Town of Woodford
ZONING BYLAWS AND FLOOD HAZARD AREA REGULATIONS

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Ratified by the Voters -- 3/8/89

Special Flood Hazard Area Regulations with Federal Insurance Rate Map (FIRM)
Amended as per FEMA
Supplemental to these Bylaws
Approved by the Select Board and Ratified by the Voters – November 18, 2015

The Woodford Planning Commission, guided by the Bennington County Regional Planning Commission (BCRC), has developed this revised edition of the Zoning Bylaws to update and reflect changes made to Title 24 V.S.A. Chapter 117 of the Vermont Municipal and Regional Planning and Development Act. This section of Vermont law enables communities to regulate land uses and development, and grants the authority to establish a Planning Commission, Zoning Board of Adjustment, a Zoning Administrator, and advisory committees. The revisions in this edition represent those that must comply with Vermont law.
TOWN OF WOODFORD, VERMONT
PROPOSED ZONING BYLAWS
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STATUTORY AUTHORITY:

The Vermont Municipal and Regional Planning and Development Act, Title 24 V.S.A., Chapter 117, as amended, Subchapter 6, section 4401, provides that, “Any Municipality which has adopted and has in effect a plan, and has created a Planning Commission (PC) under this chapter may implement the plan by adopting, amending, and enforcing any or all of the Bylaws provided in this chapter. All such regulatory and non-regulatory tools shall have the purpose of implementing the plan and shall be in accord with the policies set forth therein.” Mandatory requirements enacted by the State of Vermont will automatically become a part of these Zoning Bylaws.

TITLE

This Bylaw shall be known and cited as the Town of Woodford Zoning Bylaw.

PURPOSE:

The purpose of this Bylaw is to encourage the appropriate development of all lands in the Town of Woodford in a manner which will promote the public health, safety, morals, prosperity, comfort, convenience, efficiency, economy and general welfare; and to provide the methods for the prevention, minimization, and future elimination of such land development problems as may presently exist, or which may be foreseen. These Bylaws are intended to implement the goals and policies of the Town Plan by providing for appropriate future land uses, densities, and intensities of development.

SECTION 1 - DISTRICTS

1.0 DIVISION INTO DISTRICTS

For the purpose of this bylaw, the Town of Woodford is divided into the following classes of districts, to be designated by the abbreviations set forth below:

- Rural Residential ................................................... RR
- Roadside Commercial ........................................... RC
- Forest ................................................................. F
- Recreation ......................................................... R
- Rural Residential/Roadside Commercial ................. RR/RC
- Industrial/Commercial ........................................... I/C
- Flood Hazard Overlay ......................................... FHO
- Woodford Lake Estates ........................................ WLE

1.1 ZONING MAP

The boundaries of these districts are hereby established as shown on the official Town of Woodford Zoning Map and the National Flood Insurance Rate Map which are hereby adopted by reference as part of these regulations. The above maps are on file at the Woodford Town Office. These maps shall be the final authority as to the zoning status of land and water in the Town of Woodford.

1.2 ZONING OF STREETS

Zoning districts shall include the beds of streets lying within them. Where opposite sides of a street lie in different districts, the boundary shall be deemed to be the center of the right-of-way.

1.3 LAND UNDER WATER
Zoning districts shall include any land under rivers, streams, lakes, or ponds lying within them. Where opposite sides of a river or stream lie in different districts, the boundary shall be the center of the river or water course. Where opposite sides of a lake, swamp, or body of water lie in different districts, the boundary shall be deemed to be the center thereof.

1.4 INTERPRETATION OF MAP (24 V.S.A., SECTIONS 4448 AND 4465)

An uncertainty as to the location of a district or Flood Hazard Area boundary line on the Plan and Zoning Map shall be resolved by the Zoning Administrator (ZA) with appeals of any such decisions made to the Zoning Board of Adjustment (ZBA). A report from the Planning Commission (PC) may be requested before making a decision.

SECTION 2 - GENERAL REGULATIONS

2.0 COMPLIANCE WITH BYLAWS

1. The application of these regulations is subject to the provisions of 24 V.S.A., sections 4412-13 and such other enactments as may be material.

2. No land, building, or premises, or part thereof, shall hereafter be used, and no building or part thereof, or other structure, shall be constructed, reconstructed, extended, enlarged, moved, or altered, except in conformity with this Bylaw. No lot shall have an area, width, or front, side, or rear yard, less than that set forth in the applicable paragraph hereof, except as otherwise specifically provided for in the Bylaw.

3. Nothing contained in this Bylaw shall require any change in the plans, construction, or designated use of a building or land complying with local laws in force prior to this Bylaw, if a prior permit shall have been duly issued, and the entire building shall have been completed in accordance with such plans within one year from the effective date of this Bylaw.

4. Where these Bylaws impose a greater restriction upon use of a structure or land than were required by any other or previous zoning ordinance adopted by the Town of Woodford or is required by any other statute, ordinance, rule, regulation, permit, easement or agreement, private or public, then the provisions of these Bylaws shall control. (24 V.S.A. Section 4480)

5. Except as otherwise specifically provided for in this Bylaw, any permitted building or permitted use may be located in any portion of the lot not within any required front, side, or rear yard set back.

6. No lot shall be diminished, or any other open space be reduced, except in conformity with this bylaw.

7. In the case of lots lying in more than one district, the provisions of any district may be applied for a distance of not over thirty feet into any adjacent district. (24 V.S.A. Section 4411(a)(3).

2.1 DIMENSIONAL REQUIREMENTS

1. Required Frontage on or Access to Public Roads (24 V.S.A. 4412(3))

   a. Except as here and after provided, no land development may be permitted on lots which do not have frontage on a public road. However, with the approval of the PC, access to such a road can be by a permanent easement or right-of-way at least 20 feet in width. 24 V.S.A. 4412 (3)

   b. The PC in consultation with the Select Board shall consider: 1) Drainage and culvert placement, 2) erosion control, 3) emergency vehicle access, and 4) site distance where the access road intersects with a public road.
(c) Where two or more lots are to be serviced by the access road, the PC may require a higher standard of construction. Approval of an access road shall not obligate the town to accept and/or maintain it.

(d) Where a lot is to be developed that has frontage on a public or private road less than 50 feet wide, the front setback shall be measured from the lot line.

2. Nothing in this Bylaw shall prohibit the projection of up to one foot into the required open space of pilasters, columns, belt courses, sills, cornices, or other similar architectural features, nor the planting or landscaping of such open spaces, except as provided in Use Regulations, Section 2.2 hereof.

3. No building in any district shall exceed a height applicable to the district, but this limit shall not apply to spires, cupolas, chimneys, ventilators, tanks, or similar parts of a building, occupying in the aggregate not more than 10 percent of the area of such building, and not used for any human occupancy, nor to farm silos or other farm equipment defined in 24 V.S.A., Ss 4413 (d), flag poles, radio or television aerials, ski lift towers, or similar features. No TV or radio antenna shall be erected on the roof of any building nor affixed to a building at a height in excess of twenty (20) feet above the building roof top. The height of any antenna erected on a tower or on a building shall not exceed fifty (50) feet above the ground at said tower or building. A permit shall be obtained from the ZA prior to the construction of a tower built to accommodate an antenna. Wind turbines with blades less than twenty (20) feet in diameter which exceed the district height limit may be permitted if the ZBA approves a variance for a renewable energy resource structure pursuant to Section 12.12 of this Bylaw. See Section 11.8, Commercial Telecommunication Towers and Antennas. (24 V.S.A. Section 4412(6))

4. Regardless of other requirements for front yards, on lots abutting a street with a right-of-way less than fifty (50) feet wide, the required front yard facing such a street shall be increased by one half of the difference between the actual street right-of-way or fifty (50) feet. (24 V.S.A. Section 4411(3))

5. Where a lot is hereafter formed from part of a lot already occupied by a building, such separation shall be effected in such a manner as not to impair conformity with any of the requirements of this Bylaw with respect to the existing building, and all yards and open spaces in connection therewith, and no permit shall be issued for a building on a lot thus created unless it complies with all provisions of this Bylaw. Upon such construction or placement the applicant shall provide a plan demonstrating compliance with Site Development Plan (Section 2.4) upon application for a permit or other approval required herein. (24 V.S.A. Section 4411(3)). A building may be sold into separate ownership only if the parcels resulting from such subdivision are in compliance with this provision, except that this provision shall not apply to subdivision of a lot which on March 5, 1973 contained two or more structures which were used on or before that date as primary single or two-family residences.

6. Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of this Bylaw 2/5/74, and continuously thereafter, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth (1/8) acre in area with a minimum width or depth dimension of forty (40) feet. (24 V.S.A. Section 4412(2))

If an existing small lot comes under common ownership with one or more adjacent lots, the nonconforming lot shall be deemed to be merged with the adjacent lot. However, a nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply:

a. The lots are conveyed in their pre-existing nonconforming configuration, and

b. On the effective date of this Bylaw, each lot was developed with a water supply and wastewater disposal system, and

c. At the time of transfer, each water supply and waste water system is functioning in an acceptable manner, and
d. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems in case a wastewater system fails, as defined in 10 V.S.A, Chapter 64, as amended.

7. No fence, wall, hedge, shrubbery, or other obstruction to vision in excess of 3 feet in height, as measured above the nearest portion of the traveled way, shall be placed or allowed to grow at street intersections within 25 feet of the center lines of the intersecting streets.

2.2 USE REGULATIONS

1. No building, structure, or portion thereof, shall be erected, altered, or moved, and no land or buildings or part thereof, shall be used for any use other than the one listed as a permitted use in the district in which it is located. Unless otherwise provided herein, any use not specifically permitted shall be deemed to be prohibited.

2. No more than two (2) unregistered or inoperable motor vehicles may be stored on any lot for a period in excess of thirty (30) days, except within a building or screened from view from off the premises. Scrap or waste material not originating on the premises may not be disposed of on any lot, but may be stored for a period not exceeding thirty (30) days. Scrap or waste material on the premises shall be stored within a building or screened from view from off the premises. A one year period shall be allowed for removal of scrap or waste originating on that property resulting from a construction operation, or from fire, flood, or similar emergency.

3. A conditional use may be approved by the ZBA only after a duly warned meeting and provided that the majority of the Board shall have found that such use shall not result in an undue adverse effect on the capacity of existing or planned community facilities, the character of the area affected as defined by the purpose of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan, traffic on roads and highways in the vicinity, and is in accord with other provisions of ordinances, regulations, and Bylaws of the Town applicable thereto, or adversely affect the utilization of renewable energy resources. Any use so approved shall meet any standards applicable to the specific use as to lot and building dimensional requirements, landscaping, design, and locations of signs and service areas, and the following additional standards.

a) That it will not emit undue noise, odor, smoke, dust, or in other ways annoy nearby residents or be detrimental to the value of neighboring property.

b) That it will not create dangerous traffic conditions or unduly increase vehicular traffic in the neighborhood.

c) That it is appropriately located with respect to water supply, fire protection, waste disposal, and similar facilities, and that such facilities and installations comply with State regulations with respect to the individual building or use. (24 V.S.A. Section 4464(b)(1))

Approval of the ZBA shall be based on conformance to the provisions of Site Development Plan, Section 2.4, and failure of the development to conform to such Site Plan shall constitute a violation of this Bylaw. The ZBA shall act to approve or disapprove any such requested conditional use within forty-five (45) calendar days after the date of the final ZBA hearing and failure to so act within such period shall be deemed approval on the 46th day.

d) If applicable, any use or development shall comply with the Vermont water supply and wastewater disposal rules (10 V.S.A., Chapter 64).
Public Buildings as defined in this zoning Bylaw and Title 18 V.S.A., Chapter 25, shall adhere to the Environmental Protection rules and Related Statutes, both current and as amended, for wastewater treatment and on-site sewage disposal.

4. Any meeting place for group activities and commercial public assemblies shall meet municipal and state permit requirements (State Statue Title 20 Chapter 2010).

2.3 LIMITATIONS

Except in the Flood Hazard Overlay, in accordance with 24 V.S.A. S 4413, the following uses may be regulated only with respect to location, size, height, bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and screening requirements. No permit for any such use shall be granted until a Site Plan, prepared in accordance with applicable requirements of Section 2.4 shall have been approved by the PC.

1. State or community (municipality) owned and operated institutions and facilities;

2. Public and private schools and other institutions certified by the Vermont Department of Education;

3. Churches, convents, and parish houses;

4. Public and private hospitals;

5. Solid waste management facilities pursuant to 24 V.S.A. Section 4413;

6. A state licensed or registered residential care home or group home serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. s.4501, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another such home.

7. Pursuant to 24 V.S.A. Section 4412 (5), a state registered or licensed family childcare home serving six or fewer children, not including the children of the proprietor, shall be considered by right to constitute a permitted single-family residential use of property. A family childcare home serving no more than six full-time and four part-time children, as defined in 33 V.S.A. section 4902 (3)(A), shall be considered to constitute a permitted single-family residential use of property, but shall be subject to plan approval pursuant to Site Development Plan Section 2.4 of this Bylaw. A family childcare home serving in excess of six full-time and four part-time children may be permitted as a conditional use.

2.4 SITE DEVELOPMENT PLAN

Where required by provisions of this Bylaw, a Site Development Plan shall be submitted with an application for a permit or other approval. Such Site Development Plan shall be at a scale prescribed by the PC and shall show, where applicable, with respect to special flood hazard areas, base flood elevations, other hazard data, the boundaries and area of the lot, existing and proposed buildings on the lot and on the adjacent lots within a distance of two hundred (200) feet from the subject lot, existing and proposed streets and driveways within a distance of two hundred (200) feet from the subject lot, proposed vehicular circulation and parking, proposed pedestrian circulation, open space, park and playground facilities, landscape details, proposed grading, water supply and fire protection, sanitary sewage, storm drainage and natural drainage ways and water courses, existing contours, land conditions, and such other information as the PC may require. Site Development Plans shall not be required for individual single and two-family residential uses in any district.

2.5 PERFORMANCE STANDARDS

PURPOSE:
Chapter 117 authorizes Vermont municipalities to include performance standards in their zoning regulations (4414[5]) to prevent land use from adversely affecting adjacent or nearby uses. The following performance standards are in accordance with Section 4414(5) of the Act. Rather than specifying the type of development that is allowed by district, as does traditional use standards, performance standards sets forth performance criteria that any development within a district must meet.

Performance standards, as measured at the property line, must be met and maintained in all districts for all uses, except for agriculture and forestry. The ZA or ZBA may consult with state and federal regulatory agencies in determining accepted performance standards for a particular use.

**CRITERIA:**

A. The following Performance Standards shall apply uniformly to all zoning districts for each class of use and/or structure as specified in the bylaws. All uses and structures must comply with all prescribed standards for the district in which they are located to protect the health, safety and well-being of property owners and the environment. In determining ongoing compliance, the burden of proof shall fall on the applicant, property owner, and/or all successors and assigns.

B. In addition to uses specifically permitted or conditionally permitted in any given zone, other uses may be considered and allowed if, after review by the PC in a public hearing, it determines that the use under normal circumstances will not alter the characteristics of the area, will not cause or result in an undue burden on the community, and will meet the following standards:

Performance Shall:

1. Comply with all local, state and federal health standards and environmental protection rules as required;

2. Be regulated by and meet state or federal emissions standards;

3. Not present a risk as to fire, explosion, or safety which endangers the public or results in an increased burden upon municipal facilities: or

4. Cause any sewage, septic, or other harmful wastes to be discharged into any water course, wetland or into any sewage disposal system beyond its proper capacity.

5. Not cause electromagnetic disturbances, electronic transmissions or signals, which repeatedly interfere with the reception of radio, television or other electronic signals, or which are otherwise detrimental to public health under normal operation conditions, except as specifically licensed and regulated through the Federal Communications Commission;

6. Control blasting activities regulated in relation to the frequency of vibrations produced. Blasting and other activities causing substantial vibration shall not exceed a particle velocity of 0.5 inches per second for frequencies above 40Hz measured at the property line and/or cause, as a result of normal operation, a vibration which creates displacement of 0.0002 of one (1) inch or vibrations shall not exceed an acceleration of 0.0002 g at frequencies up to 60 ops;

7. Measure decibels, if necessary, in the field using a sound-level meter. A noise level of 120 dBA is considered the threshold for pain. Noise levels over 85 dBA will harm hearing over extended periods, and noise levels above 140 dBA can cause damage from just one exposure. A maximum level of 65 or 70 dBA, as measured at the property line, is a common standard, but regulations may also vary the maximum level by zoning district or differentiate between maximum daytime and nighttime sound levels and set a lower nighttime maximum. 24 V.S.A. 4412(4);

8. Not allow noise in excess of 70 decibels at the property line that is not the result of occasional, customary activities associated with an allowed use (e.g., lawn mower or garden cultivating) and/or
cause noise which is excessive at the property line and represents a significant increase in noise levels in the vicinity of development so as to be incompatible with the surrounding area.

9. Control light, glare and “light trespass” by mounting height, shielding and downward direction of outdoor fixtures. Lighting standards are available through illuminating Engineering Society of North America;

10. Not emit glare, lumen, light, or reflection that impairs the vision or motor vehicle operators, which constitutes a nuisance to another property owner(s) or tenant(s), or which is otherwise detrimental to public health, safety and welfare;

11. Not adversely affect traffic on roads and highways in the vicinity.

12. Not allow objectionable emissions of smoke in excess of that shown on Ringlemann Chart #2 and/or as regulated under state and federal emissions standards;

13. Prohibit undue fire, explosive, radioactive emissions, or other hazard which may result in a significant increased burden on municipal facilities and services;

14. Not allow any land or buildings in any zoning district to be used or occupied in any manner so as to create dangerous, injurious, noxious, or otherwise objectionable conditions which adversely affect the reasonable use of adjoining properties;

15. Not cause any intensity of odor which any reasonable person would consider both offensive and uncharacteristic of the area;

16. Where there is question concerning land capability, a soils scientist or a geologist shall be hired by the property owner to attest that the site can support the proposed construction without erosion or drainage problems;

17. Prohibit liquid, solid waste, or refuse which cannot be disposed of on a regular basis by available methods without undue burden to municipal or private disposal facilities, or which pollutes surface or ground waters, and/or is otherwise detrimental to public health, safety and welfare.

18. Not cause an undue adverse impact.

SECTION 3 – RURAL RESIDENTIAL (RR) DISTRICTS

3.0 PURPOSE

The purpose of RR Districts is to insure the preservation of the natural and scenic qualities of areas which are planned to be residential in character and at densities to avoid the need for public water supply and public sewer systems. It is the intent of these regulations to maintain scenic and environmental qualities and to provide for residential development as related to the needs of anticipated future population and consistent with land capability.

3.10 PERMITTED USES IN RR DISTRICTS

1. Public and semi-public uses. See Limitations, Section 2.3.
2. Single family and two-family dwellings, subject to the dimensional requirements of Section 3.16, regarding dwellings for more than one family.

3. Home Occupations

Nothing in these Bylaws shall infringe upon the right of a resident to use a minor part of their dwelling for a home occupation. It must be customary in a residential area and does not have an undue adverse effect upon the character of the residence or the residential area in which the dwelling is located. The home occupation must be conducted entirely within their dwelling or accessory building. The home occupation must not:

   a. Employ any person other than the applicant resident(s) and/or members of his/her household and not more than one (1) non-resident employee.
   b. Generate any additional traffic to or from the premises.
   c. Create noise which is audible on neighboring properties.
   d. Create any visual adverse impact.

A Conditional Use Permit is required in all other instances as provided in Conditional Uses In RR Districts Section 3.12.

4. Residential Care or Group Home (see Site Development Plan, 2.4)

5. Family Childcare Home (see Limitations, 2.3)

6. Farming including but not limited to dairying, orchards, woodlots and forestry, truck gardening, keeping of poultry, and other agricultural and silvicultural uses as defined in 24 V.S.A., Ss 4413(d).

7. Agricultural activities conducted in accordance with the Vermont Department of Agriculture’s Accepted Agricultural Practices (AAP). Prior to the construction of farm structures the farmer must notify the ZA in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

8. A farm stand not exceeding 200 square feet in area for the sale of natural products produced primarily on the premises unless subject to the preceding paragraph.

3.11 CONDITIONAL USES PERMITTED IN RR DISTRICTS

The following may be permitted as conditional uses in RR Districts in conformance with the provisions of Limitations Sections 2.3, 2.5, and any other provisions of this Bylaw that may apply.

1. Home occupations that are clearly incidental and secondary to the use of a dwelling, and customary in residential areas, permit a resident to use a portion of a dwelling or accessory building for an occupation, provided such use does not alter the essential character of the building, lot, or neighborhood, and complies with the following:

   a) The use is conducted entirely within the dwelling or accessory building, and such use does not exceed 30% of the floor area of the principal dwelling unit up to a maximum of 600 square feet.
   b) The use is carried on by member(s) of the family residing in the dwelling and not more than one (1) non-resident employee.
   c) There is no more than one unlighted sign not larger than four feet square in face area (counting all sides).
   d) All products sold must be solely a result of the resident’s/employee’s own labor and produced on the premises.
e) Equipment and materials may be stored on the premises if they are screened from adjoining properties and traveling public by natural or artificial materials or kept in a building.

f.) Finished merchandise outside the building is limited to 200 contiguous square feet of the property.

g) No noise, vibrations, dust, smoke, odor, heat, light, or glare is produced which is not consistent with the character of the neighborhood. (See Performance Standards, Section 2.5)

h) Does not create a health, environmental, or safety hazard or create interference with radio and television reception in the vicinity.

i) Traffic safety and parking must satisfy all applicable Bylaw requirements (See Off Street Parking, Section 11.5).

2. A rooming house or lodging establishment.

3. A tourist lodge designed and intended primarily for the accommodation of transients or tourists, located on a lot having an area of not less than 5 acres, and complying with the provisions of this section. A tourist lodge may have restaurant facilities with a capacity equivalent to not more than one and one half times the number of guest sleeping accommodations. Bedrooms, dining rooms, and lounges may be located in one or more buildings. Water supply and wastewater disposal shall comply with 10 V.S.A., Chapter 64. A tourist lodge may maintain a store selling periodicals, souvenirs, and similar articles to guests.

The number of guests sleeping accommodations shall not exceed five per acre of lot area. No building used for a tourist lodge shall be located within fifty (50) feet from any street line, or fifty (50) feet from any other lot line.

4. A cemetery, owned by a church or a cemetery association located in the Town.

5. A State registered or licensed family child care home serving in excess of six full-time and four part-time children (not including children of the proprietor). (24 V.S.A., Section 4412(5))

6. A State licensed or registered residential care home or group home serving nine or more persons who have a handicap or disability. (24 V.S.A., Section 4412 (1)(G))

7. Multi-family dwelling in RR-1 and RR-5 as defined in the Appendix. Minimum: Lot Size - 3 acres; Frontage - 175 feet; front yard - 50 feet; Side and rear yard - 35 feet. (24 V.S.A., Section 4412(1)(D)

3.12 PUBLIC HEARING

The PC shall hold a public hearing on the proposed plan for conditional uses submitted with any application for a permit in a RR Districts, with the exception of single family and two-family residential dwellings.

3.13 ACCESSORY USES IN RR DISTRICTS

1. Accessory uses customarily incidental to a permitted use on the same lot.

2. Uses accessory to a Conditional Use, 3.12, are permitted only when applied for, and as granted as part of the Conditional Use.

3. Accessory uses – Tourist Lodge. A tourist lodge may include facilities and uses such as tennis, golf, swimming, skiing, fishing, boating, hiking, picnicking, snowmobiling, snowshoeing, and/or similar recreation facilities.
4. Pursuant to 24 VSA. Section (1) (E) and (F), an accessory dwelling unit, as defined in this Bylaw, shall be a permitted use subordinate to a one-family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, and parking requirements. The accessory dwelling unit may be located in the one family dwelling structure or in an existing or new accessory structure. There shall be a minimum of four (4) on site parking spaces (total) for the primary and accessory dwelling with adequate on site allowance for turning, ingress, egress and snow piling. The ZBA shall review all accessory dwelling unit applications.

5. Accessory buildings or sheds larger than 36 square feet require permits and must meet setback requirements. Light-framed fabric covered structures are included in this provision.

6. Docks extending into public waters or into a private pond not wholly within the property boundaries are a conditional use that require a permit. Docks on public waters must also meet State standards that may be applicable under such circumstances.

7. Fences and posts over six (6) feet high require permits. No fence shall change the essential character of the neighborhood or create an undue adverse effect.

3.14 SIGNS PERMITTED IN RR DISTRICTS

One permanent sign not over 4 square feet in area for each dwelling unit bearing the name and occupation of the occupant. One temporary sign not exceeding 12 square feet in area advertising the sale, rental, or improvement of the premises on which it is located. For uses other than dwellings, one sign not more than 6 square feet in area pertaining to such use. No sign shall be flashing or illuminated. Directional signs not over 2 square feet in area may be placed near street intersections, provided they comply with all provisions of the law.

3.15 DIMENSIONAL REQUIREMENTS – RR DISTRICTS

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</table>

* Applicable to dwellings for two or more families

Note: The setback is reduced to no less than ten (10) feet from the rear or side yard lot line, which borders U.S. Forest Service Lands.

SECTION 4 – ROADSIDE COMMERCIAL (RC) DISTRICTS

4.0 PURPOSE

The purpose of RC Districts is to provide appropriate locations for limited types of business primarily serving the motoring public where there are suitable conditions, under controls which preserve good appearance and traffic safety.

It is also the purpose of RC Districts to permit such uses to areas presently committed to commercial use since other land uses have adjusted to their presence. Consequently, several Roadside Commercial Districts are established to limit the impact on surrounding residential properties and to control so-called “Strip Development.”
RC Districts include all lands designated as such on the Land Use Map with commercial development to be within 500’ from the center of Route 9.

4.10 ROADSIDE COMMERCIAL RC DISTRICTS

4.11 APPROVAL OF PLANS

With the exception of single family or two-family residential dwellings, no permit shall be issued for the erection, alteration, enlargement, or the relocation of a building or use in an RC District, until a Site Development Plan, as per Section 2.4, shall have been approved by the PC.

4.12 PUBLIC HEARING

The PC shall hold a public hearing on the proposed plan submitted with any application for a permit in a RC District, with the exception of single family and two-family residential dwellings.

4.13 PERMITTED USES IN RC DISTRICTS

1. Public and semi-public uses, see Limitations, section 2.3

2. Any use permitted in the RR Districts. See Permitted Uses, Section 3.10)

3. Any use conditionally permitted in the RR District (see Conditional Uses in the RR District, 3.11) subject to the requirements of Section 3.11 (Conditional Uses in the RR District) except as any such requirement as may be modified by the ZBA.

4. A motel or tourist cabin, provided that the lot area shall not be less than three thousand (3,000) square feet for each guest accommodated.

5. A restaurant, provided that all food and beverages are served to customers seated at tables or counters, inside or outside the building, but this shall not prevent a catering operation where food is sold and taken out for home consumption.

6. Business or professional offices and financial institutions.

7. A retail business or retail service occupation, including the manufacture or processing of materials only as incidental to a permitted retail occupation, and provided that no objectionable noise, smell, or unsightly condition is created which is noticeable off premises.

8. A washing machine rental establishment.

9. An automobile service station; public garage; automobile; boat; trailer, or farm equipment salesroom or outdoor sales area.

4.14 ACCESSORY USES PERMITTED IN RC DISTRICTS

Accessory uses customarily incidental to a permitted or conditionally permitted use, only when applied for and granted as part of the use.

4.15 SIGNS PERMITTED IN RC DISTRICTS

Signs pertaining only to a business on the same premises. Signs shall not project into or be located within 10 feet from a front or side lot line, and shall not exceed 12 square feet in total area. No sign shall use moving parts.
### 4.16 REQUIRED LOT AREA, WIDTH, YARDS, BUILDING, COVERAGE, HEIGHT

<table>
<thead>
<tr>
<th>District</th>
<th>Lot Area (Sq. Feet)</th>
<th>Front Lot Width (Feet)</th>
<th>Side Yard Width (Feet)</th>
<th>Rear Yard Width (Feet)</th>
<th>Building Footprint (Each Foot)</th>
<th>Bldg. Coverage Percent</th>
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<tr>
<td>RC</td>
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<td>200</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>30</td>
</tr>
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</table>

Note: The setback is reduced to no less than ten (10) feet from a rear or side yard line which borders U.S. Forest Service Lands.

### 4.17 TREATMENT OF FRONT YARDS (24 V.S.A., SECTION 4411(A)(3))

A continuous strip not less than twenty (20) feet wide shall be maintained between the street line and the balance of the lot in all RC Districts, which strip shall be suitably landscaped and maintained in good appearance. The required strip may be traversed only by driveways, and pedestrian walks. Not more than 50% of the area of the required front yard shall be used for storage or for any purpose, except as above provided.

### 4.18 DRIVEWAYS

Where the lot fronts upon a state highway, the owner shall first obtain the approval of the Vermont Agency of Transportation for all driveway access, and shall submit evidence of such approval to the PC.

### 4.19 HAZARDOUS MATERIALS & WASTE (24 V.S.A., SECTION 4411)

1. Hazardous materials or waste from any commercial source may not be stored or dumped within the Town on any site other than the point of origin. Hazardous materials held in a truck or trailer, with or without valid license, will be considered “in storage” if held within Town boundaries for more than 72 hours even if moved from locale to locale within the Town.

2. Hazardous materials used in approved commercial operations within the Town must be properly stored and used according to Federal and State guidelines. Hazardous waste and by-products of approved commercial operations must be properly stored and shipped to an approved disposal site at regular intervals. These intervals must be frequent enough to minimize the amounts of hazardous waste being stored on site. The approved commercial operation must keep detailed records of the movement of hazardous materials on and off site.

3. The ZA may make regular site inspections during business hours to oversee compliance with the Bylaw. The ZA must send a written report of each visit to the Woodford Board of Health and file a copy of the report with the Town Clerk. The ZA must notify the Agency of Natural Resources of any apparent irregularities and/or the need for a state permit.

### SECTION 5 – FOREST (F) DISTRICT(S)

The F District(s) includes those lands owned or currently under option for purchase by the National Forest Service (N.F.S.), State Forest Land, and any other land designated as Forest on the Woodford Land Use Map.

#### 5.0 PURPOSE

To guide growth of the region in an orderly manner by concentrating residential and other development where it will most efficiently be served by public facilities, utilities, and roads; to preserve tracts suitable for perpetuating the forest resources and forest-related industries which have been an important part of the State's
economy; to protect the vital sources of pure water for public supplies and to maintain a high quality environment.

5.10 PERMITTED USES IN F DISTRICT(S)

1. Commercial Forestry and related uses.

2. Forestry carried on for research, demonstration, education, and related uses.

3. Privately owned land with buildings and structures in the F District(s) on not less than fifteen (15) acres may be conditionally permitted for recreational uses including but not limited to hiking, fishing, hunting, snowshoeing, cross country skiing and snowmobiling.

4. Accepted agricultural or silvicultural practices as defined by the State Department of Agriculture or Department of Forest, Parks, and Recreation, respectively.

5. A single-family residence is a permitted use. A Bed and Breakfast/Lodge with accessory buildings/structures which may include food service, and/or provide overnight accommodations, are conditionally permitted provided the lot is not less than 15 acres in area and that:

   a) A Lot may be approved for development only if it is not identified by the PC as being within the headwater of a watershed of a public water supply designated by the Vermont Department of Health or Water Resources or within an area supplying significant amounts of recharge water to aquifers.

   b) If applicable, a lot shall not be approved for development until a permit has been granted pursuant to the Vermont Water Supply and Wastewater Protection Rules.

   c) There are no severe limitations for development or infringement on scenic-fragile areas as identified in the Master Plan.

   d) Minimum yard setbacks are maintained as required in Section 5.12 F District. Note: the setback is reduced to no less than ten (10) feet from a rear or side yard lot line, which borders U.S. Forest Service lands.

5.11 ACCESSORY USE PERMITTED IN F DISTRICT(S)

Accessory uses and facilities may be conditionally permitted when applied for as part of the principal use.

5.12 DIMENSIONAL REQUIREMENTS – F DISTRICT

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<tr>
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<td>15 Acres</td>
<td>15 Acres</td>
<td>40 Feet</td>
<td>30 Feet</td>
<td>50 Feet</td>
<td>35 Feet</td>
<td>10%</td>
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SECTION 6 – RECREATION (R) DISTRICT

6.0 PURPOSE
To guide growth of the area in a manner which will concentrate expansion of related recreational activities and/or other related recreational land use development so that it will efficiently utilize existing public facilities, utilities, and roads; to provide both open space and developed recreational space; to provide appropriate business to support the facility and to maintain both the aesthetic qualities and natural features and resources of the area.

6.10 APPROVAL OF PLANS

1. Site Development Plan

With the exception of construction of a residence for occupancy by a caretaker and family, no permit shall be issued for the erection, alteration, enlargement, or relocation of a building or use in the R District, until a Plan, as per Site Development Plan, Section 2.4 shall have been approved by the PC.

2. Building Layout and Master Plan of Tract

An R District may have one or more buildings containing the uses permitted or conditionally permitted herein. The location of such buildings shall be consistent with good land development practices including the capability of the land to support such development. Building(s) or proposed uses shall be designated on the master plan for the entire tract as required by the PC. Approval may be given to a portion of a project for development provided that the master plan for the entire tract is approved and such development is consistent with that plan. Construction of any project or portion thereof for development which has been approved hereunder shall be initiated within one year. Failure to comply with the master plan of the tract shall constitute a violation of this Bylaw. Amendments to the master plan shall require a separate zoning permit, and approval by the PC.

No construction and/or use shall be approved unless it is consistent with the objectives of the Town Plan. Prior to approving a permit, the PC shall have found that the construction and/or use will not adversely affect the capacity of the planned or existing community facilities, the character of the area affected, traffic on roads or highways in the vicinity, nor will it conflict with any provisions or other Bylaws, ordinances, or regulations then in effect, nor adversely affect utilization of renewable energy resources. In addition to the above, the following standards shall be conditions for permit approval:

a. The extent to which land development is designed to take advantage of the natural terrain of the tract, and to protect the natural vegetation, soil, and water.

b. Has sufficient water available for foreseeable needs of the development.

c. Measures are taken to prevent soil erosion or reduction in the capacity of the soil to hold water.

d. Will not place an unreasonable burden on the community to provide municipal or governmental services or facilities.

e. Provides economy and efficiency of street and public facilities, installation, construction and maintenance, and has adequate access.

f. Assurance of economic capability to complete the proposed development, as it pertains to impacts on municipal facilities or services only, or the health and safety of residents.

g. A timetable showing the sequence of construction activity.

h. Parking requirements are met as required in Parking Facilities Requirements, Section 11.5.1.

i. Shall not have an undue adverse impact on adjacent residential areas.
6.11 PUBLIC HEARING

The PC shall hold a public hearing on the proposed site development plan submitted with any application for a permit in the Recreation District.

6.12 PERMITTED USES IN THE R DISTRICT

1. Commercial alpine and/or cross country ski area with ski slopes and trails, lifts, tows, and supporting equipment, including structures for the storage, repair and maintenance of ski area equipment.

2. A ski or other recreational use base Lodge and accessory buildings, designed and intended primarily for the accommodation of recreational users. A ski and/or other recreational use base lodge may contain a lounge, restaurant, ski shop, and related retail sales.

3. Accessory services such as a nursery or day care for children of facility guests and/or employees.

4. Recreational uses that are environmentally friendly and do not change the character of the area such as archery, swimming, boating, fishing, ice-skating, canoeing, hiking, picnicking, and other similar activities. Commercial campgrounds including overnight facilities for recreational vehicles is not a permitted use.

5. Individual recreational camps or cabins limited to twelve (12) in number for transient short term rental use only. Permitted use is subject to site plan approval.

6. A meeting place for group activities.

6.13 DIMENSIONAL REQUIREMENTS

A commercial recreation area including accessory uses and supporting services shall have a minimum lot area of one hundred (100) acres. To meet the minimum requirement, acreage may include permitted National Forest or other permitted property adjacent to the R District. The applicant must own a minimum of fifty (50) acres of the proposed commercial recreation area.

Buildings and uses shall comply with the following standards: Maximum building height: thirty (30) feet; Setback from all property lines: fifty (50) feet; Maximum building coverage: five (5) %. The setback is reduced to no less than ten (10) feet from the rear or side yard lot line, which borders U.S. Forest Service Lands. Any principal building or use permitted herein but not clearly accessory to the recreation complex shall include a separate lot area designation which complies with the requirements of the RR-RC district.

SECTION 7 - RURAL RESIDENTIAL/ROADSIDE COMMERCIAL (RR/RC) DISTRICT

7.0 PURPOSE

To allow as permitted, and as conditionally permitted compatible uses in a RR/RC District to provide for a mix of low density commercial uses which are compatible with the rural residential uses in the district. A careful balance of mixed uses to retain the rural character and compatibility of such uses needs to be maintained.

a) To allow a mixture of light commercial, single family and duplex residential uses.
b) To allow as permitted, compatible uses in a RR/RC District to provide for a mix of low density commercial uses which are compatible with the rural residential uses in the districts. The Districts should maintain a careful balance of mixed uses to retain the rural character and compatibility of such uses as well as maintain traffic safety. Any uses within the RR/RC Districts shall not create a nuisance or alter the essential character of the property or surrounding area. Any new development shall be consistent with the predominately residential character of these areas.

c) All standards for RR/RC Districts use shall apply uniformly to each class of use, unless otherwise specified in these regulations.

d) The RR/RC Districts permit residential use on a minimum lot size of one (1) acre and conditionally permit commercial uses on lots not less than two (2) acres. Commercial uses are subject to a more rigorous Conditional Use regulatory review process than residential use.

e) Any use not specifically permitted in any given zone may be considered and allowed if, after review by the PC in a public hearing, the PC determines that the use will not alter the characteristics of the area and will not cause an undue adverse effect on the community.

f) Any list of prohibited uses in any section of these regulations shall not be deemed to be an exhaustive list. Such list may be included for the purposes of clarity and emphasis, and to illustrate, by example, some of the uses that are deemed undesirable and incompatible and are thus prohibited.

g) Any new development shall be consistent with the predominately residential characteristics of these areas.

h) Discourage development in river corridors to allow for natural flows during peak flood events.

i) Commercial Development in the RR/RC Districts shall meet applicable use and Performance Standards, Section 2.5.

7.1 LOCATION

There are two RR/RC districts located along and within five hundred (500) feet of Route 9 centerline. One is shown on the Land Use Map extending from the Bennington/Woodford boundary line to the west boundary of the AT/LT parking lot adjacent to route 9. The other RR/RC district is shown on the Land Use Map extending from the east boundary of Woodford State Park to the east boundary of the Red Mill pond area where it abuts with Forest Service lands.

7.2 USES

Pre-existing business uses have included snowmobile sales, repair, storage, snowmobile tours, machine shop, gift shop and restaurant. This area has been mainly oriented for seasonal business use. However, winter seasons have become unpredictable and therefore other desirable seasonal business uses should be considered for approval provided they remain compatible with the predominately rural residential character of the area and meet the Performance Standards, see Section 2.5.

7.3 DIMENSIONAL REQUIREMENTS

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<td>10</td>
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</table>
SECTION 8 – INDUSTRIAL/COMMERCIAL (I/C) DISTRICT

8.0 PURPOSE

The purpose of the I/C District is to promote the general welfare and sound economic development of Woodford, and to encourage the best use of land in a designated area determined most appropriate for the location of suitable establishments in accordance with the Town Plan.

8.1 CRITERIA

All I/C District approved development is subject to traditional use and Performance Standards, see Section 2.5.

8.2 APPROVAL OF PLANS

No permit shall be issued for the erection, alteration, enlargement or relocation of a building, structure or use in this District until a Site Development Plan as described in Section 2.4 has been approved by the PC.

8.3 PUBLIC HEARING

The PC shall hold a public hearing for proposed Site Development Plan(s) submitted with any applications for a permit.

8.4 SIGNS

Permit applications for signs shall be submitted to the ZA for approval, with the authority of the ZA to submit such applications to the PC, if the ZA determines it advisable.

8.5 USES PERMITTED

The following uses, subject to the requirements and limitations of 2.4 are:

1. Natural resources mining i.e., quarry, sand and gravel operations and facilities.
2. Non-hazardous construction and demolition materials burial site.
3. Recycling facilities.
5. Vehicle repair, maintenance, towing and storage.
6. Facility used mainly for office and storage of materials and vehicles for offsite services.
7. Commercial recreational use and facilities.

8.6 CONDITIONAL PERMITTED USES IN THE I/C DISTRICT:

The following uses are subject to the requirements of Section 2.

1. Research and development laboratories.
2. The manufacture, assembly or treatment of articles from new or previously prepared materials.
3. Manufacture of ceramic products, vitreous ware, pottery and porcelain from previously pulverized clay.

4. Manufacture of optic goods, precision instruments, drawing instruments, artist’s supplies, fishing tackle, jewelry, silverware, toys, sporting goods and musical instruments.

5. Assembling of appliances and equipment, including manufacture of small parts, metal finishing, plating and metal fabrication.

6. Industrial cleaning facility.

8.7 DIMENSIONAL REQUIREMENTS

<table>
<thead>
<tr>
<th>District</th>
<th>Min Lot Area Sq. Ft.</th>
<th>Min Lot Width Feet</th>
<th>Min Front Yard Feet</th>
<th>Min Side Yard Feet</th>
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<th>Min Bldg. Covg. Ft.</th>
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<td>I/C</td>
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<td>20</td>
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8.8 TREATMENT OF YARDS AND DRIVEWAYS:

1. The area used for walkways, driveways and parking shall be designed for safety and be suitably landscaped and maintained in good appearance.

2. Driveways and walkways shall be located and designed as approved by the PC. Unless otherwise specifically approved by the PC, there shall not be more than one Burgess Road access driveway. Where possible, driveways shall be shared between and among adjacent owners/renters to reduce the number of individual driveways. Driveways shall enter Burgess Road in such a manner as to provide the maximum sight distance possible. Driveways shall not exceed fifty (50’) feet in width, nor be less than twenty (20’) feet in width. Driveways shall be flared where they meet the street pavement by curves having radii of not less than twenty (20’) feet.

SECTION 9 - FLOOD HAZARD OVERLAY (FHO) DISTRICT

The FHO District shall cover those areas regulated under the separate Flood Hazard Area Regulation, which shall be the Special Flood Hazard Area (SFHA) in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program.

9.0 PURPOSE

a. The purpose of this Overlay District is to prevent increases in flooding caused by uncontrolled development of flood hazard areas; to minimize losses of public and private properties as a result of floods; and to retain eligibility for property owners to obtain flood insurance under the National Flood Insurance Program.

Prior to any zoning permit being issued in the FHO, a Flood Hazard permit under the town’s separate Flood Hazard Regulation shall be required by the Town, or a determination that no such permit is required.

b. Disclaimer of Liability
These bylaws do not imply that land outside the areas of special flood hazard or land use permitted within such Districts will be free from flooding or flood damages. These bylaws shall not create liability on the part of the Town of Woodford or any town official or employee thereof for any flood damages that result from reliance on these bylaws or any administrative decision lawfully made hereunder.

Section 10 - Woodford Lake Estate (WLE) Residential District

10.0 PURPOSE

The purpose of the WLE District is to insure the preservation of the natural and scenic qualities of the area which is planned to be residential in character with a density that avoids the need for public water supply and a public sewer system. It is the intent of these regulations to protect the lake and wetlands in WLE through proper stewardship by following the current Department of Environmental Conservation’s Lake Protection Plan for Shoreland Zoning Options for Towns.

Woodford Lake Estates consists of Woodford Lake, historically known as Big Pond, the land and premises lying within the Town of Woodford, State of Vermont, and more particularly described on a plan marked “Proposed Plan of Woodford Lake Estates, Woodford, Vermont, United Development Corporation, owners and developers, scale 1” equals 100’, Smith & Wallen Engineers, Surveyors, 124 State Street, Springfield, Massachusetts” and dated September 5, 1948, and recorded in the office of the Town Clerk of Woodford, Vermont, in Book of Plans No. 19, Page 469.

WLE is governed by a unit owners’ association, which has been duly formed and registered with the State of Vermont Secretary of State, named Woodford Lake Association Inc. WLA Inc. is and shall remain a planned community as that term is defined in the Vermont Uniform Common Interest Ownership Act, V.S.A. 27A 1-103(23).

WLE property owners are subject to State law, the Town of Woodford Bylaws and/or separately WLA Deed Covenants, Bylaws and Standing Rules of Procedure, whichever is more lawfully limiting. See Section 2 General Regulations – Compliance with Bylaws.

10.1 PERMITTED USES IN THE WLE DISTRICT

Single family homes with one accessory building.

A. An undeveloped building lot having a minimum size of one hundred by one hundred (100’ by 100’) feet may be approved by the ZA for new construction of one (1) private single family residence and their one (1) separate accessory building.

B. A pre-existing, nonconforming lot that is at least one eighth 1/8th acre (5544 square feet) and a minimum of forty (40) feet wide may be developed for residential purposes provided the building is not less than four hundred (400) square feet and can comply with required use and performance standards.

C. A pre-existing, non-conforming lot under deeded, single ownership which is less than one eighth 1/8th acre (5544 square feet) cannot be developed unless it qualifies as a lot contiguous to a conforming one hundred by one hundred (100’ by 100’) lot or that the combination of the subject lot with a contiguous or adjacent lot under the same ownership will bring the combined lots into conformance with the Bylaws.

D. Any lot in WLE located directly opposite or directly diagonal from a lot on the other side of a common roadway within the development shall be considered contiguous for the purpose of development.

10.2 LIMITATIONS
1. Municipal permit approval is subject to receiving a waste water disposal system and potable water supply approval from the state of Vermont as well as any applicable State permits.

2. No premise shall be used for any commercial or manufacturing purposes of any kind with the exception of the existing commercially zoned properties. (WLE lots 201, 202, 203, 204, 205, 206A, 206, & 207.)

3. Maximum building coverage (including dwelling, accessory buildings and all impervious surfaces) is 20% on a lot one hundred by one hundred (100’ x 100’) or greater.

4. No more than 10% of the square footage of a nonconforming undeveloped lot may be developed with impervious surfaces.

5. No more than 10% of a nonconforming lot may be developed with impervious surfaces unless a building is being replaced which exceeded that amount. However, although a replacement building may be situated more in compliance with required setbacks to reduce its nonconformity, in no case shall the replacement structure exceed the square footage of the original structure’s footprint.

6. Buildings, porches, or projections shall not extend within twenty five (25) feet from the mean water level of Woodford Lake. See mean water level in Definitions.

7. Only one (1) motor vehicle that is operable, and/or unregistered and/or uninspected may be stored outside on any lot within WLE.

8. Junk shall be cleaned up and removed from any property at the property owner’s expense within thirty (30) days of being cited by certified mail for zoning violation(s) by the ZA and/or Health Officer.

9. Household waste, solid waste, construction and demolition waste must be cleaned up and removed from the property at the property owner’s expense and taken to an authorized receiving facility within thirty (30) days of being cited by certified mail for zoning violation(s) by the ZA and/or Health Officer.

10. Hazardous Waste must be cleaned up and removed promptly within seven (7) days of being cited by certified mail for zoning violation(s) by the ZA and/or Health Officer.

11. Condemned buildings must be promptly cleaned up and secured in a safe, clean and environmentally sound condition within thirty days of officially authorized condemnation.

12. Abandoned buildings must be torn down with any ground cavities filled to surrounding grade and landscaping completed at the owner’s expense within one (1) year of being cited by certified mail for zoning violation(s) by the ZA and/or Health Officer.

13. No junk, waste material and/or construction debris shall be stored outside on any lot.

14. Junk, scrap, waste material or construction debris not originating on property at WLE shall not be stored on any WLE lot at any time.

15. See Penalties and enforcement for zoning violations.

10.3 DIMENSIONAL REQUIREMENTS FOR WLE DISTRICT DEVELOPMENT

Minimum lot area =10,000 square feet (100’ by 100’)
Minimum lot width = 100’
Minimum lot depth =100’
Minimum front setback = 20’
Minimum side setback = 10’
Minimum back setback = 10’
Minimum lakefront setback = 25’ from the mean water level.
SECTION 11 – SPECIAL REGULATIONS

11.0 NONCONFORMING USES AND BUILDINGS

11.1 GENERAL REQUIREMENTS

1. Any building or use lawfully existing on the effective date of this Bylaw (2/4/74), or as amended, although not conforming with other provisions of the Bylaws for the District in which it is situated, may be continued subject to compliance with the conditions set forth below. No change of title or possession or right to possession of such building on the lot on which such use is located shall be construed to prevent the continuation of such nonconforming use or building. Whenever a district shall be changed hereafter by amendment of the Bylaw, the provisions of this Bylaw with regard to any building or use lawfully existing at the time of passage of this Bylaw will apply, subject to the conditions set forth below, to any building or use lawfully existing in such changed District at the time of passage of such an amendment.

2. Extension within a Building:

   A nonconforming use which is not otherwise unlawful may be extended throughout any part of a building which was obviously arranged or designed for such use on the date that it became nonconforming through the adoption or amendment of this Bylaw.

3. Enlargement of a Building:

   No building or other structure containing a non conforming use shall be hereafter extended or enlarged except in conformance with the provisions of this Bylaw.

4. Abandonment

   Whenever a nonconforming use has been abandoned for a period exceeding one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this Bylaw.

5. Changes

6. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a more restrictive nonconforming use, and when so changed, shall not again be changed to a less restricted use.

Reconstruction

Except in the Flood Hazard Overlay District, any non-conforming building or structure, or portion thereof, which is lawfully existing at the time of the adoption of this bylaw or any pertinent amendment thereto, may be continued and may be rebuilt if destroyed by a catastrophic event or otherwise demolished provided that:

a) The rebuilding is done approximately on the original footprint and the height of the building is either approximately that of the original or to the height allowed in the district.

b) A completed application is filed within one year of the destructive event or completion of demolition.
7. Extension and Enlargement

A non-complying building or structure may be enlarged or extended provided that:

a) An application is filed for a variance or waiver and is conditionally approved by the Zoning Board.

b) The extension or enlargement is the reasonable minimum required to offer relief.

c) The proposed extension may follow previously existing building lines without further reducing setbacks.

11.2 PROTECTION OF STREAMS AND DRAIN WAYS

No structure shall be placed, and no on-site sewage disposal system shall be placed, and no land shall be excavated, filled, or graded in any zoning district within a distance of fifty (50) feet from the mean water level (see definition) of any stream or watercourse shown on the Town Plan as a drain way, or within a distance of fifty (50) feet from the mean water level of any natural or artificial pond, lake or body of water, except with the approval of the ZBA. Application for such approval shall be submitted to the ZBA with such surveys, maps, and other data, as the ZBA may require in order to reach its decision.

The ZBA shall refer all applications and accompanying surveys, maps and data, to the PC for its report and recommendations. Prior to granting such approval, the ZBA shall have found that the proposed construction, earth excavation, filling, or grading, shall not contribute to any impeded drainage, flood hazard, erosion, silting, or other adverse effect on natural conditions, or on fish or wildlife habitat.

11.3 EARTH PRODUCTS REMOVAL

11.3.1 REMOVAL RESTRICTION

Except as otherwise provided in this section, there shall be no removal from the premises in any District of earth, sand, gravel, clay, or stone, except as surplus material resulting from a bona-fide construction, landscape, or operation being executed on the premises, and provided that no permanent damage is done to the landscape.

11.3.2 PERMIT FOR REMOVAL OF EARTH PRODUCTS

The ZBA, after a public hearing, may grant a permit for the removal of earth, sand, gravel, clay, or stone, under the following conditions:

1. The applicant shall submit a plan showing existing grades in the area from which the above material is to be removed, together with finished grades at the conclusion of the operation.

2. The operator shall provide for proper drainage of the area of the operation during and after completion, and no bank shall exceed a slope of one foot of vertical rise in two (2) feet of horizontal distance, except in ledge rock. No removal shall take place within fifty (50) feet of a property line, except that where the grade from a property line rises toward the lot where removal is to take place, material lying above the grade at the property line may be removed.

3. At the conclusion of the operation, or of any substantial portion thereof, the whole area where removal takes place shall be covered with top soil, and seeded with a suitable cover crop, except where ledge rock is exposed.

4. If the extraction is wholly or partly from a stream bed, it shall be carried on in such a manner that there shall be no obstruction or substantial change in normal flow, and at the conclusion of work in
any section there shall be no increase in erosion or flood hazard. State permits are required for extraction in water flow areas and must meet criteria in the Flood Hazard Overlay.

5. In addition to the standards for conditional use, the ZBA shall consider whether the removal will: (1) endanger the general health or safety, (2) constitute a nuisance (3) result in detriment to the normal use of adjacent property by reason of noise, dust, or vibration, or (4) result in traffic hazards in residential areas or excessive congestion or physical damage on public ways. The ZBA may also consider the location and use of structures, equipment, routes to transport material, and hours of operation.

6. A permit for the removal of earth products may be issued for a period of up to but not exceeding five (5) years. Permits may be renewed upon reapplication under the same procedure.

11.3.3 EXISTING SAND AND GRAVEL OPERATIONS

Existing sand and gravel or other extractive operations must conform to this Bylaw from its effective date with respect to any enlargement of the area which such operations are conducted.

11.3.4 SURETY BOND

In accordance with the provisions of subsection 4407 (8) of the Vermont Planning and Development Act, before a permit is granted under this section, the applicant shall post a surety bond with the Treasurer of the Town of Woodford in an amount and in a form approved by the ZBA as sufficient to guarantee conformity with the provisions of the permit issued here under.

11.4.1 PARKING FACILITIES REQUIRED

Parking facilities off the street or highway right-of-way shall be provided to serve any building erected, moved, altered, or enlarged, and all premises otherwise developed after the adoption of this Bylaw. Such on-site facilities shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting such building or premises at any one time.

Required parking facilities shall be located on the same lot as the principal building or use which it serves. Upon the approval of the PC required parking facilities may be located elsewhere.

11.4.2 REQUIRED AREA OF PARKING FACILITIES

Unless otherwise specifically approved by the PC, required parking facilities shall contain not less than the minimum areas set forth below, exclusive of driveways.

1. For dwellings, two spaces for each principal dwelling plus two spaces for an accessory dwelling.
2. For offices and for home occupations, an area equal to twice the floor area used for such purpose.
3. For retail stores, personal service shops, and similar business buildings, an area equal to two and one half the floor area used for business.
4. For restaurants, an area equal to two hundred fifty (250) square feet for every three seats.
5. For motels, lodging, or rooming houses, two hundred fifty (250) square feet for each unit.
6. R District parking shall be adequate for customary on site business as well as additional parking as required during special events.

11.5 MOBILE HOMES AND RECREATIONAL VEHICLES
1. **General Regulations:**

1. Nothing herein shall prevent the use of a mobile home or recreational vehicle at a campground operated by the State of Vermont on State land.

2. Any recreational vehicle or a mobile trailer designed for office use and any storage trailer accessory to a permitted construction operation being executed on the premises, may be used temporarily without a permit for up to six (6) months as a field office and for secure storage of related materials. Continued use after six (6) months requires a permit.

2. **Mobile Home as a Dwelling:** A mobile home may be used as a one-family dwelling, provided that it is located on a lot meeting all of the requirements of this Bylaw applicable to a one-family dwelling in the District in which it is located, is suitably anchored to a permanent concrete foundation of not less than six (6) inches thick and containing 1/2” diameter steel reinforcing rod 18” on center or wire mesh of normal/accepted gauge.

3. **Recreational Vehicles:** A recreational vehicle may be occupied on any lot by a non-paying guest of the occupant of such lot for a period not exceeding thirty (30) days in any twelve (12) month period, provided provisions are made for lawful disposal of all grey and black water from the RV holding tanks.

4. **Pre-existing and New Mobile Home Parks (MHPs):**

1. MHPs are permitted in accordance with 10 V.S.A., Chapter 153 Ss 6204 (a) and 24 V.S.A., Ss 4412 (B) and (C) and including essential services such as laundry and convenience goods for the occupants.

2. Standards for Location:

   RR/RC Districts;

   Park Area: Minimum five (5) acres, or the minimum lot area for the district in which it is located, whichever is greater;

   Density: Dependent on development ability to meet all required standards in this bylaw and conditional approval by the ZBA. Mobile Home Parks approved upon adoption of this bylaw shall meet all minimum setback requirements along their perimeter for the district in which they are located.

   Each newly dedicated mobile home (MH) lot shall be a minimum of six thousand (6,000) square feet, with a minimum width of fifty (50) feet at developed MHPs upon adoption of these bylaws; A pre-existing MHP lot may be enlarged but not reduced in size without ZBA permit approval;

   Each mobile home shall be set back a minimum of seventeen (17) feet from adjoining mobile home sites;

   MHPs shall comply with all applicable state regulations, including regulations relating to water supply and waste water disposal;

   Open Space: 10% of the gross Park Area, or a minimum of 20% of the useable land area in any newly developed mobile home park shall be set aside for common recreational or open space;

   Setback areas shall not be included in the calculation of recreation land or open space;

   The enterprise of mobile home sales, sale of merchandise or business services on a mobile home lot is not permitted;
An approved landscaped area or built structure shall be required to buffer the perimeter of all newly approved MHPs in addition to conditions for internal landscaping and lighting;

Each replacement mobile home or a mobile home placed in a newly developed MHP after adoption of these bylaws shall be located on a mapped lot, placed on a minimum 6” concrete pad reinforced with rebar or wire commonly used for the purpose. The pad must extend around the complete perimeter of the MH adequately anchored and skirted according to ZBA conditional approval;
A minimum of two (2) parking spaces (paved or graveled) shall be provided for each mobile home lot;
There shall be provision for MH operation and maintenance;

Review procedure includes site plan;
The MHP owner, or designated operator, as a condition of the ZBA shall:

(1) Maintain all park buildings, roads, parking areas, paths, utilities, landscaping, open space and common areas in good condition, and shall provide for the regular collection and removal of recyclables, waste and garbage; and

(2) Remove snow from all park roads and service areas.
Failure to meet these operation and maintenance requirements shall constitute a violation of permit conditions and these regulations, subject to enforcement action.
Changes or alterations to park area, design, layout or common facilities are subject to ZBA conditional review in accordance with the above provisions. The owner of a mobile home within an approved MHP may apply for a zoning permit from the ZA for a deck or accessory structure which meets setback requirements without additional approval by the ZBA. The replacement of a permitted mobile home within an approved MHP shall require a zoning permit issued by the ZA to ensure ongoing compliance with all ZBA stipulations.

11.6 SWIMMING POOLS AND PONDS

1. Swimming pools

A swimming pool must be applied for as a conditional use approved by the ZBA. The pool shall be securely fenced with a latching gate to a height of not less than four feet.

2. Ponds

An Application for a zoning permit to construct any pond may be approved by the ZBA after a public hearing subject to State Agency regulations and provided that there shall be no undue adverse effect and any adverse effect upon the public health, safety, and surrounding area

In reviewing such application, the ZBA shall require plans and specifications, and other information deemed necessary. Such information shall include:
a. Map of entire property showing location of the pond with respect to present structures, roads, and boundaries
b. The nearest building(s) on adjoining land
c. Certified engineer specifications for the construction of a dam prior to construction.
d. An estimate of the surface area of the pond and volume of water.e. Natural or proposed drainage and contoursf. Evaluation and recommendation by the soil conservation District.
11.7 COMMERCIAL TELECOMMUNICATION TOWERS AND ANTENNAS (CTTA)

Commercial telecommunication towers and antennas shall be a conditional use in all districts subject to review by the PC and must meet the following criteria in addition to the general standards specified in Section 2.

a. Climbing access to the tower shall be restricted.

b. A commercial tower shall meet the height requirement for the district where located unless granted a dimensional variance or waiver by the PC.

c. Commercial towers shall be evaluated based on their neighborhood context and visual impact;

d. Antennas may be placed on existing structures such as silos or church steeples where appropriate;

e. Commercial towers shall be of a non-reflective unobtrusive color and may be required to be painted or otherwise camouflaged to minimize the potential adverse visual impact;

f. The distance from the base of the tower to the property line shall be a minimum of fifty (50) feet. The PC may waive the setback requirement for that portion of a parcel abutting the Green Mountain National Forest.

g. Any commercial telecommunication tower which has reached the end of its useful life or has been abandoned shall be removed. Abandonment is defined as the failure to operate the facility on a continuous and ongoing basis for a period of one (1) year. At the time of removal, the tower site shall be reclaimed. Adequate surety must be provided to cover cost of removal.

h. The developer must provide evidence of all risks insurance to industry standards with the Town of Woodford named as an additional insured.

i. The Woodford PC requires party status in the permitting process of CTTA

j. CTTA towers shall allow co-location of antennas.

11.8 HANDICAP ACCESS

Handicapped Access requires a building permit. Handicapped ramps can be exempt from setback requirements by a waiver if they do not interfere with the health and safety of the community and if a ramp cannot be constructed in strict compliance with the regulations.

11.9 CAMPGROUNDS

New campgrounds or any additional campsites in an existing campground are permitted in the Rural Residential Zone subject to conditional use review, site plan approval, state permitting and the following criteria.

a) It shall have access to potable water and sewage waste disposal in compliance with regulations of the Vermont Department of Environmental Conservation.

b) It shall maintain Landscaping, and/or fencing along the campground boundaries as may be required by the ZBA for screening, security and/or privacy.

c) It shall dedicate a strip of land at least twenty-five (25) feet in width to be maintained as a landscaped area abutting all campground boundaries to mitigate impacts on adjacent residential properties when the ZBA determines it is necessary to buffer the view or noise from the campground.
d) It shall not allow any building, campsite, parking or service area to be located in the buffer area.

e) The ZBA may reduce or eliminate the buffer requirements if such modification will serve to preserve a scenic view, provided that privacy for adjoining residential property owners can be maintained.

f) It shall maintain a register including the names and addresses of all campground occupants and their dates of occupancy throughout the duration of open season.

g) It shall have an area of no less than 15 acres.

h) It shall provide adequate roadways for safe ingress, and egress.

i) It shall provide adequate interior access driveways and parking spaces for campers, guests and emergency vehicles.

j) It shall provide at least 2,500 square feet in area and be a minimum of 25’ wide for each campsite.

k) It shall provide lavatory, shower, and toilet facilities sufficient to serve all campsites.

l) It shall provide waste water disposal systems designed and installed in accordance with applicable state regulations.

m) It shall provide campsites in a clean, dry and well drained area.

n) It shall provide for each campsite at least one thousand (1000) square feet of additional land set aside in common, open space accessible to all users of the campground.

o) It shall collect, store and dispose of refuse in a manner that does not create odor, health hazards or pollution.

p) It shall provide sewer hookups for all RV sites or at least one (1) dump station for every one hundred (100) campsites.

q) It shall provide for the outdoor parking and storage of recreational vehicles short or long term on a suitable compacted surface on the campground property where placement will not have an adverse effect on adjacent residential property.

r) Applications for permits shall be made in writing, signed by the applicant who shall file with the application proof of ownership of the premises or of a lease or written permission from the owner thereof together with a complete set of plans drawn to scale, showing the location of the proposed campsites and which shall include:

s) The areas and dimensions of the tract of land.

t) The number, location and size of all campsites.

u) The location of any existing buildings, roadways, parking areas, walkways and turnouts.

v) The location of electrical, water, storm drainage and sewer lines and sewage disposal systems.

w) May have a store selling goods customarily purchased by campers.

11.10 COMMERCIAL WIND ENERGY POWER GENERATING PLANTS
A commercial wind energy power generating plant consisting of a wind turbine generator or generators, transmission lines and accessory buildings and structures may be approved as a conditional use provided the following criteria are satisfied:

a) Minimum lot size for a commercial wind energy generating facility is 50 acres.

b) Dimensional Requirements: Minimum distance to any boundary is 100’.

c) Maximum sound level radiated by the facility measured at the property line shall not exceed 70 decibels.

d) The site and any access roadways and transmission lines shall be developed and maintained in a manner that will minimize soil erosion, contamination of the surface and ground water sources, and/or cause adverse damage to important wildlife habitats or natural areas.

e) The facility shall be sited for least possible visibility from Existing state highways or from the Long Trail/Appalachian Trail.

11.11 SOLAR FACILITY SITING & DEVELOPMENT

Electricity generation and transmission systems powered by solar energy are regulated by the Public Service Board (PSB) under 30 V.S.A. Section 248 (Section 248 PSB proceedings). The Woodford Planning commission, the Bennington County Regional Commission, and the Woodford Select Board are to receive notice of a Certificate of Public Good (CPG) application for a proposed solar facility in Woodford. In determining whether to provide a proposed solar project with a CPG, the PSB must give due consideration to the recommendations of the municipal and regional planning commissions and the Woodford Select Board. See 30 V.S.A. 248(b)(1), 30 V.S.A 248(B)(5), PSB Rule 5 108(A) and Rule 5. 108(A)(1) for reference.

Energy Facilities (Purpose)

The purpose of these community standards is to promote the development of renewable energy resources and energy facilities in Woodford, while limiting adverse impacts of such development, environmentally sensitive areas, and our most highly-valued natural, cultural and scenic resources - consistent with related development, resource protection and land conservation policies included elsewhere in the Town Plan and Bylaws. These policies should also be considered in undertaking municipal solar energy projects and programs, in enacting or updating the town bylaws to address renewable energy development, and in the review of new or upgraded energy facilities and systems by the town and in section 248 PSB proceedings.

ENERGY FACILITIES STANDARDS

1. Ground installations, to the extent functionally feasible, shall be installed in locations that minimize their visibility, such as a side or rear yard, and be screened from view of public rights-of-ways and adjoining properties.

2. Roof or building mounted systems may be placed on new construction, non-historic buildings and additions.

3. Solar panels and other roof-or-wall-mounted structures shall not be placed on primary building facades, including street-facing wall or roofs, unless there is no other suitable location on the site or structure.
4. Roof or building-mounted systems on a historic building shall not physically damage the structure, alter its character-defining features, including existing roof lines or dormers, nor obstruct significant architectural features, such as overlaying windows or architectural detailing. Attachment points must be minimized and allow for future removal.

5. Roof-mounted installations shall be placed below and behind parapet walls and dormers, on rear-facing roofs where feasible. Panels are to be mounted flush with and at the same angle as the existing roof surface and, on flat roofs, set back from the roof edge to minimize visibility.

Setbacks: Except for transmission and distribution lines and utility connections, all energy facilities including substations, commercial, utility and net-metered generation facilities and accessory structures - must meet minimum setback requirements for the land use districts in which they are located.

In addition, renewable energy facility setback distances from property lines, or from occupied structures in existence at the time of application, should be increased as necessary to mitigate identified aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and the public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. 1424 (a)(d) (outstanding resource waters) and Act 250 criteria set forth in 10 V.S.A. 6086(a)(1) through (8) and 9(k) and nuisance or adverse impacts upon adjoining property owners.

Siting

1. Sites planned for or intended to accommodate solar energy facility development, including the location of existing and planned commercial and net-metered generation facilities and utility corridors, are to be shown on site development and subdivision plans reviewed by the town.

2. Solar energy facilities and accessory structures are to be designed and constructed of materials, colors, and textures that blend into the surrounding natural or built environment to the extent feasible.

3. The solar facility should not extend above the background horizon line.

4. The solar energy facility should be screened from view through the use of existing topography, structures, vegetation or strategically placed tree, shrub, ground cover plantings that do not block distant views. Onsite mitigation - e.g., through facility clustering, relocation, buffering and permanent conservation easements - is preferred. Off-site mitigation measures should be required where on-site mitigation is not physically feasible.

Upland Exclusion Areas

Any energy development over 1000 feet in elevation shall not result in undue adverse impacts to surface waters, ground water and mapped source protection areas. Core forest areas, inventoried wildlife habitat and travel corridors, and mapped scenic resources.

Hazard Areas

With the exception of transmission and distribution lines, ground-mounted solar energy facilities that are not attached to existing or permitted structures shall not be located in:
Special Flood Hazard Areas (SFHAS), including floodways and floodway fringes identified on Flood Insurance Rate Maps (FIRMS) for the town.
Any allowed facility shall not be located within these areas must meet minimum National Flood Insurance Program (NFIP) requirements, as reviewed and permitted by the municipality or the state.
Shall not be located in river corridors identified on Woodford Agency of Natural Resources maps.
Shall not be located on steep slopes, with natural (pre-development) grades in excess of 25%.
Shall not be located where there is significant wildlife habitat, including without limitation, deer wintering areas, core habitat areas, and travel and migratory corridors, as identified from state inventories and data sets, local inventories, and site investigations associated with facility development. The setback for a ground-mounted solar facility from surface waters and wetlands shall be 75 feet.

**Forest land**

Ground-mounted solar energy facilities, including transmission and distribution lines, accessory structures and access roads shall not be located along existing tree lines, or on otherwise disturbed forest land, as necessary to avoid the fragmentation of, and to minimize and mitigate adverse impacts to productive timber strands and critical forest habitat.

**Designated Scenic Areas**

Ground-mounted solar energy facilities sited within or as viewed from scenic areas shall not create a significant physical, visual, audible, or historically incongruous or incompatible intrusion in these areas. New facilities, including generation facilities greater than 100 KW substations and transmission lines, are specifically prohibited within or as viewed from these areas unless significant associated impacts can be avoided, for example through facility siting, screening or line burial.

**Signs**

Energy generation facilities and structures shall not be used for display or advertising purposes. Signs, except for owner and manufacturer identifications and safety warnings that do not exceed one square foot, are prohibited on all structures. Substation lighting should be the minimum necessary for site monitoring and security.

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**SECTION 12 – ADMINISTRATION AND ENFORCEMENT**

The provisions of this Bylaw shall be administered and enforced by the ZA, nominated by the PC and approved by the Select Board, as provided by law. The ZA shall literally enforce the provisions of these regulations, inspect land developments, maintain records of actions, and perform all other necessary and required tasks to carry out the provisions of these regulations, and the duties of the office. A complete and accurate record of all applications, decisions, and violations acted upon shall be filed with the Town Clerk and Board of Listers as provided in 24 V.S.A. Section 4449.

**12.0 PERMITS**

Before any land or building is devoted to a new or changed use, or before the erection of any building or land development, a zoning permit shall be obtained from the ZA.

Application for such a permit shall be made on an authorized form, accompanied by a fee in an amount established by the Select Board. Before issuing any such permit the ZA shall certify that the proposed building and use comply with all of the provisions of this Bylaw. The application for the zoning and building permit shall be accompanied by plans and specifications in duplicate, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for enforcement of this Bylaw.
In case the proposed development would result in the construction of more than one principal building on a parcel of land under single ownership, the plans shall indicate for each principal building the boundaries on the land area dedicated as the site for each building and providing thereon all such yards, parking and open spaces as are required in this Bylaw for such a building within the District in which the property is located.

Any construction, development, use, or change in use requiring or affecting a water supply or wastewater disposal system shall not proceed if a permit is required and until it is approved pursuant to 10 V.S.A., Chapter 64, and Vermont’s Wastewater System and Potable Water Supply Rules. The State has universal jurisdiction for water supply and wastewater disposal permits and enforcement. A copy of the State application for a permit shall be filed with the Town. Permits, denials, and supporting documentation shall be filed with the Town for recording with the land records pursuant to 24 V.S.A. sections 1154 and 1161. Nothing in this section shall be construed to restrict the authority of the town, acting through the Woodford Board of health, to abate public nuisances or to abate or remove public health risks or hazards.

12.1 APPLICATION REQUIREMENTS

Applications for site plan review, conditional use review, or substantial amendments to a previously approved plan, and associated application fees, shall be filed with the ZA for referral, respectively, to the PC or ZBA, and advisory committees.

The application package shall consist of two (2) copies of all application materials, which at minimum must include the following:

1. A completed application form.

2. The names and addresses of the owner(s) of record of all abutting and facing properties, as listed in the town land records.

3. A detailed, written description of the project.

4. A copy of the approved subdivision plat and conditions of prior approvals, including master plan approvals, as applicable.

5. A site plan prepared in accordance with applicable Town of Woodford Application Checklist that shows existing site features, and all existing and proposed site improvements.

6. Other supporting documentation and plans as specified in Town of Woodford Application Checklist.

7. A certification that there are no outstanding violations with respect to the property, or a detailed, written description of any and all outstanding violations.

12.1 ISSUANCE OF A PERMIT

The ZA shall not issue a zoning permit unless an application, fee, plot plan, and any other approvals required by these regulations have been properly submitted. The ZA shall act within 30 days of submission of a complete application, data, and approvals, by issuing a decision or by making a referral to the appropriate municipal panel.

If the ZA fails to act with regard to a complete application for a permit, within thirty (30) days, a permit shall be deemed approved on the 31st day. If a permit is denied, the ZA shall so notify the applicant in writing stating that reasons thereof.

If the zoning permit is approved, all activities authorized by its issuance shall be completed within two (2) years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required. Each zoning permit issued under this section shall contain a statement of the
period of time within which an appeal may be taken. Within three (3) days following the issuance of a Zoning Permit, the ZA shall:

1. Deliver a copy of the permit to Listers;
2. Post a copy of the permit in at least one (1) public place in the municipality until the expiration of fifteen (15) days from the date of issuance of the permit;
3. File a copy with the Town Clerk.

For any property for which a permit has been issued, a notice of permit shall be posted within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal (24 V.S.A., Section 4465) has passed.

12.2 EFFECTIVE DATE

The effective date of a permit shall be fifteen (15) days after the date of approval. No zoning permit shall take effect until the time for appeal (24 V.S.A. Section 4465) has passed, or in the event that a notice of appeal is filed properly, such permit shall not take effect until final adjudication of said appeal by the ZBA is complete and the time for taking an appeal to the Environmental Court has passed without an appeal being taken. If an appeal is taken to the Environmental Court, the permit shall not take effect until the Environmental Court rules in accordance with 10 V.S.A. Section 8504 on whether to issue a stay, or until the expiration of fifteen (15) days, whichever comes first.

The time for appeals from a decision of the ZA is fifteen (15) days. (subsection 4465 (a) of the Act).

The time for appeals from a decision of the ZBA is thirty (30) days. (See subsection 4471 of the Act and Title 3 V.S.A. subsection 801 through 816).

12.3 PROPERTY IMPROVEMENTS AND USES NOT REQUIRING PERMITS

Except in the Flood Hazard Overlay District the following improvements do not require permits:

1. Landscape features, such as bank retaining walls; complimentary steps in lawns/gardens; raised planter beds. Under these Bylaws a roofed gazebo structure is treated as an accessory building.
2. Portable seasonal (warm weather) structure. Must be taken down 11/1 through 3/31 each year.
3. Accessory building/shed thirty six (36) square feet or smaller (no more than two (2) per property), that conform to setback requirements, or a portable building designed and used mainly for ice fishing.
4. Roadways/driveways within property boundaries, provided said roadway is ten (10) feet or more from any boundary line.
5. Private dock on a pond wholly within property boundaries.
6. Fencing including posts, six (6) feet or under. A fence line along a public road must be set back from an established road right-of-way. No fence or gate may impede or block a private right-of-way of another property owner. Fencing shall not create an undue adverse effect.
7. Outdoor lighting for security/aesthetic purposes. Lighting must meet any state guidelines in effect at time of installation, such as limits on illumination levels or glare pollution. Lighting, including motion detection activation, should avoid increased illumination on an adjoining property.
8. Exterior structural improvements and repairs that do not increase the volume and dimensions of the building/structure, the addition of a chimney, and interior improvements.
9. New or replacement access stairs and/or ramps with open deck not to exceed 36 sq. ft. All components may be railed.

10. Alternative energy collection systems for individual residential use, such as solar panels, wind turbines and hydroelectric turbines. Standard setbacks and height limits (30 feet) must be met. Hydroelectric turbines may require a State permit. Such energy systems are also exempt from the Town permit process if shared by not more than three (3) abutting residential properties.

11. An occasional garage/yard/tag sale in connection with a residence. Such an event is restricted to no more than one (1) weekend per month for a period of two (2) days or three (3) days if the weekend includes a Federal holiday. Such sales may be held April 15 - November 30 only. Estate or household moving sales may run for a total of sixteen (16) days.

12.4 DISCRETIONARY PERMIT ACTIONS – AUTHORITY OF THE ZONING ADMINISTRATION

In the specific instances listed below the ZA may issue permits at his or her discretion. The ZA, without giving cause, may send these applications to the ZBA for determination. (24 V.S.A., Section 4414 (8))

1. Nonconforming (small) lot discretionary permits. Required setbacks must be met.
   a) Replacement or new decks without roofing.
   b) Enclosing an entryway or porch 7 feet by 7 feet or smaller.
   c) Access steps and ramps, new or replacement, for any existing building.
   d) Accessory building or shed 100 square feet or smaller.
   e) Private dock not requiring a State permit.

2. Access deck or porch, including stairs and/or handicapped ramping, to pre-existing entry door. There must be at least twenty-five (25) feet of clearance from the property line of the building unless a waiver is applied for and granted. The deck/porch platform may not extend more than eight (8) feet from the side of the house. A deck/porch so approved will not be given “pre-existing” status for future expansion of living space unless applied for in a separate zoning permit amendment.

12.5 WAIVERS

Purpose:

The purpose of a waiver is to allow for the reduction of dimensional requirements that might not meet all five (5) required standards necessary to grant a variance.

Waiver Criteria:

As an alternative to some variances, where renovation or expansion is proposed, the ZBA may grant a waiver of bylaw setbacks, lot frontage and structure heights. Such waivers must be in conformance with the municipal plan [4414(7) (a)], state planning goals [4302] and meets the following standards.

1. Any adverse effects of the waiver, such as but not limited to, noise and sight shall be mitigated through design, screening, buffers or other remedy as required by the ZBA.

2. Allow for structures providing for disability accessibility, fire safety and other legal requirements; or
3. Provide for energy conservation and renewable energy structures and preservation of natural and historical resources.

A. The waiver, if approved, will be the minimum that will afford relief and will represent the least adverse deviation from the bylaws.

   1. Meeting the dimensional and/or setback requirements will create an undue hardship on the applicant and the hardship was not created by the applicant.

   2. The proposed clustering of development will more effectively preserve open land, forest land, or scenic vistas; or will result in permanently affordable housing units and

B. The result will not alter the character of the immediate neighborhood, impair reasonable and permitted use of adjoining properties, nor cause harm to the public welfare.

The proposed project will not have an undue adverse effect on the following:

1. Surrounding properties and property values

2. The character and aesthetics of the neighborhood

3. Traffic patterns and circulation

4. Public health, safety, and utility services

5. Storm water management

6. Water and waste water capacity

7. Existing development patterns of the immediate neighborhood

C. The process of applying for and or appealing a waiver is the same for a variance. A waiver shall be granted subject to conditions approved by the ZBA.

12.6 WAIVER APPLICATION AND REVIEW PROCESS

A. An application for a waiver may be made separate from or in addition to another application.

B. An application for a waiver may come to the ZBA either from the applicant as an appeal of a decision of the ZA or as a referral from the ZA.

C. Any request for a waiver to be considered by the ZBA will be warned and a public hearing held, subject to procedures for warning in statute and these bylaws.

D. The ZBA shall consider the opinion of abutters in deciding whether or not to grant a waiver.

E. Any waiver granted under this section shall be limited to the specific property it has been granted.

F. A waiver on one property shall not be construed as a general guideline or standard for any other property.

G. Expiration: Waiver approvals shall expire by limitation if work is not completed within two (2) years from the date they are approved. All work must be completed as shown on any approved plan before the expiration date. One year extensions of this deadline may be granted by the ZA prior to expiration. Requests for extensions must be made in writing.
H. Appeals: Any request for a waiver that is denied may be appealed subject to this bylaw. Note: An applicant for a waiver shall identify the specific reasons for which a waiver is requested, and specify which regulations are not applicable or cannot be met and are therefore the basis of the requested waiver. The applicant must also establish that due to the special circumstances of a particular site, the requirements of the development review standards, for which a waiver is sought, will create an unreasonable hardship or adversely affect significant resources, rural character, or aesthetics.

The request for a waiver shall be submitted by the applicant in writing with any pertinent drawings and it shall be the responsibility of the applicant to justify the waiver to enable the ZBA to reach a decision. The ZBA may grant or deny waivers, in whole or in part. In granting waivers, the ZBA shall require such conditions as will, in its judgment, secure substantially the objectives of the provisions that are the subject of the waiver.

12.7 TIME LIMITS ON ZONING PERMITS

1. Project must be substantially started within one (1) year of the permit date.

2. Project must be substantially completed within two (2) years of permit date.

3. A ZA may grant one additional year (three year total) to meet “substantially completed” status, provided the property owner documents in writing verification of reasonable hardship(s), such as finances, contractor delays, weather, etc.

12.8 PERMITS APPLIED FOR DURING BYLAW AMENDMENT PERIOD

If a public notice is issued by the Select Board with respect to the amendment of these Bylaws, the ZA shall act on the permit application pursuant to 24 V.S.A., Section 4449 (d).

12.9 INTERPRETATION OF BYLAWS

In their interpretation and application, the provisions of this Bylaw shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

It is not intended by this Bylaw to repeal, abrogate, annul, or in any way to impair or interfere with existing provisions of the Law or ordinances, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises; nor is it intended by this Bylaw to interfere with or abrogate or annul any easements, covenants, or other agreement between parties, provided, however, that where this Bylaw imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by existing provisions of law or ordinance, or by such rules, regulations, or permits, or by such easements, covenants, or agreement, the provision of this Bylaw shall control.

12.10 PENALTIES AND ENFORCEMENT (SEC. 3. 24 V.S.A. 4451)

Any person who violates any bylaw after it has been adopted under this chapter or who violates a comparable ordinance or regulation adopted under prior enabling laws shall be fined not more than $200.00 for each offense. No action may be brought under this section unless the alleged offender has had at least seven days’ warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation of the bylaw or ordinance after the seven-day notice period and within the next succeeding 12 months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. In default of payment of the fine, the person, members of any partnership, or the principal officers of the
corporation shall each pay double the amount of the fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of Bylaws shall be paid over to the Town of Woodford.

Any person who, being the owner or agent of the owner of any lot, tract or parcel of land, lays out, constructs, opens, or dedicates any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or sell, transfers, or agrees or enters into agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of that subdivision or land development or otherwise, or erects any structure on that land, unless a final plat has been prepared in full compliance with this chapter and the bylaws adopted under this chapter and has been recorded as provided in this chapter, shall be fined not more than $200.00, and each lot or parcel so transferred or sold or agreed or included in a contract to be sold shall be deemed a separate violation. All fines collected for these violations shall be paid over to the municipality whose bylaw has been violated. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from these penalties of from the remedies provided in this chapter.

Penalties (Sec. 1 10 V.S.A. 2675)

A person who commits a violation under subsection 2645(a) or 2648(a) of this title shall be subject to a fine of not more than $75.00 per violation. In the case of violation which continues after issuance of a fire prevention complaint, each day’s continuance may be deemed a separate violation.

1974a ENFORCEMENT OF CIVIL ORDINANCE VIOLATIONS

(a) A civil penalty of not more than $800.00 may be imposed for a violation of a civil ordinance. Each day the violation continues shall constitute a separate violation.

(b) All civil ordinance violations, except municipal parking violations, and all continuing civil ordinance violations, where the penalty is $800.00 or less, shall be brought before the judicial bureau pursuant to Title 4 and this chapter. If the penalty for all continuing civil ordinance violations is greater than $800.00, or injunctive relief, other than as provided in subsection (c) of this section, is sought, the action shall be brought in the criminal division of the superior court, unless the matter relates to enforcement under chapter 117 of this title, in which instance the action shall be brought in the environmental division of the superior court.

12.11 VALIDITY

If any section or provision of this Bylaw is adjudged to be unconstitutional or otherwise invalid, such decision shall not affect the validity of this Bylaw as a whole, or of any part thereof other than the part as adjudicated.

12.12 PUBLIC NOTICE

Any public notice required for public hearing under this Bylaw shall be given as required by law.

12.13 PLANNING COMMISSION

There shall be a PC and the number of members shall be determined by the Select Board. Each member shall serve for a term of four years, and as provided by subsection 4323 of the Act. The PC shall elect a chairman and a clerk and shall adopt other rules as required. A record of its resolutions and transactions shall be maintained as a public record of the municipality.

The PC shall have the following functions:

1. To prepare amendments to this Bylaw and other Bylaws as permitted by 24 V.S.A., Chapter 117.
2. To prepare and update the Town Plan every five years, and to prepare amendments to the Town Plan as necessary.

3. To review Site Development Plans.

4. To approve land development not having frontage on a public road.

5. To interpret the intent and purpose of the Bylaw if any provision is unclear.

6. Such other functions as provided by 24 V.S.A., subsection 4325.

12.14 ZONING BOARD OF ADJUSTMENT

There shall be a ZBA whose members, as well as their number and term of office, shall be determined by the Select Board.

The ZBA shall elect its own officers and shall adopt rules of procedure. Meeting of the ZBA shall be held at the call of the Chairman, and at such time as the ZBA may determine. The officers on the ZBA may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under appeal. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, and shall file such minutes with the Town Clerk.

The ZBA is created as provided by subsection 4460 and subsection 4461, inclusive of the Vermont Planning and Development Act as amended, with the power and duties as provided therein:

1. Perform the administrative review of all questions arising out of or with respect to the administration and enforcement of this Bylaw (as opposed to the interpretation and intent of this Bylaw which is the responsibility of the PC).

2. Hear and decide appeals taken under subsection 4465 of the Act including where it is alleged that an error has been committed in any order, requirement, decision, or determination made by the ZA in connection with the enforcement of this Bylaw.

3. Hear and grant or deny appeals for variances from the provisions of this Bylaw based on findings as described in subsections 4469 of the Vermont Planning and Development Act.

As per subsection 4469 of the Act, when a variance from the strict requirements of this Bylaw is requested, the ZBA may render a decision in favor of the appellant only if it makes a positive finding for all of the following reasons:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or District in which the property is located.

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

3. That such unnecessary hardship has not been created by the appellant;

4. That the variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and development of adjacent property, and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of these Bylaws and of the Town Plan.

In rendering a decision in favor of a variance, the ZBA may attach such conditions as it may deem necessary and appropriate under the circumstances, to implement the purpose of this Bylaw and the Town Plan, as duly adopted or amended, to safeguard the public welfare.

1. Hear and grant or deny appeals for conditional uses, and for specific uses and acts described in this Bylaw.

2. Make available to the courts of the State of Vermont, in any action concerning this Bylaw brought before them, a record of the facts found, after public hearing, and the grounds for any decision initially rendered by the ZBA.

3. Upon appeal, resolve any uncertainties on the Zoning Map as determined by the ZA.

4. Consider and grant or deny applications for expansion of nonconforming uses and non-complying structures.

12.15 APPEALS TO THE BOARD OF ADJUSTMENT

Appeals to the ZBA may be entered in accordance with subsections 4465 and 4466 of the Vermont Planning and Development Act.

1. An appeal by an interested person from any decision or act taken by the ZA within fifteen (15) days from the date of the ZA’s decision or act.

2. An appeal for a variance from the provisions of the Zoning Bylaw, after denial of an Application for permit by the ZA.

3. Hear and grant or deny appeals for conditional uses, and for specific uses and acts described in this Bylaw.

4. Make available to the courts of the State of Vermont, in any action concerning this Bylaw brought before them, a record of the facts found, after public hearing, and the grounds for any decision initially rendered by the ZBA.

5. Upon appeal, resolve any uncertainties on the Zoning Map as determined by the ZA.

6. Consider and grant or deny applications for expansion of nonconforming uses and non-complying structures.

12.16 APPEALS TO THE ENVIRONMENTAL COURT

An interested person may appeal a decision of the ZBA to the Environmental Court under Section 801 through 816 of Title 3.

12.17 AMENDMENTS

This Bylaw or the boundaries of established zone Districts may be amended from time to time after a public hearing, as provided by subsection 4442 of the Vermont Planning and Development Act, as amended.

12.18 REVIEW
Every fifth year from the date of adoption of this Bylaw, the Town’s legislative body may appoint a committee of five (5) legal voters of the Town of Woodford to review this Bylaw, and to recommend such changes and amendments as may be necessary. This committee shall hold not less than one (1) public hearing at the time of review.
ZONING MAP

Town of Woodford, Vermont
Proposed Zoning Map 2015

Land Use Districts 2015
- RR-1 Rural Residential - 1 Acre
- RR-5 Rural Residential - 5 Acres
- RR-10 Rural Residential - 10 Acres
- WLE Woodford Lake Estates - 100' x 100' Lots
- RR-RC Rural Residential/Roadside Commercial - 1 Acre Res. / 2 Acres Comm.
- RC Roadside Commercial - 2 Acres
- I-C Industrial/Commercial - 5 Acres
- R Recreation - 50 Acres
- Forest - 15 Acres

Map produced July 16, 2015 by BCRC.
TOWN OF WOODFORD ZONING BYLAW DEFINITIONS

For the purpose of this Bylaw, certain terms or words shall be defined as follows:

a) Words in the present tense include the future;

b) Singular number includes the plural, and words in the plural include the singular.

c) The word “person” includes a person, association, partnership, corporation, organization or other legal entity; unless otherwise specifically defined herein;

d) The word “shall” is mandatory;

e) The term “generally shall” indicates that it is mandatory unless the ZBA or other applicable body deems otherwise in accordance with these bylaws;

f) The word “may” is permissive and used to say something is possible providing a choice to act or not act;

g) The word “structure” includes “building”;

h) The word “lot” includes the word “plot”, “parcel”;

i) The word “land” includes the words “marsh”, “wetland” and “water”.

Except where specifically defined herein, all words used in the zoning regulations shall carry their customary and usual meaning. Doubt as to the precise meaning of any word used in these Bylaws shall be clarified by the ZBA.

Abandonment: Any building or other structure which is unoccupied, unused, or deserted, in a continuing state of disrepair or decay is thereby indicating a surrender of its intended original use.

Abutting: Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

Accepted Agricultural or Forestry Practices: Practices defined as such by the Commissioner of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation, respectively, under 10 V.S.A. 1021(f) and 1259(f) and 6 V.S.A. 4810 and 24 V.S.A., 4413(d)

Access Ramp: A structure built to provide an accessible route for people with mobility impairments.

Accessory Dwelling: A secondary dwelling unit, including an efficiency or one-bedroom apartment that has facilities and provisions for independent living (sleeping, food preparation, sanitation), that is established in conjunction with and clearly subordinate to a primary single-family dwelling. The accessory dwelling shall be retained in common ownership, located within, attached to or on the same lot as the primary dwelling unit, and shall otherwise meet applicable criteria of these regulations.

Accessory Building: Any building which is subordinate to and whose use is incidental and accessory to the use of the principal building on the same lot, or on an adjoining lot under the same ownership. A light-framed fabric covered building is considered an accessory building.

Accessory Dwelling Unit: An efficiency or one bedroom dwelling unit located within or adjacent to an owner-occupied one-family dwelling that is clearly subordinate to the one family dwelling. The accessory unit shall have facilities and provisions for independent living, including sleeping, food preparation, and sanitation. The
property shall have sufficient waste water and potable water capacity. The unit shall not exceed 30 percent of the total habitable floor area of the one-family dwelling, but is at least 400 square feet in floor area.

**Accessory Structure:** A structure which is customarily incidental and subordinate to the primary structure on a lot or parcel of land is located on the same lot or an adjoining lot under the same ownership.

**Accessory Use:** A use which is customarily incidental and subordinate to a principal use on the same lot.

**Act:** Title 24 VSA, Chapter 117, the Vermont Municipal and Regional Planning and Development Act as most recently amended.

**Adjoining Property Owner:** see "Abutting."

**Adverse:** An effect or impact which is significant but may be mitigated to obtain permit approval.

**Affordable Housing:** Housing that is either: (1) owned by its inhabitants, whose gross annual household income does not exceed 80 percent of the county medium income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than 30 percent of the household’s gross income; or (2) rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household’s gross annual income.

**Agriculture:** As currently defined by the Secretary of the Vermont Agency of Agriculture, Food and Markets.

**Air Contaminants:** Fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.

**Alteration:** Structural change, change of location, or addition to a building, excluding normal maintenance and repair. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure in terms of its height, length, width, footprint, or gross floor area.

**Antenna:** Any system of wires, poles, rods, reflecting discs, or similar devices used in transmitting and receiving electromagnetic waves and including the supporting structure including but not limited to amateur radio antennas and satellite receiving dishes.

**Approval:** A decision by the Woodford ZBA, PC or ZA, as appropriate, within the statutory time limit, or in the event of the failure to act within the specified time limit, a certificate of such failure to act issued by the Town Clerk, as attached to the permit application and recorded in the land records of the town.

**Area of Special Flood Hazard:** The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, or AE. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phase “area of special flood hazard”.

**Assisted Living Residence:** A program combining housing, health and supportive services for the support of residential independence and aging in place. Within a homelike setting, assisted living units offer, at a minimum, a private bedroom, private bath, living space, kitchen capacity, and a lockable door. Assisted living promotes resident self-direction and active participation in decision-making while emphasizing individuality, privacy and dignity. 33 V.S.A. 7102(11)

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

**Basement:** Any area of a building having its floor below ground.
**Bed and Breakfast (B&B):** An owner-occupied residence, or portion thereof, for short-term lodging where rooms are rented and where there is customarily a morning meal provided to guests.

**Bedroom:** A room in a Dwelling Unit planned and intended for sleeping. A Loft used as a Bedroom shall count toward total Dwelling Unit Capacity.

**Berm:** Natural or manmade mound increasing the elevation above the surrounding grade which is formed by soil, stones, or any other material and is used primarily to obstruct views or used for landscaping.

**Best Management Practices (BMP):** Methods and techniques found to be most effective and practical means in achieving an objective.

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

**Buffer Area:** Land designated as green space along a property line used to lessen the impact of Land Development upon adjacent property. No structures, other than fences, shall be located within a buffer area or strip.

**Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any persons, animals, process, equipment, goods, or materials of any kind or nature.

**Building Height:** The vertical distance of a structure or building measured from the average elevation of the final grade within the structure or building footprint to the highest point of the structure's roof line (from the highest to the lowest finished grade at the foundation).

**Buildable Area:** That portion of a building site that may be built on while complying with the Bylaws.

**Building Area:** The ground area enclosed by walls of a building, including the area of walls themselves, together with the area of all porches, decks, and structures.

**Building Coverage:** The percentage by which the total area of all buildings on the lot relate to the area of the lot.

**Building Envelope:** A specific area delineated on a lot within which all structures are to be located, and outside of which no structures are to be located unless approved by the ZBA.

**Building Line:** A line parallel to the property line at a distance equal to the required setback.

**Bylaws:** Zoning regulations, subdivision regulations, or the official map adopted under authority of VSA Title 24.

**Bylaws:** Regulations, ordinances, rules or laws adopted by an association or corporation or the like for its government. The term is sometimes referred to the municipal statutes of a city or town but the term “ordinance” is more common for such actions. Consistent with this definition, the term “Bylaws” when used by local units of government usually refer to rules of operation adopted to govern the conduct of the entity.

**Camp:** A hut, shed, yurt or similar structure used to shelter people from the weather, but not customarily used for permanent dwelling.

**Camp, Primitive:** A camp that has no interior plumbing consisting of more than a sink with water used no more than three consecutive weeks per year and no more than a total of 60 days per year, shall be exempt from
Potable Water Supply and Waste Water System Permitting. This exemption does not apply to seasonal camps (Title10 Chapter 64).

**Campground:** A place or business upon which parcel of land are three or more campsites providing tenting and/or camping vehicle, cabin, shelter or other accommodations suitable for seasonal or temporary living purposes. A mobile home used as a residence is considered as a dwelling and this definition is not applicable.

**Camping:** An outdoor recreational activity. The participants (known as campers) enjoy nature while spending one to several nights during a camping season, usually at a campsite. Camping may involve the use of a tent, a camping vehicle, a cabin, yurt, primitive structure, or no shelter at all. Camping may describe a range of activities. Camping is often enjoyed in conjunction with activities, such as, but not limited to, canoeing, boating, sailing, white water rafting, swimming, hill Climbing, hiking, back packing, walking, mountain biking, motorcycling, and bicycling.

**Camping Vehicle:** A travel trailer, tent trailer, motor home, truck camper or any device or conveyance so constructed as to permit its ready transport on public highways, and designed as temporary living/sleeping quarters. A camping vehicle is in no way included under the mobile home definition.

**Certificate of Occupancy:** A document issued by the ZA which certifies that the building was completed in accordance with the approved construction plans and meets the provisions of the Woodford Zoning Bylaws.

**Change of Use:** Any change of use from one category of use to another, (including, but not limited to single family use to two-family or multi-family use), or use that substantially differs from the previous use beyond that currently permitted; or a change of use classification or character of business activity such as, “retail” to “wholesale”, “retail to restaurant”, “residential” to “commercial”.

**Child Care Facility:** As defined in V.S.A. 33 4902(2), a day care facility providing care on a regular basis in the caregiver’s own residence for not more than six (6) children provided with full-time care at any one time. Up to four (4) additional children may be cared for in the facility on a part-time basis (not more than four (4) hours per day). These provisions apply to facilities where the owner or operator is required to be licensed or registered by the State for child care.

**Clearing:** The removal of vegetation as part of site preparation, for the installation of driveways, utilities, water, drainage systems, building sites and construction of yard areas.

**Cluster Development:** A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**Common Land:** Land owned and used in common and restricted in purpose by covenant for residents.

**Compatibility:** Having characteristics that allow a use to be located in harmony with other adjacent uses and to be compatible with the overall character of the neighborhood. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

**Construction:** Improvements or new assembly or placement of a structure on a site, including any related site preparations, excavation and grading.

**Contiguous Land:** Although contiguity is a strong indicator that two lots should not be deemed separate within the meaning of 4406(1) it is not the only factor. According to Vermont Case Law, land under common
ownership that is divided by a stream, public or private right-of-way, zoning district boundary, or survey line may be contiguous provided it is in close, nearby, or in close proximity but not touching and can be used in an ordinary manner as if a single lot.

Ownership of two contiguous lots does not necessarily merge them. Whether lots are or are not considered contiguous must be a case by case determination on the facts of the particular case. The question is not whether the lots are capable of being used separately, but whether they are capable of being used together.

**Commercial Use:** An occupation, employment or enterprise that is carried on for profit by the owner, lessee, or licensee. An activity involving the provisions of facilities, goods and services (other than that provided by municipal, state or federal governments) to others in exchange for payment of a purchase price, fee, contribution, or other consideration having value.

**Conditional Uses:** May be perfectly appropriate for a district but require a hearing to determine that they will not have adverse effects as defined by the conditional use standards. Those uses which a permit may be issued by the ZA only after the ZBA, as provided for in 24 V.S.A., Section 4414(3) determines after public notice and public hearing that the proposed uses will conform to general and specific standards as set forth or referred to in this Bylaw and pursuant to Section 4407(2) of the Act.

**Construction and Demolition Waste (C&D):** Waste derived from the construction or demolition of buildings, roadways or structures.

**Coverage:** That percentage of the Lot Area which may be covered by Buildings and Structures.

**Day Care Facility:** Any place operated as a business or service on a regular basis, whether for compensation or not, whose primary function is protection, care, and supervision of children under sixteen years of age outside their homes for periods of less than twenty-four hours a day by a person other than the child’s own parent, guardian, or relative 33 V.S.A. 2752 Welfare. A person providing care for children of not more than two families other than that of the person providing the care is exempted. (33 V.S.A. 2852)

**Deck:** A floored structure usually attached to a dwelling with access via an outside door. A deck can be roofed and railed, but does not have definable sidewalls except where abutting dwelling walls. (See “porch”).

**Development:** The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, substantial improvement, 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, pursuant to the definition of “land development” in the Act [Section 4303(3)].

**Disposal:** The discharge, deposit, injection, dumping, spilling, leaking, burning, or placing any solid waste or any constituent thereof that may enter the environment or be emitted into the air or discharged into any ground or surface waters.

**District:** A mapped area to which a set of regulations applies prescribing both the nature of land usage and the physical dimensions of uses including height, setbacks and minimum area.

**Domicile:** Living in that locality with the intent to make it a fixed and permanent home. Domicile determines where a person votes and where a person’s driver’s license is issued.

**Duly Warned:** Notice by publication of the date, place and purpose in a newspaper or other public media serving the area and notice posted at the Town Office in addition to two (2) or more places in Woodford per current Vermont Open Meeting Laws.

**Dwelling, Multi Family:** A building containing separate dwelling units for three (3) or more families, each unit having separate or joint entrances and each with its own sanitary facilities and kitchen. A multi family
Building Includes condominiums, apartments, cooperatives, and other forms of multiple family housing, but does not include hotels, motels, bed and breakfasts or other similar lodging facilities.

**Dwelling, One Family (Single Family):** A detached building designated for or occupied solely as a dwelling by one (1) family, and equipped with sanitary facilities and not more than one kitchen. This also includes a state licensed or registered residential care home, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. 4501 located one thousand (1,000) feet or more from another home, and a state licensed or registered family child care home or facility serving no more than 6 full-time children and 4 part-time children as defined in 33 V.S.A. 4902(3)(A).

**Dwelling, Seasonal:** A dwelling unit which is not the primary residence of the owner or occupant and is occupied only on a part time or seasonal basis. This shall include, but may not be limited to: a dwelling which lacks one or more of the basic amenities or utilities required for year round or all-weather occupancy, including a winterized water system, insulated walls and roof, heating source and an adequate waste water disposal system or a dwelling that specifically has been permitted as a seasonal dwelling.

**Dwelling, Two Family:** A detached building designed for or occupied solely as a dwelling for two (2) families living independently of each other, each having separate or joint entrances, and each with its own sanitary facilities and kitchen.

**Dwelling Unit:** A dwelling or part of a dwelling occupied or intended to be occupied by an individual or family for residential purposes, containing full housekeeping facilities for the exclusive use of the occupants. A residence or part thereof providing complete, independent dwelling facilities for individual or family, including permanent facilities for living, sleeping, eating, cooking, and sanitation.

**Easement:** The legal authorization given by a property owner to another person or party for the use of any designated part of his or her property for that specified purpose.

**Effective Date:** A zoning permit issued by the Administration Officer shall take effect fifteen (15) days after approval or, if an appeal is filed, until the final adjudication of that appeal.

**Ex Parte Communications:** Communications made in private between an interested party and an official in a decision making process during a formal proceeding and decision making period commencing when a hearing is announced and continues until a final decision is made.

**Expiration of Site Plan Approval:** Site plan approvals expire two (2) years from the date they are approved. For site plans needing Act 250 permits, the date of approval will commence at the same time the Act 250 permit is issued. All work must be completed as shown on the plan before the expiration date. Extensions of this deadline may be granted by the ZBA prior to expiration.

**Expiration of Zoning Permit:** Zoning Permits shall become void if all work described therein has not been completed within two (2) years of the date of issuance, unless an extension is granted by the ZA prior to date of expiration.

**Family:** Any number of individuals related by blood, marriage, or adoption, living together as a single housekeeping unit. A group of not more than five (5) persons keeping house together, but not necessarily related by blood or marriage, may be considered a family.

**Farm:** One (1) or more parcels of land, either contiguous or non-contiguous, in individual or affiliated ownership and managed as a single agricultural enterprise. Agricultural land not in affiliated ownership but leased to a farm operator and managed as part of an agricultural enterprise shall not be considered as part of the active farm.
**Fence:** A hedge, structure, or partition, erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous estates.

**Finished Grade:** The average ground level of the land around the building after completion.

**Flood:** (a) A general and temporary condition or partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water deposited along the path of the current. (b) The collapse or subsistence of land along the shore of a body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied be a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding. Please see specific definitions for the Flood Hazard Overlay District in the Town of Woodford Inundation Area Regulations.

**Fluvial Erosion Hazards** means those hazards related to the erosion or scouring of riverbeds and banks during high flow conditions of a river.

**Forestry:** Any management, including logging, of a forest or woodland, including the maintenance, construction or alteration of woods, roads, skidways, landings, fences and forest drainage systems.

**Front or Frontage:** Length of the lot boundary measured along a public or private road or mean high water mark of a public water.

**Front Lot Line:** The line separating the lot from the street or road right of way. If a lot abuts more than one street or road, each line is a front lot line.

**Footprint:** The area underlying a structure. The total ground area covered by a roof, to include a covered porch, covered deck or covered entryway.

**Garage/Yard/Tag Sale:** A temporary set-up, outside or in a tent or building, for retail sale of new or used merchandise.

**Grandfathering:** In instances where existing development would become nonconforming as a result of changes in the zoning regulations, use or structure may be allowed to continue as a conforming use through special provisions of the Bylaws.

**Green Stormwater Infrastructure (GSI):** to incorporate both the natural environment and engineered systems to provide clean water, conserve ecosystem value and functions, and provide a wide array of benefits to people and wildlife.

**Group Home:** A State licensed or community care dwelling shared by eight (8) or fewer persons, who have a physical handicap, disease, or developmental disability (9 V.S.A. 4501) and who live together as a single housekeeping unit and in a long-term, family-like environment in which a minimum of two (2) staff persons provide 24-hour supervision and care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. Such a home is treated as a single-family residential use under 24 V.S.A. 4412(1)(G). unless it is located within one thousand (1000) feet of another such home.

**Guest House:** A building used as a dwelling unit having a total capacity of no more than four (4) paying guests for public lodging providing rooms and/or meals for lodging guests only, and which does not materially change the character of the immediate area.
**Hazardous Substances:** Any substance or material identified by Federal or State environmental agencies that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties present a threat to the environment, humans or domestic animals.

**Historic Site:** Any site, structure, district or archeological landmark which has been officially included in the National Register of Historic Places and/or the State Register of Historic Places or which is established by testimony of the Vermont Advisory Committee on Historic Preservation or the Town of Woodford Select Board as being historically significant.

**Highway:** as statutorily defined is synonymous with "public road" Act 178.

19 V.S.A. 1 (12) "The definition of "highway" provided by 19 V.S.A. 1 (12) is consistent with the plain meaning of "public road or highway," a road over which the public has a right to pass and which the government has the obligation to maintain."

Highways are only such as are laid out in the manner prescribed by statute; or roads which have been constructed for public travel over land which has been conveyed to and accepted by a municipal corporation or to the state by deed of a fee or easement interest; or roads which have been dedicated to the public use and accepted by the city or town in which such roads are located; or such as may be from time to time laid out by the agency or town. However, the lack of a certificate of completion of a state or town highway shall not alone constitute conclusive evidence the highway is not public. The term "highway" includes rights-of-way, bridges, drainage structures, signs, guardrails, areas to accommodate utilities authorized by law to locate within highway limits, areas used to mitigate environmental impacts of highway construction, vegetation, scenic enhancements, and structures. The term "highway" does not include state forest highways, management roads, easements, or rights-of-way owned by or under the control of the agency of natural resources, the department of forests, parks and recreation, the department of fish and wildlife, or the department of environmental conservation."

**Home Occupation or Home Business:** A profession or occupation in a dwelling or accessory building which is clearly secondary to the use as a dwelling. A home occupation may only be conducted by a resident(s) of the dwelling and not more than one (1) full time employee. Home occupations shall preserve the residential character of the premises and neighborhood, and are subject to the provisions in Sections 3.11.3 and 3.12.1.

**Hotel:** A building (other than a motel, rooming house, or bed and breakfast), used to provide overnight accommodations, with or without meals, to the public for compensation.

**Impermeable/Impervious Surface:** Any material covering the ground through which water does not readily penetrate, including but not limited to roofed structures, compacted soil, and pavement consisting of concrete, oil and stone, tar, or asphalt. A surface that does not permit the absorption of fluids. As a land use term, imperious surface means any surface such as roads, rooftops, patios, or parking lots that does not allow water to soak into the ground. Impenetrable surfaces result in runoff on the surface in greater quantities and/or an increased rate when compared to natural conditions prior to development.

**Impermeable Surface Coverage:** The ratio between impermeable surface and total land area of a lot expressed as the percentage of land covered by impermeable surfaces.

**Improvement:** The reinforcement, repair or rehabilitation of an existing structure for the purpose of its maintenance. Improvements shall not include replacement of an existing structure.

**Industrial Park:** A parcel of land that is planned, developed, and managed as an integrated facility for a number of individual industrial uses and supporting accessory structures and uses, with consideration given to common facilities, infrastructure, services, open space, and aesthetics and compatibility.

**Industrial Use:** Light industry manufacturing, wholesale distribution, foodservice, trucking terminal, or other uses as approved by the ZBA.
**Inn/Lodge/Bed and Breakfast:** A building or complex of buildings containing rooms with separate or joint entrances which are rented as sleeping units, normally to transients; a residential dwelling in which a portion of the house is adapted to use as lodging for travelers and where meals may be served.

**Interested Person:** An interested person as defined by 24 V.S.A. 4465(b) is any one of the following:

1. A person owning title to property. Or a municipality or solid waste management district empowered to condemn it or and interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

2. The municipality that has a plan or bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.

3. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter; who can demonstrate a physical or environmental impact on the person’s interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.

4. Any ten persons who may be any combination of voters or real property owners within a municipality (see (2) above) who, by signed petition to the appropriate municipal panel, allege that any relief requested, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

4. Any department and administrative subdivision of this state owning property or any interest in property within a municipality (see (2) above), and the agency of commerce and community development in this state.

**Interpretation:** In their interpretation and application, the provisions of this regulation shall be held to be the minimum requirements adopted for the promotion of the health, safety, comfort, convenience, general welfare and economic stability. If any Bylaw is enacted with respect to any land development subject to regulations under the state statutes, the more stringent regulation applicable may apply.

**Junk:** Old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including but not limited to rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or parts thereof. For the purpose of this bylaw, the definition of junk also more specifically includes tires, household appliances, furniture, plumbing fixtures, construction and or deconstruction debris.

**Junk Motor Vehicle:** A discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof, 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 from the date of discovery.

**Junk Yard:** The terms “junk”, “junk motor vehicles” and “junk Yard” shall be as defined in 24 V.S.A. 2241. Any place of outdoor storage or deposit, not in connection with a business, which is maintained or used for storing or keeping three (3) or more unlicensed motor vehicles which are visible from a portion of a public highway or adjoining property.

**Junk Yard:** A plot of land with or without a building for the storage and/or sale of scrap material including vehicles.

**Kennel:** The boarding, breeding, raising, grooming or training of four or more dogs, cats, or other household pets of any age for a commercial use and/or which are not owned by the owner or occupant of the premises.
**Land**: A plot or a parcel of land with boundaries defined by deed, occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this Bylaw. In case of multiple dwellings and public, institutional, commercial, or agricultural buildings, a group of buildings on the same or contiguous premises, all under the same ownership, may be considered as occupying the same lot. A lot must have its principal frontage on a street or highway, or such other means of access as determined by law, and provisions of this Bylaw.

**Land Development**: shall consist of one or more of the following:

a. Division of land into two parcels.

b. Construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure.

c. Any change in the use of any building or other structure, or land, or extension of land use.

**Legislative Body**: The city council of a city, the select board of a town, or the board of trustees of a village.

**Light Industry**: A use engaged in the assembly, processing, packaging, manufacture, predominately from previously prepared materials, of finished products or parts, fabrication, treatment, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

**Light Manufacturing**: A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

**Lighting Plan**: A plan used for an approval process of construction indicating all site improvements related to lighting and the number, location, type of fixture, and manufacturer’s data on all proposed lighting, both pole and building mounted. (Stratton).

**Lot**: (1) Land occupied or to be occupied by a principal structure or use and its accessory structures and/or uses, together with required open spaces, having not less than the minimum area, width or depth required for a lot in the district in which such land is situated, and having frontage on a road, right-of-way or other means of access as may be approved by the Board; (2) a portion of land in a subdivision or plat that is separated from other portions by a property line (see also Contiguous Land). A separate deed description for a parcel of land does not necessarily constitute a lot for zoning and development purposes.

**Lot Area**: Total area within the property line, excluding any part thereof lying within the boundaries of a right-of-way.

**Lot corner**: A lot at the intersection of and abutting on two or more roads or streets.

**Lot Coverage**: The percentage of the lot area which is covered by buildings, structures, and other impervious surfaces.

**Lot, Interior**: A lot other than a corner lot or through lot.

**Lot Line**: The established division line between lots or between a lot and a street.

**Lot Line, Front**: All dividing lines between a street and the lot shall be considered front lines.

**Lot Line, Rear**: means the line or lines bounding a lot at the rear and approximately parallel to and at the maximum distance from the front lot line.
Lot Line, Side: The line or lines bounding a lot which extends from the street toward the rear in a direction approximately perpendicular to the street. In the case of corner lots, or through lots, all lines extending from the street shall be considered side lot lines.

Lot, Minimum Width: The distance between the side lot lines measured in a straight line at approximately right angles to the mean direction of such side lot lines. The line of measurement shall touch, but not be in front of the building line. In the case of a corner lot, the minimum width shall be similarly measured and, for the purpose of this measurement only, the front lot line which has the least dimension shall be considered the front lot line, and the lot lines adjacent thereto shall be considered as side lot lines.

Lot, Through: A lot other than a corner lot which abuts two (2) or more streets which do not intersect at the lot.

Lot of Record: Any lot, which individually, or as part of a subdivision, has been recorded under proper procedural steps in the office of the Town Clerk.

Low Impact Development (LID): An approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principals such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource and not a waste product.

Manufacturing: The processing, treatment and/or conversion of raw, semi-finished or finished materials into a different form or state, including the physical assembly, from standardized parts, of a distinct or finished product that differs from its individual components. This definition does not include the processing of agricultural goods raised on the premises.

Manufactured Home: A single family structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term “manufactured home” also included park trailers, travel trailers, and other similar vehicles situated on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, and other similar vehicles. A mobile home is a manufactured home. (Also see definitions of Mobile Homes in 10 V.S.A. 6201.

Master Plan: A schematic plan, or set of plans, and narrative statement which is intended to establish and guide the general planning framework for proposed development within a Planned Unit Development, and which shall include a description and designation of existing and proposed land use activity areas, including open space and circulation systems.

Mean Sea Level: The standard datum to which base flood elevations shown on the Flood Insurance Rate Map, and typical contour elevations are referenced. For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on Woodford’s FIRM are referred.

Mean Water Level: The normal summer (June 1 – September 15) water level (measured in feet above sea level) of lakes as determined by an average or water readings available over time or as established by the Vermont Natural Resources Board under Rules Determining Mean Water Levels (November 14, 1972). Riparian buffer zones on lakes are measured inland perpendicular to the shoreline beginning at the mean water level. Records of mean water levels for many lakes are kept in the Water Quality Division’s Lakes and Ponds Encroachment Program (802-241-3777). In cases where no mean water level is on record, Agency staff can conduct a site visit to determine the mean water level.

Mixed Use: means buildings or land where there are two or more uses which are permitted in the district. Mixed uses may include two or more different commercial uses, commercial and residential uses, and/or commercial and industrial uses.
**Mobile Home:** A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, complies with the standards established under Title 42 of the U.S. Code [10 V.S.A. 6201(1)], and:

1. Is designed for long-term and continuous residential occupancy; and
2. is transportable in one or more sections; and
3. on arrival at the site is complete and ready for occupancy except for incidental unpacking, and assembly; and
4. is anchored onto a foundation; and
5. contains comparably efficient water supply and waste disposal facilities in relation to immovable housing; and
6. at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long.

Mobile Homes are not prohibited by this Bylaw except to the same extent as conventional housing is restricted or regulated, and as provided in the sections on flood hazard areas and mobile homes and 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 (2) mobile homes (10 V.S.A. Chapter 153. Also see definition of Mobile Home Park in 10 V.S.A. 6201.

**Modular (or Prefabricated) Housing:** A dwelling unit constructed on-site and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**Motel:** A building or group of buildings intended to provide sleeping accommodations, with or without meals, having a private outside entrance for each room or suite of rooms and are rented primarily to transients. Adequate parking space must be provided for each rental unit on the premises.

**Motor Vehicle:** Any vehicle propelled or drawn by power other than muscular power.

**Multi-family dwelling:** building or part of building which contains living and sleeping accommodations for permanent occupancy for three (3) or more families.

**Municipal Plan:** means that plan which is prepared and adopted in accordance with the provisions of 24 V.S.A. 4385.

**“Municipal Land Use Permit:”** A Certificate of Occupancy, Certificate of Compliance, or similar certificate that relates to the permits or approvals described in subdivision 24 V.S.A. (11)(A) or (B) of this section, if the Bylaws so require. A Certificate of Occupancy is issued by the ZA; a Certificate of Compliance is issued by a higher level authority.

**Municipal Land Use Permit:** As defined in the Act [4304] for purposes of recording and enforcement, a municipal land use permit includes the following as may be issued by the Town: (1) a zoning, subdivision, site plan or building permit or approval, any of which relate to subdivision and land development which has received final approval from the ZA, Zoning Board of Adjustment or Zoning Board of Appeals, or other applicable town official; (2) final official minutes of a meeting which relate to the above listed permits or approvals and serve as the sole evidence of such permits or approvals; (3) a certificate of occupancy, compliance or similar certificate as required by the Town; (4) septic or sewage system permits; and (5) any amendments to the previously listed, permits, approvals and/or certificates.
**Natural Resources Mining:** The harvesting of natural resources from the land for retail or commercial use; including but not limited to gravel, rock quarries, and mines.

**Nonconforming Lots or Parcels:** means lots or parcels that do not conform to the present Bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present Bylaws, including a lot or parcel improperly authorized as a result of error by the ZA. [Subchapter 1, 4303(13)]

**Nonconforming Structure:** means a structure or part of a structure that does not conform to the present Bylaws but was in conformance with all applicable laws, including a structure improperly authorized as a result of error by the ZA. [Subchapter 1, 4303(14)]

**Nonconforming Uses:** means use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present Bylaws, including a use improperly authorized as a result of error by the ZA. [Subchapter 1, 4303(15)]

**Nuisance:** Two types of nuisance are private and public nuisances. A private nuisance is a civil wrong; it is the unreasonable, unwarranted, or unlawful use of one’s property in a manner that substantially interferes with the enjoyment or use of another individual’s property, without an actual Trespass or physical invasion to the land. A public nuisance is a criminal wrong; it is an act or omission that obstructs, damages, or inconveniences the rights of the community.

**Office:** A room, suite of rooms or building principally used for conducting the affairs of a business, profession, or service industry. This definition specifically excludes office space which is associated with home occupations, or is clearly accessory to another allowed principal use. It also specifically excludes the on-premises retail sale of goods and services.

**Open Space:** The undeveloped portion of any development parcel(s) not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and set aside, dedicated, or designed for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural land, or for the protection of natural areas.

**Parcel:** A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

**Parking Space:** A defined space, which is at least twenty (20) feet long and nine (9) feet wide, used for the parking of one motor vehicle, with practical access to the road or right of way, and graveled (or paved) sufficiently to provide year round use.

**Patio or Terrace:** A ground level graded area covered with materials such as stone, tile, wood or synthetics. The surface plane rises less than one (1) foot above the mean plane of the surrounding ground.

**PC:** Planning Commission

**Permitted Use:** A use which shall be permitted upon approval allowing the property owner to use his or her property in a way which the Zoning Regulations expressly permit under the conditions specified in the regulations themselves after obtaining a certificate granting such authority.

**Planned Residential Development (PRD):** A proposal to the ZBA for a unique and innovative residential project to provide a different arrangement of housing units other than that which is typically permissible under the provisions of the Bylaw, in accordance with the Act. [Section 4407(3)]

**Planned Unit Development (PUD):** A proposal to the ZBA for a unique and innovative mixed use project to provide a different mixture, density and arrangement of uses other than that which is typically permissible under this Bylaw, in accordance with the Act. [Section 4407(12)]
**Plat:** A map drawn to scale representing a tract of land, showing the boundaries and location of individual properties and streets.

**Plot:** A parcel of land that can be identified and referenced to a recorded plat or map.

**Porch:** A roof structure attached to the main dwelling with access through an outside door.

**Porch, Mudroom or Entryway:** A small structural enclosure intended to provide weatherized access to a dwelling.

**Precedent:** The approval of one particular conditional use in one location within a district does not create a precedent for the approval of another conditional use in that district; rather, each conditional use must be analyzed independently according to the standards in the Woodford Zoning Bylaws and according to whether any appropriate conditions can achieve compliance with those standards.

**Pre-existing:** A use or structure that was legally in existence as of the effective date of these Bylaws.

**Premises:** A lot, as defined in this section together with the buildings and structures thereon.

**Principal Structure:** A building or other structure in which is conducted the principal use of the lot or parcel on which the building or structure is located.

**Principal Structure/Use:** A structure or use directly involved with the primary purpose of ownership on a particular lot, which, together with its accessory structures and/or uses, constitutes all structures and uses on the lot.

**Private Roads: (Per 2012 Legislative Session)** In the absence of an express agreement or requirement governing maintenance of a private road, when more than one person enjoys a common benefit from a private road, each person shall contribute rateably to the cost of maintaining the private road, and shall have the right to bring a civil action to enforce the requirements of this section.

**Professional Residence-Office:** Residence in which the occupant has a professional office, including but not limited to an architect, accountant, chiropractor, dentist, doctor of medicine, landscape architect, land surveyor, lawyer, optometrist, osteopath, physiotherapist, podiatrist, engineer, or psychologist, which does not change the residential character thereof.

**Property:** A lot, parcel, or tract of land together with the buildings and structures located thereon.

**Property Line:** The line dividing adjacent lots.

**Public:** Owned, leased, held, used, and/or controlled exclusively for public purposes by the Town of Woodford, or any other department or branch of government, or publicly regulated utility, unless otherwise specified.

**Public Building:** Those buildings defined in V.S.A., Title 18, Section 1301, and including but not limited to dwellings of two (2) or more units, places of employment, motels, restaurants, places of public assembly, stores, shops, offices, manufacturing and industrial facilities, and lodging establishments such as boarding houses, tourist lodges, cabins.

**Public Road:** (1) As of the 2012 Legislative Session is now defined (under 4303) as “a state highway as defined in 19 V.S.A. 1 or a class 1, 2, or 3 town highway as defined in 19 V.S.A. 302(a).” A municipality may, at its discretion, define a public road to also include a class 4 town highway as defined in 19 V.S.A. 302(a), or (2) thoroughfare, driveway servicing more than one dwelling, road, highway or public way, whether or not maintained or owned by the State, Town, or other municipal corporation. “Road” shall mean the entire width of the right-of-way. Where no width is defined, right-of-way shall be considered to be ten (10) feet from the center line on each side.

**Qualified Person:** A professional engineer licensed by the state or a site technician certified by the state to design and inspect waste water disposal systems.
Overlay District: An area of a municipality where additional regulations are applied to the underlying zoning regulations in order to protect certain features or to encourage a particular type of development. Overlay districts may cover all or part of one or several traditional zones. Districts are designated on a zoning map. Where there is a conflict between overlay and underlying zoning standards, the overlay standards will apply because they are stricter.

Recreational Vehicle: A vehicle which is built on a single chassis and has four hundred (400) square feet or less when measured at the largest horizontal projections, is designed to be self-propelled or permanently towable by a truck, and is designed primarily not for use as a permanent dwelling, but a temporary living quarters for recreational, camping, travel, or seasonal use.

Regional Plan: means that plan which is prepared and adopted in accordance with the provisions of 24 V.S.A. 4348.

Renewable Energy Resources: Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels including wood, agricultural sources, waste materials, waste heat and geothermal sources.

Residence: 1)The place where one makes his or her home. However, a person may have his or her state of "domicile" elsewhere for tax or other purposes, especially if the residence is for convenience or not of long standing or 2) in corporation law, the state of incorporation.

Residential Care Home: A place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board, and personal care to three (3) or more residents unrelated to the home operator (33 V.S.A. 7102(1).

Restaurant: An establishment that serves food and beverages to persons seated primarily within the principal building. This includes taverns, bars, cafes, tea rooms, and other outdoor cafes. It may also include take out service.

Retail Commercial: Establishment where goods or merchandise are offered for retail sale or short term rental to the general public for personal, business or household consumption and services incidental to the sale of such goods are provided.

Retail, Self-Storage: A building or buildings consisting of small, self-contained units that are leased or owned for the storage of business or household goods.

Right-of-way: An area of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer and other similar uses. Unless indicated otherwise by Town records, all public right-of-ways should be deemed to be fifty (50) feet in width.

Riverine: Relating to a river, water channel, drainage course, or surface waters, which indicate a conveyance of surface water, including fluvial erosion hazard areas which contribute to a stable channel.

River Corridor means the land area adjacent to a river that is required to accommodate the dimensions, slope, planform and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with river corridor protection procedures.

River Corridor Protection: As of the 2012 Legislative session (Note Act 138 Definition Amendments).

Roadside Agricultural Stands: for sale of agricultural products do not require a permit, but must meet the following conditions: The stand is used for the sale of agricultural products, as provided for in Chapter 117 Section 4413(d) and 10 V.S.A. Section 6001(22). The stand is erected at least thirty (30) feet back from the nearest edge of the roadway surface. Parking spaces are provided off the road right of way.
**Rooming House:** (Shall also include the terms Boarding House or Lodging House). A rooming house is any residential dwelling which is operated to provide rooms for rent on at least a monthly basis. A rooming house shall have no more than one kitchen facility, whether shared or not.

**Rural Town:** As of the 2012 Legislative session Bylaw adoption under 4442, clarifies the definition of “rural town” as that found in 4304 (rather than 2,500 population, as previously specified) (Act 155).

**Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, wall, hedges, berms or other features.

**Setback:** The shortest horizontal distance from the exterior of a building, including covered terraces and projections thereof but excluding steps, uncovered patios and terraces, to the nearest adjacent boundary of a building lot. On public rights-of-way fifty (50) feet or more wide, the front setback shall be measured from the edge of the right of way. On public rights-of-way of less than fifty (50) feet or of undetermined width, the front setback shall be measured from a line twenty-five (25) feet away from the centerline of the traveled portion of the road.

**Site Plan:** A plan, to scale, showing uses and structures proposed for a parcel of land as required by these regulations. It includes lot lines, streets, building sites, open space, buildings, major landscape features, and proposed utility lines, if any.

**Shoreline:** Land adjacent to the waters of lakes, ponds, reservoirs, rivers and other water courses. Shorelines shall include the land between the mean high water mark and mean low water mark of such surface waters.

**Sign:** Any structure, display, device, or representation which is designed or used to advertise or call attention to or direct a person to any business, association, profession, commodity, product, institution, service, entertainment, person, place, thing or activity of any kind whatsoever, and is intended to be visible from a public road or public vantage points. This definition does not include the flag, pennant, or insignia of any nation, state, or municipality.

**Stream:** see "Waterway"

**Street:** A town or state highway, or a way for motor vehicles that is shown on a site plan approved by the PC. The word “street” shall include the entire right-of-way thereof. If a boundary of the right-of-way has not been surveyed and so recorded, and it not marked by a fence line or other physical feature, the boundary shall be deemed to be twenty five (25) feet from the center line of the traveled way.

**Structure:** A manmade unit designed to serve a general or specialized purpose, such as a building or specific part of a building; a deck; a tower; a fence. Components of a structure can be of any material or combination thereof. For the purposes of this Bylaw, a structure is any such unit rising one (1) foot or more above mean ground level.

**Subdivider:** Any person who shall lay out for the purpose of transfer of ownership or right to use any subdivision or part thereof. The term shall include an applicant for subdivision approval.

**Subdivision:** The division of any parcel of land into two or more parcels for the purposes of immediate or future sale, conveyance, or development. The term “subdivision” included re-subdivision, amended subdivision, lot line (boundary) adjustments, and the division held in common among several owners.

**Substantial Improvement:** Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either; (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before damage occurred. The term does not, however, include either:

1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2) any alterations of a structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.

**Substantially Completed:** The completion of a permitted structure to the extent that it may be safely occupied for its intended use.

**Telecommunications Facility:** A facility that transmits or receives electromagnetic signals, including but not limited to antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals; telecommunication towers or similar supporting structures; equipment buildings and parking areas; and other types of accessory development.

**Temporary Structures/Uses:** A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected ceased. This term may also mean a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**Tourist or Camping Cabin:** A residential structure with or without kitchen facilities, containing not more than two (2) bedrooms, and primarily intended for the accommodation of transients.

**Undevelopable Land:** Land which is unsuitable for physical development, including the erection of structures, as specified in these regulations. Such lands include, but may not be limited to: specified flood hazard areas; land with slopes in excess of 20 percent; regulated wetland areas; soils classified as having severe limitations or development as proposed; critical habitat areas; and land within designated surface water, wetland or habitat buffer areas. This definition shall not prohibit agricultural, forestry, open space and recreational uses which are exempt from or may otherwise be approved under these regulations.

**Undue Adverse Effect (Impact):** An adverse effect or impact that cannot be avoided or mitigated through changes to the location, design, scale, operation, composition and/or intensity of the proposed development or use.

**Use:** (1) The purpose for which a building, structure or parcel of land is designed, intended, occupied or used; or (2) any activity carried out upon any premises or within any structure upon a premises.

**Variance:** Permission to depart from the literal requirements of this Zoning Bylaw. Such permission is limited to departures from zoning requirements relating to frontage, setback, yard, coverage and height requirements. Such permission shall be granted only by the ZBA in compliance with the criteria set forth in 24 V.S.A. 4468 and after a public hearing warned in compliance with 24 V.S.A.

**Vegetated Buffer Strip:** An undisturbed vegetation located along waterways.

**Vegetated covering:** A requirement to have soil, plant life or other natural feature within an area instead of any manmade surface or construction.

**Warehousing, Public:** A building used primarily for the storage of goods and materials and available to the general public for a fee.

**Waterway:** A body of flowing water identified as a perennial river, stream or brook on a USGS topographical map or as identified through site investigation by a qualified person, excluding artificially created irrigation or drainage channels.

**Wetlands:** Those areas of the state that are inundated by surface or ground water with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such area include, but are not limited to, marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but excluding such areas as grow food or crops in connection with farming activities.
**Waivers:** A Bylaw may allow a municipality to grant waivers to reduce dimensional requirements, in accordance with specific standards that shall be in conformance with the plan and the goals set forth in section 4302 of this title.

**Yard, Front:** An open space between the building and the front lot line, extending the full length of the lot, or in the case of a corner lot, extending along all the streets.

**Yard Sale:** The casual sale of personal property on the premises of a dwelling unit for a period not exceeding three (3) consecutive days and not more than nine (9) days in a calendar year. A sale or sales of longer duration shall be deemed a commercial use. Yard sales are also denoted by the terms “garage sale”, “attic sale”, “lawn sale”, “tag sale”, “barn sale”, “rummage sale” or similar phrase.

**Yard, Side:** An open space between the building and side lot line, extending the full length of the lot.

**Yards, Depth or Width of:** The depth of front and rear yards, and the width of side yards, shall be measured perpendicular

**ZA:** Zoning Administrator

**ZBA:** Zoning Board of Adjustment

**Zoning District:** A section of town designated in the Zoning Bylaw text and delineated on the Official Zoning Map, in which requirements for the use of land, and building and development standards are prescribed.

**Zoning Permit:** An official permit applied for through and issued by the ZA for any land development or change of use within the Town of Woodford.