD

Lots within PUDs may be part of an Association or Lots and may be sold as individual lots absent of an Association.

1. For those not within an Association, such provisions shall be made for the regulation and management of any common land. In these types of PUDs, the use and further subdivision of land are regulated by, but not limited to, these bylaws, the associated subdivision plat, and any restrictions placed upon the title of the land.
2. For those with an Association, limitations and changes of use may be regulated internally through the Association or similar setup. Articles of Association are contracts within the members of the Association. Articles of Association are not a substitute for, nor do they supersede these bylaws. If given internal approval, the project must still receive any approvals required by these bylaws. The Administrative Officer does not enforce nor mediate disputes regarding any Articles of Association.

3. PUDs involving contiguous parcels separated by a public road: Contiguous parcels divided by a public road may be combined into a single application for PUD review. Total residential density shall be based upon the cumulative acreage of both parcels, and shall be determined in accordance with the procedures above. Density may be aggregated to allow for greater concentrations of development on one parcel, and corresponding land set open space on the other, provided the overall density for the combined parcels does not exceed that which could be permitted..



overall density for the combined parcels does not exceed that which could be permitted.. Density may be transferred within a zoning district or from a lower density district to a higher density district. Density shall not be transferred from a higher-density district to a lower density district.

K. Administrative Amendments

Minor revisions to DRB approvals for subdivision and/or site plan review may be reviewed and approved by the Administrative Officer without DRB review, subject to the following:

1. Minor revisions are those that have no substantial impact under any of the standards outlined in relevant sections of these bylaws. Conditions from prior approvals shall only be modified if the original rationale for the condition(s) is understood and has been adequately addressed in a manner consistent with current regulations. Furthermore, no revision issued via Administrative Review shall have the effect of substantially altering any of the Findings of Fact of the most recent approval.
2. In no event shall Administrative amendment result in the creation of any new lots or vehicular easements.
3. The authority to approve an application administratively does not mean that the Administrative Officer is required to do so. The Administrative Officer reserves the right to refer any application to the DRB where it is deemed that DRB level review or interpretation is appropriate or necessary. In such cases, the applicant shall be responsible for any additional fees or submittals needed for DRB review.
4. Notice and Posting: Public notice and posting requirements shall be the same as those outlined in the relevant section of these bylaws. Furthermore, notice shall be sent to all abutters and individuals in attendance at the public hearings for the project when it was initially approved.
5. Decisions: The Administrative Officer shall act within thirty (30) days of the receipt of a complete application, either by issuing a decision or by making a

referral to the DRB. The permit shall be deemed issued on the thirty-first (31st) day, if not acted upon. Decisions shall be sent to anyone who makes a specific request. Pursuant to the V.S.A. Ch 117 §4449 (3), these permits shall not take effect until the time for appeal has passed.

6. Appeals: Any person may appeal to the DRB within fifteen (15) days of the date of the decision, in the same manner as other zoning permit appeals pursuant to the V.S.A. Ch 117 §4456.

10. SITE PLAN AND CONDITIONAL USE STANDARDS

10.1 Landscaping and Screening

A. Budgetary Guidelines

In general, the cost of landscaping required by this section shall not exceed three percent (3%) of total construction/improvement costs. Credit toward this requirement, and the standards outlined below, may be granted for preservation of existing vegetation.

B. Planting Specifications

Cultivars shall be suitable for the climatic and other conditions in which they will be used (utility lines, salt, air pollution, etc.) and shall be selected using the criteria outlined in the most recent version of the “Recommended Trees for Vermont Communities: A guide to Selecting and Purchasing Street, Park, and Landscape Trees,” published by the Vermont Urban and Community Forestry Program. Alternative cultivars may be utilized based on the recommendations of a certified horticulturalist, landscape architect, or State Extension Service Master Gardener.

C. To control erosion, the site plan shall meet the following standards:

1. The development plan shall fit the topographic, soil, and vegetation characteristics of the site with a minimum of clearing and grading.
2. No clearing or grading shall take place within fifty (50) feet of streams.
3. Existing natural drainage patterns shall be preserved wherever possible.
4. Grading and other construction activities shall not create slopes greater than 30 percent (3:1) unless a retaining wall or other mechanism is used to ensure future erosion and/or slumping does not occur.
5. The sequence of construction activities shall be designed so that the smallest area possible is disturbed at any one time. Only areas where active construction is taking place should be exposed. All other areas should be protected by vegetative and structural control measures.
6. Seed and mulch shall be applied as soon as possible to disturbed soils.
7. Disturbance should be avoided as much as possible between October 15 and May 1.

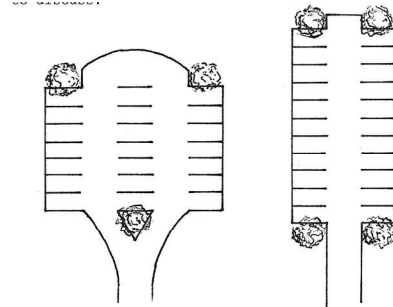
D. Screening/Buffering

All parking areas for five (5) or more cars, utility substations, outdoor dumpster/garbage receptacle areas, and/or open storage and loading service yards shall be screened from any adjacent property or public right-of-way (including the Lamoille Valley Rail Trail).

Screening shall include a buffer strip of not less than five (5) feet landscaped with dense evergreens or similar plantings. Integration of fencing or building elements which screen these areas shall be a suitable alternative to this buffer strip.

E. Internal Parking Lot Landscaping

All off-street parking lots containing twenty (20) or more spaces shall be landscaped with trees, shrubs, and other plants. At least one (1) deciduous tree per ten (10) spaces shall be planted in a bed of not less than forty (40) square feet. In lieu of this requirement, the applicant may install uncurbed planting areas in order to provide for storm water run-off into vegetated areas for treatment.



F. In lieu of other landscaping requirements above, the DRB may approve landscaping of equivalent value for the purpose of improving or restoring wildlife habitat, wetlands restoration and protection, stream bank stabilization and restoration, or similar improvement. Plans for such improvements shall be developed by an appropriate professional.

G. Performance Guarantee

All landscaping and plantings shall be guaranteed for at least three [(3) years from the date of planting. The DRB may require a letter of credit, performance bond, escrow, or other surety in an amount sufficient to provide for planting and landscaping and to ensure that the planting and landscaping remains in satisfactory condition for a period of three (3) years after completion. If the DRB determines that the landscaping will take several years to accomplish the desired screening/buffering effect, they may require that fencing be installed and maintained during the interim.

10.2 Exterior Lighting

A. Purpose: The purposes of the exterior lighting regulations are to:

1. Provide adequate lighting to ensure the public's safety and security.
2. Provide guidelines that allow functional, aesthetically pleasing, and cost effective exterior lighting.
3. Promote energy efficient lighting designs and operations.
4. Encourage appropriate lighting practices that will minimize light pollution, glare, light trespass, and problems caused by improperly designed and installed exterior lighting.

B. Application requirements

On all projects requiring site plan approval, the installation or replacement of outdoor lighting requires the approval of the DRB.

C. Sufficient information is required to be provided by the applicant to ensure the applicable

provisions will be satisfied, including:

2. Specifications for all proposed lighting fixtures including photometric data, designation as Illumination Engineering Society of North America (IESNA) “cut off” fixtures, Color Rendering Index (CRI) of all lamp bulbs, hours of illumination, and other descriptive information on the fixtures;
3. Proposed mounting height and number of all fixtures and angle of projection;

D. General requirements

All exterior lighting shall be located, shielded, landscaped, or otherwise fully buffered in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated including adjacent properties, roadways, and the night sky.

1. Exterior lighting shall be limited to cut-off fixtures. Wherever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.
2. Such fixtures shall be aimed directly downward so as not to cause glare on adjacent roadways, not to cause excessive levels of illumination, or not to result in direct illumination of neighboring properties.
3. Electrical service to outdoor lighting fixtures will be underground unless mounted directly on a utility pole.
4. For the purpose of reduction in energy consumption, lighting shall be designed to provide the minimum level of illumination necessary for security, safety, and visual appeal. Lighting fixtures and bulbs are to be energy efficient.
5. Lighting associated with holiday decoration shall be exempt from these provisions provided such lighting does not create a hazard.
6. Lighting fixtures shall be maintained to meet the requirements of these regulations.

E. Specific design standards

1. Parking lot lighting: Parking lot lighting shall be designed to provide the minimum lighting necessary to meet the functional needs of safe circulation, to ensure adequate vision and comfort in parking areas, and not to cause glare or directly illuminate onto adjacent properties or streets.
 - i. All lighting fixtures serving parking areas shall be cut off fixtures.
 - ii. The maximum mounting height shall not exceed twenty (20) feet.
 - iii. The minimum illumination level (at the darkest spot in the parking lot) shall be no less than 0.3-foot candles and no more than 0.5-foot candles.
 - iv. A minimum color-rendering index of 65 is required.
 - v. Pole heights shall be compatible with the scale of the neighboring area.
2. Lighting of gasoline service stations/ convenience store aprons and canopies. Lighting levels in gasoline stations and convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the business. Signs allowed under other provisions of these bylaws shall be used for that purpose.

- i. Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements of the parking area standards set forth above.
 - ii. Areas around the pump island and under the canopies shall be illuminated such that the minimum horizontal illumination at grade level is at least 1.0-foot candles and no more than 5.5-foot candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1, which yields an average illumination level of no more than 22.0-foot candles.
 - iii. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy so that the light is restrained to no more than 85 degrees from vertical.
 - iv. Lights shall not be mounted on the top or sides (fascia) of the canopy, and the side fascia of the canopy shall not be illuminated.
- 3. Lighting exterior displays/ sales areas: Lighting levels on the exterior displays/ sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the business. The applicant shall designate areas to be considered display/sales areas and areas to be used as parking or passive vehicle storage areas. The designation must be approved by the DRB.
 - i. Areas designated as parking or passive vehicle storage shall be illuminated in accordance with the requirements for parking areas suggested above.
 - ii. Areas designated as exterior display/sales areas shall be illuminated so that the average horizontal luminance at grade level is no more than 5.0-foot candles. The uniformity ratio (ratio of average to minimum illumination) shall be no greater than 4:1. The average and minimum shall be computed for only the area designated as exterior display/ sales area.
 - iii. Light fixtures shall meet the IESNA definition of cutoff fixtures and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent properties, roadways, and the night sky.
 - iv. Fixtures shall be mounted no more than twenty (20) feet above grade, and mounting poles shall not be located either inside the illuminated area or no more than ten (10) feet away from the outside edge of the illuminated area.
- 4. Lighting of building facades and landscaping

With the exception of buildings having exceptional symbolic (i.e. churches and/or public buildings) or historic significance in the community, exterior-building facades and landscaping shall not be illuminated. When buildings having a symbolic or historic significance are to be illuminated, a design for illumination shall be approved by the DRB, and the following provisions shall be met:

 - i. The maximum illumination on any vertical or angular surface shall not exceed 5.0-foot candles.

- ii. Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building facade. Illumination shall be confined to the property boundaries. Lighting fixtures shall not be directed towards adjacent streets or roads.
 - iii. Lighting fixtures mounted on the building and designed to wash the building in light are preferred.
 - iv. To the extent practicable, lighting fixtures shall be directed downward (i.e. below the horizontal) rather than upward.
 - v. When landscaping is to be illuminated, the DRB shall first approve a landscaping lighting plan that presents the purpose and objective of the lighting, shows the location of all lighting fixtures and what landscaping each is to illuminate, and demonstrates that the installation will not generally exceed light levels or cause glare or direct light beyond the landscaping into the night sky.
5. Lighting of walkways, bikeways, and parks: Where special lighting is to be provided for walkways, bikeways, or parks, the following requirements shall apply:
- i. The walkway, bikeway, or ground area shall be illuminated to a level of at least 0.3-foot candles and not more than 0.5-foot candles.
 - ii. Lighting fixtures shall be designed to direct light downward, and light sources shall have initial output of no more than 1,000 lumens.
 - iii. In general, lighting shall be consistent with the guidelines presented in the IENSA Lighting Handbook.

10.3 Pedestrian and Bicycle Access

A safe and attractive pedestrian environment shall be provided as appropriate to the use and District. Adequate access for people with disabilities from any parking area and/or adjacent sidewalks to building(s) that are open to the general public shall be provided.

The following provision shall apply if the development is located within the Village Main Street, Village Center, Village Residential, or Village Gateway Commercial District or located in an area where the need for pedestrian or bicycle facilities has been identified in the Municipal Plan, Capital Plan, Village Master Plan, or other official document adopted by the Board. The applicant shall provide a permanent easement up to twenty (20) feet but not less than ten (10) feet in width along any adjacent public street in order to facilitate construction of future pedestrian facilities.

10.4 Utilities

All existing and proposed utilities and utility rights-of-way/easements, including but not limited to electric, telephone, gas, fiber optic, and cable television, shall be shown on the site plan. Utility corridors shall be shared with other utility and/or transportation corridors where feasible and shall be located to minimize site disturbance. To the maximum extent possible, utility corridors shall share existing rights-of-way or follow existing linear features such as roads, tree lines, stone walls,

fence lines or field edge.

10.5 Stormwater Management

- A. Applicability. All land development shall provide appropriate measures to prevent storm water runoff from adversely impacting nearby properties, public infrastructure, or downstream water bodies. The provisions of this section apply to any development that will increase the amount of impervious surface on a lot by more than one half (0.5) acres, as measured cumulatively over any 5-year period, except that:
1. Projects that require a State stormwater discharge permit are exempted from the provisions of this section. Applicants are encouraged to incorporate Low Impact Development techniques and practices into the storm water management system and/or to utilize the Voluntary Storm water Management Credits provided for in the most recent version of the Vermont Stormwater Management Manual. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the State permit to the Administrative Officer prior to the start of construction.
- B. Public Stormwater Systems: Projects utilizing any public storm water management facility shall provide evidence that the existing system will adequately meet the needed demand, or if the system will not meet the demand, the applicant will provide a plan for upgrading the system to meet the expected demand and provide a bond or security (to the satisfaction of the Selectboard or Board) to cover all or part of the costs of the necessary improvements. The applicant must also be able to demonstrate the ability to obtain all permits necessary to extend utilities, if necessary.
- C. All land development resulting in more than one-half [0.5] acres of new impervious surface shall at minimum meet the Recharge (Rev) criteria and the Water Quality Volume (WQv) criteria, as defined in the Vermont Storm water Management Manual. All stormwater management facilities shall be designed and constructed in accordance with the most recent standards for such facilities adopted by the State of Vermont, and shall include Low Impact Development techniques whenever possible.
- D. All applicants are encouraged to incorporate Low Impact Development techniques and practices into the storm water management system and/or to utilize the Voluntary Storm water Management Credits provided for in the most recent version of the Vermont Stormwater Management Manual. Examples of Low Impact Development Practices are outlined below. Applicants are also encouraged to refer to the Vermont Low Impact Development Guide for Residential and Small Sites for further guidance.
- E. Bio-retention System: Bio retention or bio infiltration systems retain runoff and pass it through a filter bed comprised of specific soil media. They resemble landscaped depressions and can contain grasses, wildflowers, shrubs, or trees depending on the size of the area. Stormwater runoff is delivered by channels, filter strips, curb cuts, or piping to these depressions where it temporarily ponds on the surface before seeping

through an organic underground filter system and discharging to an under drain network or infiltrating into the underlying soils. Treatment of stormwater includes attenuation of sediment, metals, bacteria, and nutrients.

- F. Rain Garden: Rain gardens are smaller-scale bio retention systems, well-suited for residential lots. They retain runoff and pass it through a filter bed comprised of specific soil media. They are a landscaped depression used to mitigate rooftop runoff or located at a low point on the lot to treat all storm water on-site. Rain gardens are designed to be aesthetically pleasing and low maintenance with plant materials that can withstand periodic inundation. Rain gardens are usually sized to accommodate runoff from typical small storms, and during less frequent large storms they will overflow.
- G. Swale: Swales are open, grassed channels that are designed to treat, attenuate, and convey storm water runoff. They are similar to conventional drainage ditches except that they are designed with a wider and shallower profile and flatter slope for a slower water velocity. There are many types of swales, and the specific design features and treatment methods vary among them. Some swales are designed with a fabricated soil bed and undertrains similar to a bio retention system. Generally swales are used as pretreatment to other practices, although depending on the design they may also provide some pollutant removal or infiltration.
- H. Vegetated Buffer: Vegetated buffers may be engineered storm water treatment areas or undisturbed natural areas where vegetation is used to treat and control storm water. Buffers can be used to disperse and infiltrate storm water runoff immediately adjacent to rivers, streams, ponds, and wetlands. They are an effective means of minimizing the amount of pollutants entering water bodies. They can also be used to treat storm water along property boundaries or downslope of disturbed areas. They reduce runoff velocity, serve to protect soil from erosion and filter pollutants. Buffers comprised of natural woody vegetation are preferred. When natural vegetation cannot be preserved, new buffers can be designed as shallow pitched vegetated areas with herbaceous plants, low-lying groundcovers, shrubs, and trees. Storm water flowing into buffer areas should be sheet flow and may require the use of a level spreader.
- I. Dry Well: A dry well is an underground chamber or large vertical pipe filled and/or surrounded with stone, typically used to collect and infiltrate roof runoff. Water from sources other than a roof will likely need preliminary treatment to filter out any solids that could clog the dry well. An overflow outlet is frequently needed for runoff from large storms that cannot be fully infiltrated. Dry wells are best suited where soils have high infiltration rates and there is adequate depth to groundwater and bedrock.
- J. Infiltration Trench: An infiltration trench is similar to a dry well except that it is a horizontal rock-filled trench with no outlet. Storm water is usually pretreated before entering the trench where it is stored in the void space between the stones and

infiltrates through the bottom and into the soil. An overflow outlet is frequently needed for runoff from large storms that cannot be fully infiltrated. Infiltration trenches are best suited where soils have high infiltration rates and there is adequate depth to groundwater and bedrock.

10.6 General Conditional Use Standards

Conditional use approval shall be granted by the DRB only upon finding that the proposed development will not result in an undue adverse effect on (or has been mitigated through conditions imposed) the following [the Act §4414(3)(A)]:

- A. The capacity of existing or planned community facilities or services: The Board shall consider the demand for community services and facilities which will result from the proposed development and determine whether that demand will exceed the capacity of existing facilities or services (e.g. school capacity, water and sewer capacity, fire and emergency services, recreation facilities). In making such a determination, the Board will consider any capital program or budget in effect at the time of application.
- B. Any connection to the Village of Hyde Park Water or Wastewater system shall be subject to the most recent Village of Hyde Park and Wastewater Ordinances. Any new fire hydrants must be installed to the specifications of the Hyde Park Fire Department.
- C. The character of the area affected: “Character of the area” is defined by the purpose of the Zoning District within which the project is located and is found in Section 6 of these bylaws and specifically stated policies and standards of the Town and Village of Hyde Park Comprehensive Development Plan. The existence of one conditional use in a District will not necessarily be interpreted as justification for another similar conditional use to be located there. The use shall be considered to meet the Character of the Neighborhood standard, if all building façade standards in Section 4.4 and all performance standards in Section 7. are met.
- D. Traffic on roads and highways in the vicinity: The Board shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency, and use of affected public roads, bridges, intersections, and related pedestrian/bicycle infrastructure. The Board will rely on accepted transportation standards in evaluating traffic impacts and shall not approve a project that would result in the creation of unsafe conditions for pedestrians, cyclists, or motorists or unacceptable congestion for local roads, highways, and intersections (Volume--to capacity ratio greater than 1.)
- E. Bylaws now in effect: Proposed conditional uses must conform to all Municipal bylaws and regulations in effect at the time of submission of the application, including compliance with conditions of prior permits or approvals.

11. SUBDIVISION AND PLANNED UNIT DEVELOPMENT STANDARDS

11.1 Dimensional Requirements

No lot shall be created that does not meet the minimum area, dimensional, and frontage requirements of the District in which it is located unless approved as a part of a Planned Unit Development (PUD).

A. Area

Unless located within a PUD, no new lot created shall have an area less than the minimum area as required of the District in which it is located. Zoning rules and provisions are used to calculate areas.

B. Dimensions

Except in the Village Main Street District, Village Center District and Village Residential Districts, or within a PUD, no new lot shall have a minimum width or depth dimension less than seventy-five (75) feet.

C. Frontage

All new lots created shall either have a frontage on a public or private road or an easement or permanent right-of-way providing access to the lot. The minimum frontage required is established by the District in which it is located. Zoning rules and provisions are used to measure frontage.

1. Easement requirements: An easement may be permitted to provide access for no more than three (3) parcels. The permanent easement or right-of-way may be granted by the Development Review Board provided: [the Act §4418(1)(B)]:
 - i. The right of way is at least fifty (50) feet in width;
 - ii. Is suitable to be developed as a driveway;
 - iii. Meets access location requirements;
2. Where an easement is intended to provide access to four (4) or more lots a private road is required, and each lot must meet the required frontage on the private road for the District in which it is located.

D. Shape

Dogleg lots, bowling alley lots, and lots otherwise contorted in order to get around these bylaws are not permitted. Lot lines may be designed to follow existing land characteristics such as land contours, fence lines, roads, and paths, as well as to protect significant natural resources or to avoid excessively steep slopes, water courses, or wetlands, and where no other form of subdivision or PUD is possible.

- E. New or adjusted lot lines cannot cause an existing structure to become a non-complying structure. If the structure was already non-complying then the new or adjusted lot line cannot increase the degree of non-compliance as defined in the Section 8. of these bylaws.

F. Monuments and Lot Corner Markers

Permanent monuments and corner markers shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying.

11.2 Access to lots - Location

Purpose: The purpose of the access requirements is to ensure safe and efficient entrance and exit from public roadways, to reduce damage from flooding events, to mitigate erosion and storm water runoff impacts, and to ensure quality construction of driveway accesses. All proposed subdivision plats must provide locations for access. No lot shall be created which does not have legal access onto a public highway.

A. Coordination with other local and State permits

1. The DRB, Selectboard, and VTrans have separate authorities in approving accesses.
2. Through these subdivision regulations, the DRB has all authority over (layout and design) accesses onto private roads.
3. The Selectboard has all authority over layout and design of accesses onto public highways.
4. VTrans requires a state highway access permit prior to any subdivision of land abutting a State highway. VTrans has full authority over these accesses, although the DRB will provide comment and recommendations to VTrans.

B. Site layout

Parcels should be subdivided into lots that minimize the number of new accesses onto Class 1 and 2 highways. On Class 1 and 2 highways, access should be provided through a shared driveway or new street.

C. Access location

All new lots must have locations suitable to meet access location, design, and offset requirements of these bylaws. In accordance with these bylaws, except in the Village Main Street and Village Center Districts, new access points (or “curb cuts”) on Vermont Highway Routes 15 and 100 for permitted and conditional uses shall not be closer than one thousand (1,000) feet from each other, except as necessary to provide access to properties existing in separate and non-affiliated ownership on or before October 27, 1977. Use of shared access points and driveways is strongly encouraged on these routes.

D. Sight distance

All new lots must have locations suitable to meet sight distance requirements of these bylaws.

11.3 Usable lot requirements

Purpose: The purpose of this provision is to ensure that no lots that are created are unusable. The review and approval in this provision is no guarantee of zoning approval. The property owner gains no vested right to develop the lot based on the subdivision approval. Permission to develop and use a lot is only granted through the issuance of a zoning permit. Therefore, it is recommended that a zoning permit is pursued at the same time as subdivision plat approval, but it is not required.

- A. New lots must have some potential permissible use. The DRB will not allow the creation of an unusable lot. No lot shall be approved until it is determined that the lot can meet the requirements of these bylaws for that use. The property owner does not need to obtain the zoning permit to receive plat approval but may apply for both plat approval and zoning permit approval simultaneously.

In order for the DRB to approve a residential lot, for instance, the applicant must provide a location for wastewater disposal (sewer hookup or on-site), water supply, other utilities, a building envelope where a structure could be located and which meets all slope, setback, and buffer requirements and any zoning or other ordinance requirement which the DRB determines to be appropriate.

- B. Building Envelopes

All lots shall have designated building envelopes that shall not include areas within any applicable setbacks, Class I or II wetlands, areas within fifty (50) feet of a surface water body, or any other area that may not be developed in accordance with these bylaws. Building lots shall be laid out to minimize impacts and fragmentation of meadowlands, farmland and core forest areas. The DRB may further refine or restrict the location of the building envelope to meet any standard provided by these bylaws.

- C. The DRB may require an applicant to obtain applicable State permits before approving a subdivision if, in the opinion of the DRB, the approval of such permit is in doubt or question.
- D. Where a parcel in a subdivision is not intended for future development (e.g. sale to a land trust for conservation purposes) the subdivision may be permitted provided the plat clearly reflects that the lot is for conservation purposes only. In such event, the DRB may require the sale of development rights to a conservation organization for such a lot as a condition of approval.

11.4 Water systems

- A. Municipal Systems: Any subdivision utilizing the Village of Hyde Park Water System shall comply with the Village of Hyde Park Water Ordinance.
- B. Community Systems: Community water systems shall be designed and installed in accordance with all applicable Municipal and State regulations and standards. Community systems may be required to be designed in such a way that they may eventually be connected to a Municipal water supply system. Articles of Association or similar arrangements are required to address long-term care and maintenance of these systems by the users.
- C. Individual Water Supplies: If the proposed development is to be serviced by individual wells, the applicant shall provide evidence of the location of all proposed wells and evidence that these locations will meet applicable Vermont State regulations for water supplies.

- D. Proposed well site(s) must be identified on the plat, including any associated well shield. All well(s) must meet *water supply-well shields and isolation distances* provisions described in the most recent Vermont State Environmental Protection Rules.

11.5 Fire Hydrants

Any new fire hydrants required for the subdivision shall be installed to the specifications of the Hyde Park Fire Department and the Village of Hyde Park Water Ordinance.

11.6 Wastewater Disposal

- A. Municipal Systems: Any subdivision utilizing the Village of Hyde Park Wastewater System shall comply with the Village of Hyde Park Wastewater Ordinance.
- B. Community Systems: Community wastewater disposal systems shall be designed and installed in accordance with all applicable Municipal and State regulations and standards. Community wastewater disposal systems may be required to be designed in such a way that they may eventually be connected to a Municipal wastewater disposal system. Articles of Association or similar arrangements are required to address long-term care and maintenance of these systems by the users.
- C. Individual Septic Systems: Individual septic systems shall meet the requirements of the Vermont State Environmental Protection Rules and all other applicable Municipal and State regulations and standards.
- D. Standards: Identification of sites for wastewater treatment and any backup sites (if required) shall be shown on the plat. Where a new parcel is proposed for a use not requiring a wastewater permit, the plat shall clearly identify the parcel as not having an approved wastewater site.

11.7 Utilities

A. Locations

All proposed utilities, including but not limited to electric, telephone, gas, fiber optic, and cable television and associated rights-of-way shall be shown on the final plat and be located as follows:

- 1. The sub-divider shall coordinate subdivision design with utility companies to insure adequate and suitable areas for under and above ground installation, both for the proposed subdivision and areas adjacent to the subdivision.
- 2. Utility corridors shall be shared with other utility and/or transportation corridors where feasible and shall be located to minimize site disturbance; the fragmentation of agricultural, forest, and conservation land; and any adverse impacts to natural, cultural, or scenic resources and to public health. To the maximum extent possible, utility corridors shall share existing rights-of-way or follow existing linear features such as roads, tree lines, stone walls, fence lines or field edge.

B. Utility easements

Utility easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.

11.8 Private Road Design and Layout

A. Applicability of road location and design

The standards contained herein shall apply to all proposed highways. All new roadways are considered private for purposes of these bylaws. Acceptance of private roads by the Town of Hyde Park is subject to the approval of the Selectboard, and applications can only be made following the completion of construction. Location and design of roads to these standards in no way ensures acceptance by the Selectboard. These standards do not apply to driveways or shared driveways up to (3) three lots.

B. Road Design

All roads proposed and constructed under these bylaws shall be designed in accordance with the Town of Hyde Park Road guidelines and the following standards:

- i. All rights-of-way shall be a minimum of fifty (50) feet in width.
- ii. Private roads shall not have slopes greater than eight percent (8%) so as to accommodate fire and rescue access. Roads with grades up to ten percent (10%) may be allowed provided they are paved and ditched to prevent erosion.
- iii. Private roads should also maintain a width of not less than eighteen (18) feet wide (including travel-way and shoulders) and a minimum one hundred (100) foot turn radius (measured at the centerline).
- iv. No dead end roads shall be approved without a suitable turn-around at its terminus. This may consist of a cul-de-sac with a radius of not less than thirty-five (35) feet or a “T” or other configuration suitable to the topography and adequate for emergency vehicles to turn around.

C. Surface

If roads are proposed to be paved, they must meet standards established by the Town of Hyde Park.

D. Intersections: A new or relocated road shall be located so that:

- i. A safe sight stopping distance is provided as determined by probable traffic speed, terrain, alignments, and climatic extremes. Generally, sight distance should be eleven (11) times the speed limit (e.g. a curb cut on a road with 25 mph speed limit would require a minimum sight distance of 275 feet).
- ii. It is directly opposite an existing road or driveway to form a four-way intersection wherever feasible. Intersections creating centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted.
- iii. It intersects the existing roadway at an angle between 70 degrees and 90 degrees.
- iv. The gradient within one hundred (100) feet of an intersection shall not exceed three percent (3%).
- v. No structure or planting is situated to impair corner visibility.

E. Coordination with adjoining properties

In order to make possible necessary fire protection, movement of traffic, and present or future extension of required or needed utilities and public services, the arrangement of roads in the subdivision shall provide for the coordination of roads of adjoining subdivisions and for the proper projection of roads through adjoining properties which are not yet subdivided. The DRB may require the set aside of rights-of-way for future development on the lot or adjacent

properties. Where, in the opinion of the DRB, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

F. Upgrade to Existing Roads

Where an existing road is inadequate or unsafe, the DRB, in consultation with the Selectboard, may require the sub divider to conform to these standards and to upgrade that existing road to the extent necessary to serve emergency vehicles and the additional traffic resulting from the sub divider's subdivision. In situations where a development may require realignment, widening, or otherwise increasing the capacity of an existing road or where the Town and Village of Hyde Park Comprehensive Development Plan or capital program indicates that the increased use resulting from such subdivision may requires such improvements in the future, the sub divider may be required to reserve land for such improvements. These requirements shall also apply to any existing road that provides either frontage to new lots or access to new roads. Where a subdivision requires expenditure by the Municipality to improve existing roads to conform to these standards, the DRB may disapprove such subdivision until the Selectboard certifies that funds for the improvements have been ensured, or the sub divider may be required to contribute to any or all of the expenses involved in road improvements necessitated by the project.

G. Road Names and Signs: Roads and shared driveways shall be named in accordance with any municipal road-naming ordinance or policy established by the Board. Said names shall be identified on signs designed and located in accordance with municipal policy and shall be clearly depicted on the final plat.

H. Pedestrian and Bicycle Facilities and Access

A safe and attractive pedestrian environment shall be provided as appropriate to the scale of the subdivision and District.

The following provisions shall apply if the subdivision is located within the Village Main Street, Village Center, Village Residential, or Village Gateway Commercial Districts, or located in an area where the Municipality has identified the need for pedestrian or bicycle facilities in the Municipal Plan, Capital Plan, Village Master Plan, or other official document adopted by the Board.

The applicant shall provide a permanent easement up to twenty (20) feet but not less than ten (10) in width along any adjacent public street in order to facilitate construction of future pedestrian facilities.

I. Site Restoration and Landscaping

All subdivisions shall be planned to retain, as much as possible, the natural contours and to conserve the natural cover and soil. The landscape shall be preserved in its natural state, as much as practical, by minimizing tree and soil removal and nonessential grading. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas.

J. Storm Water Management

Applicability: All subdivisions shall provide appropriate measures to prevent storm water

runoff from adversely impacting nearby properties, public infrastructure, or downstream water bodies. Any subdivision which will increase the amount of impervious surface on a lot by more than one half (0.5) acres, as measured cumulatively over any 5-year period shall meet the site plan standards for Storm water Management contained in Section 10 of these regulations, except that:

1. Subdivisions that require a State storm water discharge permit are exempted from the provisions of this section. Applicants are encouraged to incorporate Low Impact Development techniques and practices into the storm water management system and/or to utilize the Voluntary Storm water Management Credits provided for in the most recent version of the Vermont Storm water Management Manual. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the State permit to the Administrative Officer prior to the start of construction.
2. Subdivisions creating more than 0.5, but less than one acre, of impervious surface, as measured cumulatively over any 5-year period, that meet the criteria for an “Environmentally Sensitive Rural Development,” as defined in the Vermont Storm water Management Manual, shall be considered to have met the requirements of this Section. These criteria include:
 - i. The overall density is a maximum of 1 unit per 2 acres as an average over the total subdivision;
 - ii. The total impervious cover of the subdivision is less than eight (8) percent;
 - iii. A minimum of twenty-five percent (25%) of the project is protected in natural conservation areas;
 - iv. Rooftop runoff is disconnected from impervious surfaces such as driveways in accordance with the criteria outlined in the Vermont Storm water Management Manual;
 - v. Grass channels designed in accordance with the Vermont Storm water Management Manual are used to convey runoff, versus curb and gutter for roads and/or driveways; and
 - vi. Vegetated stream buffers are incorporated into the site design on both perennial and intermittent streams. Such stream buffers shall conform to Section 8.10 (Surface Water Protections) of these regulations, as well as the standards of the Vermont Storm water Management Manual.
3. The DRB may require a letter from a licensed engineer certifying that the criteria for an “Environmentally Sensitive Rural Development” outlined above have been met.

K. Street & Sidewalk Lighting

Street and sidewalk lighting are not required in any subdivision. Where these amenities are proposed to appear in the public right-of-way, the amenity must meet standards as established by the Board. Any outdoor lighting must also meet exterior lighting requirements in Section 10. of these bylaws.

L. Common Land

1. Applicability: Common land is any area within a subdivision owned in common among the members of the subdivision. Common land may be set aside for the placement and maintenance of community facilities including, but not limited to, recreation areas, wastewater treatment sites, pedestrian walkways, parking lots, and private roads.
2. Common land requirements: All common land shall meet the following requirements:

The location, shape, and character of the common land shall be suitable for its intended use.

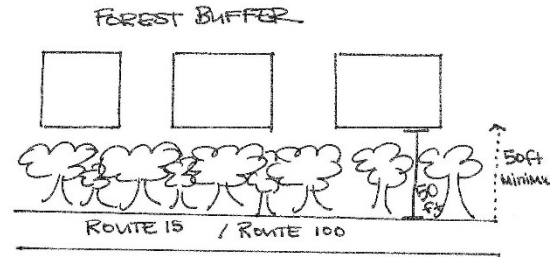
Land held in common shall be subject to appropriate deed restrictions, stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship.

Common land is generally managed and maintained through Articles of Association or similar arrangements among the members of the subdivision. All costs associated with administering and maintaining common land shall be the responsibility of applicant and/or subsequent landowners.
3. Articles of Association: Articles of Association or similar arrangements must be recorded prior to the sale of the first lot if common land or shared facilities are approved in the final decision. Articles of Association and related arrangements are contracts within the members of the Association; they are not a substitute nor do they supersede these bylaws. Where appropriate, these Associations must abide by the conditions established in the permit, but neither the Village of Hyde Park nor the Administrative Officer is responsible for mediating disputes within the Association.
4. Legal review: The DRB reserves the right to have any Articles of Association or similar arrangement reviewed by an attorney, at the expense of the developer, to ensure that basic standards, including but not limited to the following, are met.
 - i. Proper establishment of the Association;
 - ii. Long-term care and maintenance of common land including costs are addressed;
 - iii. Protection of the Municipality in the event of legal challenges.

11.4 Specific Standards for Subdivisions within the Village Gateway Rural District (VGR)

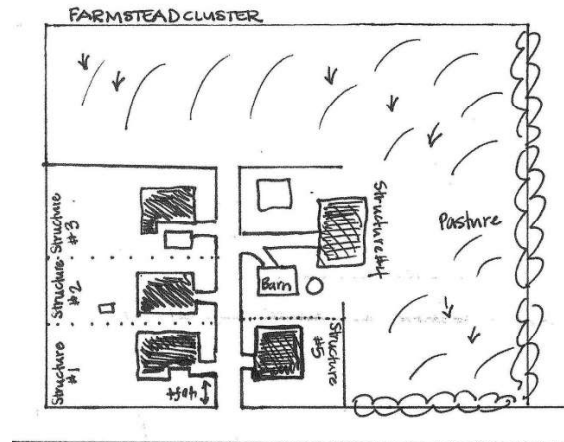
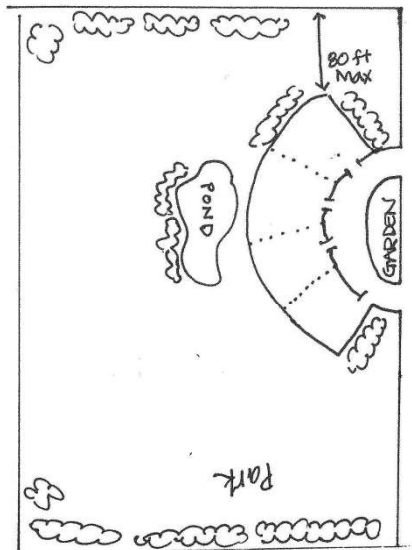
A. All subdivisions within the VGR shall be subject to PUD review in addition to the requirements and standards of Section 11 (PUD Review), and shall meet the standards below:

1. In areas that are principally open, lots within a Subdivision/PUD shall be set back to fields edge, or at least 1,000 ft. from Route 15 and/or Route 100, whichever is less.
2. In areas that are principally forested, the lots within a subdivision/PUD shall be located so as to maintain a forested buffer of at least 50 feet from the right-of-way of Route 15 and/or Route 100. In these areas, a minimum front yard setback of 50 feet shall apply for all principal and accessory structures.
3. Sections 11.4(A)(1) and 11.4(A)(2) above shall be waived for a PUD meeting the standards for a “farmstead cluster” or hamlet.”



B. Farmsteads and Hamlets

Buildings within the PUD are located in a compact cluster designed to replicate the pattern of a farmstead or traditional rural hamlet. Farmsteads and Hamlets shall meet the standards outlined below:



1. The Farmstead/Hamlet shall consist of contiguous grouping of buildings located within a compact area not to exceed fifteen (15) acres (excluding designated open space)
2. If the Farmstead/Hamlet contains six (6) or more principal structures, it shall contain at least one (1) outdoor common area (e.g. village green, common park, community garden). The outdoor common area

shall be located within the compact area referenced above, and may be counted toward the PUD open space requirement. The outdoor common area may be used for water supply and/or septic waste disposal and Low Impact Development (LID) storm water management practices.

3. The Farmstead/Hamlet shall utilize no more than one (1) public road access per five (5) principal structure. The DRB may waive the requirement in Section 7 for one-thousand feet distance between access points on Route 15 and Route 100 when the additional access point contributes to creation of interconnected streets within the Farmstead/Hamlet.
4. Multi-family dwellings and non-residential uses may be incorporated into the Farmstead/Hamlet.
5. The front yard setback for the principal structure located closest to the nearest public road shall be not less than 40 feet and not more than 80 feet.

C. Protection of Meadowland and Farmland

All subdivisions and developments requiring site plan review in the Village Gateway Rural will take measures to protect Meadowlands and Farmland.

1. Applicability

Subdivisions and site plans shall be designed to allow the conservation of meadowland and farmland for open space, scenic values, and to avoid adverse impacts on prime and statewide agricultural soils and other productive farmland. Meadowland and farmland shall be defined as land, at least four (4) contiguous acres in size, not occupied by structures, roads, driveways, or parking lots and generally remaining in an open, non-forested or agricultural condition.

2. It is not the intent of these provisions to reduce the overall level of development but to require clustering (through the use of PUDs) or other design tools to limit or reduce the impact of the development on meadowland and farmland.

D. Preservation of Meadowland and Farmland

Within any subdivision, provisions shall be made for the preservation of meadowland and farmland. The location, size, and shape of lands set aside to be preserved for open space shall be approved by the DRB in accordance with the following:

1. Open space areas shall be configured to be contiguous with existing open space lands on adjacent parcels. Meadowlands and farmland should, wherever possible, remain in parcels of not less than twenty-five (25) acres.
2. Lot lines and building envelopes shall be configured to minimize the fragmentation of meadowlands and farmland. Lot lines and building envelopes shall be located at field and orchard edges or, in the event that no other land is practical for development, on the least fertile soil in order to minimize the loss of productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.
3. To the extent feasible, access roads, driveways, and utility corridors shall be shared and located to follow existing linear features, such as farm roads, stone walls, tree and fence lines.
4. Development should be configured to allow for continued access to meadowlands and farmland by agricultural equipment,
5. Subdivisions may be required to provide or maintain vegetated buffer areas between new residential lots and agricultural uses to minimize land use conflicts.

6. New subdivisions may be required to include covenants and deed language informing purchasers of new lots that the development is located in an area with active agricultural use, and prohibiting future homeowners from bringing nuisance suits against operations existing and future forestry operations that follow applicable state regulations.

E. Protection of Open Space

Meadowland and farmland may be held as common or privately owned open space, in accordance with the Standards in Section 11.

12 ADMINISTRATION AND ENFORCEMENT

12.1 Administrative Officer

- A. These bylaws shall be administered by the Administrative Officer [the Act §4448(a)].
- B. The Administrative Officer shall be nominated by the Village Planning Commission and appointed by the Board for a three (3) year term. The Administrative Officer may be removed from office for just cause by the Board after consultation with the Village Planning Commission [the Act §4448(a)].
- C. In the absence or disability of the Administrative Officer, an acting Administrative Officer shall be appointed and empowered in the same manner as provided above [the Act §4448(b)].
- D. The Administrative Officer may hold any other office in the Municipality except for membership on the DRB. Salary for the Administrative Officer shall be paid out of the General Fund in an amount and schedule established by the Board [the Act §4448(a)].
- E. The Administrative Officer shall manage and enforce these bylaws literally and shall not have the power to permit any development that is not in conformance with these bylaws [the Act §4448(a)].
- F. The Administrative Officer shall have the power to hear and decide applications for zoning permits under Section 9. of these bylaws [the Act §4449(a) (1)].
- G. The Administrative Officer shall investigate complaints and has the power to pursue violations of these bylaws through procedures set forth under Section 12. of these bylaws [the Act §4452].
- H. The Administrative Officer should provide forms required to obtain any Municipal permit or other Municipal authorization required under this bylaw or any other regulations or ordinances that relate to the regulation of land development within Hyde Park [the Act §4448(c)].
- I. The Administrative Officer should inform any person applying for a zoning permit that the person should contact the regional permit specialist in order to identify, apply for, and obtain relevant State permits [the Act §4448(c)].
- J. The Administrative Officer shall meet the recording requirements of Section 12. of these bylaws [the Act §4449(b-c)].

12.2 Development Review Board

- A. The Development Review Board (hereinafter referred to as “the DRB”) shall consist of not less than five (5) or more than nine (9) members whose members shall be appointed by the Board for specified terms. The Board may consist of the members of the Planning Commission. Vacancies shall also be filled by appointment of the Board for unexpired terms and upon the expiration of terms. The Board upon written charges and after a public hearing may remove any member of the DRB for just cause. [the Act §4460(b-c)]
- B. The DRB shall have all powers set forth in the Act to administer the provisions of these bylaws, including, but not limited to, the power to:
 - 1. Consider applications for conditional use approval under Section 9. of these bylaws [the Act §4460(e) (4)].
 - 2. Consider applications for site plan approval under Section 9. of these bylaws [the Act §4460(e) (7)].
 - 3. Consider requests for a variance under Section 12. of these bylaws [the Act §4464(e) (11)].
 - 4. Consider decisions of the Administrative Officer upon appeal under Section 12. of these bylaws [the Act §4464(e) (10)].
 - 5. Resolve any uncertainties on the Zoning Map under Section 2. [the Act §4464(e) (10)].
 - 6. Consider applications for all other actions that require DRB approval as specified in these bylaws.
- C. The DRB shall adopt rules of procedure and perform its functions in conformance with the Act §4461] and Vermont’s Open Meeting Law [1 V.S.A. §§310-314].
- D. The DRB shall meet all relevant recording requirements of Section 12.1.50. of these bylaws.

12.3 Appeals- Decisions of the Administrative Officer

- A. Applicability:

The applicant or an interested person may appeal any decision or act taken by the Administrative Officer by filing a written notice of appeal with the DRB within fifteen (15) days of the act or decision [the Act §4465].
- B. Notice of Appeal Requirements:

A notice of appeal shall be in writing and include [the Act §4466]:

 - 1. The name and address of the appellant.
 - 2. A brief description of the decision or act with respect to which the appeal is taken.
 - 3. A reference to applicable bylaws provisions.
 - 4. The relief requested by the appellant.
 - 5. The alleged grounds why such relief is believed proper under the circumstances.

C. Rejection of Notice of Appeal

The DRB may reject an appeal without hearing and render a decision and Findings of Fact within ten (10) days of the filing of the notice of appeal if the DRB considers the facts or issues raised by the appellant to be substantially or materially the same as those decided in a previous appeal by said appellant [the Act §4470(a)].

D. Review Procedures: The DRB shall review any appeal in accordance with the procedures in Section (DRB procedures).

1. The hearing shall be noticed in accordance with the Act [§4464].
2. In most cases the Administrative Officer is the defendant in the appeal before the DRB. In those cases the Administrative Officer must not act as a staff member during the hearing or deliberations.
3. Any hearing may be adjourned by the DRB from time to time provided, however, that the date and place of the adjourned hearing shall be announced at the hearing [the Act §§4468, 4464(b)(1)].

E. Decision: Upon completion of a hearing, the DRB shall render its decision in the form of written Findings of Fact and Conclusions of Law within forty-five (45) days. The DRB decision must be in writing and shall include a statement of the factual bases on which the DRB has made its conclusions and a statement of conclusions. Failure to render a decision within the required period shall be deemed approval [the Act §4464(b)(1)].

1. Copies of the DRB decision shall be sent to the applicant (by certified mail), every person or party who was heard at the hearing, the Administrative Officer, and the Town Clerk for filing as part of the public record.

F. Appeals: Appeals from the decisions of the DRB may be made to the Environmental Court, as per Section 13.4 of these bylaws, within thirty (30) days of the decision.

G. Posting and Recording requirements: The Administrative Officer shall meet the posting and recording requirements of Section 12.

12.4 Appeals to Environmental Court

A. Applicability

An interested person who has participated in the local regulatory proceeding under these bylaws may appeal a decision of the DRB to the Environmental Court [the Act §4471]. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. Appeals to Environmental Court must be taken in accordance with the provisions of V.R.C.P. 76a and V.R.A.P. 3 and 4.

B. Initiation of Appeal

Within thirty (30) days following the date of decision rendered by the DRB, notice of the appeal shall be filed by certified mail with fees to the Environmental Court and mailing a copy to the Municipal Clerk or Administrative Officer, if so designated, who shall supply a

list of interested persons to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the Notice of Appeal to every interested person and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the Court to intervene [the Act §4471(c)].

C. Notice of Appeal Requirements

A Notice of Appeal shall be in writing and include [the Act §4471]:

1. The name of the party appealing.
2. What Body that made the decision being appealed.
3. The nature of the decision under appeal.
4. A reference to the specific provisions of the bylaw.
5. The relief requested by the appellant.
6. The signature of the appellant or attorney.

D. Filing Fee:

The filing fee is established by V.R.C.P. 76 (e). At the time of the development of these bylaws, the fee for filing an appeal with the Environmental Court is \$150.

12.5 Variance

- A. Applicability: An applicant may receive relief from a provision of these zoning bylaws through the granting of a variance by the DRB. Variances may be granted for general structures, renewable energy structures, and to development standards for development in the flood hazard area - under separate criteria. Variances to allow uses that are not permitted or conditionally permitted in the applicable district are not permissible. [the Act §4469]

B. Purpose

The purpose of a variance is to address a hardship related to the physical characteristics of a particular lot which hampers the owner from enjoying the same property rights accorded to others in the same zoning district. An applicant cannot request rights which have not been accorded to all others in the same district. Therefore, in no case shall the DRB grant a variance for a use, which is not permitted or conditionally permitted in the applicable district. Because a variance results in a deviation from the Town and Village of Hyde Park Comprehensive Development Plan and these bylaws, variances are allowed only in narrow circumstances.

C. Application

Variances are treated as appeals [the Act §§4465, 4466]. Therefore a Notice of Appeal for a variance shall be filed with the Clerk of the DRB, or the Village Clerk if no such DRB Clerk has been elected, in writing and shall include:

1. The name and address of the appellant.
2. A brief description of the property with respect to which the variance is requested.
3. A reference to applicable bylaws provisions for which relief is requested.
4. The nature of the relief requested by the appellant.

5. The alleged grounds why such relief is believed proper under the circumstances (i.e. how the proposal meets all requirements of this section).
- D. Review Procedures: The DRB shall review any application for a variance in accordance with the procedures in Section 9. (DRB procedures)
- E. General Standards: There are two sets of criteria established by the Act §4469 with regards to variances – general structures and renewable energy structures. Additional criteria are required for variance requests in the flood hazard area.
- F. General structures: The DRB may render a decision in favor of the applicant only upon establishing all the facts identified in the Act [§4469(a)] in its decision.
- G. Renewable energy structures: For a structure which is primarily a renewable energy resource structure, the DRB may render a decision in favor of the applicant only upon establishing all the facts identified in the Act [§4469(b)] in its decision.
- H. Flood hazard area: For general or renewable energy structures in the flood hazard area, the DRB may render a decision in favor of the applicant only upon establishing all the facts identified above and, based on a review by VT ANR, if it is determined that the proposed development will not increase flood levels and/or obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.
- I. Decision: Upon completion of a hearing, the DRB shall render its decision in the form of written Findings of Fact and Conclusions of Law within forty-five (45) days. The DRB decision must be in writing and shall include a statement of the factual bases on which the DRB has made its conclusions and a statement of conclusions. Failure to render a decision within the required period shall be deemed approval [the Act §4464(b)(1)].
 1. Copies of the DRB decision shall be sent to the applicant (by certified mail), every person or party who was heard at the hearing, the Administrative Officer, and the Town Clerk for filing as part of the public record.
- J. Conditions of Approval: In rendering a decision in favor of an applicant for a variance, the DRB may attach such conditions to such variances as it may consider necessary and appropriate under the circumstances to implement the Act and/or the Town and Village of Hyde Park Comprehensive Development Plan as most recently adopted [the Act §4469(c)]. Such conditions may include those in Section 9. of these bylaws.
 1. For any variance issued within the Flood Hazard Area Overlay District, the permit shall state: “This development is not in conformance with the Flood Hazard Area bylaws established by the Village of Hyde Park to protect the health, safety, and welfare of the occupants and/or property. This development will be maintained at the risk of the owner. The issuance of this variance to develop in the flood hazard area will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and may increase risks to life and

property in the event of a flood.” Such language shall also be included on the deed recorded in the Hyde Park Land Records.

K. Appeals:

Appeals from the decisions of the DRB may be made to the Environmental Court, as per Section 12. of these bylaws, within thirty (30) days of the decision.

L. Posting and Recording requirements:

The Administrative Officer shall meet the posting and recording requirements of 12.

12.6 Violations and Enforcement

A. Applicability: The commencement or continuation of any land development, which is not in conformance with the provisions of these bylaws, shall constitute a violation. Violations of these bylaws shall be prosecuted in accordance with the Act §§4451, 4452.

B. Identification and Investigation of Violations: The Administrative Officer is required by law to enforce all violations of these bylaws the Act §4448(a). Whether through direct observation, written or oral complaint, site visit, or notification of violation from the landowner, the discovery of an alleged violation must be pursued by the Administrative Officer.

1. Any person may file a written complaint with the Administrative Officer if it is believed that a violation of these bylaws has occurred. The complaint shall state fully the causes and basis for the alleged violation. The Administrative Officer shall properly record such a complaint, investigate within a reasonable time, and take action as appropriate in accordance with these bylaws.

2. The Administrative Officer may not enter upon any private property for purposes of inspection and investigation, except by permission of the landowner or per a search warrant duly issued by a court [13 V.S.A. §4701].

C. Formal Notice of Violation: No action may be brought under this section unless the alleged offender has had at least seven (7) working days’ notice by certified mail that a violation exists and has failed to satisfactorily respond or correct the alleged violation [the Act §4451(a)].

1. The warning notice shall state:

i. That a violation exists;

ii. That the alleged offender has an opportunity to cure the violation within the seven (7) day period;

iii. That the alleged offender has the right to appeal the notice of violation to the DRB within fifteen (15) days from the date the notice was sent; and

iv. That the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) day period.

- D. Action may be brought without notice and opportunity to cure, if the alleged offender repeats the violation of the bylaw after the seven (7) day notice period and within the next succeeding twelve (12) months.

E. Informal Resolution of Violations

Where a landowner is cooperating with the Administrative Officer in finding a cure for the violation, the Administrative Officer has the authority to enter written agreements to resolve violations. The Administrative Officer is under no obligation to enter any agreement. Informal resolutions are not required under statute and are provided by the Municipality as an amicable means of resolving violations.

1. At minimum, any agreement must:
 - i. Be in writing and be signed by both the violator and the Administrative Officer.
 - ii. Must establish a timeline for curing the violation.
 - iii. Give written authorization that will allow the Administrative Officer to inspect the premises to ensure compliance upon completion or by the agreed upon date of completion.
2. The Administrative Officer is prevented from making any agreement allowing a violation to continue, even if the violation is minimal, inadvertent, and/or the violator agrees to pay a fine [the Act §4448(a)].

F. Enforcement Action

Where a property owner fails to remedy a violation within the seven (7) day period or the timetable agreed to under an informal resolution, the Administrative Officer, in the name of the Municipality, shall bring appropriate action to enforce the provisions of these bylaws [the Act §4452]. The appropriate action is typically an action in either Environmental or Superior Court, although other actions are available. The Municipality shall observe any limitations on enforcement proceedings relating to municipal permits and approvals as set forth in the Act §4454:

G. Violations in the Flood Hazard Overlay District:

1. In addition to the notice procedures outlined above, a copy of the notice of violation shall be mailed to the State NFIP Coordinator
2. If any appeals have been resolved, but the violation remains, the ZA shall submit a declaration to the Administrator of the National Flood Insurance Program requesting denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

H. Fines

Any person who violates these bylaws shall be fined not more than the amount permitted under the Act §4451(b), which at the time of development of these bylaws is \$100. Each

day that a violation is continued after the initial seven (7) day notice period shall constitute a separate offense. All fines imposed and collected shall be paid to the Municipality.

I. Posting and Recording requirements

The Administrative Officer shall meet the posting and recording requirements of Section 12.

12.7 Fees

- A. The Board may prescribe reasonable fees to be charged with respect to the administration of these bylaws and for the administration of development reviews. These fees may include the costs of posting and publishing notices and holding public hearings and the cost of conducting periodic inspections during the installation of public improvements. These fees may be payable by the applicant upon submission of the application or prior to issuance of the permit [the Act §4440(b)].
- B. The Board may set reasonable fees for filing of notices of appeal and for other acts as it deems proper, the payment of which shall be a condition for filing the notice [the Act §4440(c)].
- C. The fee schedule may include a process and provisions that require applicants to pay for reasonable costs of an independent technical review of their applications [the Act §4440(d)].
- D. An applicant may be charged the cost of the recording fees as required by law [the Act §4449(c)(2)].
- E. The schedule of fees shall be posted in the offices of the Municipal Clerk and Administrative Officer and may be altered or amended only by resolution of the Board.

12.8 Posting and Recording Requirements

- A. Posting: Within three (3) days following the issuance of a zoning permit or decision by the DRB, the Administrative Officer shall post a copy of the permit or approval in the Village Clerk's Office until the expiration of the appeal period [§4449(b)(2)]. Notice must also be posted within view of the public right of way most nearly adjacent to the subject property until the time for appeals has passed. Each posting shall contain a statement of the period of time within which an appeal may be taken [§4449(b)] and a description as to where a full description of the project and approval can be found.
- B. Recording with the Listers
Within three (3) days following the issuance of a zoning permit the Administrative Officer shall deliver a copy of the permit to the Town Listers [the Act §4449(b) (1)].
- C. Recording Permits with the Town Clerk

Following the appeal period but within thirty (30) days after the issuance of any of the items listed below, the Administrative Officer shall deliver the original, or a legible copy, of the issuance to the Town Clerk for recording in the municipal land records [the Act §4449(c)(1)].

1. The following issuances are covered in this subsection:
 - i. Letters approving or denying exemptions under Section 1.1.2;
 - ii. Zoning permits;
 - iii. Notices of violation; or
 - iv. Notices of denial of an application. [the Act §4449(c)(1)(A)]
2. Temporary permits issued under these bylaws are not required to be recorded [24 VSA §1154(b)].
3. Any issuance delivered for recording shall list:
 - i. As grantor, the owner of record title to the property at the time of issuance;
 - ii. As grantee, the municipality issuing the permit, certificate, or notice – i.e. the Village of Hyde Park;
 - iii. The municipal office where the original, or a true legible copy of the issuance may be examined;
 - iv. Whether an appeal of such issuance was taken; and
 - v. The tax map lot number or other description identifying the lot [24 V.S.A. §1154(c)].

D. Recording Plats with the Town Clerk

Within one hundred eighty (180) days after the approval of a final plat by the DRB or certification by the Clerk of the DRB's failure to act within forty-five (45) days, the subdivider shall submit the final plat, including all endorsements, for recording in the Town Clerks Office [the Act §4463(b)].

1. Such final plat shall:
 - i. Be on a Mylar sheet(s) of 24 inches by 18 inches.
 - ii. Have all lettering and data which is clear and legible.
 - iii. Have all sheets which have margins having a minimum one-half inch margin, except at the binder side, which shall have a minimum of one and one-half inches margin.
 - iv. Contain an inset locus map clearly indicating the location of the land depicted and a legend of symbols used.
 - v. Utilize plat scale ratios sufficient to allow all pertinent survey data to be shown and contain a graphic scale graduated in units of measure used in the body of the plat.
 - vi. Each survey plat shall contain a graphical indication of the reference meridian used on the survey plat and a statement describing the basis of bearings referenced on the survey plat.
 - vii. Contain a title area in the lower right-hand corner of the sheet stating the location of the land, scale expressed in engineering units, date of

compilation, the name of the record owner as of that date, the land surveyor's certification as outlined in 26 V.S.A. § 2596, and a certification that the plat conforms with requirements of this section. These certifications shall be accompanied by the responsible land surveyor's seal, name and number, and signature.

- viii. Contain a signature box for an authorized member of the DRB.
 - ix. Be signed by an authorized member of the DRB.
 - x. Contain the recording requirements of the Town Clerks Office below.
2. The DRB approval, or certification by the Clerk of the failure of the DRB to act, expires after 180 days [the Act 4463(b)]. Any plat not submitted to the Clerk's Office for recording within one hundred eighty (180) days shall be null and void.
3. Recording DRB Minutes and Findings with the Village Clerk
The DRB shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall keep records of its examinations and other official actions. For each case heard and decided, the DRB shall make written Findings of Fact and Conclusions of Law that shall be maintained in the Village Clerk's Office together with all minutes and other records of the DRB [the Act §4461(a)].

E. Administrative Officer records

The Administrative Officer shall maintain a record of development including:

- 1. A file of a copy of any municipal permits which have been submitted to the Town Clerk for recording in the land records, in a location where all municipal land use permits shall be kept [the Act §4449(c)(1)(B)].
- 2. Copies of all evidence presented, public notices, hearing minutes, Findings of Fact and other material collected by the Administrative Officer or DRB in the process of reviewing an application, including any letters from State agencies required by these bylaws.
- 3. All temporary permits issued or denied under these bylaws. The Administrative Officer must keep a copy of all temporary permits for a period of one (1) year following the expiration of said permit.
- 4. For any permits issued within the Flood Hazard Area Overlay District:
 - i. A record of all permits issued for development in areas of special flood hazard;
 - ii. A copy of the elevation certificate;
 - iii. All flood proofing certifications required under this regulation; and
 - iv. All variance actions, including justification for their issuance.

DEFINITIONS

General Definitions

Except where specifically defined herein or in the Act, or unless otherwise clearly required by the context, all works, phrases, and terms in this bylaw shall have their usual, customary meanings. Definitions contained in the Act shall be applicable throughout these bylaws, unless otherwise specifically defined in this section. In the interpretation of words and terms used, defined, or further described herein, the following shall apply:

- The particular controls the general;
- The present tense includes the future tense;
- The words “shall” and “must” are mandatory and the words “should” and “may” are permissive;
- The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual, unless otherwise specifically defined herein;
- The word “structure” includes “building;”
- The word “lot” includes “parcel.”

Specific Definitions

ABANDONED STRUCTURE: Any structure that meets all of the following criteria:

- The structure is unoccupied; and
- The owner has not paid water, sewer, or electric utility bills; and
- The owner has not paid municipal property taxes; and
- The property is not listed for sale.

ACCESSORY STRUCTURE or ACCESSORY USE: A structure or use which is incidental and subordinate in size and overall appearance to the primary USE or STRUCTURE and which is located on the same LOT, or which is incidental and subordinate to the use of the land. Such use or structure shall not exceed in area thirty percent (30%) of the principal use or structure, or 400 square feet, whichever is greater. Structures accommodating any accessory use are subject to the same requirements (i.e. setbacks, height and size restriction, etc.) as the principal use or structure. A drive-thru is not considered an accessory use or structure and shall be prohibited in all districts unless specifically authorized by the district dimensional tables

ACT, THE: The Vermont Planning and Development Act [24 VSA Chapter 117].

ACRE: A self-contained and contiguous parcel of land containing 43,560 square feet.

ADJOINING LANDOWNER: Any person owning land contiguous to the proposed land development, including land separated by a road or road right-of-way.

ADMINISTRATIVE OFFICER: The person appointed in accordance with the Act to administer these bylaws. The term Administrative Officer shall also include an acting administrative officer appointed in accordance with the Act. Also referred to as the “Zoning Administrator.”

AGRICULTURE: Agriculture includes:

- (a) the cultivation or other use of land for growing food, fiber, trees, or horticultural and orchard crops; or
- (b) the raising, feeding, or management of livestock, poultry, equines, fish, or bees; or
- (c) the operation of greenhouses; or
- (d) the production of maple syrup; or
- (e) the on-site storage, preparation, and sale of agricultural products principally produced onsite; or
- (f) the on-site production of fuel or power from agricultural products or wastes produced onsite.
- (g) structures customarily accessory to agricultural uses which are located on the same parcel as an agricultural use, with the exception of residential dwellings; or
- (h) other uses as defined by the Secretary of the Agency of Agriculture, Food, and Markets.

AGRICULTURAL ENTERPRISE: An enterprise located on the same lot or parcel as an agricultural use, which may not be directly related to the agricultural use. Such activities need not be subordinate to the agricultural operation in terms of revenue but shall be subordinate in terms of overall land use (e.g. land area, structures utilized). Agricultural operations support the agricultural economy of Hyde Park and /or the surrounding communities, integrate into the rural character of the neighborhood and greater zoning district, have a negligible to small impact on surrounding properties and public services, and fit into one or more of the broad categories below. This use shall meet the provisions and complement the use standards and shall protect and preserve important natural resources. Associated activities to the agricultural enterprise on the same parcel as required for office space, online retail operations, warehousing, shipping, packing and storage of products are subject to DRB approval. Activities must fall within one or more of the following categories:

- (a) On-site processing, storage, sampling, and tasting of crops or farm products not principally produced on the farm.
- (b) Retail sales of crops or farm products not principally produced on the farm, such as an on-site farm café.
- (c) Retail sales of non-farm products related to the farm and/or what is produced on the farm. Such retail sales of non-farm products must be clearly subordinate to the farming operation and/or other agricultural operation uses.
- (d) Education, cultural, and recreation programming including, but not limited to, classes, day camps, petting zoos, etc.
- (e) Event hosting as long as such events are clearly subordinate to the agricultural operation including, but not limited to, wedding venue, dinner/ dance venue, theater production, etc.
- (f) Animal health, breeding, and boarded care facilities such as veterinary clinics principally servicing livestock and poultry.
- (g) Horticultural facilities including selective seed storage and sales, as well as demonstration plots.
- (h) Slaughter and meat processing facilities.
- (i) Food processing facilities including but not limited to product washing, flash freezing, canning, or value added processing production of food products.

- (j) Craft scale dairies, cheese, and other dairy product makers, wineries, juice, and cider producers, and similar activities.
- (k) Agricultural and residential by-product processors such as composting and bio-electric generators.
- (l) Agricultural machinery repair.
- (m) Facilities or workshops supporting on-site agricultural services such as furriers, breeders, etc.

AIRB&B / VRBO / HomeAway: See LODGING

APPLICANT: All owners of the property on which the proposed land development will occur. When a property is owned by more than one party, all owners must be the applicant or a co-applicant for any land development proposed under these regulations.

AREA AFFECTED: The surrounding area likely to be affected by the proposed land development including, but not limited, to properties within sight or sound of a proposed conditional use.

ATTIC: The part of a building that is immediately below, and wholly or partly within, the roof framing and has a clear floor to ceiling height of less than seven and one-half feet (7.5). Attics are not counted toward gross floor area and are not considered stories for the purposes of determining building height.

AUTHORIZED AGENT OR REPRESENTATIVE: A person or group of persons who have been duly authorized, by a written statement filed by the applicant with the Administrative Officer, to act on the applicant's behalf.

AUTO SERVICE STATION: See MOTOR VEHICLE SERVICE/REPAIR

AWNING: A hood, cover, or porte-cocheres often comprised of fabric, metal, or glass that is designed and intended to provide for protection from the elements or as a decorative appurtenance and which projects from a wall or roof of a structure over a window, walk, door, landing, public right-of-way, or the like, and which may include a type which can be retracted, folded, or collapsed against the face of a supporting building. An awning with symbols, logo(s), or lettering (excluding the street address) is considered a sign for the purposes of this ordinance.

BANKING / FINANCIAL INSTITUTION: Any building that is properly and appropriately chartered by the State or Federal government and operated for the purpose of serving the public by providing services regarding financial assets rather than tangible property, including handling financial transactions such as deposits, loans, bonds and cash transactions.

BAR: See RESTAURANT/FOOD SERVICE

BASEMENT: Any area of a BUILDING having its floor subgrade (below ground level) on at least fifty percent [50%] of its perimeter. A basement is not counted toward gross floor area and are not considered stories for the purposes of determining building height, unless the finished surface of the floor above the

basement is either more than four (4) feet above the average pre-construction level of the adjoining ground, or more than twelve (12) feet above the pre-construction ground level at any point.

BED and BREAKFAST: See LODGING

BOARDING HOUSE: See LODGING

BOARD: the Board of Trustees for the Village of Hyde Park, Vermont

BOUNDARY LINE ADJUSTMENT: A division of land for the purpose of adjusting borders between adjacent lots and parcels where no new LOT is created, and no lot or structure is made nonconforming or more nonconforming.

BOUNDARY LINE ADJUSTMENT, MAJOR: Any boundary line adjustment not meeting the requirements of a minor boundary line adjustment.

BOUNDARY LINE ADJUSTMENT, MINOR: Any boundary line adjustment where no change is required to any private roads, common land, or conditions of prior approvals in order for the application to be approved.

BUILDING [except as used in Flood Hazard Overlay District]: Any structure that is used principally for enclosure of persons, animals, chattels, or property of any kind.

BUILDING [as used in the Flood Hazard Overlay District]: A walled and roofed structure, including a gas or liquid storage tank, which is principally located above ground.

BUILDING BAY: An individual portion of a building façade. Larger buildings are often divided into multiple bays, often offset from each other and/or distinguished by architectural design, features, such as porches or stoops, materials, and/or color.

BUILDING BAY, PRIMARY: -- On a building with multiple bays, the bay closest to the street

BUILDING BAY, SECONDARY: – On a building with multiple bays, all bays other than the Primary Bay

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished grade located at the front of the building to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a lot fronts on two or more streets, the building height shall be calculated along the highest street façade.

CARRIAGE HOUSE: A structure or use which is incidental and subordinate in size and overall appearance to the primary structure and which is located on the same lot, usually to the side or rear of the primary structure. A carriage house may function independently of the primary structure, and contain additional principal uses, as permitted in the District.

CHARACTER OF THE AREA: Defined by the purpose or purposes of the zoning district within which the project is located, district building façade standards (if any), performance standards, and specifically stated policies and standards of the municipal plan.

CHILD: A person who has not yet reached the age of sixteen years.

CHILD CARE: The developmentally appropriate care, protection, and supervision which is designed to ensure wholesome growth and educational experience for children outside of their homes for periods of less than 24 hours a day in a day care facility.

CHILD CARE FACILITY: Any place, operated as a business or service on a regular or continuous basis whether for compensation or not, which provides early care and/or education. This definition includes:

REGISTERED FAMILY CHILD CARE HOMES: A child care facility, registered with the State, which provides for care on a regular basis in the caregiver's own residence for not more than ten children at any one time. [33 V.S.A. §4902(3)]

LICENSED FAMILY CHILD CARE HOME: An early childhood program licensed for up to 12 children in the residence of the licensee where the licensee is one of the primary caregivers.

LICENSED CHILD CARE FACILITY: A child care facility licensed to provide an early childhood program for children up to a number established by the Child Care Division.

CORNICE: Any projecting ornamental molding along the top of a building or wall.

COMMUNICATION EQUIPMENT: See TELECOMMUNICATION FACILITIES

CONDITIONAL USE: Those uses which, according to the particular district regulations, are allowed on a property only after certain general and specific standards have been met, and upon approval of the Development Review Board after one or more public hearings on the matter, and after the Development Review Board determines that the proposed use will conform to the general and specific standards.

DEVELOPMENT REVIEW BOARD (DRB): The Village of Hyde Park Development Review Board created in accordance with the Act.

DORMER: A window vertical in a roof or the roofed structure containing such a window. The height of a dormer shall be from its base to its peak, inclusive.

DRIVE-THRU: An establishment which by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services or goods while remaining in their vehicles.

DRIVEWAY: a minor travel way serving up to three adjoining parcels, which provides vehicular access from an adjoining road or street to a parking space, garage, or other structure.

DWELLING: A BUILDING or portion thereof, used or designed to be for human habitation. Types of dwellings include:

SINGLE-FAMILY: A building, or portion thereof, used or designed to be used as the residence of not more than one [1] FAMILY, and which is not attached to any other dwelling (with the exception of an ACCESSORY APARTMENT in accordance with these regulations).

MULTI-FAMILY: A building or portion thereof, used or designed to be used as a residence for two [2] or more families, with each occupying a separate DWELLING UNIT, neither/none of which is an ACCESSORY APARTMENT .

ELDERLY HOUSING: A SINGLE-FAMILY or MULTI-FAMILY DWELLING which may or may not have independent cooking facilities, specifically designed and intended for occupancy by at least one person who is fifty-five [55] years of age or older. Such housing may include congregate dining and/or recreational facilities, and/or assisted living services.

DESIGNATED ACCESSIBLE: A SINGLE-FAMILY or MULTI-FAMILY DWELLING which may or may not have independent cooking facilities, specifically designed and intended for occupancy by at least one (1) person with a disability. Such housing includes facilities and services specifically designed to meet the physical or social needs of persons with a disability. Significant facilities and services may include, but are not limited to, social and recreational programs, continuing education, information and counseling, recreational, homemaker, outside maintenance and referral services, emergency and preventive health care programs, congregate dining facilities, and transportation to social, medical, or personal services.

AFFORDABLE HOUSING: A dwelling unit or units that meets either of the following:

Owner-occupied housing for which the total annual cost of ownership, including principal, interest, taxes, insurance, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 120 percent of the highest of the following:

- the county median income, as defined by the U.S. Department of Housing and Urban Development;
- the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by the U.S. Department of Housing and Urban Development; or
- the statewide median income, as defined by the U.S. Department of Housing and Urban Development.

Rental housing for which the total annual cost of renting, including rent, utilities, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 80 percent of the highest of the following:

- the county median income, as defined by the U.S. Department of Housing and Urban Development;
- the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by the U.S. Department of Housing and Urban Development; or
- the statewide median income, as defined by the U.S. Department of Housing and Urban Development.

SEASONAL: A dwelling unit that is not occupied for more than six (6) months of any calendar year, but rather is used as a recreational home or a second home.

DWELLING UNIT (DU): One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental, or lease, by one family. A dwelling unit typically contains independent cooking, bathroom/toilet facilities, and sleeping facilities.

EAVE: The under part of a sloping roof overhanging a wall.

ELECTRIC VEHICLE (EV): A class of automobiles that use electric motors powered by energy drawn for the grid or off-grid electric sources into a battery system for propulsion.

ELECTRIC VEHICLE CHARGING STATION: The public or private parking space(s) served by EVSE, including all signs, information, pavement surfaces, surface markings, fee collection systems, and protective equipment, in which a vehicle is recharged.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE): The protective system which communicates with electric vehicles and monitors electrical activity to ensure safe charging, inclusive of all of the components: the conductors; the ungrounded, grounded, and equipment grounding conductors; electric vehicle connectors; attachment plugs, and all other fittings devices, power outlets, or apparatus installed specifically for the purpose of delivering energy from the grid to an electric vehicle.

There are currently three types, or levels, of EVSE. This definition shall also include similar EVSE technology that may be developed.

ALTERNATING CURRENT (AC) LEVEL 1 EVSE: EVSE which uses a 120V AC connection to a standard residential/commercial electrical outlet typically supplying 15 amps of current, for a power draw around 1.4 – 1.8 kW when charging.

ALTERNATING CURRENT (AC) LEVEL 2 EVSE: EVSE which uses a 208/240V AC connection to supply increased power to EVs, reducing the amount of time required to charge the EV battery. Level 2 EVSE can provide up to 80 amps of current and 19.2 kW of power, although most current EVs use only 3.3 to 6.6 kW as determined by the vehicle's onboard charger. Current Level 2 EVSE equipment typically uses 208/240V 40-50 amp supply circuits.

DIRECT CURRENT (DC) FAST CHARGING EVSE: EVSE which delivers high voltage (typically 200-450V) DC power directly into the EV's battery system, enabling rapid charging. Typically, an 80% charge can be provided in 30 minutes or less for many all electric vehicles, compared to several hours for Level 2 charging. This definition shall also include any other fast charging EVSE technology.

ELEVATION: For the purpose of determining the height limits in a zone set forth in this bylaw and shown on the zoning maps, the datum shall be mean sea level elevation unless otherwise specified.

FAMILY/HOUSEHOLD UNIT: An individual, or two [2] or more persons related by blood, marriage, civil union, legal adoption, or placement in the home for adoption or as foster children; or a group of not more than five [5] unrelated persons living together within a single dwelling unit.

FAA: Federal Aviation Administration.

FAÇADE, BUILDING: The dominant structural feature of any side of a building. For example, the building façade of a two-story structure with a one-story porch is the two-story elevation of the building.

FARMING: SEE AGRICULTURE

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 10 V.S.A. § 6001(22), but excludes a dwelling for human habitation (24 V.S.A. §4413(d)).

FCC: Federal Communications Commission

FINANCIAL / BANKING INSTITUTION: Any building that is properly chartered by the State or Federal government, as appropriate, and operated for the purpose of serving the public by providing services regarding financial assets rather than tangible property, including handling financial transactions such as deposits, loans, bonds and cash transactions.

FLOOR, GROUND: The street level floor, which is the first story of a building other than a basement.

FLOOR, OTHER: All stories other than the ground floor, including basements meeting the definition of a story.

FORESTRY: The growing and harvesting of trees or timber under proper forest management for purposes other than their fruit in accordance with accepted management practices for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation [§4413(d)], including the construction of logging roads and bridges, provided the roads and bridges are used exclusively for agriculture or forestry. For purposes of these bylaws, the term "Forestry" shall also include the use of temporary processing equipment including, but not limited to, portable sawmills, wood chippers, and wood splitters which are used in association with harvesting operations and which are removed from the site once harvesting operations are complete.

FOREST PRODUCTS PROCESSING: A facility for the processing and/or storage of forestry products that is located off site from harvesting operations. This may include, but is not limited to permanent sawmills, lumberyards, procurement yards, commercial firewood producers, wood pellet producers, wood

kilns, and similar facilities. This definition does NOT include temporary equipment including, but not limited to, portable sawmills, wood chippers, and wood splitters, which are used in association with harvesting operations and which are removed from the site once harvesting operations are complete. Such temporary processing equipment shall be considered FORESTRY.

FORMULA DESIGN/ FRANCHISE ARCHITECTURE: Building design that is trademarked or identified with a particular chain or corporation.

FRONTAGE: The length of the front lot line for a single parcel of land as measured from the public right-of-way or private street or easement that it borders.

FRONTAGE BUILDING: Smaller principal structures located between a large principal structures and the public right-of-way. Frontage buildings are often used to screen larger structures from public view, and provide a transition from the street to a more intense or visually obstructive use. Frontage buildings may contain any permitted or conditional use allowed within the district, subject to all required reviews.

GALLERY/STUDIO/MUSEUM: a BUILDING, or portion thereof, that is used for creating, showing and/or selling works of art or crafts; a BUILDING, or portion thereof, where objects of historical, cultural, scientific, or artistic interest are kept and displayed for viewing by the public; a BUILDING, or portion thereof, where television, film, radio programs, and/or music recordings are made; and/or a BUILDING, or portion thereof, where visual or performing arts are taught or practiced.

GEOGRAPHICAL INFORMATION SYSTEM (GIS): The computerized mapping and information system adopted by the State of Vermont, Office of Geographic Information Services, and/or the regional planning commission serving this Municipality.

GROUND WATER SOURCE PROTECTION AREA (SPA): An area designated by the State of Vermont, Agency of Natural Resources, as a public drinking water source and recharge zone and given special protection in these bylaws.

GROUP HOME: An institution or FACILITY that provides care for persons who have a handicap or disability or physical or mental impairment, as defined in 9 VSA §4501, and which does not include facilities for the treatment of illness or injuries (other than minor acute illness) or for surgical care; or a residential facility or transitional housing for the developmentally disabled, victims of domestic violence, or homeless persons and households.

GROSS FLOOR AREA: The sum of all floor areas of all stories of a building, measured from the exterior face of exterior walls, or from the centerline of a wall separating two attached units or structures.

HAZARDOUS MATERIAL: All petroleum-based and/or toxic, corrosive, or injurious substances, chemicals, and/or related sludge, as included in any of the following:

- a) any substance defined in Section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980;
- b) petroleum, including crude oil or any fraction thereof; or

c) hazardous wastes, defined in Section 101 (9) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

NOTE 1: *"Hazardous material" does not include herbicides and pesticides when applied consistent with good practice conducted in conformity with federal, state and local laws and regulations and according to manufacturer's instructions.*

NOTE 2: *"Hazardous material" does not include livestock wastes.*

HAZARDOUS WASTE: Any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form including, but not limited to, those that are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat, or other means and which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any substance which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state.

NOTE 1: *All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 and amendments thereto, codified in 42 U.S.C. § 2014, is specifically excluded from this definition.*

NOTE 2: *The storage and handling of livestock wastes and by-products are specifically excluded from this definition.*

HEAVY INDUSTRY: A business that typically carries a high capital cost (capital-intensive), high barriers to entry, and low transportability. The term "heavy" refers to the fact that the items produced by "heavy industry" used to be products such as iron, coal, oil, ships, etc. Industries that are typically considered "heavy" producers include: Chemicals and plastics, steel and oil refining and production, mining, and mass transit (railways, airlines, shipbuilders).

HomeAway / AIRB&B / VRBO: See LODGING

HOME BUSINESS: An accessory commercial, service, or industrial use carried out within a residential property under the definitions and conditions established by these bylaws.

HOME OCCUPATION: An accessory commercial, service, or industrial use carried out within a residential property under the definitions and conditions established by these bylaws.

HOLIDAY DECORATIONS: Displays associated with a recognized Federal, State, or religious holiday.

HOTEL: See LODGING

HUNTING, FISHING, AND TRAPPING: Activities as specified under 24 V.S.A. §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs which, for the purposes of these bylaws, are defined as outdoor recreation facilities.

IMPERVIOUS SURFACE: A surface that has been compacted or covered with a layer of materials so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock, gravel, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

INN: See LODGING

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

INTERESTED PERSON: An individual or entity who has participated in a municipal regulatory proceeding authorized under 24 VSA Ch. 117 who may appeal a decision rendered in that proceeding by a Village agent or a board or panel to the Environmental Court.

INTERSTITIAL MONITORING: A system designed, constructed, and installed to detect a leak from any portion of a storage tank or connected piping that routinely contains potential ground water contaminants by monitoring the space between the primary (inner) tank or connected piping and the secondary (outer) tank or connected piping.

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

KENNEL: Any premises on which breeding, housing, training, caring for, or keeping of four [4] or more dogs, cats, or other household domestic animals is performed for profit or exchange.

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 with materials including but not limited to soil, sand, rocks, gravel and fill; any change in the use of any building or other structure or land; or the extension of the use of land.

LEGISLATIVE BODY: The Village of Hyde Park Board of Trustees

LOADING AREA: Off-street space used for the temporary location of one licensed motor vehicle, which is at least twelve feet (12') wide and forty feet (40') long and fourteen feet (14') high, not including access driveway, and having direct access to a street or alley.

LODGING: An establishment licensed by the State of Vermont Department of Health that provides for the temporary, short-term rental of a room or rooms connecting together that constitute a separate and independent sleeping accommodation, with or without independent cooking, bathroom/toilet facilities. Temporary, short-term rental is defined as the maximum period of time that each individual guest(s) may occupy the rental, which is thirty (30) or fewer consecutive days. Should the guest(s) remain beyond thirty (30) days, the person(s) are

considered as tenants/residents of the single family dwelling. Lodging shall comply with Vermont Statutes, and specifically VT Department of Health, Chapter 5, Subchapter 2A: Lodging Establishments. In accordance with the ACT, nothing in these bylaws shall prohibit a lodging use from renting rooms for the purpose of providing Vermont Housing Assistance. This definition includes “bed and breakfasts”, “hotels”, “inns”, “motels”, “lodges”, “hostels”, “HomeAway”, “AirBnB”, and other “AirBnB-like”

LOT: A definable PARCEL of land in common ownership, not separated by a public ROAD or RIGHT-OF-WAY, occupied or capable of being occupied by one or more structures or uses. Lot boundaries are (a) established by DEED or deeds recorded in the Hyde Park Land Records and the records of any public road right-of-way; or (b) shown on a plat approved by the Development Review Board pursuant to these bylaws. Any parcel divided by a Class I, II, or III road is considered automatically subdivided.

LOT, CORNER: A lot at the point of intersection of, or abutting on, two [2] or more intersecting streets, the angle of intersection being not more than 135 degrees.

LOT SIZE: Calculated by one or more of the following methods:

- a) **AREA:** Total space within the property lines, excluding any part thereof lying within the boundary of an existing or proposed public ROAD and usually measured in square feet or acres.
- b) **DEPTH:** The mean distance between the front and rear lot lines, as measured at right angles to the front lot line.
- c) **WIDTH:** The mean distance between the side lot lines, as measured at right angles to depth.
- d) **FRONTAGE:** The boundary of a lot along a public or private ROAD, usually measured in linear feet.

LOT OF RECORD: A lot, which is part of a subdivision recorded in the land records, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LIGHT MANUFACTURING: The processing or fabrication of materials and products such as home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, light weight nonferrous metal products, plastic goods, pharmaceutical goods, and food products. This definition may also include a facility whose primary purpose is the advancement of products whose manufacture will take place elsewhere, as well as research not necessarily related to a specific product. Such facilities may contain laboratories or production capabilities limited to the purposes of said advancement.

MOBILE HOME: A DWELLING that is transportable, or originally designed and constructed to be such, whether later rendered immobile or not, with running water and sanitary facilities, bath, and toilet. Placing a mobile home on foundations or adding adjacent or attached fixed buildings shall not change its classification as a Mobile Home.

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 [2] mobile homes. “Mobile

Home Park” shall not mean any parcel of land under the ownership of an agricultural employer who may accommodate thereon up to four [4] mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment. This definition specifically excludes MOBILE HOME SALES.

MOBILE HOME SALES: An establishment or site associated with the display and sale of more than one [1] MOBILE HOME.

MOTEL: See Lodging

MOTOR VEHICLE: Any mechanically powered medium of transport designed to move people or cargo including, but not limited to aircraft, watercraft, automobile, bus, truck, tractor, trailer (excluding a MOBILE HOME), mower, tank, go-cart, motorcycle, snowmobile, or all-terrain vehicle, regardless of whether or not the device is currently functional. RECREATIONAL VEHICLE that is motorized.

MOTOR VEHICLE SERVICE AND REPAIR: A business enterprise engaged in the service and restoration of any MOTOR VEHICLE, including auto body repair and/or auto detailing, which may also include the sale and installation of automotive parts and accessories. This definition specifically excludes MOTOR VEHICLE SALES and MOTOR VEHICLE FUEL SALES.

MOTOR VEHICLE SALES: An establishment associated with the display and sale of more than four (4) MOTOR VEHICLES at any given time, and/or display and sale of motor vehicles in a quantity that requires licensure by the State of Vermont. This definition also includes MOBILE HOME SALES.

MOTOR VEHICLE FUEL SALES: Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such motor vehicles. This definition specifically excludes ELECTRIC VEHICLE CHARGING STATION.

MUNICIPLITY: The Village of Hyde Park

MURAL: A purely decorative treatment on the exterior wall of a building that does not have the overt intent or effect of advertising a product or service for sale or an agency, organization, business or political cause.

MUSEUM/GALLERY/STUDIO: a BUILDING, or portion thereof, that is used for creating, showing and/or selling works of art or crafts; a BUILDING, or portion thereof, where objects of historical, cultural, scientific, or artistic interest are kept and displayed for viewing by the public; a BUILDING, or portion thereof, where television, film, radio programs, and/or music recordings are made; and/or a BUILDING, or portion thereof, where visual or performing arts are taught or practiced

NON-CONFORMING LOT or PARCEL: A lot or parcel that does not conform with current regulations governing dimensional requirements but which was in conformity with all applicable laws, ordinances, and regulations prior to the enactment of current bylaws, including a lot or parcel improperly authorized

as a result of error by the Administrative Officer or Development Review Board under the provisions of 24 VSA §4472.

NON-CONFORMING USE: Use of land or structure which does not comply with all Zoning Regulations for the district in which it is located where such use conformed to all applicable laws and regulations prior to enactment of these bylaws; or a use improperly authorized as a result of error by the Administrative Officer or Development Review Board under the provisions of 24 VSA §4472.

NONFORMING STRUCTURE: Structure not complying with the regulations for the district in which it is located where such structure complied with all applicable laws and regulations prior to enactment of these bylaws; or a structure improperly authorized as a result of error by the Administrative Officer or Development Review Board under the provisions of 24 VSA §4472.

OFFICE/SERVICES: Services provided to the public by an individual(s) with or without advanced academic training and engaged in a specific occupation for pay or for non-profit. Examples include ,but are not limited to, tailor, seamstress, cobbler, travel agent, barber, hairdresser, engineering firm, lawyer, accountant, consultant, realtor, real estate appraiser, architect, designer, psychologist/psychiatrist, chiropractor, healthcare provider, etc.

OUTDOOR WOOD FIRED BOILER: An outdoor wood fired boiler that has been certified by the Vermont Air Pollution Control Officer as meeting the particulate matter emission limits specified in Section 5-204(e)(2)(ii) of the Vermont Environmental Protection Rules for Air Pollution Control.

PATIO/TERRACE: A paved or graveled outdoor space adjoining a building, typically used for dining, recreation, or other social gathering.

PARAPET: The extension of the main walls of a building above the roof level, often used to shield mechanical equipment and vents.

PARKING SPACE: A reasonably level space available for the temporary parking of one motor vehicle with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. In general, a perpendicular, off street parking area is nine feet (9') wide) by eighteen feet (18') deep. For purposes of rough computation, an off-street parking space and associated access and maneuvering room are estimated to be 300 square feet, and an on-street parking space is estimated to be 162 square feet.

PARKING, TANDEM: The arrangement of parking where one space is located directly in front of another, such that it is necessary to pass through one space in order to leave or enter the other.

PARCEL: A tract of land under ownership by any entity, which may contain more than one lot.

PEDEMENT: The triangular wall area inside a gable and framed by cornices along all three sides. .

PERMIT: A zoning permit issued by the Zoning Administrator in compliance with these bylaws.

PERMITTED USE: A use specifically allowed in the district, excluding illegal uses and non-conforming uses.

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

PERENNIAL STREAMS AND RIVERS: A watercourse, or portion, segment or reach of a watercourse that, in the absence of abnormal, extended, or severe drought, continuously conveys surface water flow. Human caused interruptions of flow; i.e. flow fluctuations associated with hydroelectric facility operations, or water withdrawals, shall not influence the determination. A perennial stream shall not include the standing waters of wetlands, lakes, and ponds. The jurisdictional exemption under 10 VSA Section 1002(10) for “ditches or other constructed channels primarily associated with land drainage or water conveyance” shall not include perennial streams that have been channelized or converted to ditches. All other streams or portions thereof shall be considered and termed intermittent. A stream may, along its course, cycle from intermittent to perennial to intermittent through multiple iterations.

A perennial stream may be characterized by any of the following:

1. Direct observation or compelling evidence obtained that surface flow is uninterrupted.
2. Presence of one or more geomorphic characteristics typically associated with perennial streams including:
 - a. Bed forms; i.e. riffles, pools, runs, gravel bars, other depositional features, bed armor layer
 - b. Bank erosion and/or bed scour
 - c. Indications of waterborne debris and sediment transport
 - d. Defined bed and banks
3. Watershed size greater than 0.5 square miles
4. VHD data layer-derived application of USGS regression for intermittent stream flow probability
5. Presence of aquatic organisms requiring uninterrupted flow for survival
6. Base flows are primarily supported by groundwater recharge as indicated by bank seeps, springs, or other indicators
7. Absence of highly permeable channel (particularly streambed) boundary conditions which, in conjunction with decline of the groundwater table below, the streambed elevation may be anticipated to interrupt flow occasionally to frequently.
8. Surrounding topography exhibits characteristics of being formed by fluvial processes

PLANNING COMMISSION: The Village of Hyde Park Planning Commission or the Hyde Park Planning Commission, as established and defined by the Board of Trustees in accordance with The Act.

PLANNED UNIT DEVELOPMENT (PUD): A residential, mixed use, or non-residential development, approved by the Development Review Board in accordance with these bylaws, designed and planned as an integral unit.

PLACE OF WORSHIP: Any structure the principal purpose of which is the conduct of religious worship or other religious activities. This shall include any related offices, rectory, and residential dwellings for the clergy, convents, and meeting halls. It shall not be construed to include any private or parochial educational facility, except those which may be used for educational activity directly associated with regular worship services and which are clearly incidental and subordinate to such services.

PORCH: A covered platform with open or partially enclosed walls attached to the exterior of a building, and usually located at an entrance to a building,

PRIVATE ROAD: a minor travel way under private ownership serving more than three adjoining parcels, which provides vehicular access from an adjoining road to a parcel.

PRINCIPAL USE or STRUCTURE: The primary purpose, application, or function of, or the main assembly of materials for occupancy, use or, display located upon any subject LOT.

PUBLIC ASSEMBLY HALL: Includes auditorium, theater, public hall, wedding/event hall, meeting hall, or any structure meant to accommodate a gathering of twenty (20) or more persons, other than a Place of Worship.

PUBLIC ART: Art in any media that has been planned and executed with the intention of being staged in view of the public-right-of-way, public building, or other public space, usually outside and accessible to the general public.

PUBLIC HIGHWAY: Any State highway and/or and any Class 1, 2, 3, or 4 Town highway.

PUBLIC ROAD: SEE PUBLIC HIGHWAY

PUBLIC STREET: SEE PUBLIC HIGHWAY

PUBLIC WATER SYSTEM: Any system, or combination of systems owned or controlled by a person, which provides piped drinking water to the public and which has at least 15 service connections or serves an average of at least 25 individuals for at least 60 days a year.

RECREATION FACILITY, INDOOR: An establishment dedicated to indoor recreational pursuits including, but not limited to, indoor bowling alley, theater, table tennis, pool hall, skating rink, spa/gymnasium, swimming pool, hobby workshop, or similar recreation within a totally enclosed BUILDING, recreation. Such facilities may or may not include the sale of food and/or non-alcoholic beverages as an ACCESSORY USE. See RESTAURANT/FOOD SERVICE

RECREATION FACILITY, OUTDOOR: Leisure pursuits occurring on private or public land that contains any structure designed to enhance those activities and which is accessible to the general public or private membership. This definition includes, but is not limited to, organized courses and trails for cross-country skiing, snow-shoeing, cycling, skating, fishing, swimming, hiking, running, horse trails, and

riding rings. This definition explicitly excludes organized courses for motorized vehicles and shooting ranges.

RECREATIONAL VEHICLE, a large vehicle often used during travel and camping, which may or may not be motorized, and that may or may not have a bathroom, kitchen, and beds.

REPAIR, SALES AND SERVICE: A totally enclosed building that provides for the repair, sales and service of home appliances, HVAC equipment, bicycles, lawn mowers, snow mobiles, snow blowers, computers, electronic devices and similar household or recreational goods. Exterior use, storage and/or display are prohibited unless approved by the DRB.

RETAIL: An establishment that sells or rents/leases primarily direct to consumer merchandise including, but not limited to, art, crafts, dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, pharmaceutical products, magazines, books and newspapers, and food. This definition specifically excludes motor vehicle sales, mobile home sales, and motor vehicle fuel sales.

RESTAURANT/FOOD SERVICE: An establishment licensed by the State of Vermont Department of Health as a public food service establishment whose principal use is the preparation, serving and selling of food for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption. If the establishment sells alcohol that is not produced on site, in order to qualify as a restaurant, at least 50% of gross annual receipts shall be from non-alcohol products. If more than 50% of gross annual receipts are from sale of alcohol that is not produced on site, the establishment shall be considered a bar, which is prohibited throughout the Village of Hyde Park.

ROOF, ARCHED/BARREL: A curved roof.

ROOF, COMPOUND: A pitched roof having a double slope, the lower usually being longer and steeper than the upper. Compound roofs include gambrel and mansard roofs, and are sometimes referred to as “barn roofs.”

ROOF, FLAT: A roof with little to no pitch (less than 4/12), typically with scuppers or internal drains.

ROOF, GREEN: A building roof system designed to reduce rainwater runoff, heat, and glare to and reduce energy consumption by mimicking a variety of hydrologic processes normally associated with open space and employing living vegetation as the primary exterior material.

ROOF, HIPPED: A pitched roof with sloped instead of vertical end

ROOF, GABLE: A pitched roof with a central ridgeline and vertical wall ends.

ROOF, MONITOR: Sometimes referred to as a Raised Roof. A pitched roof that has its center portion raised (or pushed up) from the main roof, which is then supported by the addition of knee walls (short walls).

ROOF, PITCHED: A roof with a pitch of 5/12 or greater.

ROOF PITCH: The slant of the roof, represented as the ratio between the rise (vertical distance) and run (horizontal distance) of the roof. The run is always expressed as 12 units.

RFI: Radio Frequency Interference

FRR: Radio Frequency Radiation

SHOOTING RANGE: Any permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting in an outdoor environment.

SHRUB: A woody plant with several perennial stems that may be erect or may lie close to the ground. A shrub will usually have a height less than thirteen (13) feet and stems no more than about three (3) inches in diameter. A shrub shall not be considered a tree.

SIGN: Any devices, designs, trade names, trademarks by which anything is made known, such as are used to identify or advertise an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public-street or right-of-way and used to attract attention.

SIGN, FREE STANDING: A sign mounted and/or supported by means of poles, posts, base, or standards in the ground.

SIGN, OFF-PREMISES: A sign which advertises or otherwise directs attention to any commodity or activity sold, offered, or conducted elsewhere than on the premises upon which such sign is located.

SIGN, PARALLEL ATTACHED: A sign attached, painted, or otherwise mounted parallel to a wall or other vertical building surface, which does not extend beyond the edge of any wall or other surface to which it is mounted and does not project more than eighteen (18) inches from the surface thereof.

SIGN, PROJECTING ATTACHED: A sign mounted to a wall or other vertical building surface other than a parallel sign. Signs connected to a canopy, awning, or marquee that project more than eighteen (18) inches are considered to be projecting signs.

SIGN, ROOF: A sign erected on or above the roof or parapet of a building.

SIGN, TEMPORARY: A display, informational sign, banner, or other advertising device, with or without a structure frame, intended for a limited period of display and not permanently affixed to the ground or mounted to a wall or other vertical building surface. An a-frame or sandwich board shall have no more than two sides which shall be limited to six (6) square feet per side and four (4) feet in height.

SIGN, WINDOW: A sign affixed to a window or placed within twelve (12) inches of the glass area.

SLOPE: The topographic gradient of any area of land, whether or not located on a single parcel, as determined by the change in vertical distance or elevation (rise) over a horizontal distance (run) which, for the purposes of these regulations is expressed as a percentage (e.g., 20-ft gain/100-ft distance = 0.20 or 20%). For construction and grading purposes slope also may be expressed as the ratio of the horizontal to vertical distance (e.g., 2:1).

STRUCTURE: An assembly of materials for occupancy, use, or display including, but not limited to, BUILDINGS; swimming pools; ponds; MOBILE HOMES; antennae and communication towers; free-standing satellite dishes with a diameter greater than thirty-six [36] inches; animal or vehicle jumps; flag poles; playground equipment; FENCES; SIGNS, blinds; bridges, boardwalks, docks, decks, porches, and patios. The term “Structure” specifically excludes elements built at grade without a foundation or pier support including, but not limited to, walking or riding trails or playing fields that are materially unenhanced; compost bins, planters, sidewalks, driveways; and berms, swales, walls less than three [3] feet in height as calculated from grade and assembled from materials native to the parcel (i.e. not imported from off-site) that have been rearranged or relocated on the parcel. The term structure also excludes elements of wastewater treatment systems governed by the Vermont Environmental Protection Rules.

STRUCTURE, ABANDONED: Any structure that meets all of the following criteria:

- The structure is unoccupied; and
- The owner has not paid water, sewer, or electric utility bills; and
- The owner has not paid municipal property taxes; and
- The property is not listed for sale.

STUDIO/MUSEUM/GALLERY: a BUILDING, or portion thereof, that is used for creating, showing and/or selling works of art or crafts; a BUILDING, or portion thereof, where objects of historical, cultural, scientific, or artistic interest are kept and displayed for viewing by the public; a BUILDING, or portion thereof, where television, film, radio programs, and/or music recordings are made; and/or a BUILDING, or portion thereof, where visual or performing arts are taught or practiced.

SUBDIVISION: Includes but is not limited to:

1. The division of a parcel into two or more lots.
2. Re-subdivisions, amendments to subdivisions, amendments to conditions of plat approval, and boundary line adjustments.
3. Creation of easements or rights-of-way to allow access to landlocked parcels [the Act §4418(1)(B)].

4. Creation of common interest ownership communities where parcels within the community are subdivided.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a STRUCTURE, the cost of which equals or exceeds fifty percent [50%] of the market value of the structure before START OF CONSTRUCTION of the improvement.

SURVEY PLAT: A map or plan, drawn to scale, of one or more parcels of land showing, but not limited to, boundaries, corners, markers, monuments, easements, and other rights.

SWIMMING POOL: Any pool or other STRUCTURE used for swimming (other than a natural or man-made pond), above or below ground level that contains two (2) or more feet of water at its deepest, whether for public, private, or commercial uses.

SELECTBOARD: The Selectboard of the Town of Hyde Park

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

STOOP W/ STAIRS: A FAÇADE ELEMENT wherein the facade is aligned close to the front property line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

STORE FRONT: A FAÇADE ELEMENT, most often for retail use, with substantial glazing, wherein the facade is aligned close to the front property line with the building entrance at sidewalk grade.

STREET FURNITURE: Constructed above-ground objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains, and telephone booths used by the public.

STORY: That part of a building above ground level between a floor and the floor next above. If there is no floor above it, then the space between the floor and the roof or ceiling next above it. An intermediate floor between the floor and ceiling, such as a mezzanine or landing, shall not be counted as a story unless the total of all such areas exceeds one-third of the area of the floor immediately below it. Attics are not considered stories. A basement shall be considered as a story only where the finished surface of the floor above the basement is either more than four (4) feet above the average pre-construction level of the adjoining ground or more than twelve (12) feet above the pre-construction ground level at any point.

STORY, HALF: The uppermost story, usually located within the roof framing, that has a clear floor to ceiling height of at least seven and one half (7.5) feet for not more than 50% of the total floor area. If the clear floor to ceiling height at the height point is less than seven and one half feet (7.5), the area shall not be considered a half story, and shall be considered an attic. If the clear floor to ceiling height is at least seven and one half (7.5) feet for more than 50% of the total floor area, the area shall be considered a story.

TELECOMMUNICATIONS FACILITY: A tower or other support structure, including antennae which extends twenty [20] feet or more vertically, and related equipment and base structures to be used primarily

for communication or broadcast purposes to transmit or receive communication or broadcast signals. The term “telecommunications facility” includes towers and ancillary facilities.

TELECOMMUNICATIONS PROVIDER: An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

TELECOMMUNICATIONS TOWER: A structure whose primary purpose is to support wireless telecommunication equipment and which will extend vertically 20 feet or more. Existing structures such as church steeples and agricultural barns and silos are not considered towers provided the mounting of telecommunications equipment is secondary to another use.

TOWN: The Town of Hyde Park

TREE: A woody plant having at least one (1) erect perennial stem (trunk) at least three (3) inches in diameter at a point four and one half (4-1/2) feet above the ground and a definitely formed crown of foliage and a mature height of at least thirteen (13) feet. A shrub shall not be considered a tree.

TREE, LARGE: A tree having a mature height of 40 feet or greater.

TREE, MEDIUM: A tree having a mature height of between 30 and 40 feet.

TREE, SMALL: A tree having a mature height of less than 30 feet,

TRUSTEES: Shall mean the Board of Trustees of the Village of Hyde Park

VRBO / HomeAway / AIRB&B: See LODGING

WAREHOUSE: A BUILDING used primarily for the storage of goods, materials, and merchandise.

USE: The specific purpose for which land or a BUILDING is arranged, designed, or intended; or for which either land or a building is or may be occupied or intended.

VEHICLE TRIPS: A term that forecasts travel demands by predicting the number of automotive journeys which originate from, or end in, a particular location. For example, leaving Point A to travel to Point B is calculated as one Vehicle Trip; leaving Point A to travel to Point B and then return to Point A is calculated as two Vehicle Trips. The total number of trips generated by a proposed development shall be estimated by consulting the most recent Institute of Transportation Engineers Trip Generation Manual or other similar credible sources.

VERMONT VERNACULAR DESIGN: Building styles common in 18th and 19th century Vermont designed, as described in “The Historic Architecture of Vermont; Guide to Vermont Architecture” (1996) published by the Vermont Division for Historic Preservation.

VILLAGE: The Village of Hyde Park.

WALL: The surface area of any façade of any side or face of a building, or portion thereof.

WETLANDS: Those areas of the state that are inundated by surface or ground water with a frequency sufficient to support significant vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction.

WINDOW/BUILDING OPENINGS: The area of the building façade covered by windows, doors, or other openings.

WINDOW, BAY: A large window or series of windows that project outward from a building façade.

WINDOW COVERAGE: The total percentage of a building façade containing windows, including windows associated with a door. Window coverage may be calculated based on the total square footage of the building façade OR the total lineal area of the building façade, at the applicant's discretion. Such windows shall allow at least 50% light transmission.

WINDOW, FALSE: Any window or other glassed area of a façade that allows less than 50% light transmission

WINDOW SIGN: A SIGN affixed to a window or placed within twelve (12) inches of the glass area

YARD: The open space extending the full width of the lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided for in these bylaws. The three types of yard include:

- a) **FRONT** - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the street line and the nearest line of any above-ground structure.
- b) **REAR** - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of any above-ground structure.
- c) **SIDE** - An open space between an above-ground structure and the side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of any above-ground structure.

ZONING ADMINISTRATOR: The common term for the Administrative Officer. See Administrative Officer. The Administrative officer, or the Assistant Administrative Officer appointed in accordance with the provisions of these bylaws.

FLOOD HAZARD DEFINITIONS

The following definitions shall apply for the purpose of administering flood hazard regulations. Where a conflict between the flood hazard definitions and specific definitions above occurs, the flood hazard definitions shall control in the flood hazard area. In all other areas, the specific definitions shall control.

ACCESSORY STRUCTURE: A structure which is: 1) detached from, and clearly incidental and subordinate to, the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to, garages, garden and tool sheds, and playhouses.

AREA OF SPECIAL FLOOD HAZARD: Synonymous in meaning with the phrase “special flood hazard area” for the purposes of these regulations.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).

BASE FLOOD ELEVATION (BFE): The elevation of the water surface elevation resulting from a flood that has a one percent (1) percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet above the ground surface.

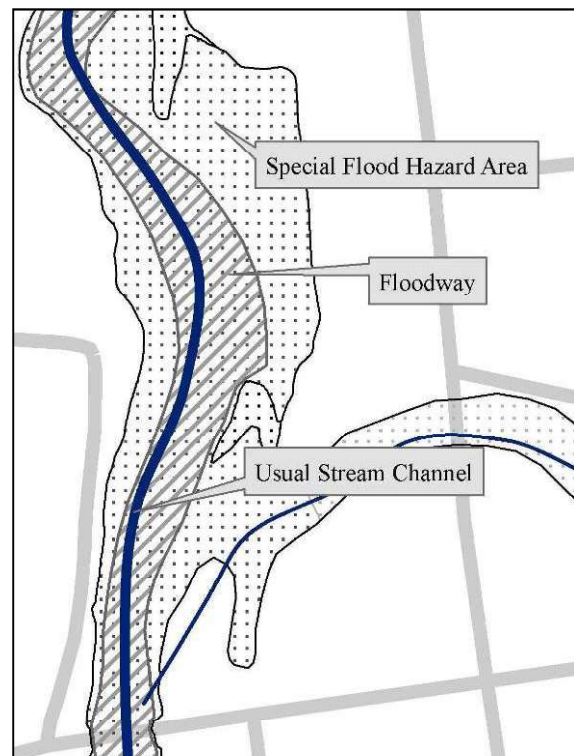
“BFE” see Base Flood Elevation

BUFFER: An undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or stream.

CHANNEL: An area that contains continuously or periodic flowing water that is confined by banks and a streambed.

CHANNEL WIDTH (OR BANKFULL WIDTH): The width of a stream channel when flowing at a bank full discharge. The bank full discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

COMMON PLAN OF DEVELOPMENT: Where a structure will be refurbished over a period of time. Such work might be planned unit by unit.



CRITICAL FACILITIES: Development vital to public health and safety or facilities regulated under 30 V.S.A. § 248. For the purposes of this definition critical facilities include facilities that provide services or functions related to public health and safety during emergency response and recovery and facilities that must be protected to a higher standard to protect public health and safety.

COMPENSATORY STORAGE: A volume not previously used for flood storage and which shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream, or creek.

DEVELOPMENT: Any human-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the *initial* floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FILL: Any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

FIRM see Flood Insurance Rate Map

FLOOD: (a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

FLOOD INSURANCE STUDY: An examination, evaluation, and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation, and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of “flood”).

FLOOD PROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

FLOODWAY, REGULATORY IN: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot at any point.

FLUVIAL EROSION: Erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

HISTORIC STRUCTURE: Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved State program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

LETTER OF MAP AMENDMENT (LOMA): A letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by

a licensed engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

LOWEST FLOOR: The lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

MANUFACTURED HOME (OR MOBILE HOME): A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION: For regulation under the overlay, means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

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. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not non-conforming structures.

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.

NONCONFORMITY: A non-conforming use, structure, lot, or parcel.

NON-RESIDENTIAL: Includes, but is not limited to, small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

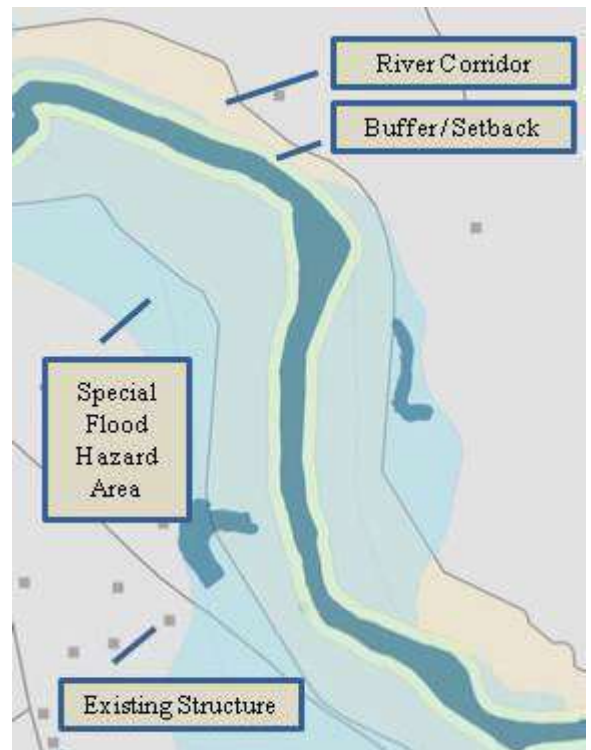
RECREATIONAL VEHICLE: A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as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

RIVER CORRIDOR: The land area adjacent to a river that is required to accommodate the dimensions, slope, plan form, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide.

REPETITIVE LOSS STRUCTURE: A building covered by flood insurance that has incurred flood-related damages on two (2) occasions during a ten (10) year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five percent (25%) of the market value of the building at the time of each such flood event.

SPECIAL FLOOD HAZARD AREA: The floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area”. This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

START OF CONSTRUCTION: For purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The “start of construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as



clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

STRUCTURE: For regulatory purposes under this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three (3) years, or over the period of a common plan of development, cumulatively equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

TOP OF BANK: The vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

VIOLATION: The failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

