

Town of Shoreham
ZONING REGULATIONS

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March 2, 2004

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STORMWATER ORDINANCE BACK

ARTICLE I. AUTHORITY, PURPOSE & APPLICABILITY

§1.1 AUTHORITY & ENACTMENT

- (A) In accordance with the Vermont *Municipal and Regional Planning and Development Act* [24VSA Chapter 117], hereinafter referred to as the *Act*, the Town of Shoreham establishes these zoning regulations which are comprised of the following text and associated maps. These regulations shall be known and cited as the *Town of Shoreham Zoning Regulations*.

§1.2 PURPOSE

- (A) It is the purpose of these regulations to provide for orderly community growth, to further the goals and purposes established in the *Act* [24VSA §4302], and to implement the *Shoreham Town Plan*, specifically, by furthering the following goals identified therein:
- (1) Safeguard the general health, safety, and welfare of Shoreham's residents.
 - (2) Encourage Shoreham's rural, agricultural character and quality of life.
 - (3) Manage change in such a way that the ability of the Town to provide services to its residents will not be compromised; and that allows the town to finance and meet the expenses of new infrastructural needs.
 - (4) Develop an environment for new job opportunities, such as agriculturally related businesses or cottage industries, which are compatible with the other goals of the *Plan*.
 - (5) Support the availability of low- and moderate-cost housing in Shoreham.
 - (6) Allow for changing energy and utility needs.

§1.3 APPLICABILITY & INTERPRETATION

- (A) In their interpretation and application, the provisions of these *Regulations* shall be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.
- (B) The application of these *Regulations* is subject to the provisions of all subchapters of the *Act* as most recently amended. In accordance with the *Act* [24VSA §4449(a)(1)], no land development shall commence within the Town of Shoreham except in compliance with the provisions of these

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 structure, or of any mining, excavation, or landfill; any change in use of any building or other structure, or land or extension of use of lands.

Regulations. Land development, as defined herein, shall not include customary maintenance activities.

- (C) Except where specifically provided to the contrary, these *Regulations* are not intended to repeal, annul or in any way impair any regulation or permit previously adopted or issued; however, in accordance with the *Act* [24VSA §4413(c)], where these *Regulations* impose a greater restriction upon the use, structure, or land than is imposed by any Statute regulating the use, structure, or land, the provisions of these *Regulations* shall control.

§1.4 STATE LIMITATIONS ON REGULATIONS

- (A) **Protected Public Facilities.** State statute limits a town's authority to regulate certain uses and structures. Pursuant to 24VSA §4413(a), the following uses may be regulated only with respect to: *location* (ie: which zoning district), *size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening* requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:
- (1) State- or community-owned and operated institutions and facilities.
 - (2) Public and private schools and other educational institutions certified by the Vermont Department of Education.
 - (3) Churches and other places of worship, convents, and parish houses.
 - (4) Public and private hospitals.
 - (5) Regional solid waste management facilities certified by the state [10VSA, Chapter 159].
 - (6) Hazardous waste management facilities for which a notice of intent to construct has been received under 10VSA §6606(a).
 - (7) The above are allowed in any district if not indicated otherwise (See §2.5). Regardless of district, a conditional use review is required regarding the statutory considerations listed in (A) above.
- (B) **Agriculture.** These *Regulations* do not apply to accepted agricultural and silvicultural/forestry practices,

including the construction of farm structures, as defined by the Secretary of Agriculture, Food and Markets or the Commissioner of Forest, Parks and Recreation.

- (1) A farm operator must notify the Zoning Administrator of the intent to build a farm structure and must abide by the setback requirements of the zoning district in which the structure will be located, as per the Secretary's policy. The Secretary may grant a waiver to the setback requirements upon written request and after notification of the municipality.
 - (2) No town permits are required for construction of a farm structure, see (1) above regarding notification of ZA.
 - (3) In certain cases, a claim to agricultural status may require a letter from the Secretary of Agriculture confirming designation of such status. See §8.1(D).
- (C) **Energy Utilities.** These *Regulations* do not apply to public utility generation and transmission facilities as regulated under 30 VSA §248. Additionally, these *Regulations* do not cover net-metered solar systems.
- (D) These *Regulations* comply with all other limitations on municipal bylaws specified in the *Act*.

§1.5 EXEMPTIONS

- (A) No zoning permit shall be required for the following, unless such activities occur within the Flood Hazard Area Overlay District:
- (1) Normal maintenance and repair of an existing structure that does not result in any change to the exterior dimensions or height of the structure or a change in use.
 - (2) Fences, hedges, or walls that do not interfere with corner visibility and which are no more than eight feet in height. Such fences may be located within yard setback areas, but may not be located within a public road right-of-way.
 - (3) Decks, terraces, steps or handicap access ramps, which are not covered overhead. However, adding a roof will require a permit. Setback requirements must be met.
 - (4) Doghouses, sheds, tree houses, or other enclosed storage spaces or structures having less than 120 square feet in floor area and a wall height less than nine (9) feet in height. Setback requirements must be met.
 - (5) Yard or garage sales (maximum of three (3) consecutive days, 12 days annually).
 - (6) Exempt signs as per §3.13 (C).
 - (7) Agricultural/Silivicultural/Forestry activities with exceptions as noted in these *Regulations*.
- (B) A single ground- or building-mounted radio or television antenna, or satellite dish not exceeding 36 inches in diameter, which is intended solely for residential use, is exempt from these *Regulations* so long as it does not, as mounted, exceed thirty-five (35) feet in height above the lowest grade at ground level (see §3.6, §4.10, §4.23). Solar panels attached to dwellings and not net-metered are also exempt.

§1.6 USES NOT PERMITTED IN THE TOWN OF SHOREHAM

- (A) The following uses are not allowed, unless otherwise provided for in these *Regulations*:
- (1) Junk yards and machinery wrecking yards;
 - (2) Smelters, blast furnaces, rendering plants, hide tanning or curing plants;
 - (3) Manufacture or processing of fertilizer, bone, rubber, asphalt, ammonia, chlorine;
 - (4) Manufacture or refining of petroleum, gas, explosives;
 - (5) Dumps, except waste management facilities certified by the state; and
 - (6) Prohibited signs as per §3.13(E).

§1.7 EFFECTIVE DATE

- (A) These *Regulations* shall be adopted, and may be amended, in accordance with the requirements and procedures outlined in the *Act* [24VSA §4403]. The provisions of these *Regulations* shall become effective immediately upon adoption.

§1.8 REPEAL OF FORMER ZONING REGULATIONS

- (A) The zoning regulations and zoning maps for the Town of Shoreham, in effect before the adoption of these *Regulations* and maps, are repealed as of the effective date of these *Regulations* and maps.

§1.9 AMENDMENTS

- (A) These *Regulations* may be amended according to the requirements and procedures established in the *Act* [24VSA §4441 and §4442].

§1.10 SEVERABILITY

- (A) The provisions of these *Regulations* are severable. If any provision of these *Regulations* or the application of them is held invalid, the invalidity does not affect other provisions or applications of these *Regulations* that can be given effect without the invalid provision or application.

§1.11 USE OF ACRONYMS, ABBREVIATIONS

- (A) The following acronyms are used throughout this document:
- Act—*Title 24* of the *Vermont Statutes Annotated*, specifically Chapter 117
 - CFR—*Code of Federal Regulations*
 - PC—Planning Commission
 - Plan—Most recent update of the *Shoreham Town Plan*
 - PSB—Vermont Public Service Board
 - PUD—Planned Unit Development
 - SB—Selectboard
 - VSA—*Vermont Statutes Annotated*
 - ZA—Zoning Administrator
 - ZBA—Zoning Board of Adjustment
 - FEMA—Federal Emergency Management Agency

ARTICLE II. ZONING DISTRICTS & DISTRICT STANDARDS

§2.1 ESTABLISHMENT OF ZONING DISTRICTS

- (A) For the purposes of these *Zoning Regulations*, the Town of Shoreham is divided into the following zoning districts:
 - (1) Agricultural District (AG)
 - (2) Medium Density Residential District (MDR)
 - (3) Low Density Residential District (LDR)
 - (4) Village Commercial District (VC)
 - (5) Village Residential District (VR)
 - (6) Flood Hazard Area Overlay District (FHO)
- (B) **Official Zoning Map.** The location and boundaries of these zoning districts are established as shown on the Town of Shoreham's *Official Zoning Map* and the associated Flood Hazard Area Overlay, as defined by FEMA, which are incorporated by reference into these *Regulations*. The *Official Zoning Map* shall be signed by the Selectboard, attested to by the Town Clerk, and shall be located in the Town Office. The location and boundaries of zoning districts may be altered only by adoption or amendment in accordance with the *Act* [24 VSA§4441 and §4442]. A non-official reproduction is included herein (*Article IX*) for convenience only. Anyone with questions regarding specific zoning boundaries should refer to the *Official Zoning Map* located in the Town Office.
- (C) **Official Tax Map.** The size and configuration of all parcels in existence as of the effective date of these *Regulations* shall be as established on the *Official Tax Map*, which shall be signed by the Selectboard, attested to by the Town Clerk, and shall be located in the Town Office.

§2.2 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

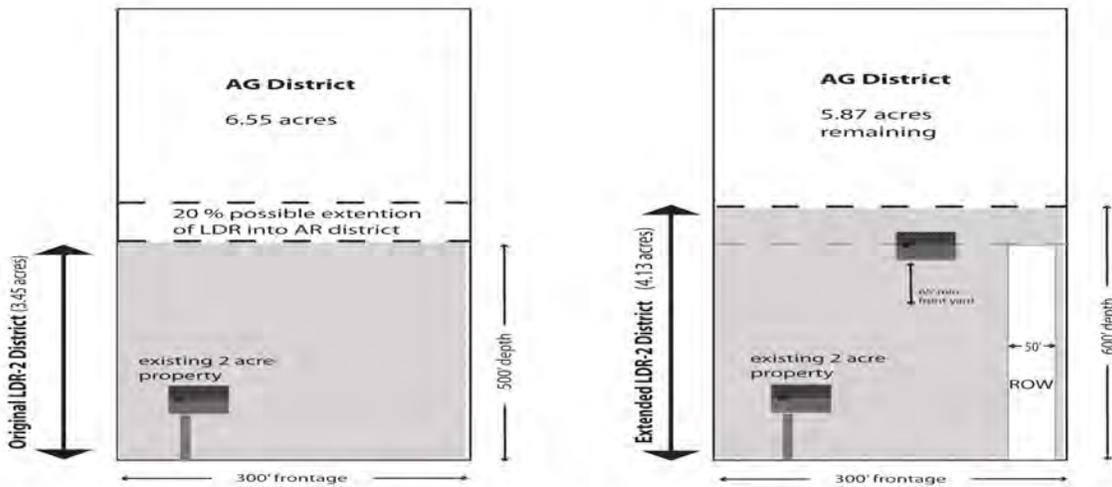
- (A) If uncertainty exists with respect to the boundary of any zoning district on the *Official Zoning Map*, the Planning Commission shall determine the location of such boundary.
- (B) **Flood Hazard Area Overlay District**—boundary determinations: where available (i.e., Zones A1-A30, AE, and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program in the most recent Flood Insurance Study, and accompanying maps, shall be used to administer and enforce these *Regulations*. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program (i.e., Zone A), base flood elevation and floodway limit information available from state or federal agencies or other sources, shall be obtained and utilized to reasonably administer and enforce these *Regulations*.

§2.3 APPLICATION OF DISTRICT STANDARDS

- (A) The standards for each district shall apply uniformly to each type of use, unless otherwise specified in these *Regulations*.
- (B) Flood Hazard Area Overlay District standards shall be applied concurrently with the standards for underlying districts. Where the overlay district imposes more restrictive standards, the standards of the overlay district shall apply.
- (C) Where a district boundary divides a lot of record in existence as of the effective date of these *Regulations*, the regulations for the less restricted part of such lot shall extend into the more restricted part by an area equal to up to twenty percent (20%) of the less restricted part.

As an example, a 10 acre lot split by the LDR and AG Districts with 300 feet of frontage in the LDR and 500 feet of depth in the LDR for a total square footage of 150,000 square feet in the LDR (3.45 acres) and the remaining acreage (6.55 in the interior AG District) may use this waiver provision to extend the LDR regulations into 30,000 square feet of contiguous land that would otherwise be in the AG District.

In many cases this may allow landowners with land in both the LDR and AG Districts to create an additional lot within the LDR district where the Planning Commission will allow access to a back parcel via a right-of-way.



- (D) Any lot meeting the minimum area and setback requirements for one district may extend into other districts, so long as all requirements of the district in which the principle structure is located or may be located are met.
- (E) Where a town boundary divides a lot in existence as of the effective date of these *Regulations*, district standards shall be applied to that portion of the lot that lies within the Town of Shoreham in the same manner as if the entire lot were located in the Town.
- (F) Allowed uses for each district are classified as “permitted uses,” which may be approved by the Zoning Administrator; or as “conditional uses,” which first require approval by the Zoning Board of Adjustment (ZBA) subject to conditional use review under *Article V*. Permitted and conditional uses also may be subject to additional standards under *Articles III and IV*.
- (G) Any use not listed as permitted, within a zoning district, is prohibited unless specifically exempted from regulation under §1.4 and §1.5. However, if the Planning Commission shall find, after a hearing warned as per §7.10, that the proposed use is essentially similar in nature, scope, and impact to a listed use (permitted or conditional) and is compatible with the goals of the current *Town Plan*, the proposed use shall be reviewed as a conditional use, applying the standards that would apply to the similar listed use.

§2.4 APPLICATION PROCESS

- (A) • The Zoning Administrator will process the individual zoning permit applications, any other types of permits as indicated elsewhere in this document.
- The Zoning Board of Adjustment oversees the process for conditional use applications, appeals of ZA decisions, other processes as indicated elsewhere in this document.
- The Planning Commission oversees the process for Planned Unit Developments, access to lots lacking road or public water frontage, other processes as indicated elsewhere in this document.

§2.5 SUMMARY TABLE OF PERMITTED AND CONDITIONAL USES

Note: “P” = zoning permit may be required; “C” = zoning permit & Conditional Use approval required.

	AG	MDR	LDR	VC	VR	FHO
Accessory Apartment/Use/Structure	P	P	P	P	P	P/C
Adaptive Reuse (AR)	C		C			
Agriculture/Silviculture	P	P	P	P	P	P
Agricultural Processing	C		C	C		
Aircraft Landing Strip	C		C			
Antenna & Support Structure (personal, municipal)	P	P	P	P	P	
Bed & Breakfast (B&B)	P	P	P	C	C	
Bulk Fuel Storage	C			C		
Bio-mass Processing	C		C	C		
Campground	C		C			
Cemetery	C		C			
Clinic (Medical)			C	C	C	
Club	C	C	C	C	C	
Co-generation Plant	C			C		
Community Facility			C	C	C	
Contractor's Yard	C		C	C		
Day Care (6 or fewer children)	P	P	P	P	P	
Day Care (more than 6 children)	C	C	C	C	C	
Dwelling/Single-Family	P	P	P	P	P	
Dwelling/Two-Family	P	P	P	P	P	
Dwelling/Multi-Family	C		C	C	C	
Forestry	P	P	P	P	P	P
Gasoline Station				C		
Government Facility [protected use]	C		C	C	C	
Group Home (up to 8 residents)	P	P	P	P	P	
Guest House, Inn, Boarding	C		C		C	
Home-based Business	C	C	C	C	C	
Home Occupation	P	P	P	P	P	
Kennel	C		C			
Laundromat/Dry Cleaner				C		
Light Industry (*under Adaptive Reuse only, in AG, LDR*)	* C *		* C *	C		
Lodging Facility (hotel/motel)				C		
Manufacturing (see light industry)						
Marina (water-based)		C	C			
Mini-Storage/Self Storage			C	C		
Mixed-Use	C	C	C	C	C	
Mobile Home Park			C			
Motor Vehicle Sales or Repair	C		C	C		
Office (professional)	C		P	P	P	
Post Office [protected use]			C	C	C	
Public Facility [protected use]	C		C	C	C	
Quarrying/Extraction	C					
Recreation/Indoor			C	C		
Recreation/Outdoor	C	C	C	C	C	P/C
Religious Facility [protected use]	C		C	C	C	
Residential Care Facility	C	C	C	C	C	
Restaurant	C	C	C	C	C	
Retail				C	C	
Roadside Agricultural Stand	P	P	P	P	P	
Sawmill	C		C			
Solar Energy (non-commercial)	P	P	P	P	P	
Stable (commercial)	P		C			
Telecommunications Facility (commercial)	P/C	P	P/C	P/C	P	
Training Facility/Education (non-accredited)	C	C	C	C	C	
Veterinary Clinic	C		C	C		
Warehouse/Storage Facility (enclosed)	C		C	C		
Waste Mgmt Facility, Solid/Hazardous [protected use]	C			C		
Wind Energy (non-commercial)	C	C	C	C	C	
Wood Processing	C		C	C		
Wholesale	C		C	C		

§2.6 AGRICULTURAL DISTRICT (AG)

See Zoning Map, p. 59

(A) **Description & Purpose.** This district encompasses most of Shoreham’s interior land, with little, if any, public road frontage. For the purposes of these *Regulations*, frontage shall be measured on the parcel boundary most parallel to the public road that provides access. Land in this district is typically devoted to agricultural, forestry, and rural residential uses, and is vital to the town's agricultural economy. This district provides the open space that gives Shoreham its rural character and scenic beauty. The Agricultural District (AG) should allow some rural small-scale development. However, its primary purpose is to maintain a land base for working farms, forests, and open space. Therefore, the rehabilitation of existing agricultural structures, especially for uses that support the continued productivity of the working landscape, including value-added agriculture or silviculture processing or uses are encouraged (see *Adaptive Reuse*, §4.2). Use of PUDs (*Article VI*) is also encouraged.

(B) Permitted Uses (zoning permit may be required)	
Accessory Apartment / Use / Structure Agriculture/Silviculture Antenna & Support Structure (personal, municipal) Bed & Breakfast (B&B) Day Care (6 or fewer children) Dwelling/Single-Family Dwelling/Two-Family (see also Agricultural Housing §4.3)	Forestry Group Home (up to 8 residents) Home Occupation Roadside Agricultural Stand Solar Energy (non-commercial) Stable (commercial) Telecommunications Facility (commercial, using existing structure)
(C) Conditional Uses (conditional use approval and zoning permit required)	
Adaptive Reuse (AR)— <i>may incl. light industry or other conditional uses per ZBA</i> Agricultural Processing Aircraft Landing Strip Bulk Fuel Storage Bio-mass Processing Campground Cemetery Club Co-generation Plant Contractor’s Yard Day Care (more than 6 children) Dwelling/Multi-Family Government Facility (protected use) Guest House/Inn Home-based Business Kennel Mixed Use	Motor Vehicle Sales or Repair Office (professional) Public Facility Quarrying/Extraction Recreation/Outdoor Religious Facility (protected use) Residential Care Facility Restaurant Sawmill Telecommunications Facility (commercial, new) Training Facility/Education (non-accredited) Veterinary Clinic Warehouse/Storage Facility (enclosed) Waste Mgmt. Facility (protected use) Wind Energy (non-commercial) Wood Processing Wholesale

(D) **Dimensional Standards** (unless otherwise specified by use type):

Lot Area, <i>minimum</i>	25 interior acres (if consideration for land-use program is wanted, add 2 acres for homestead; 27 acres total)
Frontage, <i>minimum</i> :	300 ft. (along boundary parallel to public road from which parcel is accessed)
Setbacks, <i>minimum</i> :	
Front:	65 ft (as measured from the center of the access road or LDR boundary)
Sides:	25 ft.
Rear:	25 ft.
Building Height, <i>maximum</i> :	35 ft. (non-agricultural)

§2.7 MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR)

See Zoning Map, p. 59

- (A) **Description & Purpose.** This district is comprised primarily of the Torrey Island Planning Region and the area by the Lapham Bay State Fishing Access. The MDR reaches inland from the lake’s mean high-water mark for distances ranging from 1200’ at the Bridport line, to 600’ along the southern edge. Lands within this district generally have limitations for on-site sewage disposal and are served only by private access roads. New development should be limited by soil suitability for onsite sewage disposal. Provisions of the Flood Hazard Overlay District may apply. The application of PUDs under *Article VI* is encouraged.

(B) Permitted Uses (zoning permit may be required)	
Accessory Apartment/ Use/ Structure Agriculture/Silviculture Antenna & Support Structure (personal, municipal) Bed & Breakfast (B&B) Day Care (6 or fewer children) Dwelling/Single-Family Dwelling/Two-Family	Forestry Group Home (up to 8 residents) Home Occupation Roadside Agricultural Stand Solar Energy (non-commercial) Telecommunications Facility (commercial, using existing structure)
(C) Conditional Uses (conditional use approval and zoning permit required)	
Club Day Care (more than 6 children) Home-based Business Marina (water-based) Mixed Use	Recreation/Outdoor Residential Care Facility Restaurant Training Facility/Education (non-accredited) Wind Energy (non-commercial)

- (D) **Dimensional Standards** (unless otherwise specified by use type):

Lot Area, <i>minimum</i> :	1 acre
Frontage, <i>minimum</i> (road or lakeshore):	200 ft.
Lot Coverage, <i>maximum</i> :	10%
Setbacks, <i>minimums</i> :	
Front:	65 ft (as measured from the center of the access road)
Sides:	15 ft.
Rear:	25 ft.
Lakeshore:	50 ft. (from the mean high-water mark)
Building Height, <i>maximum</i> :	35 ft.

All dimensional standards apply equally to both leased lots and lots owned outright.
 The right-of-way access road shall be considered the source for “lot frontage.”

§2.8 LOW DENSITY RESIDENTIAL DISTRICT (LDR)

See Zoning Map, p. 59

(A) **Description & Purpose.** This district encompasses most of Shoreham’s road and lake frontage, to a depth of 500’ from road centers, on either side of public roads. Along the shoreline, however, the boundary varies, extending 500’ east of the center lines of Lake Street and Rte. 73, and encompassing all lands west of those roads between the center line and the lake’s mean high-water mark. Elsewhere, the LDR reaches inland from the mean high-water mark along the lakeshore from Larrabee’s Point to Fifield Lane. The district’s two-acre lot minimum is intended to allow flexibility for on-site sewage disposal and the utilization of existing town road service. In order to keep development at a level compatible with Shoreham’s rural character a three-hundred (300) foot lot frontage minimum is required along road or lakeshore. The adaptive reuse of old barns or other ag structures which have out-lived their original function is encouraged, with the possibility of additional conditional uses that are not available, normally, in this district. See §4.2.

(B) Permitted Uses (zoning permit may be required)		
Accessory Apartment / Use / Structure Agriculture/Silviculture Antenna & Support Structure (personal, municipal) Bed & Breakfast (B&B) Day Care (6 or fewer children) Dwelling/Single-Family Dwelling/Two-Family (see also Agricultural Housing §4.3)	Forestry Group Home (up to 8 residents) Home Occupation Office (professional) Roadside Agricultural Stand Solar Energy (non-commercial) Telecommunications Facility (commercial, using existing structure)	
(C) Conditional Uses (conditional use approval and zoning permit required)		
Adaptive Reuse (AR)— <i>may incl. light industry or other conditional uses per ZBA</i> Agricultural Processing Aircraft Landing Strip Bio-mass Processing Campground Cemetery Clinic (Medical) Club Community Facility Contractor’s Yard Day Care (more than 6 children) Dwelling/Multi-Family Government Facility (protected use) Guest House/Inn	Home-based Business Kennel Marina (water-based) Mini/Self-Storage Mixed Use Mobile Home Park Motor Vehicle Sales or Repair Post Office (protected use) Public Facility Recreation/Indoor Recreation/Outdoor Religious Facility (protected use)	Residential Care Facility Restaurant Sawmill Stable (Commercial) Telecommunications Facility (commercial, new) Training Facility/Education (non-accredited) Veterinary Clinic Warehouse/Storage Facility (enclosed) Wholesale Wind Energy (non-commercial) Wood Processing

(D) **Dimensional Standards** (unless otherwise specified by use type):

Lot Area, <i>minimum</i> :	2 acres
Frontage, <i>minimum</i> : (road or lakeshore)	300 feet
Depth, <i>minimum</i> :	200 feet
Lot Coverage, <i>maximum</i> :	10%
Setbacks, <i>minimums</i> :	<i>Residential / Non-residential</i>
Front:	65 feet / 100 feet (as measured from the center of the road)
Rear:	25 feet / 75 feet
Sides:	25 feet / 75 feet
Lakeshore:	50 feet / 50 feet (from the mean high-water mark)
Building Height, <i>maximum</i>	35 feet / 35 feet

§2.9 VILLAGE COMMERCIAL DISTRICT (VC)

See Zoning Map, p. 59, Village Map, p 61

(A) **Description & Purpose.** This district includes land lying predominantly along Rte. 22A near the historic village settlement, which has access to the municipal wastewater system, Tri-Town water, high-speed Internet, and three-phase power. This district is intended to accommodate higher density mixed use development near the existing village center, in which *commercial* uses predominate, while maintaining or extending historic patterns of development. Commercial strip development is specifically discouraged. The application of PUDs under *Article VI* is encouraged.

(B) Permitted Uses (zoning permit may be required)	
Accessory Apartment/ Use/Structure Agriculture/Silviculture Antenna & Support Structure (personal, municipal) Day Care (6 or fewer children) Dwelling/Single-Family Dwelling/Two-Family	Forestry Group Home (up to 8 residents) Home Occupation Office (professional) Roadside Agricultural Stand Solar Energy (non-commercial) Telecommunications Facility (commercial, using existing structure)
(C) Conditional Uses (conditional use approval and zoning permit required)	
Agricultural Processing Bed & Breakfast (B&B) Bulk Fuel Storage Bio-mass Processing Clinic (Medical) Club Co-generation Plant Community Facility Contractor's Yard Day Care (more than 6 children) Dwelling/Multi-family Gasoline Station Government Facility (protected use) Home-based Business Laundromat/Dry Cleaner Light Industry / Manufacturing Lodging Facility (hotel/motel) Mini/Self-Storage	Mixed Use Motor Vehicle Sales or Repair Post Office (protected use) Public Facility Recreation/Indoor Recreation/Outdoor Religious Facility (protected use) Residential Care Facility Restaurant Retail Telecommunications Facility (commercial, new) Training Facility/Education (non-accredited) Veterinary Clinic Warehouse/Storage Facility (enclosed) Waste Mgmt. Facility, (protected use) Wind Energy (non-commercial) Wood Processing Wholesale

(D) **Dimensional Standards** (unless otherwise specified by use type):

Commercial / Non-Commercial

Lot Area, <i>minimum</i> :	1 acre / 1 acre
Frontage, <i>minimum</i> :	100 ft. / 100 feet
Depth, <i>minimum</i> :	100 ft. / 200 ft
Lot Coverage, <i>maximum</i> :	60% / 10%
Setbacks, <i>minimums</i> :	
Front:	65 ft / 65 ft (as measured from the center of the road)
Sides:	10 ft. / 25 ft
Rear:	15 ft. / 25 ft
Building Height, <i>maximum</i>	35 ft. /35 ft

§2.10 VILLAGE RESIDENTIAL DISTRICT (VR)

See Zoning Map, p. 59, Village Map. p61

(A) **Description & Purpose.** This district includes land, which is or may be served by a municipal wastewater system, lying within or adjacent to Shoreham’s historic village settlement. This district is intended to accommodate higher density mixed-use development in which *residential* uses predominate. The object is to maintain the existing village center, village character, and historic patterns of development. The application of PUDs under *Article VI* is encouraged.

(B) Permitted Uses (zoning permit may be required)	
Accessory Apartment/Use/Structure Agriculture/Silviculture Antenna & Support Structure (personal, municipal) Day Care (6 or fewer children) Dwelling/Single-Family Dwelling/Two-Family	Forestry Group Home (up to 8 residents) Home Occupation Office (professional) Roadside Agricultural Stand Solar Energy (non-commercial) Telecommunications Facility (commercial, using existing structure)
(C) Conditional Uses (conditional use approval and zoning permit required)	
Bed & Breakfast (B&B) Clinic (Medical) Club Community Facility Day Care (more than 6 children) Dwelling/Multi-Family Government Facility (protected use) Guest House Home-based Business Mixed Use	Post Office (protected use) Public Facility Recreation/Outdoor Religious Facility (protected use) Residential Care Facility Restaurant Retail Training Facility/Education (non-accredited) Wind Energy (non-commercial)

(D) **Dimensional Standards** (unless otherwise specified by use type):

- | | |
|-----------------------------------|---|
| Lot Area, <i>minimum</i> : | 0.5 acre |
| Frontage, <i>minimum</i> : | 100 ft. |
| Depth, <i>minimum</i> : | 100 ft. |
| Lot Coverage, <i>maximum</i> : | 30% |
| Setbacks, <i>minimums</i> : | |
| Front: | <ul style="list-style-type: none"> • For the 8-rod section of Route 74W (between east end of Inn Rd. and School St.) the front yard setback is 15 ft. from the edge of the right of way. • For the rest of this district, the front yard setback is 45 ft. from the centerline of the road. |
| Sides: | 10 ft. |
| Rear: | 15 ft. |
| Building Height, <i>maximum</i> : | 35 ft. |

§2.11 FLOOD HAZARD AREA OVERLAY DISTRICT (FHO)

- (A) **Description & Purpose.** This district includes all lands in the Town of Shoreham identified as areas of special flood hazard on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) as most recently revised (FIRMs are at the Town Office). It is the purpose of this district to:
 - (1) Prevent increases in flooding caused by uncontrolled development of lands in areas of special flood hazard;
 - (2) Minimize losses due to floods by restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or cause measurable increases in flood heights or velocities;
 - (3) Require that uses which are vulnerable to floods, including the public facilities that serve such uses, are protected against flood damage at the time of initial construction; and
 - (4) Enable property owners to obtain flood insurance through the National Flood Insurance Program (NFIP).
- (B) **Permitted Uses.** Uses allowed in association with existing single-family dwellings, and open space are those uses which do not require the erection of new structures, substantial improvements to existing structures, the storage of materials or equipment, excavation or fill, or channel modification or relocation; and which do not obstruct flood flows, affect the water carrying capacity of the regulatory floodway or channel, or increase offsite flood damage potential, including:

Permitted Uses (zoning permit required)
Accessory Apartment (within existing home, cost not exceeding 50% of market value; See definition of "substantial improvement")
Agriculture/Silviculture
Forestry
Recreation/Outdoor (no new structure)

- (C) **Conditional Uses.** Any use allowed in this district which requires a *new* structure, or *new* construction costing over 50% of the building's market value as established prior to the new construction (ie that which falls under the definition of *substantial improvement*), is subject to conditional use review.
- (D) **Dimensional Standards** (unless otherwise specified by use type). As specified in the underlying district.
- (E) **District Standards.** Mandatory state [24 VSA §4424] and federal [44 CFR 60.3 and 60.6] requirements apply to all development within this district, including but not limited to associated structural standards, definitions, administrative, and variance requirements, which are adopted by reference as part of these *Regulations*.
Accordingly:
 - (1) Applications for development within the Flood Hazard Area Overlay District shall be submitted in accordance with the provisions of §7.2 and are subject to state requirements per *Act 16, and FEMA.*
 - (2) Permitted uses within the underlying district shall be subject to the conditional use provisions pertaining to Flood Hazard Area Review under §5.9.
 - (3) Conditional uses allowed within the underlying district are subject to all provisions pertaining to conditional use review under *V*, including the provisions pertaining to flood hazard area review under §5.9. Where this overlay district imposes more restrictive standards on development, the overlay district standards shall apply.
 - (4) Requests for variances for development within the Flood Hazard Area Overlay District shall be subject to review under §7.7, including but not limited to, variance criteria under §7.7(E), which are specific to variances within designated flood hazard areas.
 - (5) Permits, certifications, and variances for development within the Flood Hazard Area Overlay District shall be recorded by the Zoning Administrator in accordance with state and federal provisions.
 - (6) No permit for new construction or substantial improvement shall be granted until after the requirements of §7.1(F) have been met.

ARTICLE III. GENERAL STANDARDS

§3.1 APPLICABILITY

The following general standards apply to all uses and structures as specified in the Town of Shoreham.

§3.2 ACCESS & FRONTAGE REQUIREMENTS

- (A) In accordance with the *Act* [24 VSA §4412(3)], land development may be permitted on lots that do not have frontage on either a public road, or public waters, provided that—with the approval of the Planning Commission—access to a public road or public waters has been secured by means of a permanent easement or right-of-way *at least* twenty (20) feet wide. Alternatively, by means of a class 4 road, provided the Selectboard:
 - (1) Has agreed to upgrade the status of the road to a class 3 road; or
 - (2) Has approved a maintenance plan to be carried out by the easement holder for the easement over the class 4 road.
- (B) For access subject to Planning Commission approval, the Planning Commission may consider the intended use of the property, safety, traffic, road and site conditions in granting or denying approval, and may impose conditions as appropriate. An application shall be made to the Planning Commission via the Zoning Administrator. A hearing shall be held in accordance with §7.10. Decisions shall be issued in writing, and recorded as required under §7.13.
- (C) Frontage requirements for lots served by private rights-of-way shall be the same as the requirements for lots served by public rights-of-way, or as provided for in the district's standards.
- (D) Shared access roads are encouraged and may be required for development subject to PUD review. Access roads serving two (2) or three (3) lots must meet State B-71 driveway standards; access roads serving four (4) or more lots (development roads) must meet road standards for applicable sized roads contained in the "Vermont State Standards for the Design of Transportation Construction Reconstruction and Rehabilitation on Freeways, Roadways and Streets" published by the Agency of Transportation, July 1, 1997, and any subsequent amendments.
- (E) All access to public roads must meet municipal or state specifications for grade, culverts, and ditching. Access widths (curb cuts) shall be limited to an approved width, and shall not extend along the length of road frontage.
- (F) Access roads shall not, in any one hundred (100)-foot section, exceed an average grade of fifteen percent (15%). Driveways exceeding five hundred (500) feet in length must include, at minimum, one 10 ft. x 50 ft. pull-off area.
- (G) Access to town roads is subject to the approval of the Shoreham Selectboard or its designee, and for state highways, the approval of the Vermont Agency of Transportation. As a condition for access approval, compliance with all local ordinances and regulations pertaining to roads and land use is required. Any activity for which a zoning permit is required and which involves the construction or modification of a driveway intersecting with a public right-of-way shall obtain an access permit from the Board of Selectmen prior to the issuance of a zoning permit. The Selectmen may attach conditions to the access permit with respect to the design, construction, landscaping, or location of such driveways in order to ensure safety, provide access by emergency vehicles, and minimize traffic difficulties. Specific standards may be set by the Board of Selectmen.

§3.3 CONVERSIONS & CHANGES OF USE

- (A) Changes or conversions in the use of land, existing buildings, or other structures are subject to the following provisions, and may require conditional use review and approval. See Adaptive Use, §4.2.
 - (1) The proposed use shall be subject to all the requirements of these *Regulations* pertaining to such use.
 - (2) An accessory structure such as a garage or barn may be converted to a principal permitted use allowed within the district in which it is located only if the structure conforms to the lot size, setbacks, parking, and other requirements applicable to the proposed use. *See #5, below.*
 - (3) A conversion or change of use from one permitted use to another permitted use which involves the creation of new floor space, an increase in sewage or water use, or a change in minimum lot size and/or dimensional requirements, requires a zoning permit to be issued by the Zoning Administrator.
 - (4) A conversion or change of use from a permitted to a conditional use, or from a conditional use to another conditional use, requires conditional use approval by the Zoning Board of Adjustment.
 - (5) Changes or conversions involving non-conforming uses and/or non-conforming structures are subject to conditional use review. A nonconforming structure in existence as of the effective date of these *Regulations* may be converted to another use allowed within the district where it is located subject to conditional use approval (*Article V*) See §3.8.

§3.4 EQUAL TREATMENT OF HOUSING

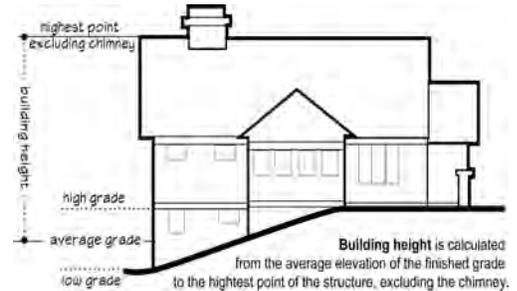
- (A) In accordance with the *Act* [24 VSA §4412(1)], no provisions of these *Regulations* shall:
 - (1) Have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality except upon the same terms and conditions as conventional housing is excluded. Mobile homes shall be considered single-family dwellings, and must meet the zoning requirements for such dwellings, except when located in an approved mobile home park (§4.19) or allowed as a temporary structure (§4.5);
 - (2) Be interpreted to prevent the establishment of a mobile home park which meets all applicable requirements for such use within designated zoning districts; or
 - (3) Have the effect of excluding for review as a conditional use one accessory dwelling unit within or attached to the primary, owner-occupied single-family residence, or an accessory building, in districts where such residences are permitted or conditional uses (see §4.1).

§3.5 EXISTING SMALL (NON-CONFORMING) LOTS

- (A) Pursuant to the *Act* [24 VSA §4412(2)], any lot in individual and separate and non-affiliated ownership from surrounding properties, in legal existence on the effective date of these *Regulations*, may be developed for the purposes permitted in the district in which it is located, even though the small lot no longer conforms to the dimensional requirements of its district, as established by these *Regulations*, provided such lot is not less than 1/8 acre in area *or* has a minimum depth or width dimension of at least forty (40) feet. Development of an existing small lot shall be subject to all other applicable requirements of state and municipal regulations.

§3.6 HEIGHT REQUIREMENTS

- (A) The ZBA may permit certain structures in excess of thirty-five (35) feet in height as a conditional use in all districts, subject to conditional use review under *V*, and if the structure or extension is a steeple, fire tower, antenna, monument, flag pole, or bell tower, and meets all other applicable requirements of these *Regulations*.
 - (1) Farm structures, including barns and silos, in accordance with the *Act* [§4413(D)] are exempt from height restrictions;
 - (2) Also exempt are attached structures associated with residential use that are less than fifty (50) feet in height from the average grade at ground level to the highest point of the structure, including chimneys, ornamental cupolas, and weather vanes. See also *Freestanding Dishes & Antennas* (§4.11) and *Solar/Wind Energy Facilities* (§4.21).
- (B) Temporary towers or monopoles, such as support for wind testing equipment, in excess of thirty-five (35) feet and to be in place for a period not less than one week nor longer than two years may be permitted, subject to the setbacks and other requirements of the district in which located. See §3.17 and §4.21(B)(4).
 - (1) Temporary towers or monopoles to be in place for a period not to exceed one (1) week do not require a permit, but must comply with the fall-radius set for the district, and the Zoning Administrator must be informed. See §3.17 and §4.21(B)(4).



§3.7 LOT, YARD, & SETBACK REQUIREMENTS

- (A) There shall be only one principal structure or use per lot, unless otherwise specifically approved as part of a PUD (*Article VI*), or as a Mixed Use under §4.18.
- (B) An accessory use or structure must conform to all lot setbacks, coverage and other dimensional requirements for the district in which it is located.
- (C) No lot shall be so reduced in area that it cannot conform to area, yard, setback, frontage, coverage, and other dimensional requirements as prescribed in these *Regulations*, except as permitted for PUDs (*Article VI*). The provisions of this section shall not apply when part of a lot is taken or created for a public purpose.
- (D) Space required under these *Regulations* to satisfy area, yard, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.
- (E) Any interior lot that does not have frontage on a public road, a private access road, or public waters shall have minimum setback requirements for all yards equal to the front yard setback distance for lots in that district.

- (F) Any yard adjoining a street shall be considered a front yard. A corner lot shall be considered to have only front and side yards.
- (G) On a corner lot, within the triangular area formed by the intersection of two roads and a line joining them at points twenty-five (25) feet away from their intersections, there shall be no obstruction to vision between the height of three (3) and ten (10) feet above the average grade of each street.
- (H) Notwithstanding the minimum front, side, and rear setback requirements for various zoning districts set forth in *Article II*, the Zoning Board of Adjustment may grant waivers to reduce building setbacks as set forth in §7.8, subject to the following provisions:
 - (1) The Board may allow for a reduction of the front, side, and rear setback of up to thirty (30%) of the setback distance set forth in *Article II* (e.g. a 65 ft. setback may be reduced by up to 19.5 ft.), providing the reduction meets all conditional use standards set forth in §7.8 of these *Regulations*.
 - (2) Any reduction of setback standards beyond 30% may only be granted in accordance with variance standards under §7.7 of these *Regulations*.
 - (3) This section does not apply to setbacks from surface waters set forth in §3.16.

§3.8 NONCONFORMING STRUCTURES, LOTS, & USES

- (A) **Nonconforming Structures.** Any pre-existing structure or part thereof which was legally in existence on the date of adoption of these *Regulations* that is not in compliance with the provisions of these *Regulations* concerning density, setbacks, or height, or that does not meet other applicable requirements of these *Regulations*, shall be deemed a nonconforming structure. Nonconforming structures, with the exception of those located within the flood hazard area overlay district, in lawful existence as of the effective date of these *Regulations*, including a structure improperly authorized by error of the Zoning Administrator, may be allowed to continue indefinitely, but shall be subject to the following provisions. A nonconforming structure:
 - (1) May undergo normal repair, maintenance, and restoration or reconstruction after damage from any cause without a permit provided that such action does not increase the degree of nonconformance;
 - (2) May be structurally enlarged, expanded or moved, upon approval of the Zoning Administrator, provided the enlargement, expansion or relocation does not increase the degree of nonconformance;
 - (3) May be expanded or enlarged, subject to conditional use review under *Article V*, only if the ZBA also finds that such movement, expansion or enlargement:
 - (a) Does not create a greater nuisance or detriment;
 - (b) Is consistent with the objectives and intent of the *Shoreham Town Plan*; and
 - (c) Does not increase the degree of nonconformity with the dimensional standards of the applicable district.
 - (4) May, however, be structurally altered or expanded in a manner that would increase the degree of nonconformity—subject to conditional use review under *Article V*—for the sole purpose of meeting mandated state or federal environmental, health, accessibility, safety or energy regulations that would allow for the continued use of the structure.
- (B) **Non-conforming Lots.** See §3.6 Existing Small (Non-conforming) Lots
- (C) **Non-conforming Uses.** Any use of land or a structure, which was legally in existence as of the effective date of these *Regulations*, including a use improperly authorized by error of the Zoning Administrator, and which does not conform to the uses allowed for the zoning district in which it is located, shall be deemed a nonconforming use. In accordance with the *Act* [24 VSA § 4412(7)], a non-conforming use may be continued indefinitely, but shall be subject to the following provisions. A nonconforming use:
 - (1) Shall not be re-established after being abandoned or discontinued as provided for in (D), below.
 - (2) Shall not be re-established or continued—following abandonment or discontinuance resulting from structural damage from any cause—unless such nonconforming use is carried on uninterrupted in the undamaged part of the structure, or the non-conforming use is reinstated by the restoration of the structure commencing within twenty-four (24) calendar months from date damages were incurred, with completion within four (4) years from date damages were incurred. Otherwise the nonconforming use shall be deemed to have been discontinued;
 - (3) Shall not be changed to another non-conforming use without approval by the ZBA, and then only to a use which, in the opinion of the Board, is of the same or a more conforming nature with regard to impacts on the neighborhood;
 - (4) May be expanded or enlarged, subject to conditional use review under *Article V* only if the ZBA also finds that such movement, expansion, or enlargement:
 - (a) Is consistent with the objectives and intent of the *Shoreham Town Plan*; and

- (b) Does not increase the degree of nonconformity with the dimensional standards of the applicable district.
- (D) **Discontinuance or Abandonment** of a nonconforming structure or use shall be established by overt act(s) of the owner conclusively and unequivocally manifesting either a present intent to relinquish the use, or a purpose inconsistent with its future existence. An involuntary interruption of use, such as by fire or natural catastrophe, does not establish the intent to abandon, nor does merely a cessation of the use. However, if a nonconforming use is halted for a period of twenty-four (24) months in four (4) years, and any one of the following apply, the owner of the nonconforming use or structure will be presumed to have abandoned it.
- (1) The owner's intent to discontinue is clear and apparent.
 - (2) The characteristic equipment and furnishings of the non-conforming use have been removed from the premises and not been replaced by similar equipment/furnishings within ten (10) months.
 - (3) The nonconforming use has been replaced by a conforming use, regardless of the intent to re-establish such prior use;

Where the Zoning Administrator has determined that discontinuance or abandonment has taken place, the ZA shall issue a notice of violation to the property owner, upon whom falls the burden of proof to the contrary. Within the time frame specified in the notice (§7.14 (B)), the owner/responsible party shall:

- (1) Appeal the notice of violation, or
- (2) Obtain a zoning permit (§7.2) to resume use, construction, or repair; of the structure, or
- (3) Remove all construction equipment, structural materials, and debris from the site, restore the site to the natural grade, and establish a ground cover sufficient to prevent erosion.

§3.9 OPEN STORAGE OF TRASH, JUNK, & VEHICLES

- (A) The following shall apply to all districts:
- (1) For commercial or industrial entities, outdoor storage of trash or recyclable materials shall be screened or hidden from public view and located to the rear of buildings.
 - (2) Junk, salvaged materials, three (3) or more motor vehicles (or portions thereof) which are non-operable and not registered with the state, with the exception of vehicles or materials used in farming or forestry operations, shall have all hazardous materials and fluids removed and disposed of in compliance with EPA and or Vermont ANR standards, and shall be stored in an enclosed area or in an area concealed from public roads and neighboring residential properties.
 - (3) Commercial junkyards and salvage yards are specifically prohibited in all districts.

§3.10 OUTDOOR LIGHTING STANDARDS

- (A) **General Standards.** To ensure appropriate lighting while minimizing its undesirable effects, the following general standards apply to outdoor lighting in all districts (with the exception of temporary holiday lighting, which is exempt):
- (1) Permanent outdoor lighting shall not direct light upward or onto adjacent properties, roads, or public waters; shall be designed to minimize glare.
 - (2) No glare, lights, or reflection shall be permitted that could impair the vision of motor vehicle operators or that are detrimental to public health, safety, and welfare.
- (B) **Conditional Use Lighting Standards.** For lighting installations associated with uses subject to conditional use review under *Article V*, the ZBA also may require the following:
- (1) A lighting plan regarding exterior lighting, including type, mounting location and height, illumination levels and distribution, shall be submitted as part of the conditional use application. A lighting plan, prepared by a qualified engineer or lighting expert, may be required as appropriate for larger projects.
 - (2) The burial of electrical service to outdoor lighting fixtures.
 - (3) The use of street or security lighting may be required if there are unusual or hazardous conditions. Security lighting, where deemed necessary by the ZBA, shall be shielded and aimed so that illumination is directed only onto the designated area and not cast onto other areas.

§3.11 PARKING, LOADING, & SERVICE AREA REQUIREMENTS

- (A) To ensure the safe and continuous flow of traffic and emergency vehicles, all structures and land uses shall be provided with sufficient off-street vehicular parking spaces to meet the reasonable parking needs of the residents, employees, customers, visitors or other persons making use of the premises.
- (B) **Parking.** For every structure or use, associated off-street parking spaces shall be provided as set forth below:
 - (1) All required parking spaces shall have a minimum width of nine (9) feet, a minimum length of twenty (20) feet, unobstructed access and maneuvering room, and gravel or paved surface sufficient to permit year-round use.
 - (2) A minimum number of parking spaces as determined by the proposed use shall be provided in accordance with the requirements listed in (E), below.
 - (3) With the exception of parking associated with single- and two-family dwellings, parking areas shall not be located in the front yard area as defined by the district setback distance. The parking of motor vehicles is allowed in side or rear setback areas unless otherwise specifically required under conditional use review.
 - (4) All nonresidential parking areas are to be located to the side or rear of buildings unless otherwise approved by the ZBA under conditional use review, and landscaped and screened, or otherwise visually hidden as viewed from existing neighboring residential properties.
 - (5) In addition to the requirements listed in (E), below, all multi-family, public, commercial and industrial developments must provide adequate, clearly marked handicapped parking spaces in accordance with state and federal (ADA) requirements.
- (C) **Loading and Service Areas.** Where a proposed development will require the frequent or regular loading or unloading of goods, sufficient on-site service areas shall be provided. Service areas may also be required for emergency vehicles, waste disposal and collection, bus, taxi, or van service, and other purposes as may be necessitated by the proposed use. 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 to or from any internal road or access.
- (D) **Parking Waivers.** The ZBA, subject to conditional use review (*Article V*), or on appeal under §7.5, may waive on-site parking, loading, and/or service area requirements based on the Board's determination that, due to circumstances unique to the development, the strict application of these standards is unnecessary or inappropriate.
- (E) **Minimum Off-Street Parking Requirements:**

Residential	2 per dwelling unit
Accessory dwelling	1 per dwelling unit
Home Occupation/Cottage Industry	2 per dwelling unit, and 1 per additional employee
Home Day Care	2 per dwelling unit, and 1 per additional employee
School, Child or Day Care (6 or more children)	3 spaces per 10 children enrolled at the facility
Medical Clinics/Offices	6 per professional
Lodging (B&B, hotel, motel, inn, lodge)	1 per lodging unit, and 1 per employee for the largest shift
Residential Care Facilities (6 or more residents)	1 per 4 beds, and 1 per employee for the largest shift
Clubs	1 per 4 members
Public assembly (churches, auditoriums, etc.)	The greater of 1 per 4 seats or 200 sq. ft. of gross floor area
Professional, Government, Business Offices	1 per 250 sq. ft. of gross floor area
Personal Services	1 per employee, and one per customer service station
Commercial/Retail Establishments	1 per 250 sq. ft. of gross floor area
Restaurants/Eating Establishments	1 per 4 seats, and one per employee for the largest shift
Industry, storage, warehouses, other non-public uses	1.25 per employee, for the largest shift
Mixed/Multiple Use	Total required per each individual use
Gas or Motor Vehicle Service Station	5 per service bay
Other	As determined by the ZBA under conditional use review, in accordance with ITE standards.

§3.12 RETAIL SALES

- (A) **Primary**—Businesses primarily operating as retail entities are restricted to the VCD and VRD.
- (B) **Incidental/Subordinate**—Sales to the general public, which are clearly incidental and secondary in overall impact to the principal permitted business, shall be considered part of the principal use unless otherwise provided for in these *Regulations*.

§3.13 SIGNS

- (A) **General Standards.** All signs, other than those specified under (C) and (D), below, shall require a zoning permit issued by the Zoning Administrator in accordance with the following requirements pertaining to all signs:
 - (1) No outdoor advertising signs shall be permitted in any district except for the purposes of identifying an existing, on-premise recreational, commercial, business, public or industrial use in those districts where such uses are permitted.
 - (2) Signs that are illuminated (where permitted) shall not produce undue glare, hazards, or distractions. A constant, shielded light source may be used, if the lighting is directed such that it does not adversely affect neighboring properties or vehicular traffic. No sign shall be illuminated when the business is closed or the premises unoccupied.
 - (3) Freestanding signs, as measured from the average grade of the ground to the top of the supporting structure, shall not exceed ten (10) feet in height.
 - (4) Notwithstanding district setback requirements for structures, freestanding signs may be placed no nearer a public road than thirty-five (35) feet from its center line. Such signs shall not obstruct sight distances or travel lanes or otherwise create a safety hazard, nor be located within twenty (20) feet of an adjacent private property as measured from the property line, unless combined on the same stand with the sign of an adjacent business.
 - (5) Signs projecting from walls shall not exceed six (6) square feet in area or extend over public rights-of-way.
- (B) **Measurement.** When computing the total number of signs or permissible sign area, the following shall apply:
 - (1) All existing signs shall be included in the calculation of the total number and area;
 - (2) Freestanding and projecting signs printed back-to-back (having two visible sides) shall be counted as one sign, and the area shall be computed for one side only;
 - (3) Signs consisting of freestanding letters or numerals shall include any intervening spaces (the entire message area), in the calculation of total sign area;
 - (4) Sign area measured shall be the area included within the extreme limits of the sign surface, excluding supporting structure.
- (C) **Exempt Signs.** No zoning permit shall be required for the following types of signs, which are exempt from these *Regulations*:
 - (1) Signs erected by the state or town within public road rights-of-way.
 - (2) Non-advertising signs placed for directional, safety or public service purposes that do not exceed four (4) square feet in area.
 - (3) One residential sign per dwelling unit identifying the occupant, not to exceed two (2) square feet in area; and residential flags or banners intended solely for ornamental or non-advertising purposes.
 - (4) Signs relating to trespassing and hunting, each not to exceed two (2) square feet in area.
 - (5) Temporary auction, lawn, or garage sale or real estate for sale signs, not to exceed two (2) in number or six (6) square feet in total area, which shall be removed following the event or sale.
 - (6) Temporary election signs to be posted and removed in accordance with state law.
 - (7) Temporary signs or banners advertising public or community events, to be displayed in designated locations on town property with the prior permission of the Selectboard, which shall be removed following the event.
 - (8) Signs or bulletin boards incidental to places of worship, schools, libraries or public facilities, not to exceed one (1) per establishment, twenty-four (24) square feet in total area, or ten (10) feet in height above ground level.
 - (9) Unlit signs associated with farm operations, not to exceed twenty-four (24) square feet in area.
 - (10) Unlit wall-mounted or freestanding signs advertising a home occupation, home based business or home day care facility, not to exceed one (1) per residential dwelling or eight (8) square feet in area.
 - (11) On-premise historic or landmark signs, not to exceed one (1) in number or eight (8) square feet in area.
 - (12) Wall murals intended solely for artistic, non-advertising purposes.

- (D) **Permitted Signs.** The following sign provisions apply to specific uses as follows:
- (1) Individual business, mixed use, or commercial structures are allowed a maximum of two (2) fixed (freestanding and wall) signs. No one sign shall exceed twenty-four (24) square feet in area. One moveable “sandwich board” sign advertising specials or events, not exceeding twelve (12) square feet in area, per side, or four (4) feet in height, and set back from road rights-of-way and property lines, also may be permitted up to, but not to exceed, forty-five (45) days per calendar year.
 - (2) Gasoline stations, in addition to the signs allowed for business under (D)(1), above, are allowed to have one pricing sign that does not exceed twenty-four (24) square feet in area.
- (E) **Prohibited Signs.** The following signs are prohibited in all districts, unless otherwise specified:
- (1) Signs that impair highway safety.
 - (2) Signs that are internally illuminated; except, subject to conditional use review, within the Village Commercial District.
 - (3) Signs that are animated, flashing, oscillating, revolving or made of reflective material, unless necessary for public safety or welfare;
 - (4) Signs painted on or attached to rock outcrops, trees, or similar natural features.
 - (5) Advertising signs or banners attached to freestanding flagpoles, utility poles, or town sign posts.
 - (6) Roof and wall signs that extend above the eave.
 - (7) Permanent signs that project over public rights-of-way or property lines.
 - (8) Signs identifying businesses or uses that are no longer in existence.
 - (9) Signs located on motor vehicles used primarily as a support or foundation for same.
 - (10) Off-premises signs, except for those that conform to state laws.
- (F) **Exceptions.** Proposed signs that may not otherwise meet the requirements of this section may be approved by the ZBA subject to conditional use review under *Article V* and a finding that the sign has distinctive artistic and/or cultural merit that will contribute significantly to the character of the neighborhood and community.

§3.14 STORAGE OF FLAMMABLE LIQUIDS

- (A) In all districts, the storage of highly flammable liquid in above-ground tanks with a unit capacity of greater than 1,000 gallons shall be subject to conditional use review by the ZBA under *Article V* which also may include consultation with appropriate local and/or state officials. All such tanks shall be properly retained with dikes having a capacity of not less than 1.5 times the capacity of the surrounded tanks.

§3.15 STORMWATER MANAGEMENT.

See attached Stormwater Ordinance of 2009

§3.16 SURFACE WATER PROTECTION

- (A) To prevent soil erosion, protect wildlife habitat, and maintain water quality:
- (1) All structures, excluding roads, bridges, or culverts, docks, stairs, boat-lifts, boathouses and shoreline stabilization structures, shall be set back at least fifty (50) feet from public waters (including rivers, year-round streams, lakes and ponds, and mapped or delineated wetlands). Generally, the setback shall be measured from the mean high water mark or delineated wetland boundary. The setback from Lake Champlain shall be at least fifty (50) feet measured from the mean water level (95.5 feet above sea level) as established by the VT ANR. Additionally, the setback may be amended to increase or decrease after specific review and approval under the conditional use review process (*Article V*) or in accordance with a wetlands permit (Conditional Use Determination) issued by the state.
 - (2) The creation and/or maintenance of a vegetated buffer strip within the fifty (50)-foot setback area is encouraged, and may be required for development subject to conditional use review. For development subject to conditional use review, minimum required setback and/or buffer distances should be appropriate to site, slope, and soil conditions, and the nature of the proposed use. A long-term management plan also may be required.

§3.17 TEMPORARY USES & STRUCTURES

- (A) The Zoning Administrator may issue a permit for a period not to exceed two (2) years from the date of issuance for a temporary structure or use that is incidental to a construction project. All such permits shall be issued with the condition that the owner upon expiration of the permit will remove the use and/or structure. Such permits may be reissued one (1) time upon application, for an additional period not to exceed one (1) year; recording fees apply, application fee applies if original permit has expired at time of renewal application. District setback requirements and all other applicable provisions of these *Regulations* shall apply.

§3.18 WASTEWATER DISPOSAL

- (A) The Town of Shoreham has a community wastewater system serving most of the VC and VR districts. Property owners in these districts are required to hook into the system and are governed by the Town's *Wastewater Ordinance*. Contact the Wastewater Commissioners to determine if the proposed project is subject to this regulation and for an application form. Property owners outside the Wastewater System service area must comply with state wastewater regulations. Copies of Shoreham's *Wastewater Ordinance* are available at the Town Office.

ARTICLE IV. SPECIFIC USE STANDARDS

§4.1 ACCESSORY APARTMENTS

- (A) An accessory apartment is a by-right accessory use to a principal, owner-occupied single-family dwelling in all districts where single-family dwellings are permitted. An accessory apartment requires a zoning permit and must meet the following standards:
- (1) The unit must be an efficiency or one-bedroom apartment;
 - (2) The area of the apartment cannot exceed thirty percent (30%) of the total habitable floor area of the principal dwelling;
 - (3) The unit must be within the principal dwelling or in an accessory building to that dwelling that meets all the applicable standards for the district in which it is located;
 - (4) Off-street parking for one vehicle must be provided in accordance with the standards in §3.11(E) of these *Regulations*.
 - (5) A copy of the state *Potable Water and Wastewater Permit* for the accessory apartment must accompany the application for a zoning permit.

§4.2 ADAPTIVE REUSE

- (A) **Intent.** The purpose of this provision is to encourage the reuse, restoration, rehabilitation, and continued viability of old barns or other ag structures in the AG and LDR Districts, that have outlived their original function. Regardless of whether or not such buildings are non-complying structures, certain uses, including uses not otherwise allowed in the district in which they are located, may be allowed within the current dimensions of such structures.
- (B) **Applicability.** All adaptive reuse of eligible structures is subject to conditional use review (*Article V*) and the provisions of this section.
- (C) **Eligibility.** A structure considered appropriate for adaptive reuse includes any barn or other ag structure fifty (50) or more years old. Dwellings, whether currently inhabited or not, are not included.
- (D) **Allowed Uses.** The following uses may be allowed, subject to conditional use review:
- (1) Permitted and conditional uses allowed in the district in which the structure is located.
 - (2) Also, if not otherwise allowed in the district:
 - (a) Community Center
 - (b) Cultural Facility (e.g. museum, music, dance)
 - (c) Commercial, wholesale, light industry/manufacturing uses
 - (d) Guest house (*note*: each bedroom occupied by same resident for more than six (6) months is considered a “dwelling” and is subject to a maximum number of six (6) units total in the building); Inn
 - (e) Uses associated with local arts and crafts (e.g., artists’ studios, galleries)
 - (f) A combination of the above, in addition to §4.18 *Mixed Uses*
 - (h) Other uses as determined by the ZBA to meet the intent of this section and conditional use criteria under *Article V*.
- (E) **Retail Sales.** Adaptive reuse of the structure may allow for a minor component of the operation (up to 20% of the square footage) to include retail sales of products associated with and clearly subordinate to the primary.
- (F) **Special Requirements.** It also shall be demonstrated to the satisfaction of the ZBA that:
- (1) Adequate water supply, septic system, and off-street parking capacity exist to accommodate proposed use;
 - (2) The adaptive reuse shall in no way increase any existing degree of noncompliance of the structure, except in accordance with the requirements of §3.8.
 - (3) The proposed adaptive reuse shall not significantly alter the façade, footprint, character, or immediate context (e.g. barn yard, if a barn) of the structure. In reviewing proposals for an adaptive reuse the ZBA shall determine that the character of the structure will be retained to the extent practical.
- (G) **Permit Restriction.** A zoning permit issued for an adaptive reuse shall clearly state that the use is allowed only as a permitted use of the existing structure, and shall not be reestablished if the structure is substantially modified (other than to meet interior requirements of the new use), destroyed, or demolished after the permit is issued, except in accordance with the requirements of these *Regulations*. All applicable municipal permits and approvals shall be required prior to the establishment of such use.

§4.3 AGRICULTURAL HOUSING

- (A) One agricultural housing structure, intended solely to house farm workers and their families or seasonal or migrant agricultural workers is accessory to the principal agricultural use of a property and requires a zoning permit, but may be approved as a by-right residential use.
- (B) In addition to the farm owner's residence, if applicable, and the accessory structure noted above in (A), up to two (2) additional single-family dwellings and one group-housing unit for seasonal or migrant agricultural workers may be approved as conditional uses in all districts subject to the following requirements:
 - (1) Occupancy is restricted to farm workers and their families.
 - (2) Applicant shall demonstrate that adequate water supply, septic system and off-street parking capacity exist to accommodate all anticipated residents. The state may require a *Potable Water and Wastewater Permit*.
 - (3) The permit shall clearly state that this housing is accessory to the principal agricultural use of the property and shall be owned and maintained by the farm owner for this purpose. Single-family agricultural dwellings must be located so that a conforming lot could be created meeting all underlying district provisions of these *Regulations*. The lot must be defined as part of the application, but no actual subdivision is required. The agricultural dwelling(s) under this permit may only be subdivided and/or converted for sale as a single-family dwelling separate from the agricultural use if it meets all local zoning regulations at the time of the conversion regarding density, setbacks, lot size, and other requirements for the district in which it is located. PUD provisions of these *Regulations* may also be applied to farm labor housing proposals.
 - (4) Group housing shall be located to minimize adverse impacts on neighboring properties. Landscaping and screening may be required.

§4.4 AIRCRAFT LANDING STRIPS

- (A) A private aircraft landing strip may be permitted in designated zoning districts subject to conditional use review under *Article V* and the following provisions:
 - (1) The application for conditional use review, in addition to the requirements of §5.2, shall include the following:
 - (a) A sketch indicating runway orientation and dimensions, adjoining property owners, landing surface material, and relevant terrain features; and
 - (b) Copies of all documentation filed with the Federal Aviation Administration (FAA) and the Vermont Agency of Transportation.
 - (2) Construction and operation of the landing strip shall comply with all FAA and state regulations.
 - (3) Landing strips shall be located a minimum of one hundred (100) feet from adjoining properties and one hundred twenty-five (125) feet from the centerline of any public road, measured to the edge of the strip.
- (B) A zoning permit must be issued before any letter or other written correspondence indicating municipal approval is sent to the state.

§4.5 CAMPERS

- (A) A property-owner, or invited guest, may park a camper on his/her own property provided it is:
 - (1) Not located within required setbacks for the district in which it is located, nor ahead of house front line.
 - (2) Used only as temporary, seasonal shelter;
 - (3) Not used as a permanent accessory apartment, dwelling, or living quarters.
- (B) A camper or other temporary shelter shall not be hooked up to a residential sewer line; any sewage generated shall be disposed of in accordance with all applicable local, state and federal regulations.

§4.6 CAMPGROUND

- (A) A new or expanded campground may be permitted in designated zoning districts subject to conditional use review in accordance with *V*, any applicable state regulations, and the following provisions:
 - (1) A campground shall have not less than three (3) acres.
 - (2) A campground shall provide access roads and parking for all campers' vehicles.
 - (3) Campground density shall not exceed fifteen (15) campsites per acre.
 - (4) All two-way access roads within a campground must be at least thirty (30) feet in width and have a compacted gravel surface (or other type of all weather road) at least twenty (20) feet in width.
 - (5) A campground shall have a potable water supply approved by the Vermont Department of Environmental Conservation or other appropriate agency.

- (6) A campground shall provide public toilets and sewage disposal in compliance with regulations of the Vermont Department of Environmental Conservation or its successor agency.
- (7) A strip of land at least twenty-five (25) feet in width shall be maintained as a landscaped area abutting all public roads and property lines.
- (8) Campsites shall be set back a minimum of fifty (50) feet from the shoreline of Lake Champlain; parking areas and other facilities shall be set back a minimum of one-hundred (100) feet from the shoreline. Shoreline setback areas shall be managed to minimize erosion and runoff into the Lake. No camper or tent shall be located closer than seventy-five (75) feet to a property line.
- (9) The area shall be closed to the public for a period of at least thirty (30) consecutive days each year.
- (B) Applications for campground approval shall, in addition to the requirements set forth in §5.2, include a site plan and drawings prepared by a professional engineer showing the property lines and area of the campground, a contour map showing the proposed grading of the area, a layout of the roads, walkways, campsites, parking areas, garbage collection stations, electrical distribution, water lines, sanitary sewer facilities and storm sewer drainage facilities. Any required state permits shall be included with the application.
- (C) The ZBA may require a performance bond as a condition of approval to ensure that all proposed site improvements are developed in conformance with the application materials and subsequent Board approval.

§4.7 CHILD DAY CARE FACILITIES

- (A) A child day care home that meets all of the following standards will be permitted as an accessory use in all districts where single-family dwellings are a permitted use.
 - (1) A resident of the dwelling in which the use is occurring operates the childcare home.
 - (2) The day care home will be operated under state license or registration.
 - (3) The day care home serves six (6) or fewer full-time children and four (4) or fewer part-time children.
 - (4) One unlit exterior sign is permitted in accordance with §3.13 (C)(10.)
- (B) A day care facility that serves more children than allowed under (A)(3), above, may be permitted in designated zoning districts subject to conditional use (*Article V*).

§4.8 CONTRACTOR'S YARD

- (A) Contractor's yards may be permitted in designated districts subject to conditional use review and the following provisions:
 - (1) Lot size shall be at least two (2) acres, with frontage and depth of at least two-hundred (200) feet each, or greater if required, pursuant to district standards;
 - (2) Adequate off-street parking shall be provided per §311
 - (3) Garbage and trash collection areas shall be screened from view;
 - (4) All other applicable provisions of these *Regulations* shall be adhered to.

§4.9 EXTRACTION & QUARRYING OPERATIONS

- (A) The removal of soil, sand, gravel, stone, or rock, except when incidental to the construction of an approved building or subdivision, or exempted as part of a farming operation, may be allowed in designated zoning districts, subject to conditional use review by the ZBA (*Article V*) and the standards set forth below.
- (B) In addition to application requirements under §5.2, the applicant shall submit two (2) copies of a proposed erosion control and site restoration plan prepared by a licensed engineer, showing existing grades, drainage and depth to water table; the extent and magnitude of the proposed operation including proposed project phasing; and finished grades at the conclusion of the operation.
- (C) In granting conditional use approval, the ZBA shall find that the proposed activity will not cause any hazard to public health or safety, or otherwise have an undue adverse effect on:
 - (1) Neighboring properties and uses;
 - (2) Public facilities and services;
 - (3) Surface and ground water; or
 - (4) Historic sites and structures, critical wildlife habitat, and scenic views.
- (D) In granting approval, the ZBA shall consider and may impose conditions with respect to the following factors as it deems appropriate:
 - (1) Depth of excavation or quarrying above the water table;
 - (2) Slopes created by removal;
 - (3) Effects on surface drainage on and off-site per *Vermont Stormwater Management Manual*;
 - (4) Storage of equipment and stockpiling of materials on-site;
 - (5) Hours of operation for blasting, trucking, and processing operations;

- (6) Effects on neighboring properties due to blasting, excavation or crushing activities, or other noise, dust, or vibration;
 - (7) Creation of nuisances or safety hazards;
 - (8) Effects on traffic and road conditions, including potential physical damage to public highways;
 - (9) Temporary and permanent erosion control;
 - (10) Effect on ground and surface water quality, and drinking water supplies;
 - (11) Effect on natural, cultural, historic, or scenic resources on-site or in the vicinity of the project;
 - (12) Effect on agricultural land; and
 - (13) Site reclamation.
- (E) A performance bond, escrow account, or other surety acceptable to the Selectboard may be required to ensure site reclamation upon completion of excavation projects, to include any re-grading, reseeded, reforestation or other activities that may be required. The Town may take legal action as appropriate to ensure site reclamation and cost recovery upon failure of the permit holder, their successors or assigns to complete site reclamation as required.

§4.10 FARM STRUCTURES

- (A) Pursuant to the *Act, §4413 (d)*, farm structures (excluding dwellings), accepted agricultural practices, and accepted silvicultural practices, are exempt from local permitting requirements. However, farmers intending to erect a farm structure must notify the municipality of the intent to build a farm structure, and abide by setbacks contained within the zoning ordinance, unless they provide an approval of lesser setbacks by the VT Secretary of Agriculture, Food and Markets. The notification must contain a sketch of the proposed structure and include the setback distances from adjoining property owners and the street right-of-way.
- (B) All farm structures within the Flood Hazard Overlay District must comply with the National Flood Insurance Program.
- (C) The ZA or ZBA may require any application or proposed use based on a status of being agricultural to be substantiated by a letter from the Vermont Secretary of Agriculture confirming that designation.

§4.11 FREESTANDING DISHES & ANTENNAS

- (A) The installation of a freestanding dish or antenna is allowed in all districts, with a zoning permit, and shall meet the minimum setback, lot coverage, and height requirements for the district in which it is located. Dishes of four (4) feet in diameter or greater shall be permitted only in the rear yard of a dwelling or other building served. The Zoning Board of Adjustment may permit alternative siting if the following criteria are met:
 - (1) Quality reception requires alternative siting; and
 - (2) Screening that does not impair reception is used to minimize the visibility of the installation from the public right of way and neighboring properties.

§4.12 GASOLINE STATIONS

- (A) Gasoline stations may be permitted in designated zoning districts subject to conditional use review (*Article V*) and the following provisions:
 - (1) A gasoline station shall not be located within three-hundred (300) feet of any lot occupied by a school, hospital, library or religious institution. Motor vehicle sales or repair facilities are exempt from this requirement.
 - (2) The lot size shall be at least two (2) acres.
 - (3) Lot frontage shall be at least two hundred (200) feet.
 - (4) Lot depth shall be at least two hundred (200) feet.
 - (5) Pumps, lubricating and other service devices shall be located at least seventy-five (75) feet from the centerline of the road, and side and rear lot lines.
 - (6) All fuel and oil shall be stored at least thirty-five (35) feet from any property line.
 - (7) All automobile parts and dismantled vehicles are to be stored within a building or screened from public view. All vehicles and equipment must be parked or stored out of all road rights-of-way.
 - (8) There shall be no more than two (2) access driveways from the street. The maximum width of each access driveway shall be forty (40) feet.

- (9) A suitably landscaped area shall be maintained at least ten (10) feet in depth along all street frontage not used as driveway. Additional landscaping, screening, and pedestrian walkways may be required as appropriate.
- (10) Pump canopies shall be limited to the area required to cover the pump island and pump-apron, and shall be the minimum height necessary to satisfy applicable state and federal safety requirements. In no case shall canopies exceed twenty-four (24) feet in width or thirty-six (36) feet in length. Canopy design, including materials and roof pitch, shall be compatible with surrounding buildings; and the sides (fascias) of canopies shall not be used for advertising.
- (11) Lighting levels on station aprons, under canopies and in associated parking areas shall be the minimum required for intended activities. The lighting of such areas shall not be used for advertising or to attract attention to the business. Lights shall not be mounted on the top or sides of canopies; and the sides of canopies (fascias) shall not be illuminated. Light fixtures mounted on canopies shall either be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy; or for indirect lighting, mounted and shielded so that direct illumination is focused exclusively on the underside of the canopy. Outdoor lighting shall also meet applicable lighting standards under §3.10.
- (B) Gasoline stations that include retail sales unrelated to motor vehicle service, maintenance or repair (e.g. food or convenience items) shall be reviewed as a mixed use, and as such are required to meet all zoning provisions pertaining to retail uses for the district in which they are located.

§4.13 GROUP HOME

- (A) In accordance with the *Act*, a group home that meets all of the following standards will be permitted as an accessory use in all districts where single-family dwellings are permitted.
- (1) The group home will be operated under state licensing or registration;
 - (2) The group home will not serve more than eight (8) people who have a handicap or disability as defined in 9 V.S.A §4501.
 - (a) A residential home or group home, to be operated under state licensing or registration, serving nine (9) or more who have a handicap or disability as defined in 9 VSA §4501, shall be reviewed as a multi-family dwelling and shall be subject to conditional use and site plan review; and
 - (3) The group home is located more than one thousand (1,000) feet from any other existing or permitted group home.

§4.14 HOME OCCUPATIONS & HOME-BASED BUSINESSES

- (A) **Home Occupations.** No provision of these *Regulations* shall infringe upon the right of any resident to use a minor portion of a dwelling or an accessory structure for an occupation that is clearly secondary to the residential use, is customary in residential areas, and does not have an undue adverse effect on the character of the residential area in which the dwelling is located. Home *occupations*, as distinguished from home-based *businesses* described in (B), below, are permitted in accordance with the following:
- (1) The home occupation shall be conducted on-site by residents of the dwelling and up to three (3) employees.
 - (2) The home occupation shall be carried on in the dwelling or in an accessory building.
 - (3) Provisions for parking for employees and business visitors shall be made in accordance with §3.11(E).
 - (4) Any proposed expansion of the home occupation may require conditional use review and a separate zoning permit for a home-based business or other use as appropriate.
- (B) **Home-based Businesses.** Home-based businesses (as distinguished from home occupations) may be permitted in designated zoning districts, subject to conditional use review (*Article V*) and the following additional provisions:
- (1) The business/home owner shall reside on the parcel.
 - (2) The business shall be carried on within the principal dwelling unit and/or accessory structure(s).
 - (3) The business must not have an undue adverse effect on the character of the residential area in which the dwelling is located. Landscaping and screening may be required as appropriate.
 - (4) The owner and household of the dwelling unit, and no more than eight (8) employees, may be employed on-site at any one time.
 - (5) The permit for a home-based business shall clearly state that the industry is a business that is accessory to the principal residential use, and shall be owned and operated by the homeowner. A home-based business may be subdivided and/or converted for sale or use apart from the residential use only if it meets all current municipal and state regulations and bylaws pertaining to such use, including all density, dimensional, and other requirements for the district in which it is located. Permits shall be required as appropriate prior to subdivision, sale, and/or conversion.

(6) Home-based businesses must meet all applicable provisions of *Articles III and V*.

§4.15 KENNEL

- (A) A kennel may be permitted in designated districts subject to dog ordinances, conditional use review, and the following provisions:
 - (1) All kennels will comply with the set back standards of the district in which they are located.
 - (2) All dogs must be kept in a building, a suitably fenced area, or on a leash.
 - (3) Provision must be made for the safe disposal of all animal wastes, runoff, and wash water.
 - (4) Essential to any kennel operation is taking steps not to intrude on neighbors with odors, noise or free running animals. Excessive or persistent barking shall be minimized by restricting the animals to a building or by other appropriate means, such as screens, vegetation, or fencing. Shoreham dog ordinances also apply to kennels.

§4.16 LIGHT INDUSTRY, MANUFACTURING

- (A) Light industry, or light manufacturing, may be permitted in the Village Commercial District, and—under §4.2 *Adaptive Reuse* provisions, only—in the Low Density Residential and Agricultural Districts subject to conditional use review under *Article V*, the provisions pertaining to *Adaptive Reuse*, and in conformance with the following provisions as applicable:
 - (1) The aggregate footprint of all buildings shall not exceed forty thousand (40,000) square feet or the maximum lot coverage designated for the district, whichever is less, except for buildings being used under *Adaptive Reuse* which shall retain their existing footprint.
 - (2) Maximum building height shall not exceed 35 feet;
 - (3) All light industry shall meet minimum setback requirements for the district in which it is located. Landscaping and fencing along property boundaries may be required as appropriate for screening, safety and security.
 - (4) Industrial/manufacturing uses are limited to those manufacturing, fabrication, or processing activities which produce no noise, vibration, noxious emissions, air or water pollution, fire or explosion hazard, beyond what is specified in *Article V* or elsewhere in these *Regulations*, which would endanger or disturb neighboring properties. The ZBA may impose additional conditions as appropriate to protect public health, safety, and welfare, municipal facilities and services, and other public investments.
 - (5) Light industry/manufacturing shall have frontage on public roads or access to such roads from a private industrial development road, or driveway.
 - (6) Light industry/manufacturing which also includes on-site retail sales or which is otherwise open to the public (e.g., for tours) shall be reviewed as a mixed use, (§4.18), and as such be required also to meet all zoning provisions pertaining to such retail uses for the district in which it is located, including but not limited to additional acreage, frontage, and/or parking requirements.

§4.17 MARINAS (WATER-BASED)

- (A) Marinas may be permitted in designated districts subject to conditional use review (*Article V*) and the following additional provisions. All marinas, whether intended for public or private use, shall:
 - (1) In addition to meeting all zoning district requirements, have minimum continuous shoreline frontage of three hundred (300) feet;
 - (2) Provide at least one (1) off-street parking space for each rental boat, mooring, and/or berth; parking areas shall be set back at least one hundred (100) feet from the shoreline of Lake Champlain; setback areas shall be managed to minimize erosion and runoff into the Lake;
 - (3) Provide screened garbage collection and toilet facilities; and, for marinas accommodating boats with sleeping berths, facilities for the pumping and/or disposal of wastes in accordance with municipal and state regulations;

§4.18 MIXED-USE

- (A) In designated districts, more than one use may be permitted within a single building or on a single property subject to conditional use review (*Article V*) and the following provisions:
 - (1) Each of the proposed uses would be allowed as a stand-alone use in the district in which the mixed use is proposed.
 - (2) The combined uses meet all applicable standards for the district in which the mixed use is proposed. In cases of conflicting standards, the ZBA shall determine which standards apply.
- (B) The Zoning Board of Adjustment shall not approve a conditional use where the proposed multiple uses and/or structure(s) are deemed too intensive for the parcel in question. In making its determination of whether proposed uses are too intensive, the ZBA shall consider the existing and proposed uses together.

The project shall comply with all other provisions of these *Regulations*, including the general and specific standards for each proposed use.

§4.19 MOBILE HOME PARKS

- (A) It shall be unlawful to park, place, maintain, or permit more than one mobile home on any lot for residential use except in a mobile home park duly approved under this section. This section shall not apply to campers regulated under §4.5, mobile homes on lots that meet the zoning requirements for single-family dwellings for the district in which they are located, or farm labor housing.
- (B) The construction, expansion or alteration of a mobile home park in the Town of Shoreham will be permitted according to the regulations set out by the state.

§4.20 MOTOR VEHICLE SALES OR REPAIR FACILITY

- (A) A motor vehicle sales, service or repair facility may be permitted in designated zoning districts subject to conditional use review (*Article V*) and the applicable provisions of §4.12.

§4.21 SOLAR & WIND ENERGY FACILITIES

- (A) *Solar energy* systems that are incidental to a building are classified as accessory structures and therefore permitted within all designated districts, upon issuance of a zoning permit by the ZA. Any net-metered system is governed by the PSB and is not subject to these *Regulations*.
- (B) *Wind energy* conversion systems are conditional uses within all districts, subject to conditional use criteria, *Article V*, and the following additional standards:
 - (1) Climbing access to the tower shall be restricted;
 - (2) For rotors twenty (20) feet in diameter or less, a setback from all lot lines shall be 275 feet *minus* 11 feet for each foot of rotor diameter less than 20 feet; and
 - (3) For rotors larger than twenty (20) feet in diameter, a setback from any lot line shall be 275 feet *plus* six feet for each foot of rotor diameter greater than 20 feet.
 - (4) Temporary towers over 35 feet must have a setback equal to the fall radius plus the setback for the district

§4.22 TELECOMMUNICATIONS FACILITIES

- (A) *Intent*. The purpose of this provision is to preserve the character and appearance of the Town of Shoreham and to regulate the location of commercial wireless telecommunications services. Small-scale devices for personal use (satellite dishes, antennas, etc.) are exempt from this provision.
 - (1) Commercial facilities shall comply with the following provisions:
 - (a) *Permitted Use*—The use of *existing* structures such as silos, steeples, or water towers to locate wireless telecommunications antennae are permitted in designated districts but must comply with the following standards in addition to those of the underlying district:
 - (i) Siting of antennas must be accomplished in a manner designed to limit the visual impact on Shoreham’s countryside and ridgelines.
 - (ii) Antennas must be camouflaged to blend in with their surroundings to the greatest extent possible.
 - (b) *Conditional Use*—A *new* telecommunications tower to support wireless telecommunications antennae will be allowed as a conditional use in the Village Commercial, Low Density Residential, and Agriculture Districts only, subject to the following:
 - (i) The applicant must demonstrate that no existing structure is suitable for their proposed use within a six (6)-mile radius of the proposed site .
 - (ii) Co-location is allowed on the new structure.
 - (iii) Tower and appurtenances not to exceed a top-most height of one hundred-forty (140) feet, nor be located within two-hundred (200) feet of an existing residence.
 - (iv) There shall be no overhead lines, phone and power lines to be ground-laid or buried.
 - (iv) Pursuant to 24 VSA §4440, the Zoning Board of Adjustment is authorized to hire qualified professionals, to be paid by the applicant, to determine an application’s compliance with these *Regulations*.
- (B) All telecommunications structures and antennae must be maintained in accordance with the requirements of permits granted. Abandoned or unused structures or antennae must be removed from the property within one hundred eighty (180) days of cessation of their use and the Zoning Board of Adjustment may require a bond or other guarantee be posted with the Town to cover such removal.

§4.23 PERSONAL AND MUNICIPAL COMMUNICATIONS

- (A) Includes two-way radios and systems falling under FCC regulations for Public Safety, Business, Amateur, and personal-use radios.
- (B) Personal and municipal antennae and support structures, whether free standing or mounted, are permitted in all districts subject to the following conditions administered by the Zoning Administrator:
 - (1) Screening, that does not impair reception, shall be used wherever possible, to minimize the visibility of the installation from the public right-of-way and neighboring properties.
 - (2) Newly installed support structures must comply with setbacks for the district in which located, plus an additional fall-radius setback equal to the height of the structure.
 - (3) Antenna plus support structure shall not exceed a top-most height of sixty (60) feet, unless the applicant can demonstrate a higher antenna is required in order to reasonably improve reception or transmission capabilities
- (C) CB, Amateur Radio, and General Mobile Radio Service (GMRS) antennae are, additionally, subject to FCC regulations (*47 CFR §95, §97*).
- (D) All Amateur Radio and GMRS antennae require proof of valid operator license (*47 CFR §95, §97*).
- (E) These *Regulations* comply with *47 C.F.R. § 97.15(b)* as amended from time to time. See *Vt Act 200*, and *24 VSA §2296*.

ARTICLE V. CONDITIONAL USE REVIEW

§5.1 APPLICABILITY

- (A) Uses listed as “conditional” in *Article II*, or as otherwise required under these *Regulations*, shall be reviewed by the Zoning Board of Adjustment (ZBA), with a permit issued upon the ZBA’s granting approval of the use.
- (B) “Permitted uses” are not subject to conditional use review standards and procedures, but may require a zoning permit from the Zoning Administrator establishing the project’s compliance with the standards of the district within which it will be located.
- (C) The review process, criteria, and other provisions of this section shall apply to all conditional uses. The Zoning Administrator shall not issue a zoning permit until the ZBA determines that the criteria below have been met, and issues a conditional use approval.

§5.2 APPLICATION REQUIREMENTS FOR CONDITIONAL USES.

- (A) In addition to the application materials for a zoning permit (§7.2), an applicant for a conditional use review shall submit to the Zoning Administrator a project description, any applicable fees, and the following information as appropriate:
 - (1) The name and address of owner(s) of record of the property; name, address, and interest of the applicant, if different than the owner(s) of record; the lot, block, and section number of the property taken from the latest tax records; name and address of person or firm preparing the application and related plans; date of the application; and the names and addresses of all adjoining landowners.
 - (2) A site location map showing the location of the project in relation to nearby town highways, and adjoining parcels and their uses.
 - (3) An accurate plot plan showing relevant features such as other structures and their uses, traffic circulation, parking and loading spaces, roads, screening, placement of signs, lighting, proposed building footprint(s), and setbacks to property lines.
 - (4) An estimate of the traffic to be generated by the project and the impact of such traffic on area roads.
 - (5) If a business, an estimate of the number of full and/or part-time non-family employees anticipated.
- (B) The ZA shall promptly forward the application and supporting materials to the ZBA which shall consider the application within thirty (30) days of receipt. At its discretion, for more complex projects (including a project covering over 40% of the lot, creating a high intensity of use of the lot, building a large structure relative to neighboring buildings, or employing more than eight (8) people), the ZBA may then require the submission of a site development plan including any or all of the following:
 - (1) A plan drawn to scale prepared by a licensed engineer, surveyor, land planner, or as otherwise approved by the ZBA showing the following:
 - (a) North point and scale;
 - (b) Legal property boundaries for the property;
 - (c) Existing and proposed features including contours, land use, vegetation, natural and critical habitat areas, floodplains and wetlands; zoning district boundaries; structures (building footprints), fences and historic sites; parking areas, roads, easements, and rights-of-way;
 - (d) Traffic circulation within the site; location of loading areas; access to neighboring properties and public roads, pathways and trails in the vicinity; and
 - (e) Proposed screening, landscaping, grading, drainage, sign and lighting details.
 - (f) Water and wastewater disposal design details.
 - (g) Building elevations for new or altered structures, including an indication of exterior façade design, window treatment and roof and siding materials.
 - (h) Construction sequence and time schedule for completion of all proposed development and site improvements
 - (i) Any other supporting information that the Zoning Board of Adjustment deems necessary to determine whether the proposed use or structure meets the applicable standards. Examples of additional information might include photographs of the site, visual impact analysis, community service impact assessments, traffic impact studies, or storm water management and erosion control plans.
- (C) The application shall be complete when all of the application materials listed in (A), above, and any materials specifically requested in (B) have been received, and are deemed complete, by the Zoning Board of Adjustment.

§5.3 REVIEW PROCESS

- (A) **Public Hearing.** A public hearing shall be held as per §7.10.
- (B) **Decisions.** The ZBA shall review the application and issue a decision as stated in §§7.11–13. The ZBA may recess the public hearing to provide adequate time for an applicant to submit additional information requested by the ZBA, or to provide time for the ZBA to visit the site or collect additional information, provided a date and place for the reconvened hearing are announced at the recessed hearing. A recess is not a conclusion of the final hearing. In rendering its decision, the ZBA:
- (1) Shall review the application based on the documentation provided by the applicants, testimony and evidence provided by interested parties, and recommendations by other municipal departments;
 - (2) May attach such reasonable conditions and safeguards to be implemented within the boundaries of the property as it may deem necessary to implement the purposes of these *Regulations*. Such conditions may set a limit on number of full and/or part-time, non-family, employees to be on premises during work hours, number of non-administrative hours business will operate in a 24-hour period, or other functional limits as deemed appropriate.
 - (3) May require a filing, by the applicant, of a letter of credit (or other security of a type approved by the Selectboard) in an amount specified by the ZBA sufficient to secure completion by the applicant of required landscaping and other site improvements and work in the public right-of-way, and maintenance for a period of up to two (2) years after completion; and
 - (4) May, in order to coordinate any required off-site improvements with work to be done by the Town, in lieu of the applicant performing the improvement, require a cash payment to the Town to be dedicated solely for such required improvements. The ZBA should justify such conditions in the findings of fact and shall ensure that any required dedication is reasonably related in both nature and extent to the impact of the proposed development.

§5.4 GENERAL STANDARDS

- (A) The Zoning Board of Adjustment shall grant conditional use approval upon its determination that the proposed use or structure will not have an undue adverse effect on any of the following (see also §4.2 (F), §3.10 (B)):
- (1) **The Capacity Of Existing Or Planned Community Facilities Or Services.** A conditional use shall not overburden or exhaust existing or planned municipal facilities or services. Conditions may be imposed regarding the timing and phasing of development to minimize the impact on schools and other community facilities and services. The applicant may be required to bear the portion of the cost of any public improvement necessitated by the proposed development.
 - (2) **The Character Of The Neighborhood, Area, Or District Affected.** The ZBA shall consider the location, scale and intensity of the proposed development. A conditional use may not, by its nature, scale, or conduct, adversely change the character of the area as it exists or would exist if fully developed in accordance with the *Shoreham Town Plan*. Character of a neighborhood refers to the distinctive traits, qualities or attributes of a particular area, as well as the area's overall appearance, settlement pattern, predominant land uses, and sense of community. The existence of one conditional use in a particular neighborhood will not be interpreted as justification for another similar conditional use to be located in that neighborhood.
 - (3) **Traffic On Roads And Highways In The Vicinity.** The ZBA shall consider the potential impact of projected traffic resulting from the proposed development in relation to the condition, capacity, safety, and function of roads and associated infrastructure (e.g., bridges, and culverts). The ZBA may require a traffic study to determine whether the capacity of the road will be exceeded.
 - (4) **Zoning Regulations and Ordinances Then In Effect.** A conditional use must comply with all ordinances and regulations in effect at the time of submission of the application. Proposed development shall conform to all applicable general and specific standards set forth in this section and §5.5, below.
 - (5) **The Utilization Of Renewable Energy Resources.** A conditional use shall not excessively inhibit or restrict access to, or the use of, renewable natural resources for energy generation.

§5.5 SPECIFIC STANDARDS

- (A) In addition to the general standards outlined above, the Zoning Board of Adjustment may require conditions or modifications to the project to ensure the following:
- (1) **Design And Location Of Structures.** Conditions may be imposed as appropriate with regard to siting, density, setbacks, and height.

- (2) **Landscaping And Screening.** Conditions may be imposed as appropriate with regard to the amount, type, size, and location of landscaping and screening materials. A landscaping plan, and/or bond or other surety to ensure installation and maintenance may be required as appropriate and incorporated as a condition for approval.
- (3) **Parking And Service Areas.** Parking and service areas will be provided and designed in accordance with §3.11. Conditions may be imposed as appropriate with regard to the extent, siting, layout, landscaping, screening, surfacing and/or sharing of parking and service areas with adjoining parcels.
- (4) **Traffic And Pedestrian Circulation.** A coordinated, safe and efficient system for vehicular and pedestrian circulation will be provided on and off-site in accordance with all applicable municipal and state standards. Conditions may be imposed as appropriate with regard to intersections, pedestrian paths and crossings, and the number and size of curb cuts, including the reduction, consolidation or elimination of non-complying curb cuts (see §3.2 (E), (G)).
- (5) **Stormwater And Erosion Control.** For PUDs, commercial, and industrial development, stormwater management and erosion control plans are required and will be incorporated as conditions of the permit.
- (6) **Outdoor Storage And Display.** The outside storage or display of materials, goods, supplies, vehicles, machinery or other materials requires ZBA approval, and may be subject to conditions placed by the ZBA on the area and location of such storage or display, as well as any appropriate screening
- (7) **Water And Wastewater.** The proposed development shall have adequate water and sewage disposal capacity for its needs and shall not adversely affect public health, existing ground and surface water quality or place an unreasonable burden on the municipality's present or planned water or sewer systems. The applicant is responsible for obtaining all applicable permits.
- (8) **Lighting.** Exterior lighting shall be designed and installed such that there is no glare or reflection which is a nuisance or detrimental to public health, safety, and welfare. However, reflections from solar energy collectors which are part of an operating solar energy system shall not be considered a nuisance. The ZBA may restrict the maximum level of illumination on all or part of the property. See also §3.10(B).
- (9) **Natural And Cultural Resources.** The development shall not result in undue adverse impact to any scenic area, historic resources or natural resources identified in the *Shoreham Town Plan* or through site investigation.
- (10) **Noxious Odors Or Emissions** shall not be present beyond property lines (Accepted Agricultural Practices excepted)
- (11) **Noise Levels** should not exceed seventy (70) decibels at the property line at any time (Accepted Agricultural Practices excepted).
- (12) **Municipal Services and Public Safety.** The project shall not place unreasonable burdens on municipal fire, rescue, or highway/public works services.

§5.6 AGRICULTURAL DISTRICT STANDARDS

- (A) In addition to the applicable general and specific standards above, the following standards will apply to all applications for conditional use approval within the Agricultural District. Projects in the Agricultural District should be designed to:
 - (1) Blend new development into the agricultural or forest landscape; and
 - (2) Maintain the Town's rural character, both visually and as a functional working landscape.
- (B) **Non-Agricultural Uses** within the Agricultural District should:
 - (1) Be located on the smallest amount of land feasible to accommodate the use.
 - (2) Consider the effect of agricultural practices conducted in close proximity to the proposed development.
- (C) The ZBA may require that a development envelope be established as follows:
 - (1) The development envelope should be located to minimize impact on current or future agricultural practices;
 - (2) The development envelope should be located to minimize impact on and provide reasonable protection of identified resources, including farmland, productive forest, wildlife habitat, natural areas, aquifer protection areas, surface waters, stream banks, lake shore, historic and archaeological sites, and scenic views and vistas; and
 - (3) A single, contiguous development envelope is preferred. However, the ZBA may approve a non-contiguous development envelope if warranted by the physical character or conditions of the land being developed.

§5.7 LOW DENSITY RESIDENTIAL DISTRICT

- (A) In addition to applicable general and specific standards described in §5.4 and §5.5 above, the following standards shall apply to all non-residential applications for conditional use approval within the Low Density Residential District:

- (1) Non-residential projects in the Low Density Residential District should be designed to:
 - (a) Blend new development into the agricultural or forest landscape; and
 - (b) Maintain the Town's rural character, both visually and as a functional working landscape.
- (2) To this end, the ZBA may approve conditional uses for certain structures under §4.2 *Adaptive Reuse*.

§5.8 VILLAGE COMMERCIAL AND RESIDENTIAL DISTRICT STANDARDS

- (A) In addition to the standards described in §5.4 and §5.5 above, the following standards shall apply to all applications for conditional use approval within the Village Commercial and Village Residential districts:
 - (1) Development shall reinforce a traditional, compact village development pattern characterized by pedestrian scale and orientation, traditional densities and setbacks, a mix of uses, well-defined streetscapes and sidewalks to facilitate pedestrian circulation.
 - (2) While building design is not required to reflect any one architectural style or era, the following standards are suggested for new and expanded structures:
 - (a) Buildings should front toward and relate to streets, both functionally and visually, and not be oriented toward parking lots. The front façade should include a main entryway, pedestrian access, and appropriate front yard landscaping.
 - (b) Building design should be compatible with historic buildings identified as “contributing structures” on the Shoreham Village Historic District listed in the State Register of Historic Places.
 - (c) The exterior design of buildings, including the arrangement, orientation, texture and materials, should be compatible and harmonious with surrounding contributing structures.
 - (d) The scale and massing of buildings, including height, width, street frontage, roof type and façade openings, should be compatible and harmonious with surrounding contributing structures. Commercial structures should be compatible as indicated in so far as feasible, but in any event shall be in accordance with the overall development style as indicated explicitly or implicitly by the *Town Plan* and these *Regulations*.

§5.9 FLOOD HAZARD OVERLAY DISTRICT STANDARDS

- (A) In addition to applicable standards set forth above, the Zoning Board of Adjustment shall impose specific conditions or require project modifications for development within the Flood Hazard Overlay District in accordance with the following standards:
 - (1) Development within the district is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are specifically prohibited within the district.
 - (2) All development shall be designed to:
 - (a) Minimize flood damage to the proposed development and to public facilities and utilities, and
 - (b) Provide adequate drainage to reduce exposure to flood hazards.
 - (3) Structures shall be:
 - (a) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
 - (b) Constructed with materials resistant to flood damage,
 - (c) Constructed by methods and practices that minimize flood damage, and
 - (d) 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.
 - (4) The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
 - (5) New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate the infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - (6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them.
 - (7) New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is one (1) foot above the base flood elevation.
 - (8) The lowest floor, including basement, of all new buildings shall be one (1) foot above the base flood elevation.
 - (9) Existing buildings to be substantially improved for residential purposes, or which have been substantially damaged for any reason, shall be modified or elevated to meet the requirements of (8). See definition of “Substantial.”

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- (10) Existing buildings to be substantially improved for nonresidential purposes or which have been substantially damaged for any reason, shall either:
- (a) Meet the requirements of (8), above; or
 - (b) Be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be flood-proofed shall not be issued until a registered 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.
- (11) All new construction, repairs of substantially damaged structures, and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above base flood elevation. Openings may be equipped with screens, louvers, valves or other cover coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (12) Recreational vehicles placed on sites within Zones A1-A30, AH, and AE shall:
- (a) Be on the site for fewer than 180 consecutive days,
 - (b) And be fully licensed and ready for highway use;
 - (c) Or, meet all standards of §60.3(b)(1) of the *National Flood Insurance Program Regulations* and the elevation and anchoring requirements for manufactured homes.

ARTICLE VI. PLANNED UNIT DEVELOPMENTS (PUD)

§6.1 PURPOSE

- (A) The purpose of a Planned Unit Development (PUD) is to encourage flexibility, creativity, and innovation in the planning and design of development to achieve a variety of objectives articulated in the *Shoreham Town Plan* including:
 - (1) Open space preservation and project compatibility with surrounding rural lands;
 - (2) Agricultural blocks and soils preservation;
 - (3) Natural resource preservation;
 - (4) Flexibility in lot layout and site design;
 - (5) Increased clustering and walkable designs in the village area or within a PUD in the rural area
 - (6) The efficient use of public facilities and infrastructure; and
 - (7) Energy-efficient forms of development.
- (B) PUDs are encouraged in all zoning districts to permit flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, and related site and design considerations that will best achieve the goals and the purpose of the property owner and the *Shoreham Town Plan* as incorporated within the zoning district(s) in which the project is located.
- (C) The Planning Commission may approve modifications to applicable area and dimensional requirements of these *Regulations*, including reduced lot size, density and reduced or modified setbacks, frontage, coverage etc., to achieve these purposes.

§6.2 APPLICABILITY

- (A) The PUD provisions may be applied to any subdivision at the request of the applicant.

§6.3 COORDINATION WITH OTHER REVIEW PROCESSES

- (A) Approval for a PUD that involves one or more conditional uses will require conditional use review (*Article V*). Combined review (§7.12) by the Zoning Board of Adjustment and Planning Commission is highly recommended.

§6.4 SKETCH PLAN MEETING

- (A) **Purpose.** The sketch plan meeting serves several purposes. It is an opportunity for the Planning Commission, applicant, and adjoining property owners to become familiar with the property, the proposed project, and the review process.
- (B) **Application Requirements.** Applicants must submit a fully completed application for initial review. It must include any applicable fees and a sketch plan not smaller than 8.5" x 11", based either on the Town's tax map or a professionally prepared survey, and all the information listed below:
 - (1) The name and address of owner(s) of record of the property; name, address and interest of the applicant, if different than the owner(s) of record; the lot, block, and section number of the property taken from the latest tax records; name and address of person or firm preparing the application and related plans; date of the application; and the names and addresses of all adjoining landowners.
 - (2) A site location map showing the location of the project in relation to nearby town highways, and adjoining parcels and their uses.
 - (3) An accurate plot plan showing relevant features such as other structures and their uses, traffic circulation, parking and loading spaces, roads, screening, placement of signs, lighting, proposed building footprint(s), and setbacks to property lines, as appropriate.
 - (4) A brief summary of the project and how it meets the standards set forth in this Article.
 - (5) A statement describing all proposed modifications of, or changes to, the standards for the district(s) in which the project is located.
 - (6) A statement describing any land that will be set aside for open space or agricultural use including:
 - (a) Its current character and use;
 - (b) Its proposed future use and management plan; and
 - (c) Its proposed ownership and the mechanism by which it will be protected.
- (C) **Plan Waivers.** Following a pre-application discussion, the Planning Commission may waive one or more of the submission requirements for sketch plan or final plan review in the event it determines the item to be unnecessary for the comprehensive review of the application. The waiver shall be issued in writing at the time the application is accepted and deemed complete.

- (D) **Hearing Notice and Process.** Upon receipt of all the application requirements, the ZA will forward the complete application and final plan to the Planning Commission. The Planning Commission must hold a public hearing on the final plan, duly warned in accordance with §7.10 and conducted in accordance with the procedures contained in §7.11 of these *Regulations*.
- (E) **Sketch Plan Meeting for PUDs.** The sketch plan meeting will serve as an opportunity for the Planning Commission, applicant, and any interested persons to become more familiar with the property, the development proposal, the review process, and the parcel's allowable number of lots. The Planning Commission will determine what information it will need in order to review the final plan. The Planning Commission will notify the applicant and any interested persons within forty-five (45) days from the adjournment of the sketch plan meeting of the required submittals for the final plan, prior to establishing the date of a Final PUD Plan Review.

§6.5 FINAL PLAN REVIEW

- (A) **Application Requirements.** Applicants must submit a final plan that is based on a professionally prepared survey, including any supporting documentation requested from the Planning Commission during the sketch plan meeting, to the Zoning Administrator for an initial review. Application must include:
- (1) All information presented in the sketch plan meeting.
 - (2) Project boundaries and property lines, existing and proposed lot lines and dimensions; easements; zoning district designations and boundaries; existing and proposed roads or driveways;
 - (3) Location, height, and spacing of all buildings, landscaping, and open spaces;
 - (4) Specifications of any proposed water and wastewater systems;
 - (5) Existing and proposed elevations and contours, as required by the Planning Commission;
 - (6) Phasing or schedule for plan execution;
 - (7) Land proposed to be set aside as undevelopable, or common land;
 - (8) Any other information requested by the Planning Commission in response to the sketch plan.
 - (9) Stormwater Management Plan in accordance with the *Stormwater Ordinance of 2009*, if required.
- (B) **Hearing Notice and Process.** Upon receipt of all the application requirements, the ZA will forward the complete application and final plan to the Planning Commission. The Planning Commission must hold a public hearing on the final plan, duly warned in accordance with §7.10 and conducted in accordance with the procedures contained in §7.11 of these *Regulations*.
- (C) **Final Plan Hearing.** The Planning Commission will review final plans based on the standards specified below as applicable. Upon determining that the proposed PUD is in conformance with those standards, the Planning Commission may approve the final plan. Upon closing the hearing, the PC shall issue a decision as per §7.13.
- (D) **Recording.** All final PUD plats must be recorded in the office of the Town Clerk within one hundred and eighty (180) days of the date of final plan approval or the approval expires. The PUD plat shall depict all monuments necessary to identify the location and size of each lot created. The PUD plat shall also depict and/or contain language that:
- (1) Expressly identifies the "parent" parcel;
 - (2) Clearly states the total number of lots that could legally be created from the parent parcel;
 - (3) Clearly states the total number of lots created by the PUD;
 - (4) Clearly states the total number of lots remaining available to be created from the parent parcel or any other parcel;
 - (5) Clearly identifies any parcels that include development restrictions necessary to satisfy the open space requirements of the PUD;
 - (6) Clearly identify building envelopes or other legal restrictions on any lots created by the PUD; and
 - (7) Contains any other information required by the Planning Commission as a condition of granting the PUD.
- (E) The approved final subdivision plat shall be filed with the Town Clerk. The plat to be recorded shall meet all requirements for the recording of a survey plat pursuant to 27 VSA §1403. Prior to recording, the final subdivision plat must be signed by two (2) authorized members of the Commission. For any PUD which requires the construction of streets or other public improvements by the applicant, the authorized members of the Commission may not sign the approved plat until the applicant has:
- (1) Demonstrated that the proposed public improvements have been accepted by the Selectboard and any other municipal official having jurisdiction over such improvements,
 - (2) Filed a performance bond meeting the requirements of the Selectboard for any public improvement required, if any, or
 - (3) Constructed all public improvements to the satisfaction of the Commission.

- (F) **Plat Void if Revised After Approval:** No changes, modifications, or revisions shall be made in any final subdivision plat after the Planning Commission has issued its approval and executed the plat, unless the plat is first resubmitted to the Commission and the Commission approves any modifications.

§6.6 PLAN AMENDMENTS

- (A) An approved final plan may be amended with alterations to lot dimensions, overall design and layout, and the location of set aside land with approval of the Planning Commission after a hearing warned as per §7.10. Any amendment that would result in an increase in the density of the PUD, non-conforming uses, or additional conditional uses will be treated as a new application and as such must go through the permitting process again.

§6.7 GENERAL PUD STANDARDS

- (A) All PUDs must meet the following standards:
- (1) The PUD must be consistent with the goals and policies of the *Shoreham Town Plan*.
 - (2) The PUD must reflect an effective and unified treatment of the development possibilities of the project site.
 - (3) The development plan must make appropriate provision for the preservation of Important Resource Areas and Wildlife Habitat Areas as described in the *Town Plan*. To that end:
 - (a) The location of roads, driveways, and infrastructure should be located and configured to avoid any adverse impact to the resource and habitat areas; and
 - (b) Building envelopes should be located outside resource and habitat areas to the greatest extent possible.
 - (4) District standards are applicable unless amended by the Planning Commission.
- (B) The Planning Commission may allow the development of a single PUD with a total lot allocation based on the requirements of each district.
- (1) Two or more contiguous parcels under the ownership or control of the applicant may be combined for review as a PUD.
- (C) Additionally, the PC may grant up to two (2) bonuses as an incentive to encourage the use of PUD designs:
- (1) One additional lot as a bonus for designing a PUD.
 - (2) Additional lots up to 25% of the number of lots allowable for that parcel under conventional zoning.
 - (a) **As an example**, a landowner with 100 acres in the AG District (25 acre minimum subdivision size) could, under conventional zoning, develop up to four lots. However, developed as a PUD, that same parcel could yield up to six lots:
 - The four conventional lots (100 acres ÷ 25-acre minimum size = 4 lots)
 - One more unit as a PUD bonus—total now 5;
 - Plus one additional lot unit based on 25% of number of conventional lots for that parcel (25% of the normal 4 lots from a 100 acre parcel)—total now 6 units

§6.8 AGRICULTURAL DISTRICT STANDARDS

- (A) PUDs in the Agricultural District must be designed to:
- (1) Locate development so that undeveloped portions of land remain agriculturally viable.
 - (2) Blend new development into the agricultural or forest landscape, while maintaining the Town's rural character.
- (B) Residential parcels within the PUD should:
- (1) Be of the smallest possible size required to adequately accommodate water and wastewater infrastructure. Use of shared or community wastewater treatment systems is encouraged.
 - (2) Be clustered on the least productive agricultural land; and
 - (3) Consider the effect of agricultural practices conducted in close proximity to planned residences
- (C) A development envelope must be established as follows:
- (1) The development envelope shall not exceed thirty percent (30%) of the total acreage of the parent parcel.
 - (2) The development envelope should be located to minimize impact on current or future agricultural practices;
 - (3) The development envelope should be located to minimize impact on and provide reasonable protection of identified resources, including farmland, productive forest, wildlife habitat, natural areas, aquifer protection areas, surface waters, stream banks, lake shore, historic and archaeological sites, as well as scenic views and vistas; and
 - (4) A single, contiguous development envelope is preferred. However, the Commission may approve a non-contiguous development envelope if warranted by the physical character or conditions of the land being developed.

- (D) The following applies to land outside the development envelope:
 - (1) The PC may allow construction of drives, utilities, stormwater, water, and/or wastewater infrastructure serving homes within the development envelope on lands outside the development envelope.

§6.9 VILLAGE COMMERCIAL, RESIDENTIAL, LDR, & MDR STANDARDS

- (A) In addition to applicable standards above, the following standards will apply to all applications for PUD approval within the VC, VR, LDR, and MDR districts:
 - (1) Development will reinforce a traditional, compact village development pattern characterized by pedestrian scale and orientation, traditional densities and setbacks, a mix of uses, well-defined streetscapes and sidewalks to facilitate pedestrian circulation.
 - (2) The total number of units and/or commercial or industrial space shall not exceed the number that could be permitted, in the Planning Commission’s judgment, if the land were subdivided into lots in conformance with applicable zoning district standards, plus any applicable bonus lots.
 - (3) While building design is not required to reflect any one architectural style or era, the following standards are suggested for new and expanded structures:
 - (a) Buildings should front toward and relate to streets, both functionally and visually, and not be oriented toward parking lots. The front facade should include a main entryway, pedestrian access and appropriate front yard landscaping. Residential garages should be set back from the front façade and located to the side or rear of the structure.
 - (b) Building design should be compatible with historic buildings identified as “contributing structures” on the Shoreham Village Historic District listed in the State Register of Historic Places.
 - (4) Principal buildings and mixed uses shall be arranged to be compatible, and buffered as appropriate to ensure visual and acoustical privacy for the residents of the development and adjacent properties.
 - (5) The minimum front, side, and rear yard setbacks at the periphery of the PUD shall be as specified for the particular district. The PC may consider reduced setbacks within the project area as part of its review under this section. The PC may require further restrictions along the perimeter of the project and between developed areas and common open spaces.
 - (6) Provision should be made for the preservation of open space. If the project results in dedicated open space, it can be protected through an appropriate deed restriction, joint ownership, or permit specification. The location, size and shape of lands set aside to be preserved for open space shall be approved by the PC, in accordance with the following guidelines:
 - (a) Open space land should provide for the reasonable protection of identified resources, including farmland, productive forest, wildlife habitat, natural areas, aquifer protection areas, surface waters, stream banks, lake shore, historic and archaeological sites, and scenic views and vistas.
 - (b) The location, shape, size and character of the open space shall be suitable for its intended use. For small parcels, open space should be in proportion to the size and scope of the project, and its intended use. Open space land should be located so as to conform with and extend existing and potential open space lands on adjacent parcels, particularly pertaining to the preservation of farmlands.
 - (c) Utility and road rights-of-way or easements, access, and parking areas shall not be counted as open space areas, except where the applicant can show, to the satisfaction of the PC, that they will not disrupt or detract from the values for which the open space is to be protected.

ARTICLE VII. ADMINISTRATION & ENFORCEMENT

§7.1 ZONING ADMINISTRATOR

- (A) A Zoning Administrator (ZA) will be nominated by the Planning Commission and appointed by the Selectboard for a three (3)-year term to administer these Regulations. The Planning Commission may, annually, nominate and the Selectboard appoint, an Acting Zoning Administrator, who shall have the same duties and responsibilities of the ZA in his/her absence. All references in these Regulations to the ZA apply equally to the Acting ZA.
- (B) The ZA is subject to any personnel policies legally adopted by the Town. After consultation with the Planning Commission, the Selectboard may remove the ZA at any time for cause.
- (C) The ZA must enforce the provisions of these *Regulations* literally, and in so doing will inspect development, maintain records, and perform all other necessary tasks to carry out its provisions.
- (D) The ZA will coordinate a unified effort for the Town of Shoreham in administering its development review programs. The ZA will provide applicants with a copy of residential (30VSA §51) or commercial (30VSA §53) building energy standards (see 24VSA §4449), and all forms required to obtain permits or approvals under these *Regulations*, including Certificates of Compliance. The ZA should assist applicant in navigating the Town's regulatory processes, and will inform applicants applying for town permits or approvals to contact the state's regional permit specialist in order to assure timely action on any related state permits. However, it remains the applicant's responsibility to identify, apply for, and obtain the necessary state permits.
- (E) To meet compliance with the requirements of the National Flood Insurance Program, the ZA shall properly file and maintain a record of:
 - (1) All permits issued in areas within the Flood Hazard Area Overlay District.
 - (2) Elevation certificates with as-built elevation of the lowest floor including basement of all new or substantially improved buildings in the Flood Hazard Area Overlay District.
 - (3) All flood proofing and other certifications required under these Regulations.
 - (4) All decisions of the Zoning Board of Adjustment (ZBA) (including variances and violations) and all supporting findings of fact and conclusions and conditions.
- (F) In addition, the ZA, upon receipt of an application for substantial improvement or new construction within the Flood Hazard Area Overlay District, shall submit a copy to VT Agency of Natural Resources (ANR) in accordance with 24 VSA §4424. No permit shall be issued prior to receipt of comments from the Agency, or the expiration of thirty (30) days from the date mailed to the Agency. If the applicant is seeking a permit to alter or relocate a watercourse, copies shall also be submitted to adjacent communities, ANR, and the US Army Corps of Engineers.

§7.2 ZONING PERMIT

- (A) No development requiring a zoning permit will commence until a permit has been issued by the ZA in conformance with these *Regulations*, and the fifteen (15)-day period for appeal under §7.2(G) has passed. In the event that a notice of appeal is properly filed, no development will commence until the appeal has been decided.
- (B) Applications for all zoning permits must be submitted to the ZA on forms provided by the Town, along with any application fees as established by the Selectboard.
- (C) Upon receipt of an application, the ZA will determine whether the application is complete. After an application is deemed complete, the ZA has thirty (30) days to approve, deny, or refer the application to the Planning Commission or Zoning Board of Adjustment. Failure to act within thirty (30) days will be deemed approval.
- (D) The ZA will approve or deny permits in writing, in accordance with the *Act*. Denials will include a statement of the time in which appeals may be made under §7.5. Information regarding permit display, under (G) below, and required inspections and *Certificates of Compliance* under §7.3 will be issued with the zoning permit, as applicable.
- (E) The ZA can only issue a zoning permit in accordance with the *Act* and the following provisions:
 - (1) No zoning permit will be issued by the ZA for any development that requires the approval of the Planning Commission, Zoning Board of Adjustment, or other municipal body until such approval has been obtained.
 - (2) No construction or use permit will be issued by the ZA for a newly created lot until the lot has been legally created and the plat or deed description has been properly recorded.
 - (3) No permit for development within the Flood Hazard Overlay District will be issued by the ZA until the thirty (30)-day comment period required by state law has elapsed [24VSA §4424(a)(2)(D)].

- (F) The ZA will deliver a copy of a permit to the Listers and will post a copy of the permit at the Town Office within three (3) days after issuing it. The permit must be posted for a period of fifteen (15) days from the date of issuance.
- (G) The notice of a zoning permit must be posted on the property within view of the nearest public right-of-way for a period of fifteen (15) days from the date of issuance. The ZA will provide the applicant with a form for posting as prescribed by the Town. The applicant is responsible for posting the notice and ensuring that it remains posted throughout the appeal period. Construction may not begin until the fifteen (15) day period, and any subsequent appeal period, end.
- (H) Zoning permits and associated approvals will remain in effect for one (1) year from the date of issuance, unless the permit specifies otherwise. All development authorized by a zoning permit must be substantially commenced within this period or the zoning permit will expire. Before the expiration of a permit, the applicant may file—without permit fee, but with recording fee(s)—an application for a single one (1)-year renewal of the zoning permit in order to complete authorized activities. Projects that are not substantially completed after two (2) years from date of permit issuance require submission of a new permit application, with applicable fee(s), for review. The expiration of a zoning permit under this subsection shall include the expiration of all associated approvals.
- (I) A completed subdivision—approved zoning application and plat or deed description filed in land records—will remain in effect indefinitely unless the owner merges the parcels.
- (J) Permits for PUDs will remain in effect until the completion of the project.

§7.3 CERTIFICATE OF COMPLIANCE (IE: CERTIFICATE OF OCCUPANCY)

- (A) When receipt of a *Certificate of Compliance* is anticipated (eg: mortgage or other financing) the owner shall include such request along with the permit application. An applicant may request a specific date/time for each inspection, as the point approaches, which the ZA will endeavor to comply with. The following procedures, in addition to *30VSA §51, §53* as applicable, apply to a *Certificate of Compliance*:
 - (1) The applicant shall notify the ZA when any new structure, or modification to an existing structure, is staked and about to have its footings poured.
 - (2) The applicant shall notify the ZA again when the structure is ready for occupancy and before any use commences.
- (B) The ZA shall take action on the request for a *Certificate of Compliance* within seven (7) days after the final inspection. The ZA can either:
 - (1) Find that the permit conditions have been met and issue the Certificate of Compliance.
 - (2) Find that the permit conditions have not been met. The ZA shall deny the certificate and follow the procedures required in *§7.14* for violations of these *Regulations*.
- (C) The ZA shall submit an original, signed copy of the *Certificate* with the Town Clerk for filing in the land records.

§7.4 PLANNING COMMISSION AND ZONING BOARD OF ADJUSTMENT

- (A) Planning Commission.
 - (1) A Planning Commission (PC) shall be elected by the voters of the Town, in accordance with the *Act*.
 - (2) The PC shall have powers and duties as set forth in the *Act*, including the preparation and/or review of proposed amendments to these and other municipal regulations and ordinances as permitted by the *Act*; the hearing of applications for planned unit development, and access by right-of-way.
- (B) Zoning Board of Adjustment.
 - (1) A Zoning Board of Adjustment (ZBA) shall be appointed by the Selectboard in accordance with the *Act*. The Selectboard may also assign alternates to serve on the ZBA in situations where one or more members are disqualified or otherwise unable to serve.
 - (2) The ZBA shall have powers and duties as set forth in the *Act* to administer the provisions of these *Regulations* including hearing of appeals of the decisions or acts of the Zoning Administrator, variance requests, and applications for conditional use approval. Except for appeals of ZA's decisions, all matters shall come before the ZBA by referral from the ZA.
- (C) The ZBA and PC shall adopt *Rules of Procedure* to guide their official conduct in accordance with the requirements of the *Act* and Vermont's Open Meeting Law [*1 VSA §§310–314*]. All meetings of the ZBA and PC, except for deliberative sessions, shall be open to the public. As specified in the Town's *Rules of Procedure*, after closing a hearing (but not necessarily immediately following it), the ZBA or PC can go into deliberative session to review evidence received at the hearing and issue its decision.

- (D) Upon establishment of standards by the Selectboard, the ZBA or PC may require an applicant to pay for the reasonable costs of an independent technical review of all or portions of an application before it.

§7.5 APPEAL OF THE ZONING ADMINISTRATOR'S DECISION

- (A) In accordance with the *Act*, the applicant, or other interested person as defined in §7.9, may appeal a decision or act of the ZA by filing a notice of appeal with the Secretary of the ZBA, or the Town Clerk if no Secretary has been elected, within fifteen (15) days of the date of such decision or act.
- (B) A notice of appeal shall be in writing and include the following information:
- (1) The name and address of the appellant (person who is appealing);
 - (2) A copy of the ZA's decision (If appeal of a zoning permit, also include a copy of the permit application);
 - (3) A brief description of the property with respect to which the appeal is being brought;
 - (4) A reference to the applicable provisions of these *Regulations*; and
 - (5) Any relief being requested by the appellant, including a request for a variance or stay of enforcement.
- (C) If an interested person other than the applicant files the appeal, the Zoning Administrator shall contact the applicant to inform them that an appeal has been filed and advise them that the project shall not commence until the appeal has been decided. (§7.2(A))
- (D) The ZBA shall hold a public hearing on a notice of appeal within sixty (60) days of its filing. The hearing shall be warned as per §7.10 of these *Regulations* and the Board shall mail a copy of the hearing notice to the appellant and the applicant, if different, not less than fifteen (15) days prior to the hearing.
- (E) The ZBA may reject an appeal without a hearing and render a decision within ten (10) days of the filing of a notice of appeal, if the ZBA determines that the issues raised by the appellant have been decided in an earlier appeal, or are based on the same facts, by or on behalf of the appellant.

§7.6 APPEAL TO ENVIRONMENTAL COURT

- (A) Any interested person who participated in a hearing on a matter before the Zoning Board of Adjustment may appeal that decision to the Vermont Environmental Court. Notice of appeal shall be sent to every interested person who participated in the town hearing.

§7.7 VARIANCE

- (A) The procedures below apply to an applicant who has been denied a permit by the ZA, who is appealing that decision, and who is proposing a project that would require deviating from the provisions of these *Regulations*.
- (B) The steps to be taken to file and review a request for a variance are the same as those specified in §7.2 for issuance of a zoning permit, with the addition of the following:
- (1) In addition to the submittal requirements listed in §7.5(B), the applicant's notice shall also include a brief response to each of the conditions listed in (C), (D) and (E), below, as applicable.
 - (2) The ZBA shall make its decision on the request for variance by applying the facts presented in the application and at its hearing to the conditions listed below. All conditions shall be met for the ZBA to grant a variance. The ZBA shall respond to each condition in its written findings of fact.
- (C) **General Conditions.** The ZBA shall only grant a variance if all of the following conditions are met:
- (1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property. These conditions, and not the circumstances or conditions generally created by the provisions of these *Regulations* in the neighborhood or district in which the property is located, have created an unnecessary hardship for the appellant.
 - (2) Those physical circumstances or conditions must prevent the property from possibly being developed in strict conformity with these *Regulations* and a variance is necessary to enable reasonable use of the property.
 - (3) The appellant has not created the unnecessary hardship.
 - (4) The proposed project would not do any of the following:
 - (a) Alter the essential character of the neighborhood or district in which the property is located;
 - (b) Substantially or permanently impair the appropriate use or development of adjacent property;
 - (c) Reduce access to renewable energy resources; or
 - (d) Be detrimental to the public welfare.
 - (5) The appellant is proposing the least deviation possible from these *Regulations* and from the *Town Plan* that will afford relief.
- (D) **Renewable Energy Structure Conditions.** If a variance is being requested for a structure that is primarily a renewable energy resource structure, the ZBA shall only grant a variance if all of the following conditions are

met:

- (1) It would be unusually difficult or unduly expensive for the appellant to build a sustainable renewable energy resource structure in conformance with these *Regulations*.
 - (2) The appellant has not created the unnecessary hardship.
 - (3) The proposed project would not do any of the following: alter the essential character of the neighborhood or district in which the property is located; substantially or permanently impair the appropriate use or development of adjacent property; reduce access to renewable energy resources; or be detrimental to the public welfare.
 - (4) The appellant is proposing the least deviation possible from these *Regulations* and from the *Town Plan* that will afford relief
- (E) **Flood Hazard Area Conditions.** In addition to the requirements of (C), above, the ZBA shall only grant a variance within the Flood Hazard Overlay District if all of the following conditions are met, in accordance with the *Act* and with *CFR §60.6* of the National Flood Insurance Program:
- (1) No increase in flood levels during the base flood discharge would result.
 - (2) The structure or other development is protected by methods that minimize flood damages.
 - (3) The variance, if granted, would not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or cause fraud on or victimization of the public.
- (F) In granting a variance, the ZBA may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these *Regulations* and the municipal *Plan* currently in effect. In no case shall the ZBA grant a variance for a use which is not permitted or conditionally permitted within the zoning district, or which results in an increase in allowable density.

§7.8 WAIVERS, DIMENSIONAL SETBACK

- (A) As an alternative to the variance procedures noted above, applicants may apply for site waivers of dimensional setbacks, subject to the provisions of §3.7(H) and pursuant to the criteria below:
- (B) **Application.** The applicant shall submit to the Zoning Administrator, at least twenty-five (25) days prior to a warned meeting of the ZBA, three (3) copies of a letter summarizing the proposed waiver and which addresses all elements of this Article, and all other information necessary to illustrate compliance with these *Regulations* and for the ZBA to make its decision. Said information to include: property identification numbers of the property taken from the latest tax records; name and address of the owner of record, and those of adjoining lands; name and address of person or firm preparing the map; Scale of Map, north point, and date.
- (1) In addition to the information noted above, the ZBA may require the following:
 - (a) An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights of way, land use and deed restrictions.
 - (b) A scaled plan, showing proposed structure locations and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening.
 - (c) Construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.
 - (d) A description of energy utilization and conservation measures for each heated structure.
 - (e) Other information pertinent to the issue before the ZBA.
- (C) **Public Notice.** Public notice of hearing shall be given as required by §7.10 of these *Regulations*. The ZBA shall review this application pursuant to the review procedure established in §7.11 of these *Regulations* and pursuant to any rules of procedure it adopts.
- (D) **Review Criteria.** The Zoning Board of Adjustment may grant waivers to reduce dimensional requirements if the applicant can satisfy the following standards:
- (1) The waiver requested is for a use permitted within the district in question as by right use (as opposed to a conditional use).
 - (2) The waiver requested is in conformance with the *Town Plan* and the goals set forth in §4302 of the *Act*.
 - (3) The waiver requested is designed to conform to the character of the land use area in which it lies, as defined in the *Plan* and further designed to reasonably limit impact or the potential for impact upon one's neighbors.
 - (4) The design used incorporates design techniques (restricted height, lack of windows), screening (fencing or plantings), or other remedies to reasonably limit impact or the potential for impact upon one's neighbors.
 - (5) The waiver requested accommodates structures providing for disability accessibility, fire safety, and other requirements of land or energy conservation or renewable energy structures.
- (E) **Decision.** The ZBA shall make its decision on the request for waiver by applying the facts presented in the application and at hearing to the criteria listed above, and incorporating all into its decision. Upon the close of

the hearing, the ZBA shall issue its decision pursuant to the procedure outlined in §7.13 of these *Regulations*.

- (F) **Conditions.** In approving a project, the ZBA shall act to ensure—and may impose conditions requiring—that, if authorized, the waiver will represent the minimum waiver that will afford relief and will represent the least deviation possible from the *Zoning Regulations* and from the *Plan*. The nature of any waiver and any conditions attached to it shall be entered on the face of the zoning permit, incorporated therein, and shall be enforceable in the same manner as all other applicable requirements of these *Regulations*.

§7.9 INTERESTED PERSON

- (A) For the purposes of these *Regulations*, an *interested person* is:
- (1) The owner of property that is the subject of any decision made under these *Regulations*;
 - (2) The Town of Shoreham or any adjoining municipality;
 - (3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision made under these *Regulations*, who can demonstrate a physical or environmental impact on their interest under the criteria reviewed, and who alleges that the decision, if confirmed, will not be in accord with the *Shoreham Town Plan* or the *Zoning Regulations* of the Town;
 - (4) Any ten people who may be any combination of voters or real property owners within the Town of Shoreham who, by signed petition to the ZBA, allege that any relief requested by a person under these *Regulations*, if granted, will not be in accord with the *Shoreham Town Plan* or the *Regulations* of the Town. This petition shall designate one person to serve as the representative of the petitioners regarding all matters related to the appeal; or
 - (5) Any department or administrative subdivision of this state owning property, or any interest in property, within the Town, and the Vermont Agency of Commerce and Community Development.

§7.10 HEARINGS

- (A) A public hearing, warned as described below, is required for all types of development review, all requests for conditional use approval, variances, waivers, appeals of Zoning Administrator's decisions, and PUD approvals.
- (1) The date, place, and purpose of the hearing shall be published in a newspaper of general circulation in the Town of Shoreham not less than fifteen (15) days prior to the date of the public hearing.
 - (2) The date, place, and purpose of the hearing shall be posted in three (3) or more public places within the Town of Shoreham not less than fifteen (15) days prior to the date of the public hearing.
 - (a) One of the public posting places shall be on the subject property within view of the nearest public right-of-way. The Town of Shoreham shall provide the property owner with a form for posting. It is the responsibility of the property owner to ensure that the notice remains posted for the entire warning period.
 - (3) Written notification shall be made to the property owner (if not the applicant or appellant) and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. The Town of Shoreham may supply applicants or appellants with notification forms and require them to send by certified mail return receipt requested or hand deliver the notice with proof of delivery submitted before or at the start of the hearing. The applicant shall be responsible for furnishing the names and addresses of adjoining property owners, as derived from the grand list, with the application. Failure of any adjacent property owner to receive notice shall not invalidate any ZBA or Planning Commission action.
- (B) The ZBA/Planning Commission may recess a hearing on any application pending submission of additional information provided the date and time for resuming the hearing are announced. Such recessed hearings do not require further warnings when resumed.

§7.11 REVIEW PROCEDURES.

- (A) Pursuant to the requirements of 24VSA §4461, for development review, and §4468, for appeals, the Planning Commission/ZBA shall set a date and place for a public hearing of an application or an appeal under this section that shall be within sixty (60) days of the filing of a complete application, or the notice of appeal, with the Planning Commission/ZBA. The Planning Commission/ZBA shall give public notice of the hearing pursuant to the procedure described in §7.10 and shall mail to the applicant, or in the case of appeals, the appellant, a copy of that notice at least fifteen (15) days prior to the hearing date. Any person or body empowered by §4465 of the *Act* to participate as an interested party or to take an appeal with respect to that property at issue, may appear and be heard in person or be represented by an agent or attorney at the hearing. The Planning Commission/ZBA may adjourn the hearing from time to time; provided, however, that the date

and place of the adjourned hearing shall be announced at the hearing, subject to §7.10 (B). All hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 VSA §810.

§7.12 COMBINED REVIEW

- (A) In cases where a proposed project will require more than one type of development review, the Planning Commission and/or Zoning Board of Adjustment may warn and hold a single hearing for the purpose of reviewing and acting on the proposal. The ZA will identify proposed projects appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.
- (B) Notice for a combined review hearing shall be made in accordance with §7.10 of these *Regulations*. The hearing notice shall include a statement that the hearing will be a combined review of the proposed project and list each review process that will be conducted at the hearing.
- (C) All hearing and decision requirements, and all deadlines applicable to each review process shall apply. Separate written decisions may be issued for each review conducted as part of the combined review, but they should be coordinated where appropriate.

§7.13 DECISIONS

- (A) Once the PC or ZBA adjourns a hearing, it shall issue a written decision, with findings of fact, within forty-five (45) days. Failure to act within forty-five (45) days will be deemed approval.
- (B) In rendering a decision in favor of the applicant, the PC/ZBA may attach reasonable conditions and safeguards as it deems necessary to implement the provisions of these *Regulations* and the policies of the *Shoreham Town Plan*.
- (C) Approval may be conditioned on the submission of a bond, escrow account or other surety in a form acceptable to the Selectboard, to assure one or more of the following:
 - (1) The completion of the project;
 - (2) Adequate stabilization of the site; or
 - (3) Protection of public facilities that may be affected by the project.
- (D) All decisions shall be sent by certified mail to the applicant and appellant. Copies of the decision shall also be sent to every person, body or group who participated in the hearing. A copy of the decision shall also be filed with the ZA and with the Town Clerk for recording in the town records.

§7.14 VIOLATIONS & ENFORCEMENT

- (A) **Violations.** The commencement or continuation of any land development or use, which is not in conformance with any provision of these *Regulations*, shall constitute a violation. All violations shall be pursued in accordance with the *Act* [24 VSA §4451 and §4452]. The ZA shall initiate appropriate action on behalf of the municipality to enforce the provisions of these *Regulations*. All fines imposed and collected for the violation of these *Regulations* shall be paid to the municipality.
- (B) **Notice of Violation.** Pursuant to the *Act* [24 VSA §4451], no action may be brought under this section unless the alleged offender has had at least seven (7) days notice by certified mail that a violation exists. The warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven (7) days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) days. Action may be brought without notice if the alleged offender repeats the violation of the bylaw after the seven-day notice period and within the next succeeding twelve (12) months.
- (C) **Limitations on Enforcement.** The Town shall observe any limitations on enforcement proceedings relating to municipal permits and approvals as set forth in the *Act* [24 VSA §4454].

§7.15 FEE SCHEDULE

- (A) The Selectboard shall establish a schedule of fees to be charged in administering these *Regulations*, with the intent of covering the Town's administrative costs.

§7.16 RECORDING REQUIREMENTS

- (A) Pursuant to the *Act* [24 VSA §4449(c)], within thirty (30) days after a municipal land use permit has become final, or within thirty (30) days of the issuance of a notice of violation, the ZA shall deliver the notice of violation, or memorandum, or notice of recording, to the Town Clerk for recording. The applicant may be charged for the cost of recording fees.

ARTICLE VIII. DEFINITIONS

§8.1 TERMS & USAGE

- (A) Except where specifically defined herein, or otherwise clearly indicated by the context, all words and phrases in these *Regulations* shall carry their customary meanings, and be interpreted as follows:
- (1) The present tense includes the future tense;
 - (2) The singular includes the plural;
 - (3) The word “lot” includes “parcel” or “plot;”
 - (4) The word “structure” includes “building;”
 - (5) The word “shall” means mandatory, unless the Zoning Board of Adjustment or Planning Commission deems otherwise in accordance with these *Regulations*; “should” and “may” are discretionary;
 - (6) The word “used” includes “occupied,” “maintained,” “arranged,” “designed,” or “intended;”
 - (7) The word “person” includes an individual, partnership, association, company, organization, or government entity;
 - (8) The words “street,” “road,” and “highway” are synonymous.
- (B) The Zoning Board of Adjustment may clarify the precise meaning of any word used in these *Regulations* in accordance with appeal procedures under §7.5. In such cases the ZBA shall base its ruling on the following definitions, State Statute, the context of the word or phrase, and the need for reasonable, consistent, and effective implementation of these *Regulations*. Words should be interpreted in their plain and ordinary meaning, as understood by any ordinary person.
- (C) National Flood Insurance Program definitions contained in 44 CFR §59.1 are adopted by reference and shall be used to administer flood hazard area regulations contained in these *Regulations*.
- (D) **Agriculture.** As these regulations are concerned with land *use*, the definitions of “farm,” “farming,” “farm structure” as found in 10 VSA §6001(22) are adopted by reference and shall be used to administer these *Regulations* as applicable. Additionally, agricultural status may require substantiation by the Secretary of Agriculture in a letter ruling on the issue and confirming the agricultural status.

§8.2 DEFINITIONS

ABANDON, ABANDONMENT: A residential building is defined as abandoned if it is uninhabitable for twenty-four months, unless there are legal circumstances that prevented it from being renovated. Other buildings meant for use will be deemed abandoned if lacking any major structural element customary to that building type, such as a roof, windows, water supply, etc. for more than a year, unless there are legal circumstances that prevented it from being renovated.

A nonconforming use may be lost through abandonment. A determination of abandonment requires both *an intent* on the part of the owner to relinquish the use (without reassignment to another party), and some *overt act* or failure to act which leads to the belief that the owner neither claims nor retains any interest in the subject of the abandonment. See §3.8(D)

ACCESS ROAD: A private driveway, road, right-of-way that provides access to two or more lots from a public road.

ACCESSORY APARTMENT: An efficiency or one bedroom apartment located within, or appurtenant to an owner occupied single family dwelling, which meets the requirements of §4.1.

ACCESSORY STRUCTURE: A structure that is customarily incidental and subordinate to the principal structure or use and located on the same lot.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use and located on the same lot.

ACCEPTED AGRICULTURAL PRACTICES (AAPs): Farming practices and structures, excluding dwellings as currently defined by the Secretary of Agriculture, Food and Markets (see 6VSA §4810. See also *Agriculture, Roadside Agricultural Stand*).

ACT: The Vermont Municipal and Regional Planning and Development Act [24VSA, Chapter 117], unless otherwise specified.

AGRICULTURAL HOUSING: Agricultural housing that is intended solely to house farm workers and their families or seasonal or migrant agricultural workers; is therefore accessory to the principal agricultural use of a property (§4.3) See *Dwelling, Multi-Family*

AGRICULTURAL PROCESSING: The storage, assembly, processing, packaging, distribution and sale, on or off premises, of agricultural products.

- AGRICULTURE/SILVICULTURE: Land or structure used for raising livestock, growing or storing agricultural or forest products, storing agricultural equipment, or as an accessory use, selling agricultural products produced on the premises. See also *Accepted Agricultural Practices, Forestry, Roadside Agricultural Stand*.
- AIRCRAFT LANDING STRIP: A designated aircraft landing area set aside for the sole use of the property owner, residents of the property, or invited guests; commercial aviation or related activities are specifically excluded [see §4.4].
- ALTERATION: Structural change, rearrangement, and change of location or addition to a building.
- ANTENNA: An array of wires, tubing, or the like used for the transmission and reception of radio waves.
- ANTENNA STRUCTURE, ANTENNA TOWER: Free-standing structure on which an antenna is mounted. See *Tower*.
- BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.
- BASE FLOOD ELEVATION: The elevation above sea level of the water surface level of the “base flood”
- BASEMENT: Story partly or completely underground. A basement shall be counted as a story if the vertical distance between the basement ceiling and the average grade level of the adjoining ground is more than six (6) feet. For the purposes of administering flood hazard provisions of these *Regulations*, a basement shall mean any area of a building having its floor sub-grade (below ground level) on all sides.
- BED & BREAKFAST: A single-family, owner-occupied dwelling in which the resident owner provides short-term lodging to paying guests. The dwelling shall contain no more than six (6) guest-rooms. Only guests may be served meals, limited to breakfasts or brunches.
- BIO-MASS: Biological material derived from living, or recently living organisms, such as wood, waste, and alcohol fuels. Biomass is commonly plant matter processed to generate electricity, heat, or for use as fuel.
- BOAT HOUSE: A structure built over the water that houses one or more watercraft.
- BOUNDARY ADJUSTMENT: A subdivision between abutters which creates no new lots, does not create any non-conformities for either lot or any improvements thereon, and has no impact on roads or other public facilities. A boundary adjustment meeting these criteria may be approved by the ZA through a zoning subdivision permit. See *Subdivision*.
- BUILDING: Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or personal property. Includes any carport, porch, terrace, deck, or steps covered overhead. See also *Structure*.
- BUILDING AREA: Total building area, taken on a horizontal plane at the main finished grade level, of the principal building and all accessory buildings. Any solar collection device or related apparatus not included in the floor area of a building is not included. All dimensions shall be measured between exterior faces of walls.
- BUILDING ENVELOPE: A specific area delineated on a lot within which all structures are to be located, and outside of which no structures may be located, generally the area bounded by the lot setbacks. PUDs have *Development Envelopes*, which see.
- BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade (as determined from the highest and lowest elevation to the highest point of the structure, excluding the chimney (see §3.6). See also *Finished Grade*.
- BULK FUEL STORAGE: The storage of greater than 1,000 gallons of fuel per storage unit.
- BY-RIGHT USE: A land use allowed by local zoning regulations; a permit from the Zoning Administrator is required for most uses, along with a request for a Certificate of Compliance, and state permits, as applicable.
- CAMPER: Any motorized or unmotorized vehicle mounted on wheels and used as sleeping, camping, or living quarters. This includes travel trailers, recreational vehicles, and a camper body mounted on a truck, but excludes mobile homes (see §4.5). See also *Mobile Home*.
- CAMPGROUND: Any tract or parcel of land occupied by three or more campers, tents, or cabins for vacation or recreational purposes (see §4.6).
- CEMETERY: Land used or dedicated to the burial of the dead, to include individual monuments and, as accessory structures, mausoleums, columbariums, chapels or maintenance facilities. Crematoriums are specifically excluded from this

definition. An individual burial on private land, registered with the Town Clerk in accordance with state law, is specifically exempted from these *Regulations*.

- CHARACTER OF THE AREA: As defined by the purpose(s) of the district in which a project is proposed or located. Also stated policies and standards for the area in the *Town Plan*.
- CLINIC (Medical): A nonresidential office building used by members of the medical profession for the diagnosis and outpatient treatment of human ailments.
- CLUB: A not-for-profit organization that caters exclusively to club members and their guests for recreational, educational, or service purposes.
- CO-GENERATION: (or CHP, combined heat and power) a generator that sequentially produces both electric power and thermal energy from a single source or fuel. In order for a fossil fuel-based CHP system to participate in the clean energy program set out in this section, at least 20% of its fuel's total recovered energy must be thermal and at least 13% must be electric, the design system efficiency (the sum of full load design thermal output and electric output divided by the heat input) must be at least 65%, and it must meet air quality standards established by the agency of natural resources. If there is a manufacturing component as part of the co-gen facility, then such activity comes under the manufacturing provisions of these Regulations. The PSB governs utility generation facilities.
- COMMERCIAL: Concerned with or engaged in commerce; an activity, use, property, or structure for business purposes.
- COMMUNITY FACILITY: A meeting hall, place of assembly, museum, art gallery, library, uncertified school, or other similar type of establishment which is not operated primarily for profit, excluding government facilities. See also *Government Facility, Religious Facility, Recreation/Indoor*.
- CONDITIONAL USE: A land use allowed by local zoning regulations only after a conditional use review by the Zoning Board of Adjustment, after public notice, at a public hearing to determine whether the proposed use will conform to general and specific standards as set forth or referred to in these *Regulations*. A conditional use should be evaluated in relation to both the existing character of a district, the desired or planned character (and pattern of development) of a particular area or neighborhood, and the intent of the *Town Plan*. If approved, the ZBA will grant a permit and may attach additional conditions as it deems appropriate. See also *By-right Use, Permitted Use*.
- CONTRACTOR'S YARD: A business that operates from a lot, which includes the indoor and/or outdoor storage of materials, equipment and vehicles, for which the majority of business activity takes place off-site. Customary accessory structures or uses may include a small office and a vehicle or equipment repair facility.
- DAY CARE FACILITY: A State licensed or registered facility that provides day care services, for profit or otherwise (§4.7).
- DEGREE OF NONCONFORMITY: The measurable extent to which an existing lot, use, structure or part of a structure fails to comply with the standards of these *Regulations*. For example, a structure that does not meet the front yard setback for the district in which it is located can be enlarged to the rear without increasing its degree of nonconformity. While an existing auto repair shop in a district that allows only residential uses could not be converted to add a gasoline station because it would increase the intensity of the use and therefore the degree of nonconformity.
- DEVELOPMENT: See *Land Development*.
- DEVELOPMENT ENVELOPE: A specific area of a parent parcel, as delineated on a plat as part of a PUD, within which new lots, structures, and parking and loading areas shall be located. The development envelope shall comprise not more than 30% of the parent parcel and shall be a single, contiguous area unless otherwise approved by the Planning Commission in accordance with §6.8(C) of these *Regulations*.
- DEVELOPMENT POTENTIAL: The development potential of each newly created parcel refers to the amount of subdivision potential remaining in each parcel, based upon the original allocation from the Tax Map. This definition refers specifically to §6.5(D).
- DWELLING UNIT: A building or part thereof used as living quarters for one family. The terms "dwelling," "single-family dwelling," "two-family dwelling," and "multi-family" shall not include a lodging facility (hotel, motel, inn) or B&B, but may include a guest house. See also *Family*.
- DWELLING, SINGLE-FAMILY: Detached building used as living quarters by one family. See *Family*.
- DWELLING, TWO-FAMILY: Building used as living quarters by two families living independently of each other. See *Family*.

- DWELLING, MULTI-FAMILY: A building used as living quarters by three (3) or four (4) families, in separate dwelling units, including apartments and condominiums. A rented bedroom occupied by same resident, who is not related to any other resident of the dwelling, for more than six (6) consecutive months is considered long-term and is included under this definition. The number of dwelling units in a structure is subject to conditional use review. See also *Family, Agricultural Housing*.
- EASEMENT: Right of use over the property of another. Can include a Right-of-Way. See *Right-of-Way*.
- EXTRACTION: Use of land that involves the removal of surface and subsurface materials, including topsoil, sand, gravel, stone and other similar materials for commercial purposes. This use may include blasting, crushing, sorting, screening, and temporary storage of materials on site (see §4.9). Specifically excluded from this definition are grading and excavation activities, which are incidental to an approved development, accepted agricultural and silvicultural (forestry) practices, and road and utility construction and maintenance. See also *Quarrying*.
- FAMILY: One or more persons living, sleeping, cooking, and eating, as a single housekeeping unit, on the same premises.
- FARMING, FARM STRUCTURES: Farm structure means a building or enclosure for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural practices, including a silo, as “farming” is defined in *10 VSA §6001(22)*, but excluding a dwelling for human habitation..
- FEMA: Federal Emergency Management Agency.
- FENCE: Structure used primarily for enclosure or screening.
- FINISHED GRADE: Completed surfaces of ground, lawn, walks, paved areas and roads built as shown on permitted plans.
- FIRM: see Flood Insurance Rate Map
- FLOOD, FLOODING: A temporary and general condition involving inundation of normally dry land.
- FLOOD INSURANCE RATE MAP (FIRM): An official map of the Town of Shoreham, issued by the Federal Insurance Administrator, on which both the areas of special flood hazard and risk premium zones applicable to the community have been delineated.
- 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 surface water elevation more than one (1) foot.
- FLOODPROOFED, FLOODPROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
- FLOOR AREA: Sum of the gross horizontal area of the floors of a building, excluding basement floor areas. All dimensions shall be measured between interior faces of walls.
- FORESTRY: The use and management of timberland for purposes of wood production and/or conservation purposes, including the use of temporary, portable logging and processing equipment. This definition specifically excludes permanent sawmills, lumberyards, and other similar facilities for the storage, processing and/or manufacturing of wood and wood products. See also *Accepted Agricultural Practices, Sawmill and Wood Processing*.
- FRONTAGE: See *Lot Frontage*
- GASOLINE STATION: A lot or area of land, including the buildings thereon, which is used for the sale of motor vehicle fuels and lubricants. A convenience store within or connected to the gasoline station must be separately permitted as a retail store and mixed use.
- GOVERNMENT FACILITY: Any building held, used, or controlled exclusively for public purposes by any department or branch of government, without reference to the ownership of the building or the property upon which it is situated. This includes but is not limited to government offices, post office, garages, public or private schools certified by the state, and other public facilities, unless otherwise specifically defined herein. See also *Community Facility and Public Facility*.
- GROUP HOME: Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined by *9VSA §4501*, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs. See §4.13.

See also *Residential Care Facility*.

GUEST HOUSE, INN: A dwelling, building, or house used for the lodging of guests for indeterminate periods of time (typically short-term, but sometimes as longer-term boarders), and usually, but not always, in return for compensation. Guests are provided with sleeping accommodations, may share common rooms, and may or may not receive meals; rooms do not contain cooking facilities. Property owner may live in a separate dwelling, on or off the premises. Any bedroom occupied on a permanent, long-term basis (more than six (6) consecutive months) by same resident is considered to be a “dwelling” and may be subject to conditional use review regarding the number of dwelling units in a structure. See *Dwelling, Multi-family*.

HOME-BASED BUSINESS: A business, consisting of no more than eight employees, that is carried out in the principal dwelling unit and/or an accessory structure by the residents of the dwelling, in accordance with the requirements of §4.14. See also *Home Occupation*.

HOME OCCUPATION: An accessory use conducted within a minor portion of a dwelling or accessory building by the residents thereof, and up to three employees, which is clearly secondary to the residential use, and otherwise meets the requirements of §4.14. See also *Home-Based Business*.

INTERESTED PERSON: See §7.9

JUNK YARD: Land or building used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, wrecking, dismantling, storage, salvaging and sale of machinery parts or vehicles not in running condition. Commercial junkyards are specifically prohibited in the Town of Shoreham (see §1.6 and §3.9).

KENNEL: Any structure or associated fenced area or business in which two or more dogs at least four months of age are kept for adoption, sale, or commercial breeding, boarding, grooming or day care, or other commercial purposes.

LAUNDROMAT/DRY CLEANER: A facility where customers wash, dry, or dry clean clothing or other fabrics in machines operated by the customer.

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

LEASED LOT: A lot which was created by a long-term lease (greater than 50 years), and which may be sold or otherwise transferred. The dimensional requirements of the district in which a leased lot is located shall apply as if the lot were owned outright.

LIGHT INDUSTRY/LIGHT MANUFACTURING: The production of small consumer goods for end users, value-added products, or component parts for use by other manufacturers. Examples of light industry include the processing, manufacturing, distribution, or packaging of products, where such activity results in no undue adverse off-site impacts, and where all activity is enclosed in a building or is screened from abutting properties and public rights-of-way. Examples also include, among others, blacksmith shop, woodworking shop, sewing/tailoring shop, printing, wholesale trade, small-scale high tech manufacturing, and similar uses not of a retail nature, with minimal need of consumer traffic to the facility, which meet the requirements of §3.11. See *Agricultural Processing, Sawmill, Wood processing, Undue adverse effects*

LOADING SPACE: An off street space, used for the temporary parking of vehicles, while loading and unloading merchandise or materials, and which has direct access to a street, alley, or other appropriate means of ingress and egress. (See §3.11).

LODGING FACILITY: A building or group of buildings, including hotels and motels, not exceeding fifteen (15) guest rooms, used for the purpose of providing overnight lodging accommodations to the general public for compensation, with or without meals. Bed-and-Breakfasts, inns, guest houses, and restaurants providing meals to the general public (non-guests) are not included under this definition. See *Bed-and-Breakfasts, Guest house, Restaurants*.

LOT: Land of at least sufficient size to meet minimum zoning requirements for use, open spaces, and frontage, together with access to said land, all as required by these *Regulations*.

LOT AREA: Total area within the property lines.

LOT, CORNER: Lot which has an interior angle less than one hundred thirty-five degrees (135°) where two streets intersect.

LOT COVERAGE: That percentage of the lot area covered by the building area, parking areas, and other impervious surfaces.

LOT DEPTH: Mean horizontal distance from the edge of road right of way to its opposite rear line measured at right angles to the lot front line.

LOT FRONTAGE: Distance measured across the width of the lot along the road right-of-way or private right of way; or, where a lot fronts only public waters, along the mean high water line. Interior lot frontage is measured along the boundary parallel to the public road from which it is accessed.

LOT LINE: Property lines bounding a lot.

LOT LINE, REAR: The lot line opposite and most distant from the road right of way. Where a lot fronts on public waters but not a public road, “mean high water line” shall replace “road right of way” in this definition.

LOT WIDTH: Width measured at right angles to its lot depth, at the proposed or existing building front line.

LOT, INTERIOR: A parcel having no boundary directly on a public road. See *Roads, AG District (§2.6), Lot Frontage*

MARINA (water based): A commercial waterfront enterprise for the docking, mooring, storing, selling, servicing, or repairing of boats. It may also include the sale of fuel and supplies, and the provision of food, beverages, and entertainment as accessory uses.

MEAN HIGH WATER MARK (LINE): For Lake Champlain: 95.5 feet above mean sea level.

MEAN SEA LEVEL: the National Geodetic Vertical Datum (NGVD) or other accepted datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MEDICAL CLINIC: See *Clinic (Medical)*

MINI-STORAGE: See *Self-Storage*.

MIXED-USE: A building or lot containing two or more principal uses, which are otherwise allowed as permitted or conditional uses for the district in which the building is located. Requires Conditional Use Review. See §4.18.

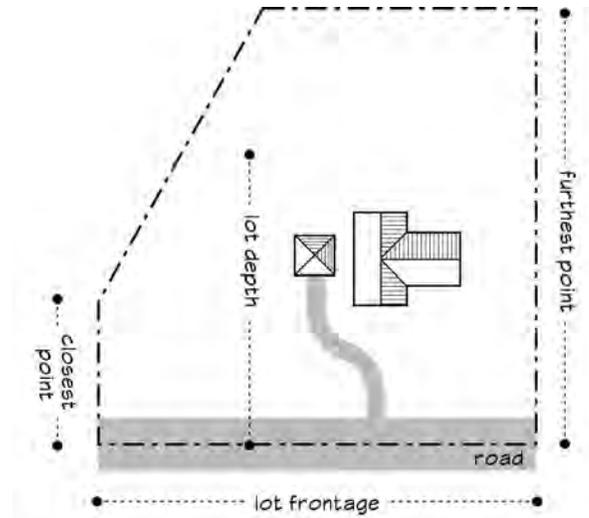
MOBILE HOME: A prefabricated dwelling unit on its own chassis which is designed for long term and continuous residential occupancy, is designed to be moved on wheels as a whole or in sections, and is ready for occupancy upon arrival at the site except for incidental unpacking, assembly, connections with utilities, and placement on supports or foundation. Does not include campers, recreational vehicles or travel trailers.

MOBILE HOME PARK: Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate more than two mobile homes (§4.19). Mobile Home Park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment (§4.3) or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes (see 10 VSA §6201(2)). See *Campgrounds*.

MOTOR VEHICLE SALES OR REPAIR: The use of land or structures for the retail sale of motor vehicles or the repair of motor vehicles in a manner that meets the standards of §4.20. This definition specifically excludes gasoline stations. Motor vehicles include passenger vehicles, boats, recreational vehicles, farm vehicles and other similar motorized vehicles or equipment. See *Gasoline Station*.

NEW CONSTRUCTION: Structures commenced on or after the effective date of these *Regulations*.

NONCONFORMING LOTS OR PARCELS: Lots or parcels that do not conform to the present *Regulations* covering dimensional requirements, but were in conformance with all applicable laws, ordinances, and regulations prior to the



enactment of the present *Regulations*, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator. (24 VSA §4303(13))

NONCONFORMING STRUCTURE: A structure or part of a structure that does not conform to the present *Regulations*, but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present *Regulations*, including a structure improperly authorized as a result of error by the Zoning Administrator. (24 VSA §4303(14)). (see §3.8).

NONCONFORMING USE: Use of land or structure that does not conform to the present *Regulations*, but did conform to all applicable bylaws, ordinances, and regulations prior to the enactment of the present *Regulations*, including a use improperly authorized as a result of error by the Zoning Administrator. (24 VSA § 4303(15)). (see §3.8).

NONRESIDENTIAL: Use or structure not pertaining to private, personal, family, or residential pursuits or shelter. █

OFFICE: A room, group of rooms or building used for conducting the affairs of a business, profession, service or industry, which is generally furnished with desks, tables, files and communications equipment. See also *Government Facility*.

PARENT PARCEL: The parcel in existence according to the tax map as of the date of adoption of these *Regulations*.

PARKING SPACE: Off street space used for the temporary location of one licensed motor vehicle, such space being at least nine feet wide and twenty feet long not including the access driveway, and having direct access to a street (See §3.11).

PERMITS: Almost all development and uses of land require a permit and an associated 15-day appeal period. Local permits are of two main types: by-right/permitted use or conditional use. Home-based Businesses and Commercial endeavors are conditional uses requiring commercial permitting after conditional use review. See *By-right Use, Conditional Use, Permitted Use*.

PERMITTED USE: A land use specifically allowed by local zoning which, nonetheless, is required to comply with standards for its district, and usually requires a zoning permit issued by the Zoning Administrator under §7.2; excludes agriculture, silviculture, forestry, conditional, illegal, and nonconforming uses, but includes many projects subject to state permitting. See *By-right Use, Conditional Use*.

PLANNED UNIT DEVELOPMENT (PUD): A form of development for land planned as a single entity for a number of units, for residential and/or commercial use, which provides greater flexibility than conventional “minimum lot size” zoning and promotes the most appropriate use of land. PUDs as authorized, may deviate from the provisions of these *Regulations* that are otherwise applicable to the area in which they are located with respect to lot size, type of dwelling or buildings, use, density, intensity, lot coverage, parking, required open space, or other standards.

PLAT: A document of record describing a plot of land.

PUBLIC FACILITY: A facility that is owned, leased, held, used or controlled to provide the public with electricity, gas, water or sewage collection, or other similar utility service, excluding telecommunications facility. See also *Government Facility, Telecommunications, Tower*.

QUARRYING: Marble, granite, or other stone extraction operations and any land development incidental thereto. Quarrying includes the enlargement of any existing quarrying excavations (see §4.9). See also *Extraction*.

RECREATION, INDOOR: Commercial uses including bowling alley, theater, pool hall, arcade, skating rink, gymnasium, or other similar places of indoor recreation, except for such facilities which are accessory to a single or two family dwelling. See also *Community Facility*.

RECREATION, OUTDOOR: Commercial uses including golf course, hunting preserve, skating rink, park, beach, skiing facility, playground and ball field, or similar outdoor facilities intended for recreational use. See also *Campground*.

RELIGIOUS FACILITY: A place of worship such as a church, temple, synagogue, and including accessory structures and use customarily associated with religious activities. Also includes convents, meditation centers, and similar, but excluding K-12 schools.

RESIDENTIAL CARE FACILITY: Any residential facility for the diagnosis, treatment, or care of human ailments, including but not limited to hospital, sanitarium, nursing home, convalescent home, and hospice. See also *Day Care Facility, Group Home*.

RESIDENTIAL: Uses commonly associated with personal life in single-family, two-family, or multi-family dwellings; buildings ancillary to dwellings (e.g. garage, accessory apartment).

ARTICLE VIII DEFINITIONS

RESTAURANT: A public eating establishment, which may or may not hold a liquor license, in which the primary function is the preparation, serving, and consumption of food.

RETAIL: The sale or short-term rental to the general public of goods or merchandise for personal, business, or household consumption, and services incidental to the sale of such goods. Such uses shall exclude any drive-in facility, temporary/seasonal free-standing retail stand/kiosk, gasoline or motor vehicle service station, motor vehicle sales facility, restaurant. Retail may be either Primary or Incidental/Secondary, see § 3.12.

RIGHT-OF-WAY (ROW): A type of easement granting a right to pass through/traverse the property of another. See *Easement*.

ROADS: “Public road” means a state highway (19VSA §1(12), (20)) or a class 1, 2, or 3 town road (19VSA §302(a)). For the purposes of these *Regulations*, public roads do not include private roads, access roads, or class 4 roads.

ROADSIDE AGRICULTURAL STAND: Seasonal roadside stands for the sale of agricultural products primarily raised on the property.

SALVAGE YARD: Any place of outdoor storage or deposit for storing, keeping, processing, buying, or selling junk or as a scrap metal processing facility, or any outdoor area used for operation of an automobile graveyard. “Automobile graveyard” means a yard, field, or other outdoor area on a property owned or controlled by a person and used or maintained for storing or depositing four or more junk motor vehicles. (Salvage facility laws, 24 VSA §§2241–2283).

SAWMILL: Lot or plot of land, including the buildings thereon, used for housing and operation of permanently installed wood processing operations including timber sawing, handling, and milling equipment.

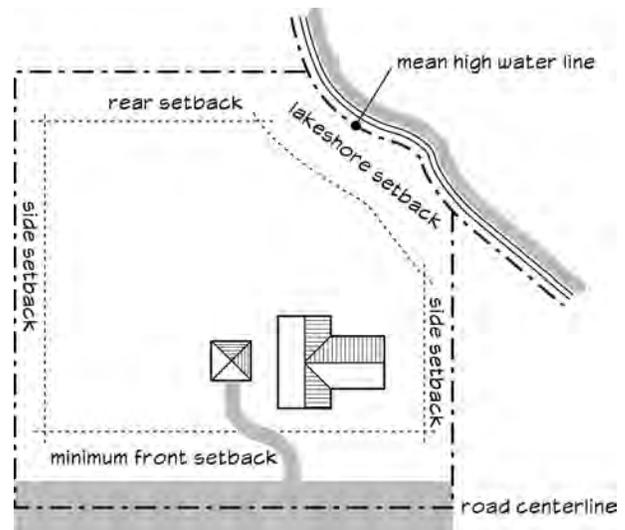
SAWMILL, PORTABLE: A portable machine used in converting logs to lumber or fuel or in refining lumber.

SCENIC: Of or pertaining to the natural landscape (scenery), having, providing, or relating to a pleasing or beautiful view of natural scenery (such as mountains, hills, valleys, etc.); having beautiful natural scenery, as in: "scenic drives;" "scenic views;" also: picturesque, beautiful, spectacular, striking, grand, impressive, breathtaking, panoramic; delighting the senses or exciting intellectual or emotional admiration;

SELF-STORAGE: A commercial development for the purpose of providing rental spaces for individuals or small businesses to store personal goods and possessions, typically secured by the tenant’s own lock and key. See *Warehouse*.

SETBACK LINES: Building setbacks, as established for each district, are measured as follows:

- (1) *Front Yard Setback:* The distance from the center-line of the road right of way to the closest portion of any structure including roof lines, porches and sills except steps.
- (2) *Interior lots:* Where there is neither a public road nor public waterway, the center line of the access road or boundary line (s) shall be used. All interior lots shall have setbacks on all sides equal to front setback in that district. §3.7(E).
- (3) *Side and Rear Yard Setbacks:* The distance from the side and rear lot line to the closest portion of any structure including rooflines, porches and sills except steps.
- (4) *Corner lot:* The required front yard dimension shall apply on all streets. Side yard setbacks will apply to the remaining sides.
- (5) *Water frontage:* Where frontage is on a public waterway, the mean high-water mark shall be used instead of center line.



SERVICE AREA: A designated space used for the delivery of goods and services to any building or land use include waste storage and pickup. (See §3.11).

SIGN: Any device, structure, building or part thereof, for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

SOLAR ENERGY SYSTEM: A complete design or assembly consisting of a solar energy collector, an energy storage facility, where used, and components for the distribution of transformed energy, to the extent they cannot be used jointly with a conventional energy system. Passive solar energy systems, using natural or architectural components to collect and

store solar energy without using external mechanical power, are included in this definition. A solar installation on a building is an accessory use and requires no permit; stand-alone panels may require a local permit if not net-metered. Solar facilities enrolled in net metering fall under PSB jurisdiction.

STABLE, COMMERCIAL: A facility where horses are boarded, trained, ridden, rented, or sold. Breeding farms excluded.

STREET: Public or private way for vehicular traffic.

STRUCTURE: An assembly of materials for occupancy or use, including but not limited to a building, mobile home, trailer, sign, retaining wall, dock, support tower.

SUBDIVISION: The division of land into two or more parcels. A subdivision is completed, after an application to subdivide is approved, and after a plat or deed describing the parcel(s) being created is filed in the town land records. A zoning permit to subdivide expires in one year. A completed subdivision remains in effect indefinitely. See *Land Development*.

SUBSTANTIAL DAMAGE: Means 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: Means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which, over three (3) years or over a 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. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include (1) any project to correct existing violations of state health, sanitary, or safety codes which have been identified by a code enforcement official and which are the minimum to correct the violation or (2) any alteration of a historic structure provided that alteration will not preclude the historic structure designation.

SUBSTANTIALLY COMMENCED: Having the foundation, and water and/or sewer system installed.

SUBSTANTIALLY COMPLETE: The completion of 50% or more of approved work on a permitted building or structure to the extent that it may be safely occupied for its intended use.

TELECOMMUNICATIONS FACILITY: A structure which is primarily for commercial two-way communication or broadcast purposes, used to transmit and/or receive communication signals for commercial purposes. See also *Antenna, Antenna Structure, Tower*

TOWER: A support structure, guyed or unguyed, used to elevate communications antennae, power generating wind units, or similar equipment for personal or commercial use. A tower is typically of a lattice-work metal construction.

UNDUE ADVERSE EFFECT: An impact that cannot be reasonably mitigated.

VARIANCE: A departure from these *Regulations* that is granted or denied by the Zoning Board of Adjustment. In order for ZBA to grant a variance, applicant must show that the application meets all five criteria of 24 VSA §4469 and others as listed in §7.7 of these *Regulations*.

VETERINARY CLINIC, ANIMAL HOSPITAL: A building or premises for the medical or surgical treatment of domestic animals.

WAIVER: These *Regulations* contain three types of waivers:

- (1) Dimensional Setback Waiver—A reduction in the dimensional requirements on lots, granted by the Zoning Board of Adjustment, in accordance with specific standards set out in 24 VSA §4414.8 (See §7.8)
- (2) PUD Submission Requirements—Ability of the Planning Commission to modify submission requirements for sketch plan or final plan review. (See §6.4(D))
- (3) Parking/Service Area Requirements—Ability of the Zoning Board of Adjustment to modify on-site parking, loading, service area requirements. (See §3.11(D))

WAREHOUSE/STORAGE FACILITY: An enclosed structure or part thereof for storing goods, wares, and merchandise. A warehouse may include a wholesale establishment, bulk storage, and bulk sales outlet. Keys are under the control of the building owner. See *Self-Storage*.

WELFARE: Health, happiness, good fortune; well-being, prosperity; efforts to ensure fundamental rights and opportunities for a person or group of citizens ("the public"); the state of being happy, healthy, or successful; relating to health, safety, and quality of life; governmentally, the provision of a minimal level of well-being and some degree of social support

ARTICLE VIII DEFINITIONS

for all citizens, including: safety, of life, limb, and property; health, emergency preparedness, transportation safety, housing, education, community development, crime prevention, recreation.

WHOLESALE: Sales of products created on-site to resellers or upstream manufacturers.

WIND ENERGY CONVERSION SYSTEM: A device that converts wind energy to mechanical or electrical energy.

WOOD PROCESSING: The operation of a sawmill or similar machine for the processing wood into timber, firewood or other value-added wood products.

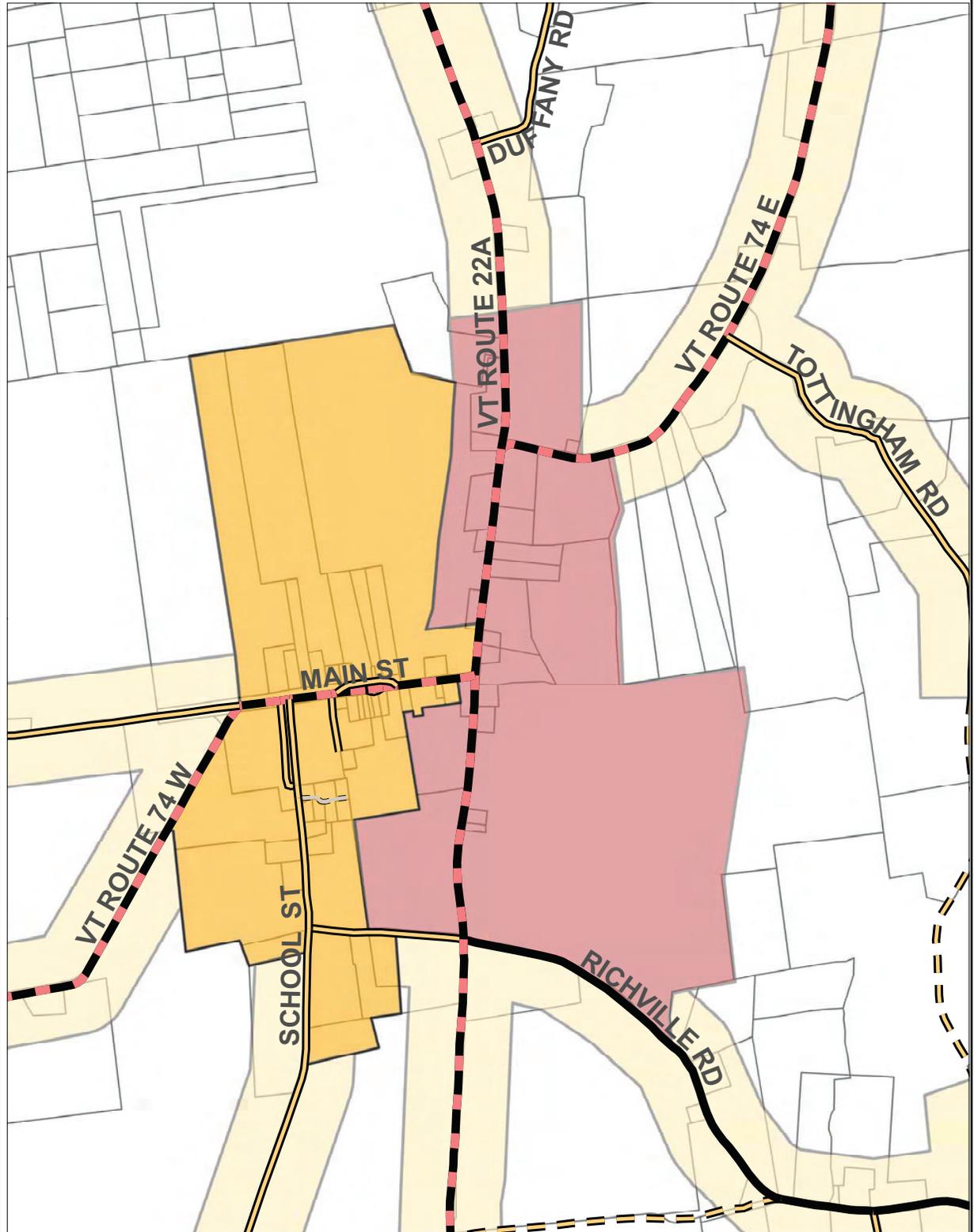
YARD: Space on a lot not occupied with a building or structure. Also see *Setback*.

ZONING ADMINISTRATOR: (See §7.1)

ZONING BOARD OF ADJUSTMENT: also referred to as *ZBA*, and *Board of Adjustment*. (See §7.4)

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Town of Shoreham - Zoning Map - Village Area



Zoning Districts

- Village Commercial (VC)
- Village Residential (VR)
- Medium Density Residential (MDR)
- Low Density Residential (LDR)
(usually 500 ft from rd centerline)
- Agricultural District (AG)

Zoning Districts: Adopted August 26, 2014

Selectboard Signature: _____ Date: _____



ACRPC 9/2014

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