

## **5 DEFINITIONS**

*This is equivalent to Article 8 of the adopted LUDRs. Definitions for terms not used in the draft regulations were removed. Additional definitions added as needed. Definitions of allowed uses are currently in the “big use table” – the PC will need to decide where those definitions should be put, particularly if the table will not be included in final draft. The definitions of dimensional standards have also been relocated to Chapter 2 – could add cross-references here if PC thinks that is beneficial. Any significant changes to an existing definition are noted below.*

### **500 General**

#### **5001 INTERPRETATION**

5001.A The words used in these regulations have their normal dictionary meaning unless they are specifically defined in this chapter or elsewhere within these regulations. The Zoning Administrator or Development Review Board, as applicable, will interpret the meaning of any term used in these regulations. That interpretation may be appealed in accordance with the provisions in Section 4402 or Section 4403.

5001.B The words defined in these regulations have the specific meaning stated unless the context clearly indicates that they have another meaning.

5001.C The definitions identified as being from state statute are intended to be consistent with that statute.

5001.D These regulations use:

- (1) “Must” and “will” to express that something is required;
- (2) “Must not” and “will not” to express that something is prohibited;
- (3) “May” and “may not” for discretionary actions; and
- (4) “Should” and “should not” when something is encouraged or discouraged.

5001.E These regulations use:

- (1) “Parcel” and “lot” interchangeably to refer to areas of land delineated in a recorded subdivision plat or deed;
- (2) “Site” or “property” to refer to an area of land subject to a development project, regardless of whether it is an entire parcel, a portion of a parcel, or multiple parcels;
- (3) “Property owner”, “landowner”, “applicant” or “developer” to refer to the party responsible or authorized to act under these regulations and those terms may include any individual designated to act on behalf of the responsible party;
- (4) “Business” to refer generally to any nonresidential land use, regardless of whether it is a for-profit or non-profit enterprise; and
- (5) “Home”, “residence” or “dwelling” to refer to a dwelling unit that is intended for occupancy by a single household regardless of structure type or tenure (owned or rented).

## Draft East Montpelier Land Use Regulations

v.04 (23 April 2019)

5001.F There are illustrations provided throughout these regulations that are intended to provide guidance to readers. In the case of a conflict between an illustration (including any associated descriptive text) and a written provision of these regulations, the written provision will take precedence.

5001.G Unless specifically stated otherwise, the calculation of time periods defined these regulations:

- (1) As a specific number of days will be based on calendar days;
- (2) As a specific number of months will be based on calendar months (ex. January 1 to June 1 is 6 months);
- (3) As a specific number of years will be based on calendar years (ex. January 1 to January 1 is one year); and
- (4) Will not include the first day (i.e., the day an application was submitted or a permit issued) but will count the final day (i.e., the day a hearing was held or a permit took effect).

## 5002 USE AND DIMENSIONAL STANDARDS

5002.A All uses allowed in one or more zoning districts are defined in Section 2109.

5002.B Dimensional standards and their method of measurement are defined in Section 2005.

## 5003 DEFINED TERMS

5003.A

- (1) **ABANDONED DEVELOPMENT** means any improvement to land, construction, demolition or alteration of a structure that is not substantially completed prior to the expiration of the zoning permit authorizing the improvement.
- (2) **ACCESS** means a defined area designed to allow vehicles to enter/exit property from/to a road. Also referred to as a curb cut. See Section 3002.
- (3) **ADVERSE EFFECT OR IMPACT** means that proposed development will result in a substantial and material negative effect or impact that will prevent or diminish the reasonable use of property in the area, cause environmental damage or pollution, not conform to the performance standards of Section 3106, or damage or exceed the capacity of public infrastructure, services or facilities.
- (4) **AFFORDABLE HOUSING** as defined in state statute means:
  - (a) Ownership housing with a total housing cost (principal, interest, taxes, insurance and condominium association fees) that does not exceed 30% of the gross annual income of a household earning up to 120% of the median income in Washington County or Vermont, whichever is greater; or
  - (b) Rental housing with a total housing cost (rent, utilities and condominium association fees) that does not exceed 30% of the gross annual income of a household earning up to 80% of the median income in Washington County or Vermont, whichever is greater; and

Draft East Montpelier Land Use Regulations

v.04 (23 April 2019)

(c) That is subject to covenants or restrictions that will preserve that affordability for at least 15 years.

(5) **ALTERATION** means any addition or structural change to, or relocation of, a structure including, but not limited to, any change in the structure's dimensions or the number of units (residential or non-residential), or an increase in number of bedrooms in a dwelling unit. This definition specifically excludes normal repair and maintenance.

(6) **APPLICANT** means the owner of land to be developed under these regulations or a representative who has been duly authorized in writing by the owner to act as an authorized agent on the owner's behalf. Any other party with an interest in the proposed development may only apply for a permit or approval jointly with the property owner or authorized agent.

5003.B

(1) **BEDROOM** as defined by state regulation means a room located within a dwelling that the residents use primarily as private sleeping quarters or that was designed for such use, and has at least one window, one closet, one interior door that allows the room to be closed off from the remainder of the dwelling, and a floor area of at least 80 square feet.

(2) **BUILDING** means a structure with a roof that is supported by walls or columns, which is intended for the shelter, housing or enclosure of people, animals, vehicles, equipment, processes, goods or materials of any kind.

(3) **BUILDING, ATTACHED** means a building that has at least part of a wall in common with another building or that is connected to another building by a roof.

(4) **BUILDING, DETACHED** means a building that is freestanding and structurally separated from other buildings.

(5) **BUILDING ENVELOPE** means a specific area of a lot that is delineated on a subdivision plat and in accordance with the standards of Subsection 3304.C.

5003.C

(1) **CHARACTER OF THE AREA** means an area's distinctive "personality" or sense of place, which is created through a combination of existing and/or planned (as described in the East Montpelier Town Plan and the zoning district purpose statements) elements including, but not limited to:

(a) The pattern, type, scale and intensity of land use;

(b) Traffic conditions, street design, streetscaping and walkability;

(c) The bulk, form, size, scale, placement and arrangement of buildings;

(d) Historic resources, landmarks, views and scenic resources;

(e) The type, size, arrangement, use and accessibility of open space; and

(f) Noise, light, odors, vibration and other impacts perceptible off-site.

(2) **CLEARING** means the removal of existing woody vegetation from land for purposes other than farming or forestry in accordance with state regulations.

- (3) CONTEXT-SENSITIVE SITING AND DESIGN TECHNIQUES means an approach to site and building design and placement that seeks to fit new development into its physical setting without significantly altering the character of the area and while preserving scenic, aesthetic, historic, cultural and environmental resources on and around the site.
- (4) CONVERSION means a change of use (see Section **Error! Reference source not found.**).
- (5) CURB CUT. See definition of ACCESS.

5003.D

- (1) DAMAGED STRUCTURE means a structure or portion of a structure that has suffered a fire, flood or similar disaster provided that the cost of repairing the damage is less than 50 percent of the market value of the structure prior to the damage occurring.
- (2) DECK means an unroofed platform, either freestanding or attached to a building, that is raised above ground level and supported by pillars or posts.
- (3) DEGREE OF NONCONFORMITY means the extent to which a structure or portion of a structure encroaches over a minimum setback or above a maximum height, exceeds a maximum footprint, or otherwise does not conform to a dimensional requirement of these regulations. An increase in the degree of nonconformity will be interpreted as shown in the illustration below: \*to be added

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*Definition of degree of nonconformity is proposed to change so that it is based on further horizontal encroachment over a setback, not an increase in volume.*

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- (4) DEMOLITION means the destruction and physical removal of a structure or portion of a structure from a lot.
- (5) DESTROYED STRUCTURE means a structure or portion of a structure that has suffered a fire, flood or similar disaster when the cost of repairing the damage equals or exceeds 50 percent of the market value of the structure prior to the damage occurring.
- (6) DEVELOPMENT. See definition of LAND DEVELOPMENT.
- (7) DRIVEWAY means a vehicular travel way that provides access to not more 3 lots or principal uses.
- (8) DWELLING UNIT means a structure or part of a structure intended for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation and meets the minimum requirements of Section 3011.
- (9) DWELLING UNIT, ACCESSORY means a secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or within an accessory structure on the same lot. See Section 3203.

5003.E

- (1) ENLARGEMENT means any increase in the footprint or height of a structure.

Draft East Montpelier Land Use Regulations

v.04 (23 April 2019)

- (2) **ESSENTIAL SERVICES** means the infrastructure that is necessary to provide or distribute a utility service such as electricity, gas, telephone, cable, water or sewer to customers.

5003.F

- (1) **FACADE** means the front of a building or any of its sides facing a road or other public space.
- (2) **FLAT ROOF** means any roof with a slope of not more than 5% (or 0.6:12 pitch).
- (3) **FLOOR AREA** means the sum total horizontal area of all enclosed floors of a building as measured from the exterior face of the exterior walls or the centerline of a common wall between attached buildings including any heated space in a basement, attic, mezzanine or attached garage or other accessory building with a floor-to-ceiling height of 7 feet or more.
- (4) **FOOTPRINT** means the area encompassed by a building's exterior walls at ground level.
- (5) **FRANCHISE OR CORPORATE DESIGN** means a standardized design that is trademarked or identified with a particular franchise or corporation and that is replicated in multiple locations with minimal variation.
- (6) **FRANCHISE OR CORPORATE IDENTIFICATION ELEMENTS** means the visual elements that are trademarked or identified with a particular franchise or corporation and that are used in various applications to identify or promote that franchise or corporation including, but not limited to: logos, wordmarks, symbols, graphics, images, color palettes, typefaces, or typographic treatments.
- (7) **FRONTLINE** means a line extending parallel from the exterior front wall of a building.

5003.G

- (1) **GLARE** means light entering the eye directly from a light source or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
- (2) **GRADE, FINISHED** means the completed, post-construction surface elevation of land disturbed by development.
- (3) **GRADE, NATURAL** means the original, pre-construction surface elevation of land prior to its being disturbed by development.

5003.H

- (1) **HANDICAP OR DISABILITY** as defined in state statute means a physical or mental impairment that limits one or more major life activities. This definition specifically excludes a person who is an alcoholic or drug abuser and who constitutes a direct threat to property or the safety of others due to current alcohol or drug use.
- (2) **HARD SURFACE** means soil that has been compacted and covered with a material such as concrete, asphalt, stone, brick, gravel or wood that allows it to be used for vehicular or pedestrian access, parking, storage or similar purposes without resulting in soil erosion or muddiness.

- (3) **HAZARDOUS MATERIAL** means any substance or material that by reason of its form, quantity, toxic, caustic, corrosive, abrasive or otherwise injurious properties may pose a risk to health, safety or property including, but not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, compressed gasses, or any substance defined by the state or federal government as a hazardous material.
- (4) **HAZARDOUS WASTE** as defined in state statute means any waste or combination of wastes of a solid, liquid, contained gaseous or semi-solid form, including, but not limited to, those which are toxic, corrosive, ignitable, reactive, strong sensitizers or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state.
- (5) **HISTORIC STRUCTURE** means a structure listed, either individually or as a contributing structure within a historic district, in the National Register of Historic Places or the Vermont Register of Historic Places, or a structure that the State Historic Preservation Officer or the Vermont Advisory Council on Historic Preservation determines to be historically significant and eligible for such listing.
- (6) **HOUSEHOLD** means one or more people living together in a dwelling unit with common use of the property, including all of the living and cooking facilities.

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*The term 'household' will replace 'family' as there are legal issues with regulating occupancy based on a required relationship between the people living together in a dwelling unit.*

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5003.I

- (1) **IMPERVIOUS SURFACE** means a surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, rooftops, parking lots, streets, driveways, sidewalks, walkways, patios and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel, compacted earth or similar materials. This definition includes hard surfaces and materials used as a green stormwater infrastructure practice that are specifically designed, constructed and maintained to be pervious (see Section 3019).
- (2) **INTERESTED PERSON** as defined in state statute means:
  - (a) The applicant;
  - (b) The Town of East Montpelier or any adjoining municipality;
  - (c) A person owning or occupying property in the immediate neighborhood who can demonstrate a physical or environmental impact on his or her property, and who alleges that a decision made under this ordinance is

not or will not be in accord with the East Montpelier Town Plan or these regulations.

- (d) Any 10 people, who may be any combination of East Montpelier voters or landowners, who allege that a decision or act made under this ordinance is not or will not be in accord with the East Montpelier Town Plan or these regulations by a signed petition. The petition must designate one person to serve as the group's representative.
- (e) Any department and administrative subdivision of the state owning property or any interest in property in East Montpelier; or
- (f) The Vermont Agency of Commerce and Community Development.

5003.J

- (1) JUNK as defined in state statute means old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts.
- (2) JUNK MOTOR VEHICLE as defined in state statute means a discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or motor vehicle parts, or a motor vehicle, other than an on-premise utility vehicle, which is allowed to remain unregistered or uninspected for a period of 90 days.

5003.K

5003.L

- (1) LAND DEVELOPMENT as defined in state statute means:
  - (a) The division of a parcel into two or more parcels;
  - (b) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure;
  - (c) Mining, excavating or filling; or
  - (d) Any change in, or extension of, the use of land or a structure.
- (2) LIGHT FIXTURE means a complete lighting assembly, including one or more lamps (bulbs), housing, reflectors, lenses and/or shields, that functions as a single unit and is connected to a single support assembly (ex. pole, standard or mounting bracket) used for illumination, decoration, security and/or advertising.
- (3) LIGHT FIXTURE, FULLY SHEILDED means a light fixture constructed, installed and used in such a manner that all light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downward). Spot or flood lamps are fully shielded if they are aimed straight down.



- (4) **LIGHT FIXTURE, PARTIALLY SHEILDED** means a light fixture constructed, installed and used in such a manner that most of the light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downwards). Light is emitted at or above the horizontal direction (outwards or upwards) only from decorative elements or through strongly colored or diffusing materials. Spot or flood lamps are partially shielded if they are aimed no higher than 45° above straight down.
- (5) **LOT** means an area of land with identifiable boundaries and dimensions that is formally described and recorded in the town land records and that can be lawfully owned and conveyed separately from any other land. Land divided by town or state roads or road rights-of-way, the Winooski River, the Kingsbury Branch or Sodom Pond Brook will be considered separate lots for the purposes of these regulations.

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*The definition of lot would be revised to match the term as defined in the Vermont Wastewater Rules. This clarifies that land divided by a road or major stream will be considered separate lots. This also aligns with the change from Chapter 1 related to merger of pre-existing small lots.*

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- (6) **LUMINOUS TUBE LIGHT** means a light fixture:
  - (a) Created by or containing gas discharge tubes that emit light or glow when electric voltage is applied;
  - (b) Replicates the appearance of gas discharge tubes using LED tubes or other technology.

5003.M

- (1) **MAJOR RENOVATION** means:
  - (a) Any structural alteration to the foundation, roof, floor, exterior or load-bearing walls of a building;
  - (b) Constructing an addition to increase the floor area of a building; or
  - (c) Extensive alteration of a building in order to significantly change its function and use.
- (2) **MANUFACTURED HOME** means a building that is transportable in one or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation when attached to the required utilities, and conforms to the National Manufactured Home Construction and Safety Standards. This definition specifically excludes recreational vehicles.
- (3) **MATERIAL CHANGE** means a change in the planned use or development of land or a structure that may have changed the decision made or any conditions placed on the permit if it had been included in the plans as approved.
- (4) **MINI-STORAGE BUILDING** means a single-story building divided into individual, self-contained units each of which is accessed solely from outside the building and which are intended to be leased to individuals, organizations or businesses for the self-storage of personal property.
- (5) **MIXED-USE BUILDING** means a building that includes at least one dwelling unit and one principal nonresidential use.



Draft East Montpelier Land Use Regulations

v.04 (23 April 2019)

- (6) **MIXED-USE DEVELOPMENT** means a single development site that includes at least one principal residential building and one principal nonresidential building, or one or more mixed-use buildings. The plan for the site must be unified and coordinated with the uses functionally integrated through shared pedestrian and vehicular access, parking and similar means.
- (7) **MOTOR VEHICLE** means any self-propelled conveyance used to transport people, animals, goods or materials.

5003.N

- (1) **NOISE** means an unwanted sound that may disturb or annoy the average person.
- (2) **NONCONFORMITY** means a lot, structure or use that lawfully existed prior to the adoption or revision of these regulations, but now does not conform to one or more standards of these regulations.
- (3) **NORMAL MAINTENANCE AND REPAIR** means the regular upkeep of property to avoid deterioration, fix damage caused by normal wear and tear, and/or replace worn out components in kind, which does not result in a change in the use or dimension of any structure, or in a structural alteration.

5003.O

- (1) **OPEN SPACE** means land not occupied by structures, including but not limited to buildings, roads, driveways and parking areas, and not actively managed for farming or forestry.
- (2) **OUTDOOR DISPLAY** means the placement of merchandise, goods, materials, vehicles, or equipment for sale, rental, lease or advertising in an unenclosed area.
- (3) **OUTDOOR RECREATION, ACTIVE** means a recreational activity that:
  - (a) Requires specialized facilities, fields, courts, ranges and/or related structures;
  - (b) Involves use of motorized vehicles or firearms; or
  - (c) Has potential adverse off-site impacts (such as noise or light).
- (4) **OUTDOOR RECREATION, PASSIVE** means a recreational activity (such as: trails for walking, biking, cross-country skiing or snowshoeing; sledding; hunting and fishing; rustic picnic areas; wildlife observation; frisbee; kite-flying; etc.) that:
  - (a) Can be conducted in a minimally developed open space;
  - (b) Requires little to no specialized facilities; and
  - (c) Does not have adverse environmental or off-site impacts.
- (5) **OUTDOOR STORAGE** means the keeping of any merchandise, goods, materials, vehicles, equipment, junk or waste in an unenclosed area and in the same place for more than 24 hours.

5003.P

- (1) **PARCEL.** See definition of LOT.

Draft East Montpelier Land Use Regulations

v.04 (23 April 2019)

- (2) PAVE means to cover the ground with asphalt, concrete, stones, gravel, brick, tile, wood, or other impervious materials used to cover the ground in order to make a firm, level surface suitable for vehicular or pedestrian use.
- (3) PATIO means a level, hard-surfaced area not covered by a permanent roof and not more than 6 inches above or below grade intended to be used as an outdoor living or dining area or public gathering space.
- (4) PERMANENT FOUNDATION means a slab, walls and/or footings constructed of concrete, masonry or similar materials that extend below the frost line and that form a secure, stable base to which a structure may be attached.
- (5) POND, CONSTRUCTED means an artificial water impoundment made by constructing an embankment across a channel and/or by excavating a pit or dugout. A constructed pond will not be considered a mapped surface water under these regulations.
- (6) POND, NATURAL. See definition of SURFACE WATER, MAPPED
- (7) PRINCIPAL ENTRANCE means an entry that is intended to provide the general public with direct access to one or more principal uses within a building. This definition does not include entrances intended to access dwelling units, service areas or other portions of a building not open to the general public.
- (8) PUBLIC ART means a fountain, monument, sculpture, painting, mural or similar art object that is:
  - (a) Visible from public vantage points;
  - (b) Intended for the enjoyment of the general public; and
  - (c) Not designed or located to identify or draw attention to a business and the type of products sold, manufactured or assembled, or the type of services or entertainment offered or available on the premises.
- (9) PUBLIC PARK means an area of land made available to the general public for active or passive recreation use. This definition does not include private property that a landowner has made available for public recreation use (i.e., for hunting, fishing, use of trails, etc.) unless it has been dedicated to such a purpose through a legally binding means.

5003.Q

5003.R

- (1) REASONABLE USE means a use that is allowed within the zoning district, provides a benefit to the owner, does not prevent or interfere with the reasonable use of other properties in the area, and does not result in adverse environmental or off-site impacts. Reasonable use does not mean the highest or best use.
- (2) RECONSTRUCT means to rebuild a structure that was damaged, destroyed or demolished in accordance with these regulations.

- (3) RECREATIONAL VEHICLE means a registered motor vehicle or trailer designed and used for recreational travel and camping. This definition includes but is not limited to motor homes, converted buses, camper vans, truck campers, fifth wheels, pop-up campers and travel trailers that can be legally driven or towed without a commercial driver's license or a special permit for an oversize or overweight vehicle. A recreational vehicle will be considered a dwelling unit if it is made immobile in any way that prevents it from being readily driven or towed off the site on which it is located.
- (4) ROAD means a vehicular travel way that provides the principal means of access to abutting property.
- (5) ROAD, MAINTAINED means a road that is kept open and maintained so as to be safe and suitable for use by a passenger vehicle on a year-round basis.
- (6) ROAD, PRIVATE means a road that is not owned by the state or town.
- (7) ROAD, PUBLIC means a street that is owned by the state or town.

5003.S

- (1) SIGN means any device (including but not limited to letters, words, numerals, figures, emblems, symbols, pictures, flags, streamers, balloons, lights, or any part or combination) used for visual communication intended to attract the attention of the public and visible from off the premises. This definition specifically excludes merchandise normally displayed in a storefront window, merchandise displayed or stored outside as approved under these regulations, and public art.
- (2) SIGN, ABANDONED means:
  - (a) A commercial sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for at least 90 days;
  - (b) A non-commercial sign whose message pertains to a time, event or purpose that has elapsed or expired in the preceding 30 days; or
  - (c) A sign that has not been maintained in accordance with these regulations.
- (3) SIGN, COMMERCIAL means a sign that functions as commercial speech in that it:
  - (a) Is meant to be an advertisement visible from public vantage points;
  - (b) References a particular product, service, company or business location; and
  - (c) Is displayed with an economic motivation.
- (4) SIGN, ELECTRONIC MESSAGE means a sign with a fixed or changing message or image shown on an electronic display or video screen and whose message may be changed by electronic means.
- (5) SIGN, INTERNALLY ILLUMINATED means a sign with an interior light source that shines through a transparent or translucent surface material.

- (6) **SIGNIFICANT WILDLIFE HABITAT** means deer wintering areas, wetlands, habitat for rare or endangered species, and black bear habitat as mapped by the Vermont Agency of Natural Resources.
- (7) **SMART GROWTH PRINCIPLES** as defined in state statute means growth that:
  - (a) Maintains the historic development pattern of compact village and urban centers separated by rural countryside;
  - (b) Develops compact mixed-use centers at a scale appropriate for the community and the region;
  - (c) Enables choice in modes of transportation;
  - (d) Protects important environmental, natural, and historic features, including natural areas, water quality, scenic resources, and historic sites and districts;
  - (e) Serves to strengthen agricultural and forest industries and minimizes conflicts of development with these industries;
  - (f) Balances growth with the availability of economic and efficient public utilities and services;
  - (g) Supports a diversity of viable businesses in downtowns and villages;
  - (h) Provides for housing that meets the needs of a diversity of social and income groups in each community; and
  - (i) Reflects a settlement pattern that, at full build-out, is not characterized by:
    - (i) Scattered development located outside compact urban and village centers that is excessively land consumptive;
    - (ii) Development that limits transportation options, especially for pedestrians;
    - (iii) The fragmentation of farmland and forestland;
    - (iv) Development that is not serviced by municipal infrastructure or that requires the extension of municipal infrastructure across undeveloped lands in a manner that would extend service to lands located outside compact village and urban centers; and
    - (v) Linear development along well-traveled roads and highways that lacks depth, as measured from the highway.
- (8) **STREAM** See definition of **SURFACE WATER**.
- (9) **STREET** See definition of **ROAD**.
- (10) **STREET, ARTERIAL** means a state highway, Class 1 or Class 2 town highway as shown on the most recent Vermont Agency of Transportation General Highway Map for East Montpelier.
- (11) **STRIP DEVELOPMENT** as defined in statute means linear commercial development along a road that includes three or more of the following characteristics:
  - (a) Broad road frontage;

- (b) Predominance of single-story buildings;
  - (c) Limited reliance on shared access;
  - (d) Lack of connection to any existing settlement except by road;
  - (e) Lack of connection to surrounding land uses except by road;
  - (f) Lack of coordination with surrounding land uses; and
  - (g) Limited accessibility for pedestrians.
- (12) STRUCTURE as defined in state statute means assembly of materials for occupancy or use, including but not limited to, a building, sign, wall, or fence.
- (13) STRUCTURE, ACCESSORY means a structure that is clearly incidental and subordinate to the principal structure on the lot.
- (14) STRUCTURE, PRINCIPAL means the main or predominate structure associated with the principal use on the lot.
- (15) STRUCTURE, TEMPORARY means a structure that is not attached to a permanent foundation and that can be easily relocated after which there will be no evidence remaining of the structure. See Section 3018.
- (16) SUBSTANTIALLY COMPLETE means that construction activities have been completed in accordance with the approved plans to a point where the development may be fully and freely used for its intended purpose.

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*The definition of substantially complete replaces the definition of substantially commenced consistent with the proposed change to the effective time of a zoning permit.*

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- (17) SURFACE WATER, MAPPED means a river, stream (whether perennial or intermittent), lake or natural pond mapped by the Vermont Agency of Natural Resources.
- (18) SURVEY means a map prepared and certified by a Vermont licensed land surveyor that locates or establishes property lines or boundaries, or that demarcates other legal rights or interests in any tract of land, road, right-of-way or easement.

5003.T

- (1) TEMPORARY means a use or structure that will be occurring or located on a lot for a limited and fixed period of time after which there will be no evidence remaining of the use or structure.
- (2) TOP OF BANK as defined by state regulation means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys, it is generally the point where the stream is able to overflow the banks and enter the floodplain. For streams in steep and narrow valleys, it is generally the same as the top of slope.
- (3) TRAILER means a conveyance used to transport people, animals, goods or materials that is not self-propelled and that is designed to be pulled or moved by a motor vehicle.
- (4) TRUCK, SINGLE-UNIT means a commercial motor vehicle on a single frame.

Draft East Montpelier Land Use Regulations

v.04 (23 April 2019)

- (5) TRUCK, TRAILER means a commercial vehicle consisting of two or more units, one of which is the motor vehicle and the remainder of which are trailers.

5003.U

- (1) USE means the purpose or activity that a lot or structure (or a portion of a lot or structure) is intended, designed or arranged to house, accommodate, support or facilitate.
- (2) USE, ACCESSORY means a use of a lot or structure (or a portion of a lot or structure) that is clearly incidental and subordinate to the principal use.
- (3) USE, PRINCIPAL means the main or predominate use of a lot or structure (or a portion of a lot or structure). The principal use of a lot with a single- or two-family dwelling will be considered residential.

5003.V

5003.W

- (1) WETLAND as defined in state statute means an area that is inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depends on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include, but are not limited to, marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and natural ponds.
- (2) WORKING LANDS mean land actively managed for farming or forestry.

5003.X

5003.Y

- (1) YARD means an at-grade, pervious open space on a developed lot that is unoccupied by any structure except for encroachments specifically authorized under these regulations.
- (2) YARD, FRONT means the yard that is located between the street and the frontline of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have two front yards.
- (3) YARD, REAR means the yard that is located between the rear lot line and the nearest line of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have no rear yard.
- (4) YARD, SIDE means a yard that is located between the side lot line and the nearest line of the principal building on the lot and extends between the front and rear yards. A corner lot will be considered to have two side yards.