

Truck & Rail Terminal: A building or property used as relay station for the loading, unloading, and transfer of goods transported by truck, or which provides containerized freight handling facilities or rail truck services, and/or where the local pick-up, delivery and temporary storage of goods incidental to the primary function of the freight shipment operation is provided.

Use: The purpose for which a building, structure, or parcel of land is designed, intended, occupied or used. See also Accessory Use, Structure.

Useable Open Space: See Open Space.

Veterinary Clinic: A building or part thereof used for the care, diagnosis, treatment and temporary boarding of animals. See also Kennel.

Warehouse: A building used primarily for the storage, wholesale and distribution of manufactured goods and materials, and not as a primary location or outlet for business or retail uses. See also Storage Facility.

Wildlife Preserve: A scenic, historic and/or ecologically significant area for the protection of natural resources, especially wild animals living in their natural environment, excluding publicly-owned preserves.

Yard: An unoccupied ground area fully open to the sky, as defined by the front setback distance from the street line, and by side and rear setback distances from corresponding lot lines.

Yard Sale: See garage sale.

Structural Alteration: Any change in or alteration to the supporting member of a structure such as bearing walls, columns, beams or girders, floor or ceiling joists, roof rafters, foundations, piles, retaining walls, or similar components.

Structure: An assembly of materials on the land for occupancy or use, including but not limited to a building, mobile home or trailer, sign, wall or fence.

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 with or without roads into two or more parcels, lots or other legal division of land for the purposes of transfer, sale, lease, conveyance or development; with the exception of parcels to be leased for agricultural purposes where no new roads are created (see Section 6.1). The term includes boundary adjustments, amended subdivisions, resubdivisions, and the division of land held in common among several owners; and shall also include the development of a parcel as a planned residential or planned unit development.

Subdivision, Major: A subdivision of land resulting in the creation of 4 or more lots, and all Planned Residential and Planned Unit Developments.

Subdivision, Minor: A lot/boundary line adjustment, amendments to an approved subdivision plan that will not substantially change the nature of the previously approved plan or conditions of approval, or a subdivision which results in the creation of 3 or fewer lots.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 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 restored, before the damage occurred. For the purpose of administering flood hazard area regulations, this definition excludes the improvement of a structure to comply with existing municipal or state health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the state or National Register of Historic Places, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

Swimming Pool: A pool with an area of 200 square feet or more and a depth of at least 3 feet.

Telecommunications Facility: A support structure which is primarily for communication or broadcast purposes and which will extend vertically 20 feet, or more, in order to transmit or receive communication signals for commercial, industrial, municipal, county, state or other governmental purposes, and associated ancillary facilities that provide access and/or house equipment (see Section 4.20).

Transit Facility: A building, structure, or area designed and intended for use by persons changing transportation modes, including but not limited to bus and train stations, and park-and-ride facilities.

Travel Trailer: Any towed recreational vehicle not more than 35 feet in overall length which is designed for temporary sleeping or living quarters. See also Camper, Motor Home.

Setback: The horizontal distance from a road, lot line, boundary or other delineated feature (e.g., a stream bank or channel, shoreline, or wetland area), to the nearest part of a building, structure, or parking area on the premises. In the case of a public highway, the distance shall be measured from the nearest limit of the highway right-of-way (street line) or twenty-five feet from the centerline of the highway, whichever is greater. In the case of a private road, other than a driveway, the distance shall be measured from the edge of the right-of-way (streetline).

Sign: Any structure, display, device, or representation which is designed or used to advertise, direct to, or call attention to any thing, person, business activity or place, and which is visible from any public road or right-of-way, and which is freestanding or attached to the outside of the building (see Section 3.12). This definition shall not apply to the flag, pennant or insignia of any nation, state or municipality; nor to signs erected by the municipality or state on public rights-of-way; nor to any non-advertising sign of less than two square feet in area which is placed on the premises solely for information or safety purposes (e.g., rest room, telephone, office, exit, falling ice, fire extinguisher, and no trespassing signs). Signs on registered, inspected motor vehicles shall also be exempt from these regulations except where determined by the Administrative Officer to be circumventing the purposes of these regulations (e.g., a truck parked in one location off-premises on a regular basis).

Silviculture: See Forestry.

Solid Waste Transfer Station: A facility certified by the state that functions as a collection point for solid waste that will subsequently be transported to a state-approved landfill or disposal facility. The facility will include, at minimum, a receiving hopper and compacting equipment which are housed in an enclosed structure.

Storage Facility: A building for storing goods as an accessory to a retail store, or for the temporary storage of goods (e.g., household goods) by the general public. See also Warehouse.

Story: That part of any building, exclusive of cellars but inclusive of basements, comprised between the level of one finished floor and the level of the next higher finished floor or, if there is no higher finished floor, then the top of the roof beams. See also Story, Half.

Story, Half: Any space partially within the roof framing, where the clear height of not more than 50% of such space between the top of the floor beams and the structural ceiling level is 7 feet, 6 inches or more.

Stream: Any surface water course in the Town of Swanton as depicted by the U.S. Geological Survey on topographic maps or as identified through site investigation; excluding artificially created irrigation and drainage channels (see also Stream Channel).

Stream Channel: A defined area that demonstrates clear evidence of the permanent or intermittent passage of water and includes, but may not be limited to bedrock channels, gravel beds, sand and silt beds, and swales. A **stream bank** may define the usual boundaries, but not the flood boundaries, of a stream channel. Artificially created water courses such as agricultural irrigation and drainage ditches are specifically excluded from this definition (see also Stream).

Street: See Road.

Street Line: The dividing line between a lot and a public or private road or street, typically defined by the edge of the road right-of-way.

snowmobiling, and cross-country skiing; except for such facilities which are accessory to an approved educational facility or a residential use. **Public only:** In some zoning districts such facilities are limited to publicly-owned and/or operated parks, playgrounds and facilities.

Recreation Vehicle (RV) Sales & Service: An establishment that sells, leases, repairs, or services recreation vehicles which may include, but not be limited to, campers (e.g., motor homes and travel trailers) and snowmobiles. Boats and other watercraft are specifically excluded from this definition. See also Camper, Retail Sales, Boat Sales and Service.

Redemption Center: A store or other facility certified by the state [10 V.S.A. §1524] where a person may, during normal business hours, redeem the amount of the deposit for an empty beverage container.

Residential Lot: Any lot whose sole and exclusive use is residential.

Restaurant: Premises where food and drink are prepared, served and consumed primarily within the principal building. This definition includes cafes, taverns and bars, but excludes night clubs. See also Night Club.

Resubdivision: A change of a recorded subdivision plat, including but not limited to changes that affect any lot lines, street or road layouts, areas reserved for public use, or any map or plan that has been legally recorded.

Retail Sales & Service: Premises where goods or merchandise are offered for retail sale to the general public for personal, business, or household consumption, and services incidental to the sale of such goods are provided. This definition specifically excludes the retail sale of gasoline and automobiles and other goods and services that are otherwise more specifically identified under these regulations. See also Automobile Sales & Service; Boat Sales, Storage & Repair; Neighborhood Store; Personal Service; Recreation Vehicle Sales & Service; Restaurant.

Ridgeline: The uppermost point of a ridge, hill, cliff, slope or face. It may coincide with the top (highest elevation) of a rock cliff or, where the bedrock is not exposed, the most obvious break in slope associated with the underlying bedrock. The term does not include intermediate terraces, steps, or elevations along the face of a slope.

Road, Development: A private road or street serving three or more lots, including the associated right-of-way (see also Driveway, Private Road).

Road, Private: Any road or street which is not publicly owned and maintained, excluding a private driveway serving one or two lots. The word "road" shall mean the entire right-of-way. See also Development Road, Driveway.

Road, Public: A road which is constructed within the boundaries of an officially deeded and accepted public right-of-way, including municipal, state and federal highways. The word "road" shall mean the entire right-of-way.

Roadside Stand: A facility intended only for the sale of local agricultural products (see Section 4.18). See also Outdoor Market.

Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, or salvaging of discarded material or scrap metal. This definition includes, but is not limited to "junkyards" as defined by the state.

Planned Unit Development (PUD): An area of land, controlled by a landowner, to be developed as a single entity for a combination of residential, commercial, industrial, recreational, educational and/or industrial uses; the plan for which does not correspond in arrangement, use, lot size, bulk, density, lot coverage, or required open space under these regulations except as a planned unit development (see Article 8).

Plat: A map or representation on paper, Mylar or other accepted material, of a piece of land subdivided into lots and roads, drawn to scale.

Principal Building: A building or structure in which is conducted the main or principal use of the lot on which the building is located.

Private Club: An establishment operated for social, recreational, educational or cultural purposes that is open only to members and their invited guests, and not the general public.

Private System (Water/Wastewater): An individual water or wastewater system which serves a single user or unit.

Public Improvement: Any improvement which shall be owned or maintained by the Town of Swanton.

Public Facility: A building or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by a municipality, state or federal government, regulated utility or railroad. Such facilities include, but may not be limited to municipal buildings and garages, water and wastewater facilities, power generation and transmission facilities, and educational facilities (see Section 4.17).

Public Community Water System (PCWS): A water system that serves at least 10 year-round service connections, or 25 year-round residents, as regulated by the state. See also Community System, Municipal System, Private System.

Quarrying: The removal of rock by means of open excavation to supply material for construction, industrial or manufacturing purposes (see Section 4.10). See also Extraction.

Reasonable Use: A use of real property which is allowed within the district in which the property is located, which provides some (but not necessarily all) potential benefit to the owner, and which does not lead to unreasonable interference with another's use of property, or with the natural flow of water. Reasonable use does not mean highest and best use; nor does it include accessory uses, structures, or additions which may be customary, but are not necessary, to the existing or intended principal use (e.g., garages, swimming pools).

Reconstruct: To replace or rebuild a building or structure which has been substantially destroyed or demolished without regard to cause.

Recreation/Indoor: A building or structure designed, equipped and used for sports, leisure time, and other recreational activities, except for such facilities which are accessory to an approved educational facility or a residential use. This includes, but may not be limited to bowling alleys, movie theaters, pool halls, skating rinks, gymnasiums, and swimming pools. **Public only:** In some zoning districts such facilities are limited to publicly-owned recreation facilities.

Recreation/Outdoor: A facility for outdoor recreation, including but not limited to a stadium, tennis courts, golf courses, athletic fields, swimming pools, and trails for hiking, horseback riding, bicycling,

Nonconforming Structure: A structure or part thereof lawfully in existence as of the effective date of these regulations, which is not in compliance with the provisions of these regulations, including but not limited to building bulk, dimensions, height, setbacks, area, yards, density or off-street parking or loading requirements, where such structure conformed to all applicable laws, ordinances, and regulations prior to the enactment of these regulations.

Nonconforming Use: The use of a land or structure lawfully in existence as of the effective date of these regulations, which does not conform with these regulations, including but not limited to allowed uses within the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to the enactment of these regulations.

Nursery: See Greenhouse.

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-premise retail sale of goods. See also Home Occupation.

Open Space: Land not occupied by structures, buildings, roads, rights-of-way, and parking lots. Open space may or may not be held in common. **“Usable open space”** is further characterized as open space which is available and accessible to all occupants of the building or buildings on the lot for purposes of active or passive recreation.

Outdoor Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public, including “farmers” and “flea” markets (see Section 4.16). See also Garage Sale, Roadside Stand.

Parking Facility: A separate off-street parking area, garage or similar structure that is the principal use of a lot.

Parking Space: An on- or off-street area, other than a loading or service area, of not less than 180 square feet exclusive of access or maneuvering areas, ramps, columns, etc., which is to be used exclusively as a temporary storage space for one private motor vehicle (see Section 3.10).

Paved: Finished blacktop on any roadway.

Person: Any individual, partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or affiliated ownership, which owns or controls land or other property to be subdivided and/or developed under the provisions of these regulations. The word “person” shall also include any municipality or other government agency.

Personal Service: A business which provides services of a personal nature, including but not limited to laundry and dry cleaning, beauty and barber shops, shore repair, photographic studios, and similar businesses. See also Funeral Parlor.

Place of Worship: A building used solely for purposes of assembly and worship by a legally established and recognized religious institution. This definition also includes such customary accessory structures such as parish houses.

where articles are assembled and packaged. The processing of agricultural products produced on the premises where produced shall not be deemed to be manufacturing . See also Cottage Industry.

Marina: An establishment or premises having lake or river frontage which contains launching, docking and/or mooring facilities; which sells or leases pleasure craft and boating accessories, and which may provide associated marine services such as boat storage and repair, fueling, pump-out, water taxi, charter, cruise, and towing services (see Section 4.12). See also Boat House; Boat Sales, Service & Repairs, Mixed Use.

Mean Sea Level: The standard datum to which base flood elevations shown on the Flood Insurance Rate Map, and typical contour elevations, are referenced.

Mixed Use: A building or parcel containing two or more principal uses which are otherwise allowed as permitted or conditional uses in the district in which the building or parcel is located (see Section 4.13).

Mobile Home: A prefabricated dwelling unit which: 1) is designed for continuous residential occupancy; (2) is designed to be moved on wheels, as a whole or in sections, 3) on arrival at the site, is complete and ready for occupancy except for incidental unpacking, assembly, and placing on supports or a permanent foundation, or installation as a unit in a previously prepared structure; and 4) contains the same water supply and wastewater disposal systems as immovable housing (see Section 3.4). See also Camper, Motor Home, Mobile Home Park.

Mobile Home Park: A parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, three or more mobile homes to be occupied for living purposes (see Section 4.14).

Motor Home: Any self-propelled vehicle not more than 35 feet in overall length which is designed for recreational use.

Municipal Land Use Permit: As defined in the Act [§4303(24)] to include, as issued by the municipality: (1) final zoning, subdivision, site plan or building permits or approvals relating to subdivision and land development; (2) septic or sewage system permits; (3) final official minutes of meetings which relate to permits or approvals, which serve as the sole evidence of such permits or approvals; (4) certificates of occupancy, compliance or similar certificates; and (5) any amendments to the previously listed, permits, approvals and/or certificates.

Municipal Plan: The municipal plan for the Town and Village of Swanton as most recently adopted in accordance with the Act.

Municipal System (Water/Sewer): A municipal water and wastewater distribution, collection and treatment system, developed, operated and managed under the authority of the Swanton Village Trustees, or other municipal authority,

Neighborhood Store: A small retail establishment, not to exceed 1,200 square feet in floor area, whose business consists primarily of the sale of groceries and retail items. The sale of motor vehicle fuels, including gasoline, is specifically excluded, unless approved as a Mixed Use (see Section 4.15). See also Automobile Service Station, Mixed Use, Retail Sales & Service.

Night Club: An establishment which offers the sale of liquor in conjunction with live entertainment and/or dancing, and which is licensed in accordance with relevant state statutes.

district in which such land is situated, and having frontage on a road or other means of access; (2) a portion of land in a subdivision or plat that is separated from other portions by a property line. See also Contiguous Land, Existing Lot, Lot of Record .

Lot Area: The total land area within the boundaries (lot lines) of a lot, exclusive of the area designated for any existing or proposed road rights-of-way as measured to the boundary of such right-of-way or easement.

Lot, Corner: A lot at the junction of and abutting on two or more intersecting streets where the interior angle of the intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve are the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

Lot Coverage: That portion (percentage) of a lot area which is covered by buildings, structures and other man-made improvements, including parking and loading areas, access roads, service areas, and other impermeable surfaces, which prevent the infiltration of storm water.

Lot Depth: The minimum horizontal distance from the street line of the lot to the rear lot line of such a lot, as measured at right angles.

Lot, Existing: An identifiable and separate parcel of land in existence as of the effective date of these regulations, which does not adjoin any other land having frontage on a public road owned by the same person or persons. The merger of any lot prior or subsequent to the effective date of these regulations shall terminate its separate existence for the purpose of these regulations (see Section 3.5).

Lot Line: Any boundary of a lot other than the street line.

Lot Line, Rear: The lot line generally opposite to the street line. If the rear lot line is less than 10 feet in length, or if the lot comes to a point in the rear, the rear lot line shall be deemed to be parallel to the front lot line (street line) not less than 10 feet long, lying farthest from the front lot line.

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

Lot Size: See Lot Area.

Lot Width: The average distance between side lot lines taken at the front yard or setback line and measured at right angles to the side lot lines, or parallel to the street line.

Main Floor: The largest area found by the projection of a horizontal plan through the livable floor area which is enclosed by the exterior walls of the building.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is connected to required utilities. For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on the site for greater than 180 consecutive days. For insurance purposes, and the other provisions of these regulations, the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

Manufacturing: Any process where the nature, size, or shape of articles or raw materials are changed, or

purposes of these regulations, a group home shall also include an emergency shelter for up to 6 adults and/or children. See also Community Care Facility.

Health Clinic: A building or part thereof used for the medical, dental, surgical, or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his or her residence. See also Home Occupation.

Height: The vertical distance of a building or structure as measured from the average of the highest and lowest elevations of the finished grade at the foundation or base to the highest point on top of the building or structure, or for a gabled roof, to the average height between the eave and the ridge (see Section 3.6).

Home Occupation: A use conducted entirely within a minor portion of a single family dwelling which is conducted by resident family members, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and which does not change the character thereof (see Section 4.11). See also Cottage Industry.

Industrial Retail Sales: Premises within an industrial park where goods or merchandise are offered for retail sale to the general public for personal, business or household consumption. The goods or merchandise offered for sale to the general public must be manufactured, processed or packaged at a facility within the industrial park.

Improvement: Any physical addition to real property, or any part of such addition, including but not limited to any building, structure, parking facility, wall, fencing, or landscaping (see also Substantial Improvement).

Junk: Any scrap or waste material which is collected, stored, kept, or handled for salvage, resale or conversion to another use.

Junk Yard: See Salvage Yard.

Kennel: Any premises in which the care, boarding, breeding, grooming, or training of four or more dogs, cats, or other domestic animals is done for primarily commercial or monetary purposes.

Land Development: The construction, reconstruction, conversions, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation or landfill, or any changes in the use of any building or other structure or land or extension of use of land (see also Subdivision).

Legislative Body: Shall consist of the Village Trustees and the Town Select Board.

Loading Space: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used. Required off street loading space is not to be included as off-street parking space in computation of required off-street parking space (see Section 3.10).

Lodging Facility: A building or group of buildings containing guest rooms for occupancy and use by transients on a short-term basis (less than one month on average), and having a management entity operating the building(s) and provided such services as maid service, a central switchboard, or dining facilities for guests. See also Bed & Breakfast, Mixed Use, Restaurant.

Lot: (1) Any parcel of land, not necessarily coincident with a lot or lots shown on a map of record, which is occupied or which is to be occupied by a principal structure or use and its accessory structures and/or uses, together with required open space, having not less than the minimum area required for a lot in the

Floor Area: The sum of gross horizontal area of the several floors of the building or buildings on a lot measured from the exterior faces of exterior wall or from the center line of party walls separating two buildings, excluding cellar and basement areas used only for storage for the operation and maintenance of the building.

Floor Area, Liveable: All spaces within the exterior wall of a dwelling unit exclusive of garages, breezeways, unheated porches, cellars, heater rooms, and basement areas having a window area of less than 10% of the square foot area the room. "Usable floor area" shall include all spaces not otherwise excluded above, such as principal rooms, utility rooms, bathrooms, all closets and hallways opening directly in to any rooms within the dwelling unit and all attic space having a clear height of six feet from finished floor level to pitch of roof rafter with a clear height of seven feet six inches form finished floor level to ceiling level over 50% of the area of such attic space.

Floor Area Ratio: The total floor area in square feet in all buildings on the lot divided by the area of such lot in square feet.

Forestry: The use and management of timber land for purposes of conservation and/or wood production and timber harvesting. This definition specifically excludes sawmills, lumber yards and other similar facilities used for the processing and/or manufacturing of wood and wood products, with the exception of portable sawmills and other equipment used on site in association with timber harvesting activities.. See also Accepted Management Practices, Manufacturing.

Funeral Parlor: A building or part thereof used for human funeral services. Such building may also contain space and facilities for preparation of the dead for internment or cremation; the performance of autopsies and associated surgical procedures; the storage and sale of caskets, funeral urns and related funeral supplies; and the storage of funeral vehicles.

Garage Sale: The casual sale or offering at any one time of ten or more new, used, or second hand items of tangible personal property to the general public, which is generally advertised by such terms "garage sale," "rummage sale," "attic sale," "lawn sale," "porch sale" "barn sale" or similar phrase (see exemptions under Section 9.1).

Garden Center: The use of land, buildings and/or structures for the purpose of selling lawn and garden equipment, furnishings and supplies. This definition specifically does not include nurseries and greenhouses that are defined as "Agriculture" or "Accepted Agricultural Practices" and are therefore exempted from these regulations. See also Accepted Agricultural Practices.

Grade, Finished: Completed surface of grounds, lawns, walks, paved areas and roads which have been brought to grades shown in associated plans.

Grain Elevator: Structure designed to store any type of grain.

Greenhouse: A business which grows flowering and other plants for wholesale or retail sale on the premises. See also Accepted Agriculture Practices, Agriculture, Garden Center.

Group Home: A state licensed or registered residential care home serving not more than 8 persons who are handicapped or developmentally disabled. In accordance with the Act [§4412(G)], such a group home 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 is located within 1,000 feet of another such home. For the

property for a specified purpose.

Educational Facility: A public, private or parochial institution licensed by the State of Vermont to provide educational instruction to students. Such facilities may also include accessory recreational and dining facilities, and be used as officially designated, temporary emergency shelters.

Elderly Housing: A multiple dwelling in one or more buildings, each unit of which is specifically designed and intended for occupancy by at least one person who is retired and 55 years of age or older. Such housing may include, as accessories, congregate dining and recreational facilities, and assisted living services. See also Community Care Facility.

Extraction: A use involving the on-site removal of surface and subsurface materials, including soil, sand, gravel, stone, rock, minerals or similar materials. Typical uses include sand and gravel pits and quarries, and related operations such as the crushing, screening, and temporary storage of materials on-site (see Section 4.10). Specifically excluded from this definition is the grading and removal of dirt which is associated with and incidental to an approved site plan or subdivision, or an excavation associated with an accepted agricultural practice. See also Quarrying.

Family: One or more persons related by blood, marriage, civil union as recognized by the State of Vermont, or adoption, or a group of not more than five unrelated persons, exclusive of domestic servants, living together as a household.

Fence: An artificially constructed barrier of a material or combination of materials erected to enclose or screen an area of land and/or mark a boundary. Agricultural fences, and other fences or walls less than 6 feet in height which do not extend into or obstruct public rights-of-way are specifically exempted from these regulations (see exemptions Section 9.1).

Financial Institution: A bank, savings and loan, finance, mortgage or investment company.

FIA: The Federal Flood Insurance Administration.

Flood Hazard Area: Those lands subject to flooding from the 100-year flood, as defined in the existing or subsequently revised "Flood Insurance Study for the Town of Swanton, Vermont" dated September 1, 1977 and the Flood Hazard Boundary Map (FHBM) or subsequent Flood Insurance Rate Map (FIRM), published by the Flood Insurance Administration, and available at the Swanton Town Clerk's Office.

Flood Hazard Boundary Map (FHMB): An official map of Swanton, issued by the Flood Insurance Administration, where the boundaries of flood and mudslide (i.e., mudflow) related erosion areas having special hazards are designated as Zone A, M, and/or E.

Flood Insurance Study: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Proofing: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improve real property, water and sanitary facilities, structures, and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

body treatments and skin exfoliation.

Density: The number of principal dwelling units, uses or structures permitted per area of land, excluding land area within existing and proposed road rights-of-way.

Destination Spa: A lodging facility that offers services of a personal nature such as, but not limited to, massages, facials, body treatments and skin exfoliation, and in which guests reside for one or more days.

Development: See Land Development.

Development Right: The right to build or develop on a specific parcel of land in accordance with the zoning regulations for the district in which the parcel is located.

Disabled: A person under 65 years of age who receives Social Security disability benefits (SSDI), in accordance with applicable state and federal definitions [33 V.S.A., §§1991-1995; as recodified from 6 V.S.A. §§251-255, 1999, No. 62 §123e.].

Drive-through: A business establishment which includes a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle rather than within a building or structure.

Driveway: A private travel way, easement or right-of-way serving up to two adjoining parcels, which provides access for vehicles to a parking space, garage, dwelling or other structure (see Section 3.2). See also Road, Development.

Dwelling, Multi-Family (Multiple): A building or portion thereof containing three or more dwelling units. See also Dwelling Unit, Two Family Dwelling.

Dwelling, Seasonal: A dwelling unit which is not the primary residence of the owner or occupant and/or is occupied only on a part-time or seasonal basis. This definition shall include, but may not be limited to: 1) a dwelling which lacks one or more of the basic amenities, services or utilities required for year-round or all weather occupancy, including but not limited to a winterized water system, insulated walls and roof, heating source, or adequate water or wastewater disposal systems, 2) a dwelling which is occupied no more than 180 days during any one year period; 3) a dwelling which is listed as a vacation dwelling (V1 or V2) on the Swanton grand list as of the effective date of these regulations; and/or 4) a dwelling that has been specifically permitted as a seasonal dwelling.

Dwelling, Single Family: A detached building containing one principal dwelling unit (and up to one accessory apartment).

Dwelling, Two Family: A detached building containing two principal dwelling units.

Dwelling Unit: A building, or entirely self-contained portion thereof, containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrances or other hallway or porches) or cooking or sanitary facilities in common with any other “dwelling unit.” This definition specifically excludes boarding or rooming houses, convalescent homes, fraternity or sorority houses, hotels, inns, lodging, nursing or other similar homes or structures. See also Accessory Apartment, Accessory Dwelling, Group Home, Community Care Facility.

Easement: The authorization of a property owner for the use by another of any designated part of his/her

Community Center: A building used for recreational, social, and cultural activities which is not operated for profit and is intended primarily to serve the population of the community in which it is located.

Community System (Water, Wastewater): Any water or wastewater disposal system other than a municipally-owned system which provides potable water to or disposes of wastewater from two or more domestic, commercial, industrial, or institutional uses. Such systems shall include associated collection, distribution and treatment facilities.

Condominium: Individual ownership of a unit in a multi-unit structure (as an apartment building). See also Dwelling, Multi-family.

Conference Center: A lodging facility which features accommodations for single or multiple events such as, but not limited to meetings, retreats, concerts, weddings, conventions and exhibits.

Construction Drawings: Drawings showing the location, profile grades, size and types of drains, sewers, water mains, underground fire alarm ducts, underground power and telephone ducts, pavements, cross sections of streets, miscellaneous structures, etc.

Contiguous Land: (1) A parcel of land contained within a single, unbroken parcel boundary (a division of land by a right-of-way, including a town road, shall not render such land noncontiguous); or (2) two or more parcels which share a common parcel boundary or point.

Contractor's Yard: A parcel of land with or without buildings thereon to be used for the storage of equipment, materials, and/or vehicles used in the operation of construction and related trades (see Section 4.8).

Conversion: Changing the original purpose of a building to a different use, with or without structural alteration. This includes, but may not be limited to, the conversion of seasonal or accessory dwellings to single family dwellings, or the conversion of a single family dwelling to a two-family or multi-family dwelling (see Section 3.3).

Cottage Industry: An expanded home-based business conducted by the resident of a single family dwelling, which is carried on within the principal dwelling and/or an accessory structure, and has no more than 12 nonresident employees on-site at any one time (see Section 4.11). See also Home Occupation.

Cul-de-Sac: A road intersecting another road at one end, and terminated at the other end by a vehicular turnaround.

Cultural Facility: A museum, theater, concert hall, library or other establishment offering programs, performances or exhibits of cultural, educational, historical, or scientific interest, excluding movie theaters as a principal use. See also Recreation/Indoor.

Curb Cut: A defined area of vehicular ingress and/or egress between property and an abutting road right-of-way.

Curb Level: The established elevation of the street grade at the point that is opposite the center of the wall nearest to and facing the street line.

Day Spa: A facility that offers service of a personal nature such as, but not limited to, massages, facials,

such as motor homes and travel trailers, but specifically excludes mobile homes (see Section 4.6). See also Mobile Home, Motor Home.

Campground: A parcel of land upon which three or more campsites are located for occupancy by a tent, camper, cabin, lean-to, or similar structure as temporary living quarters for recreation, education, or vacation purposes. "Primitive" campgrounds are further characterized as campgrounds which are limited to substantially unimproved camp sites intended for tenting use only (see Section 4.7).

Cellar: Any space in a building, the structural ceiling of which is less than 4 feet above the average finished grade where such grade abuts the exterior wall of the building facing any street. A cellar shall not be considered in determining the permissible number of stories.

Cemetery: Land used or dedicated to the burial of the dead, including as accessory structures mausoleums, columbariums, or maintenance facilities, but excluding crematoriums. An individual burial site on private land, registered with the Swanton Town Clerk in accordance with state law, is exempted from this definition.

Child Care Facility: Any establishment, except those supported in whole by tax funds, operated as a business or service on a regular or continual basis, whether for compensation or not, which provides care, protection, supervision and/or education for more than 6 full-time and 4 part-time children for periods of less than 24 hours. This definition shall encompass all those facilities that are required to be licensed by the State of Vermont as a day care facility, kindergarten, and/or nursery school which have an enrollment of over 10 children (see Section 4.9). See also Child Care Home.

Child Care Home: A state registered or licensed facility serving 6 or fewer children on a full-time basis, and up to 4 additional children on a part-time basis as defined in statute [33 V.S.A. §4902(3)(A)] which is considered to constitute a permitted single family residential use of property (see Section 4.9). See also Child Care Facility.

Clearing: The removal of vegetation as part of site preparation, including the installation of driveways, septic systems, building sites and construction or yard areas.

Commercial Use: An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Commercial Vehicle: Any vehicle or equipment in excess of 10,000 lbs. gross vehicle weight (GVWR) which is used in commercial activities.

Commission: The Swanton Planning Commission, as created under the Act.

Common Land: Land within a development or subdivision that is not individually owned, but which is designed to be held in common for the use, enjoyment, management and maintenance by the residents of the development or subdivision. Such land may include but not be limited to open space areas, parking lots, community water and wastewater systems, pedestrian walkways, utility and road rights-of way.

Community Care Facility: A facility licensed by the state which provides primarily nonmedical residential care services to seven or more individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, excluding members of the resident family or persons employed by the facility, on a 24-hour a day basis. See also Group Home.

and/or which has facilities for fueling, washing or servicing motor vehicles (see Section 4.5). This definition includes gas stations and car washes; but specifically excludes automobile and motor vehicle repair services and sales, and the sale of food and unrelated convenience or grocery items. See also Automobile Repair, Automobile Sales, Mixed Use.

Bar: See Restaurant, Night Club.

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 at subgrade (below ground level) on all sides. See also Cellar.

Bed & Breakfast (B&B): A single family dwelling occupied by the owner or operator, in which not more than three rooms accommodating up to six guests within the dwelling and/or in an accessory structure located on the same lot, are rented out to provide overnight accommodations to transient travelers. Individual cooking and eating facilities shall not be provided; breakfast shall be the only meal served and shall be limited to overnight guests. The bed and breakfast shall function as a private home with house guests. Parking requirements (Section 3.10) also apply.

Board: The Swanton Board of Adjustment, as established under the Act, unless otherwise specified.

Boat House: An attached or detached building used for the storage of boats and boating equipment. One boat house for the storage of up to three pleasure craft which are incidental to a principal use shall be considered an accessory structure to a residential use. See also Boat Sales, Storage & Repair.

Boat Sales, Storage & Repair: A facility for the commercial sale, rental, storage and/or repair of boats. . See also Boat House, Marina.

Boundary Adjustment: A division of land for the purpose of adjusting boundaries between adjacent lots or parcels where no new lot is created. A boundary adjustment shall not create a nonconforming lot or use.

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

Building: (1) A structure having a roof supported by columns or walls and intended for the shelter or accommodation of persons, animals, goods, chattel or equipment; (2) for flood hazard area regulation only, this definition also includes a gas or liquid storage tank that is principally above ground.

Building Orientation: The location on a lot of a building or other structure in relation to roads, rights-of-way, parks, and street lines.

Camp: A tent, shelter, recreational vehicle or other temporary structure in an open air location where a family can participate in outdoor living for short periods of time. For the purposes of these regulations, this definition also includes a primitive hunting or fishing camp with a floor area no greater than 400 square feet (see Section 4.6). See also Dwelling, Seasonal.

Camper: Any vehicle used as temporary sleeping, camping or living quarters, which is mounted on wheels, a truck or a camper body, or towed by a motor vehicle. This definition includes recreation vehicles

term shall not include the slaughtering of animals or poultry for commercial purposes. See also Accepted Agricultural Practices.

Alteration: Structural change, rearrangement, change of location or addition to a building or structure, 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 (see also Conversion, Improvement, Substantial Improvement).

Applicant: The owner of land or property proposed to be subdivided and/or developed in accordance with these regulations and/or his or her duly authorized representative. Any party with a legal interest in land subdivision and/or development may apply for a permit in cooperation with the owner of the property.

Approval: A written decision issued by the Board of Adjustment or Planning Commission within the statutory time limit, or in the event of the Board's or Commission's failure to act within the specified time limit, a certification of such failure to act issued by the Municipal Clerk, as attached to the permit application and recorded in the land records of the municipality.

Area: The extent of a lot or site as calculated from dimensions derived by the horizontal projection of the site.

Area of Shallow Flooding: A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) having a one percent greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where the velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: Land in the floodplain which is subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making is completed in preparation for the Flood Insurance Rate Map, Zone A is refined into Zones A, AO, AH, A1-30, AE, or A99.

Auction House: A facility used for the temporary storage and sale on premises of new and used goods by means of a request or invitation for bids. This definition specifically excludes retail sales.

Authorized Agent/Representative: A person or group of persons who have been duly authorized in writing by the applicant or subdivider to act on his/her behalf.

Automobile Repair: An enclosed establishment whose primary purpose is the major repair of automobiles and other motor vehicles, including body shops and general vehicle and engine repair, rebuilding and/or reconditioning shops, but not including automobile sales or service station (see Section 4.5). See also Mixed Use, Automobile Sales, Automobile Service Stations.

Automobile Sales: Any lot or area of land including the building or buildings thereon, which is used for the sale and/or lease of automobiles or motor vehicles and accessory products (see Section 4.5). This definition specifically excludes automobile or motor vehicle repair services. See also Automobile Repair, Automobile Service Station, Mixed Use.

Automobile Service Station: Any lot or area of land including the building or buildings thereon, which is used for the sale of automobile or motor vehicle fuels, lubricants, and related motor vehicles products,

Accessory Dwelling Unit: An accessory dwelling unit shall be defined as efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with the following:

- (1) The property has sufficient wastewater capacity.
- (2) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
- (3) Applicable setback, coverage and parking requirements specified in the bylaws are met. 24 V.S.A. §4412 (1) (E)

Accessory Structure: A structure which is: 1) clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the primary structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, playhouses, boat houses for the storage of 3 or fewer boats, and wading or swimming pools less than 3 feet in depth with an area less than 200 square feet, which are incidental to the residential use of the premises and not operated for gain. See also Accessory Use.

Accessory Use: A use which is customarily incidental and subordinate to the principal use of a lot, is located on the same lot as the principal use, and is clearly and customarily related to the principal use.

Acre: For determining the maximum density on any one acre, the acre used for this determination shall measure 43,560 square feet (208.7 ft x 208.7 ft).

Act: 24 V.S.A., Chapter 117, the Vermont Municipal and Regional Planning and Development Act as most recently amended.

Adaptive Reuse: The rehabilitation or renovation of an existing historic barn, as listed on the Vermont Historic Sites and Structures Survey for the Town of Swanton, or the National Register of Historic Places, for another use as specified in this bylaw (see Section 4.3).

Administrative Officer: the Swanton Zoning Administrator.

Administrator: the Federal Insurance Administrator.

Affordable Housing: Housing that is owned by its inhabitants, whose gross annual household income does not exceed 80 percent of the state median 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 annual income. Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the standard metropolitan statistical area 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. 24 V.S.A. §4303 (1) (A).

Affordable Housing Development: A housing development of which at least 50% of the units are affordable housing units.

Agribusiness: An individual or firm supplying raw materials, feed, equipment and/or services to producers of agricultural products for market.

Agriculture: The growing and harvesting of crops; raising of livestock, operation of orchards, including maple orchards or sugar bushes, and the sale of farm produce on the premises where it is produced. The

ARTICLE 10. DEFINITIONS

Section 10.1 Terms & Uses

(A) Except where specifically defined herein or in the Act, or unless otherwise clearly required by the context, all words, phrases and terms in these regulations shall have their usual, customary meanings.

(B) In the interpretation of words and terms used, defined, or further described herein, the following shall apply:

- (1) the particular controls the general,
- (2) the present tense includes the future tense,
- (3) the word "shall" is mandatory; the word "may" is permissive; the term "generally shall" indicates that it is mandatory unless the Board of Adjustment or other applicable body deems otherwise in accordance with these regulations,
- (4) the word "structure" includes "building;"
- (5) the work "road" includes "street," and
- (6) the word "lot" includes "parcel."

(C) For the purposes of flood hazard area regulation under Article 5.5, National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of some commonly used terms are provided herein.

(D) Any interpretation of words, phrases or terms by the Administrative Officer may be appealed to the Board of Adjustment under Section 9.3. In such cases, the Board shall base its decision upon the following definitions, state statute, and the need for reasonable and effective implementation of these regulations. The Board shall publish and update from time to time such written interpretation, to ensure consistent and uniform application of the provisions of these regulations.

Section 10.2 Definitions

A76 Road: An A76 Road is a road that conforms to Vermont State Standards for town and development roads and, at a minimum, is comprised of at least an 18-inch below-surface base, two 12-foot travel lanes, and can be a gravel or paved surface. A paved surface shall consist of a base of two-inch type three bituminous concrete, and a top surface coat of 1.5-inch type four bituminous concrete. All dead-end roads shall terminate in a cul-de-sac with a 50-foot radius or 100-foot width. The A76 Road shall be located within a 50-foot right-of-way.

A76 Road Base: An A76 Road Base is a roadway or right-of-way base comprised of at least an 18-inch below-surface base, and at least a 16-foot travel lane, and can be a gravel or paved surface.

Accepted Agricultural Practices (AAPs): Accepted practices for agriculture, including farm structures other than dwellings, as currently defined by the Commissioner of Vermont Department of Agriculture, Food and Markets (see exemptions under Section 9.1). See also Agriculture.

Accepted Management Practices (AMPs): Accepted practices for silviculture (forestry) as currently defined by the Commissioner of the Vermont Department of Forests, Parks and Recreation (see exemptions under Section 9.1). See also Forestry.