



**TOWN OF HYDE PARK, VT**  
**Land Use and Development Regulation**

**Effective: June 15, 2022**

PREPARED BY THE:  
Town of Hyde Park Planning Commission  
ADOPTED BY THE:  
Hyde Park Selectboard

## **History of Zoning Regulations** (Summary of some regulation amendments for reference only)

- 2022 June 15 – General language clarifications and formatting throughout
  - Section 5.10 – Flood Hazard – review for ERAF
  - Section 6.6 Table of Uses – Add “Adult Use Establishment” to VFW Business Park
  - Section 8.8 – above ground pools exempt
  - Green River Reservoir Viewshed Map amendment
- 2020 February 18 – Allow administrative front yard setback waivers; Create VFW Business Park District; Remove Garfield District; add flood language required for ERAF full 17.5% disaster funding; added exemption from driveway standards for emergency access routes.
- 2018 April 30 – Revised driveway and steep slope provisions; added stream alteration and wetland exemption if state permit issued; added food truck use; minor map amendment to North Hyde Park Village District boundary
- 2017 May 29 – Removing form-based design standards from the NHP Village Zoning District (maintain design standards in NHP Village Core)
- 2016 July 21 – Major rewrite combining zoning and subdivision regulations
- 2009 March 12 – Deleting review of water supply wells due to state; adding exemptions to land development definition, adding driveways up to 10% slope; add definition of driveway, farming, farm structure and private road
- 2005 November 2 –Green River Reservoir Scenic Overlay Amendments
- 2005 October 5 – Statutory Amendments
- 2004 June 2 – Comprehensive Amendments – Add Telecommunications Bylaw
- 2002 August 28 – Interim Amendments to North Hyde Park Industrial District
- 1995 November 1 – Flood Hazard Area Bylaw Amendments
- 1990 June 6 – Interim Amendments to Flood Hazard District
- 1988 September 13 – Adopted; With Flood Hazard Area Bylaw

## **History of Telecommunications Bylaw**

- 2004 June 2 – Incorporated into Zoning Regulations
- 2001 November 7 – Adopted Bylaw
- 1999 January 19 – Interim Telecommunications Facilities Bylaw

## **History of Flood Hazard Area Bylaw**

- 1988 September 13 – Incorporated into Zoning Regulations
- 1982 March 2 – Bylaw Amendments
- 1979 March 6 – Adopted Bylaw

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## 1.0 AUTHORITY AND PURPOSE

### 1.1 Enactment

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

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

### 1.2 Applicability

No land development may be undertaken or effected within the Town of Hyde Park, excluding the land within the Village of Hyde Park, except in conformance with these bylaws.

- a. Land Development includes, but is not limited to:
  - i. The construction, reconstruction, conversion, alteration, relocation, or enlargement of any building or other structure including the replacement of a mobile home.
  - ii. Any earth moving requiring heavy machinery, the construction of any pond or lake, or of any mining, excavation, or landfill.
  - iii. Any change in use of any structure or land or part thereof.
  - iv. Adjusting or relocating the boundary between two or more parcels.
  - v. Dividing a parcel into two or more lots.
- b. If located outside the Flood Hazard Area, then Land Development does not include:
  - i. Normal maintenance and repair of an existing structure that does not result in any change to the footprint or height dimensions of the structure, an increase in wastewater generation, or a change in use
  - ii. The internal alteration of existing structures that do not result in a change in the use or external appearance of property.
  - iii. The external alteration or improvement of existing structures, which does not result in an increase to the footprint of the structure, increase in finished floor area, or a change in the use or character of the property.
  - iv. Structures that do not exceed 300 square feet in floor area providing such structures meet setback requirements and:
    1. are unattached and unfinished residential sheds, or ,
    2. are additions to existing residential structures that are not heated and do not have water and wastewater facilities, and
    3. are not combined with additional similar unfinished space to exceed 300 sq. ft.

Applicability; Land Development Does Not Include - continued

- v. Uses of land that do not include grading and landfilling of land, or a structure or the storage of materials.
- vi. The grading and landfilling or landscaping of land when not associated with other land development provided existing drainage patterns are not substantially altered onto adjacent properties. This exemption does not include landfilling with new materials from outside the limits of the parcel except for areas within 50 feet of existing residential structures that are not subject to review under flood hazard, wetland or other environmental rules and regulations. New materials include, but are not limited to, soil, sand, stone, and/or gravel.
- vii. Landscaping, tree removal and other improvements to a parcel not subject to specific provisions in this Bylaw or regulated by State law.
- viii. Reasonable modifications in order to afford persons with a disability full enjoyment of the premises, including, as provided by the Fair Housing Act but not limited to, installation of access ramps compliant with the Americans with Disabilities Act.
- ix. The demolition of structures; property owner should first contact the State of Vermont Permit Specialist for guidance on any state permit and approval requirements.
- x. The use of a minor portion of a dwelling unit, for a home occupation that meets the limitations established under the "Home Occupation" provisions of this bylaw, including one sign on the same parcel advertising the home occupation which does not exceed six (6) square feet on each of two sides and which otherwise complies with the sign regulations in this Bylaw.
- xi. Farming including:
  - 1. Accepted agricultural practices and best management practices (AAP's, BMP's) as defined by the Commissioner of Agriculture, Food, and Markets and 24 V.S.A. §4413(d).
  - 2. The construction or alteration of farm structures; however, such construction or alteration shall meet setbacks required by these bylaws, unless specifically waived by the Secretary of Agriculture, Food and Markets. Written notification, including a sketch plan showing the proposed structure and any signage and associated setback distances from road rights-of-way, property lines, and surface waters, together with any waiver from the State, if required for setback distances, shall be submitted to the Administrative Officer prior to construction, as required under the AAPs and 24 V.S.A. §4413(d)
- xii. Forestry including:
  - 1. Accepted management practices for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation and the Act §4413(d).
  - 2. The construction of logging roads and bridges provided the roads and bridges are used exclusively for agriculture or forestry.
- xiii. Power generation and transmission facilities, if exempt from local review and regulated under 30 V.S.A. §248 by the Vermont Public Service Board, except that all ground mounted solar and other energy generation projects shall be reviewed and screened in accordance with Section 10.1(A) of these bylaws.
- xiv. Hunting, fishing, and trapping as specified under 24 V.S.A. §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these bylaws are defined as outdoor recreation facilities.

Applicability; Land Development Does Not Include – continued

- xv. Electric Vehicle Charging Stations intended for use by residents, employees, or guests of the principal use of the lot, but not made available to the general public.
- xvi. Garage sales, yard sales, auctions, or similar activities that do not exceed four (4) consecutive days, nor more than thirty (30) total days in any calendar year.
- xvii. One banner flag not exceeding 12 square feet in size attached to the primary structure, on one single post or a free-standing sign post, and only displayed during the hours a business is open to the public.
- xviii. Residential flags or banners and other residential yard decorations.
- xix. One temporary free-standing “sandwich board” sign not exceeding 12 square feet on each of no more than two sides which is displayed on the property where the activity occurs and only when the business or other activity is open to the general public.

Unless specifically exempted herein, no land development shall commence within the area affected by these regulations without a zoning permit therefore issued by the Administrative Officer.

This bylaw shall not repeal, abrogate, or impair any other land use controls, including but not limited to statutes, regulations, rules, ordinances, permits, easements, deed restrictions, and covenants. However, the provisions of this bylaw shall be minimum requirements and shall, therefore, take precedence over any concurrent and less restrictive controls.

The issuance of a permit under these bylaws shall not relieve the applicant from the obligation of obtaining any necessary approvals by federal or state law.

A state or federal law may exempt certain land development from obtaining local zoning approval, however, the exemption would only apply to the specific items regulated by the state or federal law.

Accessory structures or related uses not specifically exempt from local zoning are subject to prior review under this bylaw.



### 1.3 Intent

It is the intent of these bylaws:

- To implement the Town of Hyde Park Comprehensive Development Plan so as to achieve orderly community growth, development, and fair property taxation;
- To effect the purpose of 10 V.S.A. Chapter 32 (flood hazard regulations), and in accordance with 24 V.S.A. §§4411(b)(3)(G) and 4424, as amended, there are hereby established Flood Hazard Area Zoning Bylaws for the Town of Hyde Park, Lamoille County, Vermont. The purpose of these provisions is to:
  - Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public service that results from flooding;
  - Ensure that the design and construction of development in flood hazard areas is accomplished in a manner that minimizes or eliminates the potential for flood damage;
  - Manage all flood hazard areas designated pursuant to 10 V.S.A. §753;
  - Make wise use of agricultural land in flood prone areas; and
  - Make landowners and the Municipality eligible for Federal Flood Insurance.
- To further the purposes of the 24 V.S.A. §4302, including, to encourage the appropriate development of all lands.

### 1.4 Effective Date

These bylaws shall be effective twenty-one (21) days after adoption (by majority vote of the Town Selectboard) and shall remain in effect until repealed or amended in accordance with the Act §4442(c)(1).

The vote on these bylaws shall not take effect if, within twenty-one (21) days of the original vote to adopt by the Town Selectboard, five percent (5%) of the voters of the Municipality file a petition for a meeting of the Municipality to consider the bylaws or amendment of them. In that case, a meeting of the Municipality shall be duly warned for the purpose of acting upon the bylaws or amendment of them by Australian ballot [the Act §4442(d)]. All zoning and subdivision regulations previously in effect for the Town of Hyde Park are repealed as of the effective date of these bylaws.

### 1.5 Amendment

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

### 1.6 Severability

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

### **1.7 Computation of Time – 24 V.S.A. 4303**

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

### **1.8 Development During Adoption or Amendment Process – 24 V.S.A. 4449(d)**

Once notice for a public hearing on the adoption or amendment to these bylaws is issued by the Selectboard, the Administrative Officer shall review any new application filed after the date of the notice under both the proposed bylaws or amendment and the existing zoning bylaws.

If the proposed bylaws or amendment has not been adopted within 150 days of the notice, or if the proposed bylaws or amendment is rejected, then new applications shall be reviewed under the existing bylaws.

An application that has been denied under a proposed bylaw or amendment that has not been adopted within the 150-day period shall be reviewed again, at no cost, under the existing zoning bylaws, upon request of the applicant.

## 2.0 ZONING DISTRICT MAP

### 2.1 Establishment of Zoning Districts and Overlays

The Town of Hyde Park is hereby divided into the following zoning districts whose locations are identified on the Town of Hyde Park Official Zoning Map:

- North Hyde Park Village (NHPV)
- VFW Business Park (VFW)
- North Hyde Park Industrial (NHPI)
- Rural Residential 2 (RR2)
- Rural Residential 5 (RR5)
- Shoreland (SHR)
- Conservation – 10 ac (CON10)
- Conservation – 27 ac (CON27)

In addition to the eight zoning districts, four overlays are hereby established encompassing the:

- Wellhead Protection Area Overlay (WHPA)
- Flood Hazard Area Overlay (FHA)
- Green River Reservoir Viewshed Overlay (GRRV)
- Core Forest and Wildlife Habitat Overlay (CFWH).

### 2.2 Establishment of the Official Zoning Map

The Official Zoning Map shall consist of the Town of Hyde Park Zoning Districts and Overlays.

The Flood Hazard Area Overlay boundaries contained within the Official Zoning Map are unofficial reproductions of the FEMA (Federal Emergency Management Agency, hereafter FEMA) FIRM (Town of Hyde Park Flood Insurance Rate Maps) and FBFM (Flood Boundary and Floodway Maps) and only official documents are acceptable for delineating regulatory boundaries. The Flood Hazard Area provisions of this zoning bylaw shall apply to the following areas: special flood hazard areas on the FEMA FIRM maps, dated November 4, 1981, or most recent revisions, and regulatory floodway areas on the FEMA FBFM maps, dated November 4, 1981, or most recent revisions, and further delineated in the Flood Insurance Study dated June 15, 1981, and River Corridors as defined in 10 V.S.A. §1422, and fluvial erosion hazards, the most current version, as delineated by the Vermont Agency of Natural Resources in accordance with the ANR River Corridor Protection Guide, and any field-based assessments which are hereby adopted by reference. This includes the River Corridor small streams setback measured as fifty (50) fifty feet from the top of the streambank or slope for streams draining watersheds between 0.5 and 2.0 square miles.

The Official Zoning Map is hereby adopted by reference and declared to be part of this bylaw. Regardless of the existence of copies which may be made or published from time to time, the Official Zoning Map having the signature of the Selectboard, attested by the Town Clerk, and located in the Town of Hyde Park Clerk's Office shall be the final authority as to the zoning status of all land and water areas in the Town of Hyde Park. An unofficial reproduction of the Hyde Park Zoning Map and Overlays are included as attachments to these bylaws (See: Attachments). No changes of any nature shall be made on the Official Zoning Map except in conformance with the formal amendment procedures and requirements set forth in the 24 V.S.A. §§4441 and 4442.

*The official Green River Reservoir Viewshed Overlay boundary is created using the most up to date Lidar elevation data that is available. This viewshed analysis shows locations around the Green River Reservoir that are visible from the shoreline of the reservoir. The height of the observer on the shoreline was assumed to be 6ft tall for the purpose of this analysis. Areas without color show locations that are not visible from the reservoir due to obstruction of trees or land elevation. The yellow areas show locations that are the least visible from the reservoir shoreline but are still visible from certain locations. The green areas show locations that are highly visible (unobstructed by trees or land elevation) from the reservoir shoreline. The overlay district was made to encompass the outer limits of all land area that is at all visible from the shoreline of the Green River Reservoir.*

### **2.3 Interpretation of Zoning District Boundaries**

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

- Boundaries indicated, as approximately following roads, transportation, or utility rights-of-way shall be construed to follow such centerlines. The abandonment of roads and/or rights-of-way shall not affect the location of boundaries.
- Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines.
- Boundaries indicated as following a watercourse shall be construed as following a watercourse at the deepest level.
- Boundaries indicated as parallel to, or extensions of a feature in 1, 2, and 3 above, shall be so construed.
- Boundaries of the designated flood hazard area shall be determined by scaling distances on the FIRM or FBFM maps, as appropriate.
- Where available, (i.e. Zones A, A1-A30, AE, and AH), the base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood Insurance Study and accompanying maps (of most recent date) shall be used to administer the provisions of these bylaws.
- In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e. Zone A), base flood elevation and floodway information available from State or Federal agencies or other sources shall be obtained and reasonably utilized to administer the provisions of these bylaws.

When the Administrative Officer cannot definitely determine the location of a District boundary line by the above rules or by the scale or dimensions on the Official Zoning Map, the Development Review Board shall interpret the District boundary. Disputes over the exact location of Flood Hazard Area boundaries shall be resolved by the Development Review Board based upon survey and/or other evidence including input from the State Department of Environmental Conservation. Independent technical review may be required, subject to the provisions of these bylaws.

### **2.4 Lots in two or more zoning districts**

The provisions of the District within which the structure is being constructed or use being proposed shall apply. For example, part of parcel A is in RR5 and the remaining portion is in the CON10. The landowner cannot build an allowed use allowed in the RR5 on the portion of his/her property that lies in the CON10, he but could build one on the portion of land in RR5 with approval.

The minimum frontage and minimum setback requirement for the District in which the structure is to be located shall control, and if the structure is to be in both Districts, the more restrictive requirement shall prevail.

### **3.0 PURPOSE OF ZONING DISTRICTS AND OVERLAYS**

#### **3.1 North Hyde Park Village District**

The North Hyde Park Village District, or the “North Village”, includes areas surrounding the North Hyde Park Post Office, including areas along Route 100 and Ferry Street, as well as residential side streets. The purpose of this District is to provide for a compact mix of residential, retail, commercial, and industrial enterprises. Development in North Hyde Park Village will provide goods and services for residents of North Hyde Park, as well as neighboring communities such as Johnson and Eden. Reuse and restoration of existing buildings, as well as new development, is encouraged to accomplish this goal.

For purpose of these bylaws, this District is divided into two distinct areas: The Core Area and the Village Area. The Core Area consists of the core of the Village along Route 100 and extending along Ferry Street to Heath Road. In the Core Area, buildings are tightly spaced and located close to the roadway. Most buildings have one or two stories, though there are several larger buildings. A mix of uses is anticipated in this area.

The North Village Area consists primarily of residential uses and side streets. A mix of residential uses, including both single and multi-family homes, is expected to occur in these areas. The District includes several large undeveloped parcels. If these parcels are subdivided in the future, a network of connected streets should be developed. In some cases, this may require reserving rights-of-way for future extensions in the event that neighboring properties are developed.

In addition to being a State highway, Route 100 serves as the “Main Street” through North Hyde Park Village. As the area develops, it will be necessary to create pedestrian infrastructure and streetscape improvements to accommodate the needs of both through traffic and local residents and customers. Installation of such infrastructure or reservation of rights-of-way for these purposes should be a condition of approval for development in this area.

Sufficient parking is necessary for commercial viability. However, on-site parking lots should not be allowed to dominate the visual appearance of Route 100. New parking lots should be located to the side or rear of buildings when possible. If off-street parking must be located in front of a building, it shall occupy no more than 50% of the frontage and shall be landscaped to minimize its appearance. Use of shared and off-site lots to accommodate parking needs is strongly encouraged. Creation of new on-street parking is also supported, provided VTrans approval is obtained.

### **3.2 VFW Business Park District**

This District includes a partially developed commercial use road with the Veterans of Foreign Wars Post 1111 located at the westerly end of the town road. Existing businesses are located here with no residential uses along VFW Drive but there are two existing residential homes on VT15 within this District. Light-manufacturing and other commercial uses are encouraged here with access onto Route 15 via VFW Drive.

### **3.3 North Hyde Park Industrial District**

The North Hyde Park Industrial District is designed to encourage industrial development adjacent to Route 100 and the North Village to capitalize on the presence of public water service and three-phase electricity. In order to avoid conflicts with through traffic on Route 100, most new development in this District will be accessed from internal circulation roads, rather than the State highway. Industrial development, including development that relies on truck and other heavy vehicles, is expected to occur in this area

Due to its proximity within the Hyde Park Fire District #1 WHPA, the handling and storage of hazardous materials should be carefully monitored in accordance with the Federal Emergency Planning and Community Right-to-Know Act (EPCRA).

### **3.4 Rural Residential 2 District**

The Rural Residential 2 (RR2) District includes the westerly portion of the Town between North Hyde Park Village and the Village of Hyde Park and close to public services. These areas are best suited to rural residential development and home businesses and home industries in addition to traditional uses of the land, including farming and forestry. While the District will include primarily single family dwellings, multi-family dwellings and commercial uses may be permitted as conditional uses, when compatible with the character of surrounding neighborhoods or with direct access to VT100 and Class 2 town highways. Multi-family dwellings and commercial structures should be of a similar size and scale to single family dwellings located in the District. Outdoor recreation and commercial uses which support agricultural and forestry operations uses may also occur in this District. Such uses may occur in structures of a size and scale comparable to agricultural buildings found in the District.

The District includes important prime and statewide agricultural soils. New development should be located so as to avoid fragmentation of these soils and to allow them to remain in continued operation or preserved for future agricultural use. To promote more efficient site designs and maximize flexibility for landowners, Planned Unit Developments (PUDs) are recommended and encouraged within the RR2 District.

### **3.5 Rural Residential 5 District**

The Rural Residential 5 (RR5) District includes those areas of Town best suited to rural, low density, single family residential development. The primary objective of this District is to maintain the traditional working landscape. Lower residential densities than those found in the RR2 are intended to decrease the possibility of residential development conflicting with traditional working landscapes. Outdoor recreation and commercial uses which support agricultural and forestry operations uses may also occur in this District. Such uses may occur in structures of a size and scale comparable to agricultural buildings found in the District. However, any such use shall not be located in such a way that could have an adverse impact on the traditional landscape or come into conflict with agricultural and forestry operations in the District. The District includes important prime and statewide agricultural soils. New development should be located to avoid fragmentation of these soils and to allow them to remain in continued operation. To promote more efficient site designs and maximize flexibility for landowners, Planned Unit Developments (PUDs) are recommended and encouraged within the RR5 District.

### **3.6 Shoreland District**

The Shoreland District includes lands within 500 feet of the Green River Reservoir and Zack Woods Pond as measured at mean water level (mwl). Development in the District is limited to preserve the natural wilderness surrounding these water bodies, the area's scenic beauty, and the unique recreational opportunities they afford. Very low-density seasonal camps and residences may be appropriate, provided they are constructed with wastewater treatment facilities which meet Vermont State Regulations. Other than low impact outdoor recreational uses, most commercial and industrial development is prohibited. Retention and re-establishment of shoreline vegetation is critical to prevent soil erosion and to preserve the water quality, wildlife habitat, and scenic resources of these ponds. Removal of vegetation associated with any development should be as minimal as possible. Clearing limits may be imposed around new development sites. Where shoreline vegetation has been removed in the past, re-vegetation of shorelines may be a condition of approval for new development within the District.

### **3.7 Conservation-10 District**

The Conservation-10 District includes lands east and northeast of the RR5 District. These lands are characterized by steep slopes, shallow soils, and limited road access and are generally far from public services. The area is best suited for forest and wildlife management, agriculture, recreation, and seasonal housing, or very low-density residential development (maximum of one dwelling unit per 10 acres). New development should be located to avoid fragmenting forestland or wildlife habitat. New development and subdivision, including driveways, subdivision roads, and utilities, shall be located to minimize the extent of forest clearing required. Forest fragmentation and tree removal shall be kept to a minimum. Planned Unit Development provisions are recommended to preserve these important resources and to determine limited appropriate sites for any new residential or other development. Clearing limits may be imposed around new development sites. Any subdivision or conditional use must demonstrate to the satisfaction of the Development Review Board that the property is accessible to emergency service providers during occupation or operation.

### **3.8 Conservation-27 District**

The Conservation-27 District includes lands within Green River Reservoir State Park and other areas of Town owned by the Morrisville Water and Light Department in association with their Green River Reservoir hydro-electric dam. These lands are generally within view of boaters on the reservoir and have very high scenic values. This area is best suited for forest management, wildlife management, recreation, and very low-density seasonal housing or very low density residential development (maximum of one dwelling unit per 27 acres).. These lands are also characterized by steep slopes, shallow soils, and limited road access and are generally far from public services. Like the Conservation-10 District, the area is best suited for forest and wildlife management, agriculture, recreation, and seasonal dwellings. New development and subdivision, including driveways and utilities associated with seasonal dwellings, shall be located to minimize the extent of forest clearing required. Forest fragmentation and tree removal shall be kept to a minimum. Planned Unit Development provisions are recommended to preserve these important resources and to determine limited sites for any new seasonal development. Clearing limits may be imposed around new development sites. Similarly, any conditional use must demonstrate to the satisfaction of the DRB that the property is accessible to emergency service providers during occupation or operation.

### **3.9 Wellhead Protection Area Overlay**

The Wellhead Protection Area (WHPA) Overlay applies to lands adjacent to the sources supplying any public water supply on the most recent “Water Source Protection Areas” map prepared by the Vermont Agency of Natural Resources Water Supply Division. The above referenced map is herein incorporated by reference and made a part of these bylaws. The purpose of this Overlay is to protect the ground water and ground water recharge areas from adverse development or land use practices and to preserve and protect present and potential sources of water supply for the public health and safety. In order to thoroughly protect these public water sources, the WHPA District restricts any land uses that could potentially compromise surface or groundwater quality. Development in the immediate vicinity of a well is limited to agriculture and forestry and outdoor recreation. Development in the remaining “recharge area” surrounding the well must be designed to ensure that materials associated with any such development (such as fuel, home heating oil, and chemical fertilizers) do not contaminate ground water. Total impervious surface of a parcel shall be limited to ten percent (10%), unless low impact development practices and techniques that allow for the on-site re-absorption and treatment of stormwater are utilized.



### **3.10 Flood Hazard Area Overlay**

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

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

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

### **3.11 Green River Reservoir Viewshed Overlay**

The purpose of this District is to protect the unique visual character of the areas surrounding the Green River Reservoir. All development shall be designed and sited in a manner that maintains the visual character of the Viewshed District from points on the reservoir or its shoreline, particularly during the period between May 15 and October 31. Special care to maintain the scenic resources of the area shall be taken when locating new development, including any structures, roads, driveways, and utility corridors. Property owners and developers are required to meet design standards for all buildings and structures to help blend the structure into the landscape. These include some basic standards regarding colors, reflective materials, and exterior lighting. The forested backdrop is an important scenic feature of this area. Clearing and forest management should be limited to maintain a forested appearance and to interrupt the building's appearance on the landscape. View openings are appropriate and allowed between trees and beneath tree canopies. The creation and maintenance of views should involve the selective cutting of small trees and the branches of large trees rather than removal of large trees.

### **3.12 Core Forest and Wildlife Habitat Overlay**

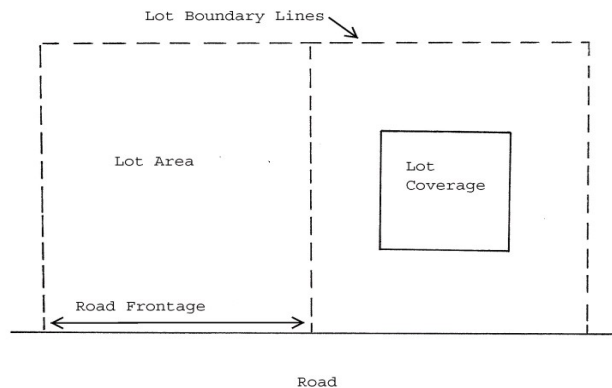
The Core Forest and Wildlife Habitat Overlay encompasses areas of Hyde Park that include large, non-fragmented blocks of forest habitat, other important habitat areas, and wildlife travel corridors. In addition to providing locally important habitat, these areas also play a significant role in wildlife connectivity between the Worcester Range and Northern Green Mountains. The purpose of this Overlay is to maintain large tracts of non-fragmented forest, protect significant wildlife habitat, and ensure connectivity between habitat areas. Non-fragmented blocks of forest linked by travel corridors are particularly important for species that require a great deal of space to meet their life needs such as bobcats, moose and black bears. It is not the intent of this overlay to reduce the overall level of development on any parcel. The purpose of this Overlay is to minimize the impacts of development through use of tools including but not limited to building envelopes, PUDs, clearing limits, and creative site design. Land use and development in this Overlay shall be designed to minimize fragmentation of forest habitat and/or disruption of wildlife travel corridors, and to maintain and enhanced significant wildlife habitat, in order to accommodate the movement, migration, and life requirements of wildlife across a broad landscape. Residential uses and seasonal uses are expected within this Overlay. Non-residential uses should be limited to those having no more impact than a residential use.

## 4.0 DIMENSIONAL STANDARDS - GENERAL

### 4.1 Lot Configuration and Uses Per Lot

a. Lot Area: Minimum lot area is established within each District. Except lots in mobile home parks, lot area shall include the entire extent of the parcel, including lands considered not developable such as wetlands and portions under roadways (but only the acreage to the center of the associated right of way if the land under the right-of-way is owned by the lot owner) or other non-vehicular rights-of-way. Any State highway and any Class 1, 2, or 3 Town highway shall be considered to subdivide a lot. Class 4 roads and private rights-of-way across properties shall not be considered to subdivide a parcel.

b. Road Frontage: Minimum frontage is established within each District. The required minimum road frontage length shall be contiguous and not interrupted by public or private vehicular easements or rights-of-way. A lot may have additional noncontiguous road frontage as long as the minimum requirement is contiguous.



4.1 Lot Configuration. Requirements for lot area, road frontage, and lot coverage may vary by district. Contact the Zoning Administrator to discuss.

c. Lots With No Road Frontage: No land development shall be permitted on lots which do not have frontage on a public or private road or public waters per 24 V.S.A. §4412(3), or, with the approval of the Development Review Board, a vehicular access to such a road or waters by a permanent easement or right-of-way recorded in the land records upon transfer of the property. The minimum width of such an easement or right-of-way shall be 50-feet, or 30-feet when serving no more than three lots, unless slope, utilities, stormwater or other conditions require a wider easement as determined by the Development Review Board. Such easements or rights-of-way shall be suitable to construct a driveway or roadway and all associated improvements to the roadway or land development project that meets current town standards. All new and improved driveways accessing a Town road shall obtain an access permit from the Selectboard prior to the issuance of a zoning permit. All new and improved driveways or roads accessing a State road shall obtain a "Letter of Intent" to issue the access approval from the State of Vermont Agency of Transportation as part of a complete application. A town or state access permit shall be required for any land development within a public right-of-way or any change of use from previously approved private residential or commercial drives or private roads onto a public road.

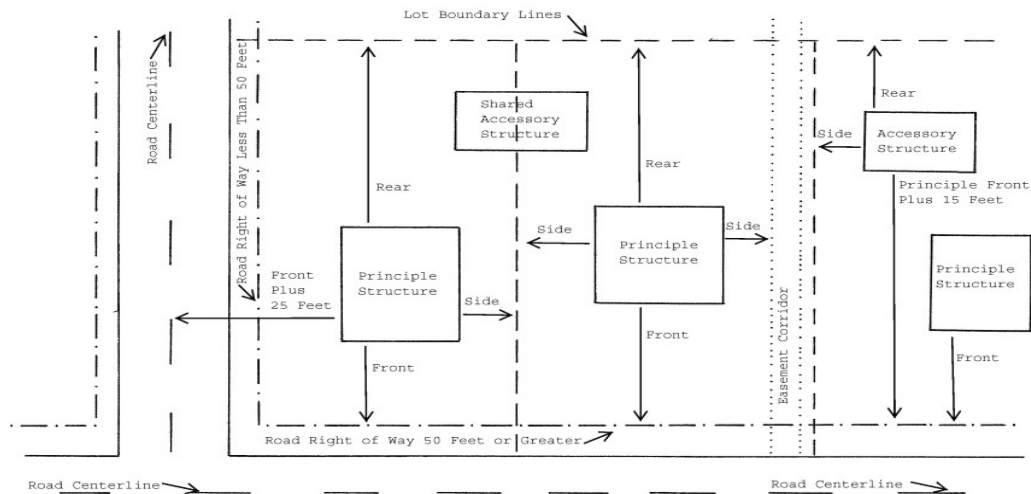
d. Lot Coverage: The total ground floor area of all structures, parking areas, access drives, and walkways shall not exceed the maximum percentage of lot area as set forth within each District. However, public parking areas, public seating areas, street furniture, and public art shall not be counted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

#### 4.1 Lot Configuration and Uses Per Lot - continued

- e. Residential Density: Residential uses shall not exceed the maximum number of allowable dwelling units (not including accessory dwelling units under 24 V.S.A. 4412(1)(E) or the second unit in a two-family dwelling) for the District in which they are located. Densities are established within each District. Note that in some Districts, designated elderly and accessible dwelling units shall be limited by lot coverage requirements rather than the number of dwelling units per acre.
- f. Where a parcel is located in two or more Districts, the number of dwelling units permissible shall be the sum of the permissible units in each District of the entire parcel. All sums are rounded down. (For example, a parcel with 4.2 acres in RR2 and 8.5 acres in RR5 will have 2.1 units + 1.7 units or 3.8 units- rounded down to 3 units). These units may be constructed in either District provided it is a permissible use within that District (i.e., a 3 unit dwelling, 3 single family dwellings, etc.).
- g. Number of Uses/Structures Per Lot: Multiple uses in one principal structure, including residential and non-residential uses, may be permitted on a single lot. If all component uses within a principal structure are permitted in the District, the structure shall be considered a permitted structure. If any component use within a principal structure is conditional in the District, the uses proposed in the entire structure shall be considered conditional. Multiple principal structures may be permitted on a single lot, provided density and/or lot coverage requirements are not exceeded, and subject to PUD review and the following standards:
  - i. North Hyde Park Village, North Hyde Park Village Core Districts: No more than two principal structures shall be permitted, subject to site plan review, provided the second principal structure meets the dimensional standard for a “carriage house” in the District in which the lot is located. Additional principal structures on a single lot may be permitted subject to PUD review.
  - ii. North Hyde Park Industrial District: Multiple principal structures may be permitted, subject to site plan review.
  - iii. In all other Districts, only on a lot containing a single family dwelling, a second principal structure may be permitted, subject to site plan and conditional use review by the Development Review Board, provided the second principal structure contains a non-residential use(s) permitted or conditional within the district, meets all Standards for the District, and has a gross floor area not exceeding the single-family dwellings finished floor area. Additional principal structures on a single lot may be permitted subject to PUD review, density and lot coverage limitations.

4.1 Lot Configuration and Uses Per Lot - continued

- h. **Setback requirements:** All primary and accessory structures shall conform to the minimum setback requirements of the District in which they are located. The setback is a horizontal line from a road, lot line, boundary, or other designated feature to the nearest part of a structure (including roof overhangs). Setbacks are established within each District. In some Districts, principal and accessory structures may be subject to different setback requirements.
- i. **Front Setback.** Front setback requirements (as established by the District in which the lot is located) shall be applied from any public right-of-way, private street right-of-way, or vehicular easement providing access to a parcel for land development. (Corner lots have two or three front yards.) The setback shall be measured from the edge of the road right-of-way or easement, except in cases where the right-of-way is less than fifty (50) feet wide or wider. Where the right-of-way or easement is less than fifty (50) feet wide, the front setback shall be measured from the centerline of the existing roadway, and then twenty-five (25) feet shall be added to the front setback requirement.
- j. **Side and Rear Setback.** Side and rear setbacks shall be measured from the side or rear property line. In some Districts and within PUDs, structures may be permitted to sit on two or more lots (creating a “footprint lot”). In such a case, the building shall be divided at the property line by a firewall meeting all applicable State building code standards.



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

#### 4.1 Lot Configuration and Uses Per Lot – continued

- k. Waivers of minimum front, side, and rear setback requirements may be granted by the Administrative Officer with a zoning permit without DRB review, if the front, side and rear setbacks are not reduced to less than five (5) feet or 15' from a private or public vehicular right-of-way, except for "footprint lots" which are exempt from setback as allowed by Section 4.1.j, above. Prior to the Administrative Officer acting on a zoning permit that requires a waiver of setback; the adjoining property owners, and the highway department for front yard setback waivers only, must receive written notice of the application, with a site plan showing the proposed structure and distance to the property line not meeting the setback distance. The notice costs shall be paid by the applicant and shall be equal to the "minimum zoning permit fee". If an adjoining landowner requests a public hearing within the permit appeal period, then the applicant shall be referred to the Development Review Board for conditional use review and the applicant shall pay the required fees. No waivers may be granted for setbacks to surface waters, under 4.1, l below. The applicant must demonstrate for any waiver:
- A structural or functional necessity, and
  - That there will not be an undue adverse public safety, environmental, or aesthetic effect upon adjoining properties; and
  - That the waiver, if authorized, will represent the minimum waiver necessary to afford relief and will represent the least deviation possible from these bylaws and the goals and recommendations of the Town and Village of Hyde Park Comprehensive Development Plan.
- l. Surface Waters. Setbacks from surface waters shall not be waived and must comply with this Bylaw. If other setback requirements are less than those for surface waters, those distances shall be superseded by the surface water setback distance of this Bylaw.

#### **4.2 Height of Structures**

The height of all structures shall not exceed the maximum, measured in feet and number of stories, as set forth in each District. Subject to conditional use review, the Development Review Board may permit roof appendages such as rooftop elements (spires, steeples, minarets, cupolas), chimneys, ventilators, tanks, or similar parts of a building to exceed the permitted and conditional height limit, provided the total square footage of all roof appendages occupy an aggregate of not more than twenty percent (20%) of the impervious square footage area of the building and are not used for any human occupancy. Additional height/stories may be permitted, subject to conditional use review by the Development Review Board, provided that:

- The structure does not constitute a hazard to public safety or to adjoining properties;
- The portion of the structure exceeding thirty-five (35) feet is not to be used for advertising purposes;
- Any lighting shall be restricted to the minimum required for security and safe operation and shall conform with the exterior lighting provisions of these bylaws; and,
- The proposed building height and scale is consistent with the character of the immediate surroundings, as defined by the District purpose statement and District dimensional standards.

The height limitations set forth above shall not apply to the following:

- Farm structures, as specified by the most current Vermont Department of Agriculture Accepted Agricultural Practices,
- Rooftop solar collectors less than ten (10) feet high or wind turbines with blades less than twenty (20) feet in diameter, or similar structures,
- Flagpoles less than fifty (50) feet in height,
- Power & transmission facilities, telecommunication towers and solar collectors regulated by the Vermont Public Utility Commission.

### 4.3 Roof Design

Roofs of all structures, including “carriage houses” and accessory structures with a footprint greater than three hundred (300) square feet shall meet the roof design standards for the District. In some Districts use of specific roof types/designs is required. Subject to conditional use review by the Development Review Board, roof design standards may be modified in order to accommodate roof-mounted renewable energy generation and/or green roof design.

### 4.4 Building Facades

Building façade standards shall be required for certain uses and some Districts, as specified in the District Dimensional Standards within each District. Subject to conditional use review by the Development Review Board, maximum window coverage may be waived on south and west facing building facades where the applicant can provide evidence from an appropriate design professional demonstrating that additional window area will provide passive solar gain.

In some districts, façade elements (including but not limited to porches, patios, etc.) are required. In these districts, buildings with a single bay or buildings with multiple bays that are not required by district dimensional standards shall incorporate at least one façade element in the street facing façade, as prescribed in the district standards. Buildings requiring two or more bays shall incorporate façade elements in accordance with the table below.

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

Building Façade standards may be modified or waived for projects involving historic structures under the following circumstances:

- The project meets all meet Secretary of the Interior's Standards for the Treatment of Historic Properties, and
- The modification or waiver is necessary to comply with the written recommendations of an Architectural Historian and/or Archeologist approved to conduct Section 106 Reviews by the Vermont Agency of Commerce and Community Development.

## 5.0 ZONING DISTRICT STANDARDS - SPECIFIC

### 5.1 North Hyde Park Village District

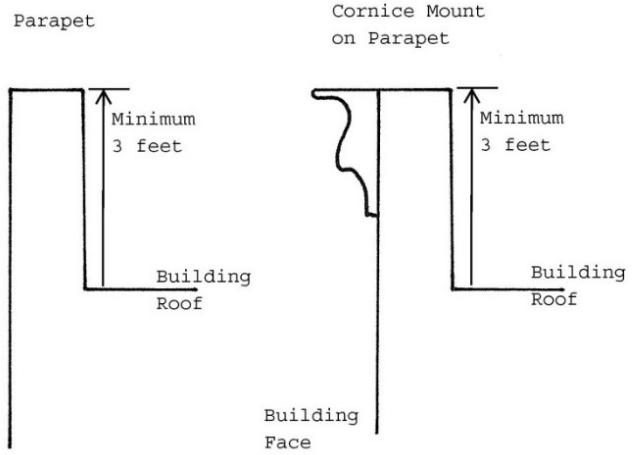
<b>LOT CONFIGURATION</b>	
Minimum Area	NA
Road Frontage	NA
Lot Coverage	50%
Max Residential Density <sup>(1)</sup>	1 du/0.5acre max
<b>Lot Coverage/Density Bonuses</b>	
Meets LEED or Vermont Builds Green Certification Standards	+10%
Meets historic preservation standards	+10%
<i><sup>(1)</sup> Except for designated elderly and accessible dwelling units, in which case density shall be limited by lot coverage only.</i>	
<b>BUILDING PLACEMENT</b>	
Principal Structure Setbacks	
Front	10 ft min- 36 feet max
Side and Rear <sup>(1)</sup>	6 ft or attached
<b>Carriage House Setbacks</b>	
Front	Principal structure + 15 feet
Side and Rear <sup>(1)</sup>	5 ft or attached
Accessory Structure Setbacks	
Front	Principal structure + 15 feet
Side and Rear <sup>(1)</sup>	5 ft or attached
<i><sup>(1)</sup>No side or rear setback is required for attached structures straddling a lot line.</i>	

<b>HEIGHT AND ROOF DESIGN</b>	
Building Height	
Height (permitted)	35 feet max
Height (conditional)	No Max
# of stories (permitted) Core	1.5-2.5 stories
# of stories (conditional) Core	1 story <sup>(1)</sup> 3-3.5 stories
# of stories (permitted) Village	1-2 stories
# of stories (conditional) Village	2.5 stories
The height of carriage houses and accessory structures shall not exceed the height of the principal structure located upon the lot.	
<i><sup>(1)</sup> All single story buildings shall be designed such that additional stories may be added in the future. Roof beams and walls shall be structurally designed to bear the load of at least one additional story.</i>	
<b>Roof Design – Flat Roofs - Core Area Only</b>	
Flat roofs shall provide a cornice or parapet at least three feet in height. A larger parapet may be required if necessary to screen any roof-mounted equipment from street level.	
A cornice with decorative mounts shall be required for single story, flat roofed buildings. At least one mount shall be located no more than three feet from each corner of the roof. An additional mount shall be required for every ten feet of horizontal length of the building façade. Mounts shall be evenly spaced.	

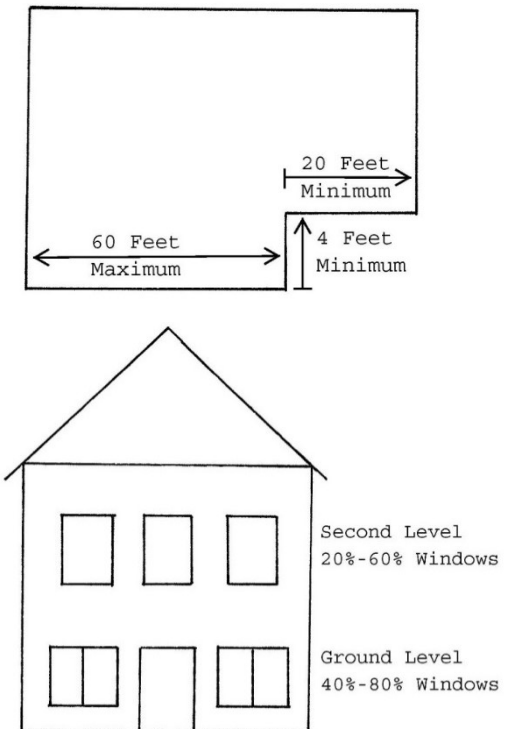


5.1 - North Hyde Park Village District - continued

<b>Roof Design – Pitched Roofs – Core Area Only</b>
Pitched roofs shall have a pitch of no less than 8:12.
For compound roofs (gambrel, mansard, etc.), the roof pitch of the lower slope shall be no less than 6:12. The roof pitch of the upper slope shall be no less than 4:12.
Secondary roofs (such as over porches, dormers, and other similar building extensions) shall have a pitch of no less than 2:12
<b>Dormers and Rooftop Elements – Core Area Only</b>
Buildings with 3 or more stories, buildings greater than 35 feet in height, or buildings requiring more than two bays (as defined below) shall meet the following standards. The roof over each building bay shall contain at least one dormer or rooftop element.



<b>BUILDING FACADES – Core Area Only</b>	
The following façade standards shall apply within the “core” area of the District.	
Bays	
Street facing building façades greater than 60 ft in width shall be divided into bays. The bay closest to the street shall be considered the “primary building bay” other bays shall be considered “secondary building bays.”	
Bay width	20 ft min, 60 ft max
Depth Between Bays	4 ft min
<b>Window/Building Openings – Core Area Only</b>	
Ground floor window coverage	40% min 80% max
Upper floor window coverage	20% min 60% max
Each building shall have at least one pedestrian entry door facing the street. Additional pedestrian entry doors shall be provided at intervals no greater than 50 feet along all street facing façades.	



5.1 - North Hyde Park Village District - continued

<b>Drive-thru service windows</b> may be permitted on the rear or side façade of buildings, subject to Conditional Use Review by the DRB	
<b>Façade Elements – Core Area Only</b>	
All building facades facing Route 100 or Ferry Street shall incorporate at least one of the following elements at ground level: awnings, porches, storefronts, stoops w/ stairs, patios/terraces, or bay windows.	
<b>Awnings – Core Area Only</b>	
Awnings may generally extend over window and door openings.	
Awnings may extend beyond the front yard setback, but shall not extend into the highway right-of-way, unless the Hyde Park Selectboard or Trustees grant approval for an awning to project over a public sidewalk.	
Vertical Clearance	7 ft min
Projection	3 ft min
Length	At least 40% of facade

<b>Porches – Core Area Only</b>	
Depth	5 ft min, 16 ft max
Vertical Clearance	8 ft min
Length	6 ft min
<b>Storefronts – Core Area Only</b>	
Storefronts shall have transparent display windows covering no less than 70% of the portion of the wall between 1 and 7 ft above the adjoining sidewalk or ground.	
The top edge of the storefront window shall be a minimum of 5 ft high.	
<b>Stoops w/ Stairs – Core Area Only</b>	
Depth	6 ft min
Length	6 ft min
Height above ground	2 ft max
<b>Patios/Terraces</b>	
Depth	8 ft min
Length	At least 30% of facade
<b>Bay Windows – Core Area Only</b>	
Bay windows shall have transparent windows on both front and side surfaces	

## 5.2 VFW Business Park District

### LOT CONFIGURATION

Minimum Area	½ acre
Road Frontage	50 feet
Maximum Lot Coverage	60%
Maximum Residential Density <sup>(1)</sup>	NA

#### **Lot Coverage / Density Bonus**

Meets Green Building Standards	10%
Meets Historic Preservation Standards	10%

### BUILDING PLACEMENT

#### **Principal Structure Setbacks**

Front	15 feet minimum
Side and Rear	15 feet minimum

#### **Accessory Setbacks**

Front	Principal Structure plus 20 feet
Side and Rear	10 feet minimum

### HEIGHT AND ROOF DESIGN

Building Height (permitted)	35 feet maximum
Building Height (conditional)	45 feet maximum

This district is specifically intended for business and commercial development. New development or intensification of approved uses shall not be considered to be detrimental to the “character of the area.” Expansion of existing residential uses within or adjoining to this District cannot interfere with the overall purpose of this District. No new residential units or residential subdivisions are allowed. The deed for any new lot created within the District shall contain a disclaimer alerting future buyers that the lot is located in a District intended for business development. All site plan reviews in this District shall be administratively reviewed.

### 5.3 North Hyde Park Industrial District

#### LOT CONFIGURATION

Minimum Area	1.0 acre with public water or public sewer 2.0 acres without public water & public sewer
Road Frontage	100 feet on VT100 and 25 feet other roads
Maximum Lot Coverage	Not applicable
Maximum Residential Density	1du/1.0 acre

#### Lot Coverage / Density Bonus

Meets Green Building Standards	10%
Meets Historic Preservation Standards	10%

#### BUILDING PLACEMENT

##### Principal and Accessory Structure Setbacks

Front	50 feet minimum VT100 and 25 feet other roads
Side and Rear	15 feet minimum

#### HEIGHT AND ROOF DESIGN

Building Height (permitted)	35 feet maximum
Building Height (conditional)	45 feet maximum

**Conditional Use Standards:** This district is specifically intended for industrial development. New industrial development or intensification of industrial development shall not be considered to be detrimental to the “character of the area.” Expansion of existing residential uses cannot interfere with the overall purpose of this District. New residential units and subdivisions shall only be permitted within a PUD, and shall be required to provide buffers and/or screening from adjacent industrial uses, including currently undeveloped lots within the District. The deed for any new lot created within the District shall contain a disclaimer alerting future buyers that the lot is located in a District intended for industrial development.

With respect to commercial and industrial development, and in addition to any other requirements, applicants must demonstrate to the satisfaction of the DRB that the wellhead protection area is not at risk of contamination.

## 5.4 Rural Residential 2 District

### LOT CONFIGURATION

Minimum Area	2.0 acres
Road Frontage	150 feet
Maximum Lot Coverage	Not applicable
Maximum Residential Density	1du/2.0 acre

### BUILDING PLACEMENT

#### Principal and Accessory Structure Setbacks

Front	50 feet minimum
Side and Rear	25 feet minimum

### HEIGHT AND ROOF DESIGN

Building Height (permitted)	35 feet maximum
Building Height (conditional)	45 feet maximum

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## 5.5 Rural Residential 5 District

### LOT CONFIGURATION

Minimum Area	5.0 acres
Road Frontage	200 feet
Maximum Lot Coverage	Not applicable
Maximum Residential Density	1du/5.0 acre

### BUILDING PLACEMENT

#### Principal and Accessory Structure Setbacks

Front	50 feet minimum
Side and Rear	25 feet minimum

### HEIGHT AND ROOF DESIGN

Building Height (permitted)	35 feet maximum
Building Height (conditional)	45 feet maximum

**ADDITIONAL BUILDING FAÇADE/ROOF DESIGN STANDARDS FOR RR-2 AND RR-5:** Multi-family and non-residential structures with a gross floor area of 3,000 square feet or more shall either be constructed using Traditional Vermont Building Types (as defined in the Definitions section) or situated so as to be screened from neighboring properties and any public road in accordance with Section 10.1, Landscaping. Screening may be accomplished by either existing vegetation, landscaping or a combination thereof.

## 5.6 Shoreland District

### LOT CONFIGURATION

Minimum Area	10.0 acres
Road Frontage	200 feet
Lake/Pond Frontage	200 feet
Maximum Lot Coverage	20%
Maximum Residential Density	1du/10.0 acre

### BUILDING PLACEMENT

#### Principal and Accessory Structure Setbacks

Front	50 feet minimum
Lake/Pond	100 feet minimum
Side and Rear	25 feet minimum

### HEIGHT AND ROOF DESIGN

Building Height (permitted)	35 feet maximum
Building Height (conditional)	45 feet maximum

All land development within the Shoreland District shall comply with the standards of the Vermont Shoreland Protection Act. (Chapter 49A of Title 10, § 1441 et seq.) Prior to the issuance of any permit for any development, the applicant shall submit with the municipal zoning permit application an approved Shoreland Permit or approval issued by the Vermont Department of Environmental Conservation.

**ADDITIONAL BUILDING FAÇADE/ROOF DESIGN STANDARDS FOR THE SHORELAND DISTRICT:** Multi-family and non-residential structures with a gross floor area of 3,000 square feet or more shall either be constructed using Traditional Vermont Building Types (as defined in the Definitions Section) or situated so as to be screened from neighboring properties and any public road in accordance with Section 10.1, Landscaping. Screening may be accomplished by either existing vegetation, landscaping or a combination thereof.

## 5.7 Conservation 10 ac District

### LOT CONFIGURATION

Minimum Area	10.0 acres
Road Frontage	200 feet
Maximum Lot Coverage	Not Applicable
Maximum Residential Density	1du/10.0 acre

### BUILDING PLACEMENT

#### Principal and Accessory Structure Setbacks

Front	50 feet minimum
Side and Rear	25 feet minimum

### HEIGHT AND ROOF DESIGN

Building Height (permitted)	35 feet maximum
Building Height (conditional)	45 feet maximum

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## 5.8 Conservation 27 ac District

### LOT CONFIGURATION

Minimum Area	27.0 acres
Road Frontage	200 feet
Maximum Lot Coverage	Not Applicable
Maximum Residential Density	1du/27.0 acre

### BUILDING PLACEMENT

#### Principal and Accessory Structure Setbacks

Front	50 feet minimum
Side and Rear	25 feet minimum

### HEIGHT AND ROOF DESIGN

Building Height (permitted)	35 feet maximum
Building Height (conditional)	45 feet maximum

**ADDITIONAL BUILDING FAÇADE/ROOF DESIGN STANDARDS FOR THE CON-10 AND CON-27 DISTRICT:** Non-residential structures with a gross floor area of 3,000 square feet or more shall either be constructed using Traditional Vermont Building Types (as defined in the Definitions Section) or situated so as to be screened from neighboring properties and any public road in accordance with Section 10.1, Landscaping. Screening may be accomplished by either existing vegetation, landscaping or a combination thereof.

## OVERLAYS

### 5.9 Wellhead Protection Area Overlay

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

WHPA-1: A circle of radius 200 feet surrounding each of the water supply wells serving the North Hyde Park Fire District #1, Lamoille Union High School, Light Logic, Sterling View, Village of Hyde Park, Wilson Road Mobile Home Park, and any other public water supply on the most recent "Water Source Protection Areas" map, on file with the Vermont Agency of Natural Resources Water Supply Division.

WHPA-2: Wellhead protection areas in active use identified on the most recent "Water Source Protection Areas" map on file with the Vermont Agency of Natural Resources Water Supply Division that are delineated as Zone 2 on the water system's most recent Source Protection Plan.

WHPA-3: Wellhead protection areas in active use identified on the most recent "Water Source Protection Areas" map on file with the Vermont Agency of Natural Resources Water Supply Division that are delineated as Zone 3 on the water system's most recent Source Protection Plan.

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

Specifically prohibited uses within the WHPAs are: Solid or hazardous waste disposal sites; underground storage tanks (except for storing drinking water); storage, manufacture, or processing of commercial fertilizers or pesticides; storage of road salt; gas stations, dry cleaners, car washes, injection wells; motor vehicle junk yards; and electric utility substations.

Permitted Uses: The following uses are permitted in the Wellhead Protection Area Overlay:

#### **WHPA-1:**

Passive recreation;

Maintenance and repair of any existing structure or use

#### **WHPA-2:**

All permitted uses in the WHPA-1 above

Agriculture and Forester

#### **WHPA- 3:**

All permitted uses in the WHPA-1 and WHPA-2 above

All permitted uses within the underlying District that do not involve the collection, handling, manufacture, use, storage, transfer, or disposal of hazardous materials or hazardous wastes.



### 5.9 Wellhead Protection Area Overlay – Continued

Conditional Uses: The following uses may be permitted in the Wellhead Protection Area Overlay as conditional uses by the Development Review Board in accordance with these bylaws:

#### **WHPA-1:**

No land development allowed except as related and necessary for municipal water system

#### **WHPA-2:**

All permitted and conditional uses within the underlying District

#### **WHPA- 3 :**

All permitted uses within the underlying District involving the collection, handling, manufacture, use, storage, transfer, disposal of hazardous materials or hazardous wastes;

All conditional uses within the underlying District.

### General Standards for all Development in the Wellhead Protection Area Overlay:

Lot coverage shall not exceed ten percent (10%) unless the applicant utilizes Low Impact Development practices and techniques to manage stormwater. Such practices shall allow for the on-site re-absorption and treatment of stormwater, such that it will not contaminate or inhibit the recharge of groundwater. Examples of Low Impact Development Practices are outlined in the Stormwater provisions of these regulations and are also available from the Vermont Agency of Natural Resources.

Within the WHPA-2, as part of the Conditional Use Review process, the applicant shall obtain the recommendations of a civil or environmental engineer regarding appropriate site design to prevent groundwater contamination and to ensure recharge of the aquifer. These recommendations shall be incorporated as conditions of approval.

Within the WHPA-3, the Development Review Board may require the applicant to obtain the recommendations of a civil or environmental engineer regarding appropriate site design to prevent groundwater contamination and to ensure recharge of the aquifer. If required, these recommendations shall be incorporated as conditions of approval.

As a condition of approval, the Development Review Board may require the applicant to decommission all abandoned wells, including those less than twenty (20) feet deep, located on the property to be developed. The Development Review Board may also require the applicant, at his/her expense, to decommission abandoned wells, including those less than twenty (20) feet deep, located within the Wellhead Protection Area Overlay on neighboring properties, provided the landowner's permission can be obtained. Abandoned wells shall be decommissioned by a Vermont licensed well driller in accordance with Chapter 21, Parts 11 and 12 of the Vermont Water Supply Rule.

Underground tanks storing petroleum, or any other substance, other than water, are prohibited. Above ground tanks shall be located on an impervious surface such as a concrete or asphalt pad large enough to prevent any leak from contacting soil or groundwater.

5.9 Wellhead Protection Area Overlay – continued

Any area used for motor vehicle repairs or similar activities shall be located on an impervious surface such as a concrete or asphalt pad large enough to prevent any leak from contacting soil or groundwater.

Any facility involving the collection, handling, manufacture, use, storage, transfer, or disposal of hazardous materials or hazardous wastes, including petroleum, shall meet the following standards

All such facilities shall have a secondary containment system capable of containing 100 percent (100%) of the largest volume of storage, which is easily inspected and whose purpose is to intercept any leak or release from the primary containment system.

Such facilities, including those that do not require a State stormwater discharge permit, shall require the installation of stormwater treatment practices approved for use in stormwater hotspots as defined by the Vermont Department of Environmental Conservation. Stormwater runoff from a stormwater hotspot shall not infiltrate into groundwater unless an individual stormwater permit from the Vermont Agency of Natural Resources is obtained.

Storage of petroleum products exceeding 1,100 gallons at one locality in one tank or a series of tanks shall be in elevated tanks.

The owner and/or operator shall be required to monitor all hazardous materials and chemicals on site and shall report all incidents or spills involving liquid or chemical material to the Zoning Administrator within seven (7) days of the incident.

The Development Review Board may require the applicant to obtain the recommendations of a civil or environmental engineer regarding appropriate site design to prevent groundwater contamination and to ensure recharge of the aquifer. These recommendations shall be incorporated as conditions of approval.

## 5.10 Flood Hazard Area Overlay

Statement of Purpose It is the purpose of this bylaw to:

- A. Implement the goals, policies, and recommendations in the current municipal plan.
- B. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding-related inundation and erosion hazards.
- C. Ensure that the selection, design, creation, and use of development in flood hazard areas and river corridors is reasonably safe, accomplished in a manner that minimizes or eliminates the potential for loss and damage to life and property due to flooding-related inundation and erosion hazards, and does not impair stream equilibrium, floodplain services, or the river corridor.
- D. Manage all flood hazard areas designated pursuant to 10 V.S.A. §§ 751 and 753. E. Make the Town of Hyde Park, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

### a. Delineation of the Overlay:

These regulations shall apply to Special Flood Hazard Areas and the River Corridors in the Town of Hyde Park, collectively the "Flood Hazard Area Overlay". The standards of this overlay are the minimum that must be met before proposed land development meets the additional standards applicable in the underlying district.

The Flood Hazard Area (FHA) Overlay shall consist of the following areas:

The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations, and

River Corridors under 10 V.S.A. 1422 and 1427, and as published by the Vermont Agency of Natural Resources, including the Statewide River Corridors and refinements to that data based on field-based assessments which are hereby adopted by reference. Where River Corridors are not published, the standards of this overlay shall apply to the area measured as fifty (50) feet from the top of the stream bank or slope.

### b. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas

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

### c. Interpretation of Hazard Area boundaries:

The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Zoning Administrator (ZA). If the applicant disagrees with the determination made by the ZA, a Letter of Map Amendment from FEMA shall constitute proof of boundary or applicability of this section.

5.10, c Flood Hazard Area Overlay; continued

If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary shall be determined by the ZA. If the applicant disagrees with the determination made by the ZA, a letter of determination from the Vermont Agency of Natural Resources shall constitute proof of boundary or applicability of this section.

**d. Specifically prohibited uses within the FHA and Disclaimer:**

Creation of new principal structures (included the placement of manufactured homes); exterior storage of vehicles and materials, unregistered vehicles, new fill, except as necessary to elevate existing structures above the base flood elevation; any new principal or accessory structures in the floodway; critical public facilities, e.g. police, fire and hospital except state or town roads and related infrastructure; all other land development unless exempted under this Bylaw or development that is allowed as permitted or conditional below.

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

**e. Permitted uses and development**

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

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

**f. Conditional Uses**

The following uses may be permitted in the Flood Hazard Area Overlay as conditional uses by the Development Review Board in accordance with these bylaws:

- Substantial improvement, elevation, relocation, or flood proofing of existing structures;
- New or replacement storage tanks for existing structures;
- Improvements to existing structures in the floodway;
- Grading, excavation; or the creation of a pond;
- Improvements to existing roads;
- Bridges, culverts, channel management activities, or public roadway projects within public rights-of-way which are functionally dependent on stream access or stream crossing, unless a Stream Alteration Permit has been issued by the State of Vermont in which case the project is exempt from obtaining a local zoning permit;
- Public utilities;
- Improvements to existing principal structures in the River Corridors that do not expand the footprint of the existing structure more than five hundred (500) square feet;
- Accessory structures in the River Corridors, with a foot print of five hundred (500) square feet or less, that represent a minimal investment;
- Building utilities in the River Corridors; and
- At-grade parking located within a River Corridor

5.10. Flood Hazard Area Overlay; continued

**g. Development Standards for all Development in the Flood Hazard Area Overlay**

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

**h. Special Flood Hazard Area**

All development located in the Special Flood Hazard Area shall comply with the following standards.

“Special flood hazard area” (SFHA) is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. For purposes of this bylaw, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area.” This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by FEMA. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: [msc.fema.gov](http://msc.fema.gov). Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of special flood hazard areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

All development within the SFHA shall be:

- i. Reasonably safe from flooding;
- ii. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
- iii. Constructed with materials resistant to flood damage;
- iv. Constructed by methods and practices that minimize flood damage;
- v. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- vi. Adequately drained to reduce exposure to flood hazards;
- vii. Located so as to minimize conflict with changes in channel location over time and the need to with such changes; and,
- viii. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of two (2) feet above base flood elevation, or to the 500-year flood elevation, whichever is greater, and to securely anchor such fuel storage tanks to prevent flotation, or storage tanks may be placed underground, if securely anchored as certified by a professional engineer licensed in the State of Vermont.
- ix. In Zones AE, AH, and A1 – A30 where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one (1.00) foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer;
- x. Structures to be substantially improved in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least two (2) feet above base flood elevation, or to the 500-year flood elevation, whichever is greater. Such elevation must be documented, in as-built condition, with a FEMA Elevation Certificate;

5.10, h Flood Hazard Area Overlay; continued

xi. Structures to be substantially improved or meet the definition of substantial damage or repetitive loss in Zones A, A1-30, AE, and AH shall be located such that the lowest floor, including any basement, with attendant utility and sanitary facilities, is at least two (2) feet above base flood elevation, or to the 500-year flood elevation, whichever is greater. Such elevation must be documented, in as-built condition, with a FEMA Elevation Certificate;

xii. Non-residential structures to be substantially improved shall:

Meet the elevation standard above, or

Shall be designed so that the lowest floor, including basement, together with attendant utility and sanitary facilities is at least two (2) feet above the base flood elevation, or to the 500-year flood elevation, whichever is greater; so that the structure is watertight with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for flood proofing shall not be issued until a licensed professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

xiii. Dry flood proofing measures for non-residential buildings may be used if the project provides for structure protection to at least 2-feet above the base flood elevation. The flood proofing standard must be achieved without the use of human intervention at the time of flooding unless the facility is adequately staffed at all hours with people trained and able to deploy the facility's flood proofing measures.

xiv. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.

xv. Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, shall:

Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,

Include a signed non-conversion agreement from the owner of the structure with the permit stating that the enclosed area below the BFE will not be converted to another use not listed above and that the community would have the ability to inspect the exterior and interior of the enclosed area in compliance with the standards laid out in the non-conversion agreement; and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a licensed professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings on two (2) walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

5.10, h Flood Hazard Area Overlay; continued

- xvi. Recreational vehicles must be fully licensed and ready for highway use, and shall either;
  - Be on the site for fewer than one hundred eighty (180) consecutive days, or
  - Be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” found below
- xvii. A small accessory structure of five hundred (500) square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria for fully enclosed areas above grade (above).
- xviii. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- xix. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- xx. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- xxi. The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability.
- xxii. Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable. If issued, the stream alteration permit shall exempt the project from review under this Section. Private and public road maintenance work is exempt from this Section (5.10).
- xxiii. Subdivisions and Planned Unit Developments must be accessible by dry land access outside the special flood hazard area.
- xxiv. Existing buildings, including manufactured homes, to be substantially improved or meet the definition of substantial damage or repetitive loss in Zone AO shall have the lowest floor, including basement and the attendant utility and sanitary facilities, elevated above the highest adjacent grade, at least (2) two feet above the depth number specified on the community’s FIRM, or at least three (3) feet if no depth number is specified.

5.10, h Flood Hazard Area Overlay - continued

- xxv. Manufactured homes: Are treated the same way as all other residential structures in this Bylaw.
- xxvi. Compensatory Storage: Where fill is allowed for use to elevate existing structures located in the SFHA, areas that are located below the BFE shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation on the same parcel, i.e no net loss of flood storage volume. All excavations shall:
  - Have the exposed soil stabilized against erosion, preferably through seeding and mulching;
  - Be located above the ground water level to minimize ponding and sedimentation; and
  - Be contiguous with existing flood water storage and conveyance.

**i. Floodway Areas**

Encroachments or development above grade are prohibited. Non-structural uses may be allowed if hydrologic and hydraulic analyses are performed in accordance with standard engineering practice by a licensed professional engineer, certifying that the proposed development will:

- Not result in any increase in flood levels (0.00 feet) or velocity during the occurrence of the base flood;
- Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding;
- Public utilities may be placed underground, and the analyses may be waived where a licensed professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

**j. Flood Hazard Area Overlay - River Corridors**

Improvements to existing structures and any associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area shall not decrease the distance between the existing primary building and the top of bank. Accessory structures may be located within fifty (50) feet of the existing primary building, provided that the location does not decrease the distance between the existing primary structure and the top of bank.

Development shall not increase the susceptibility of that property or other properties to fluvial erosion damage.

Development shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion.

Development shall not cause an undue burden on public services and facilities, including roads, bridges, culverts, and emergency service providers, during and after fluvial erosion events. Bridge and culvert projects must have a Stream Alteration Permit, and Channel management activities must be authorized by the Agency of Natural Resources.

Any development exempt from minimal land use regulations (such as agriculture and public utilities) shall comply with all applicable standards established by the State of Vermont.



## **k. Development Review Procedures**

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

Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, River Corridors, the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;

Base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres;

A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the ZA and attached to the permit before work can begin.

For all subdivisions, the Development Review Board shall:

Review subdivision proposals and other development, including manufactured home parks or subdivisions, to determine whether such proposal will be reasonably safe from flooding. If a subdivision or other development proposal is in the Flood Hazard Area, the DRB shall assure that:

- Such proposals minimize flood damage,
- Public utilities and facilities are constructed so as to minimize flood damage, and
- Adequate drainage is provided.

5.10. Flood Hazard Area Overlay - continued

**I. Referrals**

Upon receipt of a complete application for a substantial improvement or new construction, the ZA shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of thirty (30) days from the date the application was mailed to the Agency, whichever is sooner.

If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of thirty (30) days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner.

The DRB shall consider comments from the NFIP Coordinator at The Agency of Natural Resources. The DRB may recess the proceedings on any application pending submission of additional information.

**m. Records and Recording Requirements**

In addition to the recording requirements in this Section, the Administrative Officer shall properly file and maintain a record of:

Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the Special Flood Hazard Area; and

All flood proofing and other certifications required under this regulation.

**n. Precedence of Bylaw**

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

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

**o. Warning of Disclaimer of Liability**

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

## 5.11 Green River Reservoir Viewshed Overlay

Project classification. All projects within the Green Reservoir View Shed Overlay (GRRV Overlay) shall be reviewed as either a permitted or conditional use based on the following criteria:

Classification criteria. The Administrative Officer shall classify a development as exempt from this section or requiring review by the Development Review Board or review by the Administrative Officer by referring to the proposed locations of all structures and the Overlay Map and per the following:

5.11.1 If a permitted use or a conditional use in the “highly visible” mapped area, then review is required under this section by the Development Review Board;

5.11.2 If a conditional use in the “minimal visibility” mapped area, then review is required under this section by the Development Review Board;

5.11.2 If a permitted use in the “minimal visibility” mapped area, then review is required under this section by the administrative officer;

5.11.3 If a permitted use or a conditional use in the “no visibility” mapped area, then the project is exempt from review under this section.

### Project classification notice.

Permitted uses shall be reviewed by the Administrative Officer and notice of the decision shall be sent to all adjoining property owners. Where an application requires conditional use review, the adjoining property owners shall be notified through the conditional use procedures. Any determination by the Administrative Officer can be appealed to the Development Review Board for reconsideration under the provisions of this bylaw.

Upon appeal, the Development Review Board may use any additional evidence, including site visits, to determine if the project is located in an area of “minimal visibility.” The appellant has the burden of proof regarding whether the project is located in an area of “minimal visibility” or “not visible.”

Application requirements: In addition to other application requirements for permitted or conditional use, as applicable, applicants shall provide written and/or graphic documentation showing how their proposal meets the standards for review below.

Standards for review: The standards for review are being treated as performance standards as established in the Act §4414(5). Performance standards, by their nature, do not establish specific criteria (like a 50 foot setback) but rather an acceptable level of performance that must be attained. The provisions are outlined in the tables below, and are divided into standards and guidelines.

The standards are requirements that must be met by all development (conditional and permitted uses) within the Overlay.

### 5.11 Green River Reservoir Viewshed Overlay – continued

The guidelines are not regulatory and are intended to be instructive in nature. They suggest a variety of means by which the applicant might comply with the standards. The options for compliance are not limited to the guidelines listed. The applicant can use the guidelines as an aid in the design process.

#### OVERALL SCREENING OF STRUCTURES

There are two standards for screening a structure on the landscape: (1) maintaining a forested backdrop and (2) screening by trees and other natural means in the foreground to interrupt the facade. Property owners and developers can establish and maintain views while reducing the overall visibility of the building. A third standard is required for the construction of roads, driveways, and utility corridors.

**Standard 1.** All structures must be located such that the building's profile will not visually exceed the height of the land or tree line serving as the building's backdrop. When referring to 'backdrop,' the description is relative to points on the reservoir or its shoreline.

Guideline 1.1 Clearing and forest management should protect the unbroken forest backdrop. Generally, forest management will be limited to practices that maintain a forested appearance adjacent to the buildings.

**Standard 2.** All structures must be screened by trees or by other natural features sufficient to provide visual breaks to any building facade when viewed from points on the reservoir or its shoreline between May 15 and October 31.

Guideline 2.1 Clearing and forest management in the foreground should be limited to maintain a forested appearance and to interrupt the building's appearance on the landscape. View openings are appropriate and allowed between trees and beneath tree canopies. The creation and maintenance of views should involve the selective cutting of small trees and the branches of large trees rather than removal of large trees. In referring to "foreground" above, the description is relative to points on the reservoir or its shoreline.

Guideline 2.2 Hazard trees, blow downs, dead or damaged trees may be removed. Thinning of trees or pruning of branches is also permitted provided it does not cause the structure to be in violation of the screening requirements.

Guideline 2.3 When building on slopes, the preference is to set buildings into topography using partial earth sheltering. Try to take advantage of the topography by building multi-level structures with entrances on more than one level (i.e. walk out basement, garages under buildings).

Guideline 2.4 Buildings and structures proposed near high points, outcroppings, or prominent knolls should be setback to provide sufficient area to allow for additional screening.

**Standard 3.** Roads, driveways, and utility corridors shall be sited to minimize their visibility on the landscape.

Guideline 3.1 Roads and driveways, including converted logging roads and utility corridors should use or share existing roads where feasible, and follow existing contours and linear features (e.g. tree lines, stone walls, etc.).

Guideline 3.2 Applicants should maintain trees on both sides of any proposed road to minimize the visibility on the landscape.

### 5.11 Green River Reservoir Viewshed Overlay – continued

#### DESIGN FEATURES TO HARMONIZE WITH LANDSCAPE

Property owners and developers are required to meet design standards for all buildings and structures to help blend the structure into the landscape. These include some basic standards regarding colors, reflective materials, and exterior lighting. Applicants are encouraged to review and consider the “Visual Guide to accompany the Town of Hyde Park’s Green River Reservoir Viewshed Overlay District Zoning Bylaws, re-publication date June 11, 2006” during development of project proposals. The Visual Guide is available on the town website and at the municipal offices.

**Standard 4.** Colors of exterior materials (e.g. roofing, siding, window sashes, and trim) shall be selected to blend in with the surrounding landscape during the summer months.

Guideline 4.1 Muted colors including those with a light reflectivity value (LRV) of 35 or less used in combinations that have muted contrast are suggested.

**Standard 5.** On the reservoir side of the building only, structures shall minimize reflective surfaces.

Guideline 5.1 Developers and property owners should use non-reflective roofing materials.

Guideline 5.2 Developers and property owners are encouraged to use design features to reduce reflectivity of features such as windows. Oversized picture windows and large uninterrupted expanses of glass should be avoided. The use of dividers or other architectural design elements including adequate overhangs are encouraged to reduce the reflectivity of glass surfaces.

**Standard 6.** Exterior lighting shall be designed such that its visibility on the reservoir side is minimized.

Guideline 6.1 The use of non-reflective surfaces and shielded outdoor lighting fixtures is strongly encouraged to limit the visibility of the development from off-site. Low post lighting and low-level indirect lighting are recommended; spot or floodlights should be avoided.

Guideline 6.2 Creative lot layout may serve to limit off-site glare, visibility, and night sky pollution by laying out buildings and structures that shield light fixtures from viewing areas including the Green River Reservoir.

#### FOREST MANAGEMENT GUIDELINES

By State law, forest management is exempt from zoning bylaws unless the forestry activity is designed or serves as site preparation for subsequent development. Maintenance of trees around a dwelling also are generally not considered development and, therefore, do not require a permit. Although neither of these acts requires a zoning permit, the results of such actions may limit subsequent development potential or create a zoning violation.

## 5.12 Core Forest and Wildlife Habitat Overlay

Delineation of the Overlay: The Core Forest and Wildlife Habitat Overlay shall encompass those areas depicted on the Core Forest and Wildlife Habitat Map attached to these regulations

Application requirements: This chapter only applies to land development projects subject to site plan review, conditional use review and minor or major subdivision review. In addition to other application requirements, applicants shall provide the following:

- A site plan depicting the area with existing forest cover and any proposed clearing associated with the use or subdivision, and
- A summary of any forest management activities impacting more than five (5) acres within the five (5) years prior to the application.

Specific Standards for Subdivisions and Conditional Uses within the Core Forest and Wildlife Habitat Overlay: Structures, building envelopes, utilities, access roads, and driveways shall be located to minimize adverse impacts on, and fragmentation of, core forest, significant wildlife habitat, and wildlife corridors. In addition to the Site Plan and Conditional Use Standards in Section 11 and/or the Subdivision and Planned Unit Development Standards in Section 12, applications for conditional use and/or subdivision review in the Core Forest and Wildlife Habitat Overlay shall meet the following standards:

The DRB will consider available information and inventories of wildlife habitat, and may consult with the Vermont Fish & Wildlife Department or other experts to determine the presence of various habitats and to ensure that development is designed to minimize undue adverse impacts (e.g., impacts that would significantly reduce the ability of the particular habitat to continue supporting particular wildlife species that rely on that habitat for specific functions). Conditions may be imposed as appropriate to protect that habitat from the impacts of development and associated activities

In order to reduce the impacts of roadways on the movement of wildlife, new curb cuts onto public road shall be minimized. Shared driveways or private roads should be utilized whenever possible.

New driveways, roads, utility corridors, and other infrastructure shall be designed to minimize fragmentation of core forest, significant wildlife habitat, and wildlife corridors. The DRB may require new culverts and/or bridges to incorporate the Stream Crossing Design Concepts and Considerations for Aquatic Organism Passage (AOP) identified in the Vermont Stream Crossing Handbook, or most recent standards developed by the Vermont Department of Fish and Wild. The DRB may limit the total length of new driveways and/or roads.

The DRB may increase the width of the vegetated buffer required for wetlands, perennial streams, and rivers under Section 8.10 by up to one hundred (100) percent.

### 5.12 Core Forest and Wildlife Habitat Overlay - Continued

Building envelopes shall be configured to minimize impacts core forests, significant wildlife habitat, and wildlife corridors to the greatest degree possible.

In areas that are principally forested, any new structure shall be located so as to maintain a forested buffer of at least fifty (50) feet in width from the right-of-way of the nearest public road. In order to minimize forest fragmentation, the DRB may require that clearing limits be established and delineated on the approved site plan and/or final subdivision plat. Such clearing limits shall not reduce the potential area for clearing around an existing or proposed house site to less than two (2) acres. The DRB may require that areas of any parcel located beyond these clearing limits be managed to maintain forest cover and/or facilitate wildlife travel, and that any forestry activity beyond the delineated clearing limits be silviculturally sound and conducted in accordance with Acceptable Management Practices published by the Vermont Department of Forests, Parks & Recreation.

The use of PUDs is encouraged, and may be required, to cluster development onto areas of the parcel that will have the least impact on core forests, significant wildlife habitat, and wildlife corridors. Whenever possible, new development shall be clustered near existing development and/or existing roads. To the maximum extent possible, the applicant should avoid any placement of fences or walls or any change in grade that would disrupt the movement of wildlife. Where fences outside the two-acre house site are necessary, they should be no higher than four-and-a-half (4.5) feet, and should have at least sixteen (16) inches of clearance between the lowest horizontal part of the fence and the ground.

In granting approval, the DRB shall consider any adverse effects of the development on core forest, significant wildlife habitat, and wildlife corridors. This consideration shall take into account the cumulative impact of the proposed development in light of existing or proposed development on the applicant's parcel, as well as existing development, forest resources, and significant wildlife habitat on contiguous parcels, regardless of whether the applicant owns such parcels.

**Forestry and Silviculture:** Forestry and silviculture is permitted within the Overlay. Forest management activities should be silviculturally sound and comply with applicable state regulations, including Acceptable Management Practices published by the Vermont Department of Forests, Parks & Recreation.

As part of the application for conditional use or subdivision review, the applicant shall include a summary of any forest management activities impacting more than five (5) acres within the five (5) years prior. Forest management activities designed as pre-development site preparation, including road and driveway construction, clearing and/or grading for house-sites and septic systems or related work, shall be reviewed by the DRB under the standards outlined above. The DRB may require the site to be restored or re-vegetated prior to development in order to conform to the standards outlined above.

## **6.0 USE STANDARDS**

### **6.1 Permitted Uses**

Permitted uses for each District are denoted with a “P” in the Table of Uses. All permitted uses require a Zoning Permit (sometimes called a “Building Permit” or “Construction Permit”) approved by the Administrative Officer according to the requirements of this Bylaw. In some cases, Site Plan approval by the Development Review Board may be required prior to the issuance of a Zoning Permit.

### **6.2 Conditional Uses**

Conditional uses for each District are denoted with a “C” in the Table of Uses. Before the Administrative Officer may issue a Zoning Permit, a conditional use requires approval of the Development Review Board subject to the requirements of this Bylaw.

### **6.3 Prohibited Uses**

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

### **6.4 Uses not listed in the Table of Uses**

If a proposed use is not specifically listed in the Table of Uses, the Administrative Officer shall first determine if the use is substantially similar to a listed use found within the Table of Uses, using the definitions of uses in this Bylaw.

If deemed substantially similar to a listed use, the Administrative Officer shall treat the use accordingly, as a permitted, conditional or prohibited use. If deemed to be not substantially similar to a listed use in the Table of Uses, the use shall be deemed not listed and it shall be prohibited. The Administrative Officer's determination may be appealed to the Development Review Board.

### **6.5 Multiple Uses in a Single Structure**

Multiple uses in one principal structure, or multiple principal uses or structures on the same parcel, including residential and non-residential uses, may be permitted on a single lot, provided that District lot coverage requirements are not exceeded and all other provisions of this Bylaw are met.

### **6.6 Table of Uses**

Use categories are intended to be broadly defined. The Administrative Officer shall determine the applicability of a specific definition to a proposed use. Said determination may be appealed to the Development Review Board.



## 6.6 TABLE OF USES

Use	N. Hyde Park		VFW	NHPI	RR2	RR5	SHR	C10	C27
	Core	Village							
Accessory Apartment	See Section 7								
Adult Use Establishment	X	X	C	X	X	X	X	X	X
Agricultural Enterprise	P	C	P	C	P	P	X	C	C
Car Wash	C	C	X	X	X	X	X	X	X
Child Care Facility	See Section 7								
Community Facility	See Section 7								
Contractor Yard	X	X	P	C	C/X <sup>(2)</sup>	X	X	X	X
Dwelling; Multi-Family <sup>(1)</sup>	C	C	X	X	C	C	X	X	X
Dwelling; One Two-Family <sup>(1)</sup>	P	P	X	X	P	P	C	P	X
Earth/Gravel Extraction	C	C	X	X	C	C	X	C	C
EV Charging Station <sup>(3)</sup>	C	C	P	C	C/X <sup>(2)</sup>	X	X	X	X
Financial Institution	P	C	P	X	X	X	X	X	X
Forest Products Processing	P	C	X	P	C	C	X	C	C
Gallery/Studio	P	C	P	X	C	C	X	X	X
Group Home	See Section 7								
Heavy Industry	X	X	X	C	X	X	X	X	X
Home Business	See Section 7								
Kennel	X	X	X	X	C	C	X	X	X
Light Manufacturing	C	C	P	P	C	X	X	X	X
Lodging ≤ 10 Guest Rooms	P	C	X	X	C	C	X	X	X
Lodging ≥ 10 Guest Rooms	P	C	X	X	X	X	X	X	X
Motor Vehicle Fuel Sales	C	C	X	X	X	X	X	X	X
Motor Vehicle Sales	X	X	X	C	C/X <sup>(2)</sup>	X	X	X	X
Motor Vehicle Service/Repair	C	C	X	C	C/X <sup>(2)</sup>	X	X	X	X
Museum	P	C	X	X	C	C	X	X	X
Office/Services	P	C	P	X	C	C	X	X	X
Place of Worship	P	C	X	X	C/X <sup>(2)</sup>	X	X	X	X
Public Assembly Hall	P	C	P	X	C/X <sup>(2)</sup>	X	X	X	X
Recreation, Indoor Facility	P	C	P	X	C/X <sup>(2)</sup>	X	X	X	X
Recreation, Outdoor Facility	P	C	X	X	C	C	C	C	C
Restaurant/Food Service	P	C	P	X	X	X	X	X	X
Retail	P	C	P	X	X	X	X	X	X
Warehouse	C	C	X	P	C/X <sup>(2)</sup>	X	X	X	X

### FOOTNOTES:

- (1) Type of dwelling shall be based on total number of units within the structure. Total number of units in all stories and structures on a lot shall not exceed the Maximum Residential density as prescribed for the applicable zoning district. Accessory apartments dwellings under 24 V.S.A. 4412(1)(E) and the second unit in a two-family dwelling, do not count as units when calculating density.
- (2) Uses on parcels having frontage and access directly onto; a State Highway, or a Class 2 Town Highway, or onto a Class 3 Town Highway, or private easement, which has a majority of existing non-residential uses, are conditional uses. Uses accessed and having frontage from; other Class 3 town highways or a Class 4 town highway, a private road or private easement are prohibited.
- (3) Electric Vehicle Charging Stations intended for use by residents, employees, or guests of the principal use of the lot, but not made available to the general public, are exempt from these regulations.

## 7.0 SPECIFIC USE STANDARDS

### 7.1 Accessory Apartments

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

- The construction of any addition or new structure for an accessory apartment must meet relevant requirements for development under these bylaws.
- The accessory apartment shall fulfill the requirements of a dwelling unit – One room, or rooms connected together, constituting a separate, independent housekeeping establishment for the occupancy, rental, or lease, and physically containing independent cooking, bathroom/toilet facilities, and sleeping facilities. A mobile home shall not be considered an accessory apartment and shall be considered a primary structure.
- The floor area of the accessory apartment shall not to exceed thirty percent (30%) of the floor space of the existing living area of the single-family residence.
- The accessory apartment shall contain no more than two bedrooms and shall be occupied by no more four persons.
- One of the residences is occupied by the owner; and
- If the accessory apartment results in a total number of bedrooms that exceeds the number of bedrooms prior to creation of the accessory apartment, the applicant shall demonstrate compliance with State wastewater regulations.

A zoning permit issued for an accessory apartment shall clearly state that the dwelling(s) is permitted only as an accessory to the principal residential use of the property and as such shall be retained in common ownership. Such a dwelling unit may be subdivided and/or converted for conveyance or use as a principal dwelling only if it is found to meet all current municipal regulations applying to a single (or two) family dwelling, including all density and dimensional requirements for the District in which it is located. All applicable municipal permits and approvals shall be required prior to the subdivision, conversion, or conveyance as a principal dwelling.

## 7.2 Child Care Facilities

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

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

- Persons providing care for children of not more than two families;
- Hospitals or establishments holding a license issued by the Department of Health, or persons operating a program primarily for recreation or therapeutic purposes;
- Day care facilities operated by religious organizations for the care and supervision of children during or in connection with religious services or church sponsored activities;
- Nursery schools or other preschool establishments, attended by children of less than compulsory school age, which are subject to regulation by the Department of Education. 33 V.S.A. §3502(b)(1-4)

A State registered or licensed family child care home operated within a single family dwelling shall be considered by right to constitute a permitted single family residential use of the property; 24 V.S.A. §4412(5). Such uses shall not require a permit issued by the Administrative Officer. The applicant shall notify the Administrative Officer in writing of intent to establish use.

A State registered or licensed family child care home operated in a dwelling other than a single family dwelling (e.g. duplex, multifamily housing) shall be treated as a conditional use.

A licensed child care facility serving more than six full-time and four part-time children shall be reviewed as a service establishment and is subject to conditional use and site plan review as appropriate.

### **7.3 Group and Residential or Crisis Care Homes**

In accordance with the Act §4412(1), a residential care facility to be operated under State licensing or registration, serving not more than eight (8) persons who have a handicap or disability as defined in 9 V.S.A. §4501 or a crisis care home serving not more than eight (8) persons, shall be considered by right to constitute a permitted single-family residential use of property, and shall not require a permit issued by the Administrative Officer. The applicant shall notify the Administrative Officer in writing of intent to establish use. Crisis care homes shall be operated and be managed by a state registered or licensed agency. Group, residential care and crisis care homes may contain an agency office within a minor portion of the structure.

A State registered or licensed residential care home serving nine (9) or more developmentally disabled or physically handicapped persons on a full time basis or a crisis care home serving nine (9) or more persons, shall be permitted in accordance with the District standards for a multifamily dwelling.

### **7.4 Community Facilities**

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

This section shall apply to the following community facilities;

- State, County, or Municipal owned and operated institutions and facilities;

- Public and private hospitals;

- Schools and other educational facilities certified by the Vermont State Department of Education;

- Waste management facilities for which a notice of intent to construct has been received under 10 V.S.A §6606a.

### **7.5 Place of Worship**

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

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

## 7.6 Roadside Stands for the Sale of Agricultural Products

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

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

- The stand meets one of the following setbacks, whichever is less:
  - The front setback for the district in which the stand is located, or
  - At least twenty-five (25) feet from the edge of the traveled lane of a State Highway or fifteen (15) from a Town Road, as measured at the nearest edge of the roadway surface.

The stand complies with applicable side yard requirements;

- Parking for the stand is provided without obstructing the road travel lane; and
- The stand contains no heating or plumbing facilities; and
- The stand structure is open on at least one side; and
- The gross floor area of the stand is no greater than 300 square feet.

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

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

### 7.6.1 Food Trucks and Food Vending Carts

Food trucks, defined as licensed, motorized vehicle or mobile food unit where food items are sold to the general public. Food vending carts are non-motorized wagons, carts or similar device with two or four wheels and dimensions not exceeding eight feet long and four feet wide.

Standards to be met:

- Temporarily stored on a privately-owned lot, public property or public road.
- Located at least 100 feet from the front door of any restaurant and outdoor dining area.
- Located at least 50 feet from any other permitted food truck or food vending cart, even if operated by the same entity.
- Parked at least 15 feet from any fire hydrant, and 5 feet away from any driveway, sidewalk, utility box or vault, handicapped ramp, or building entrance or exit.
- Minimum distance requirements are all measured in a straight line from the closest point of the proposed food truck or food vending cart location to the closest point from the buffered object, or in the case of a restaurant, measured from the closest point of the restaurant's main entrance.
- Zoning Permits are required for food trucks or food vending carts located and operating on private or public property, with the application signed by the property owner.
- No zoning permit is required if proposed to operate within a highway right-of-way.
- Permits expire 24 months after issuance.
- If a zoning permit is issued and a restaurant subsequently opens within 100 feet (measured from restaurant's main entrance) of the approved food truck or food vending cart location, the food truck or food vending cart may continue to operate until the permit expires.
- No food truck or food vending carts may be located and operate within the public highway right-of-way without first obtaining permission under 19 VSA 1111 from the Selectboard.
- No local permits are required (zoning permit or 19 VSA 1111 approval) if food trucks or food vending carts operate during a community event organized or supported by the Selectboard.

## 7.7 Home Occupations

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

Defining Home Occupations.

- Home occupations are accessory uses to residential properties which are clearly incidental and subordinate to the residential use.
- Home occupations are conducted wholly within the principal structure and occupy less than 25% of the entire floor area of such structures
- Sale of goods or products from the property is allowed by mail-order, shipping company, and infrequent customer visits by invitation with no public sales.
- The home occupation shall be carried on by residents of the dwelling unit. No more than one (1) additional employee who is not a resident of the dwelling unit may be permitted.

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

- All business activities or transactions associated with the home occupation shall be carried on entirely within the dwelling unit; no outside storage shall be permitted.
- No traffic shall be generated which would be uncharacteristic of the neighborhood. Generally, this shall mean no more than two (2) package deliveries per day, and no more than five (5) customer visits per week.
- If the home occupation involves an outside employee, then one (1) additional parking space shall be provided in addition to the minimum required for the residential use. New parking required for the home occupation shall be provided off-street.
- Any sign shall meet the requirements for the District and each home occupation may have one sign that does not exceed 6 square feet without obtaining a zoning permit as long as it is otherwise in compliance with the sign regulations for the district. Any other exterior displays, including banners, flags or signs related to the home occupation shall be prohibited.

## 7.8 Home Businesses

The purpose of these provisions is to allow for small home-based businesses within residential areas while reducing the risk of any undue negative impacts on neighboring households.

Defining Home Businesses:

- Home businesses are more likely than home occupations to have an impact on neighboring properties. Home businesses are treated as accessory uses to single-family residential properties and may not exceed the square footage of the residential finished floor area (“FFA”) of the primary residential structure on the same parcel.
- Home businesses shall be carried on within the principal residential structure or within one accessory structure on the parcel. The home business may be carried on partially within the primary residential and accessory structures as long as the total square footage allowed is not exceeded. The-square footage allowed for a home business is determined below:

<b>Square footage of home business use:</b>	<b>Application review by:</b>	<b>Special Conditions:</b>
25% or less of FFA	Administrative Officer	None
More than 25% to 50% of FFA	Development Review Board	None
More than 50% to 100% of FFA	Development Review Board	None for interior use of existing structures. New structures and additions shall either be constructed using Traditional Vermont Building Types (as defined in the Definitions Section) or situated so as to be screened from neighboring properties and any public road in accordance with Section 10.1 Landscaping. Screening may be accomplished by either existing vegetation, landscaping or a combination thereof.

The home business shall be carried on by residents of the dwelling unit. Up to three (3) additional employees who are not residents of the dwelling unit are permitted. If the property transfers, the home business permit expires unless the new property owner is a resident of the primary residential dwelling and is the owner and operator of the previously approved home business. Some home businesses include, but are not limited to, antique dealers, woodworking shops, small engine repair, and hair styling.



### 7.8 Home Businesses - continued

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

- All business activities or transactions associated with the home business shall be carried on entirely within the dwelling unit or accessory structure.
- The business shall not necessitate any change in the outside appearance of the dwelling unit, other than the addition of a sign meeting the standards in this Bylaw or any conditions imposed by the Development Review Board or state or federal laws or other permit requirements.
- No traffic shall be generated which would be uncharacteristic of the neighborhood. This shall mean:
  - For Administrative Officer Approvals (with no DRB review) - no more than two (2) package deliveries per day and no more than five (5) customer visits per week
  - For Development Review Board Approvals - no more than two (2) package deliveries per day, and no more than five (5) customer visits per day unless specifically set by the DRB at a higher or lower amount.
- If the home business involves outside employees, then one (1) additional parking space per employee shall be provided in addition to the minimum required for the residential use. New parking required for the home business shall be provided off-street and shall be at least 25 feet from any adjacent property unless the adjacent property owner submits a "letter of no objection" to parking spaces being less than 25 feet from their property line.
- No vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the home business which is evident at any property line or from any public or private road right-of-way. Noise generated by the business, except for vehicles entering or leaving the property, shall not be discernible at any property line between the hours of 8:00 p.m. and 6:00 a.m.

## 7.9 Mobile Homes

Mobile homes shall be treated the same as conventional homes, except in a mobile home park. No zoning regulation shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded (the Act §4412(1)(B)). New mobile homes shall comply with all dimensional requirements and other provisions for the District in which they are located.

## 7.10 Mobile Home Parks

Applicability: It shall be unlawful to park, place, maintain, or permit more than two mobile homes on any one parcel except in conformance with these provisions. No person shall construct, expand, or alter a mobile home park without site plan approval and, where required by the District in which it is located, conditional use approval.

All new mobile home parks must conform to the following standards:

- A mobile home park shall have a contiguous area of not less than three (3) acres.
- The overall density of any mobile home park shall not exceed that allowed in the District in which it is located or should be in accordance with Planned Unit Development standards of these bylaws.
- The minimum mobile home lot size shall be one (1) acre unless all lots are provided with off-site sewage disposal or off-site water, in which case the minimum shall be one-half (1/2). Mobile home lot sizes shall be exclusive of roads.
- Each mobile home lot shall have at least fifty (50) feet of frontage on a mobile home park road. Building placement on each mobile home lot shall reflect a minimum setback requirement of ten (10) feet from each mobile home lot boundary. The Development Review Board may vary this requirement as needed to meet particular site requirements.
- Minimum side setbacks of ten (10) feet and a minimum front setback from the access road of twenty-five (25) feet are required for accessory structures on each lot.
- A strip of land at least as wide as side setbacks for the District in which it is located shall be maintained as a landscaped area abutting all mobile home park boundary lines. No mobile home unit, office, utility, or service building may be placed in this buffer area. The Development Review Board may increase this setback in order to provide privacy for adjacent property owners or for aesthetic considerations from public roadways.
- Access roads shall be built to Town highway standards per the Town of Hyde Park Road Policy
- A minimum of two (2) off-street parking spaces for each mobile home lot shall be provided. Parking spaces shall be 9 ft. x 18 ft. The driveway shall count as parking spaces.
- A non-porous pad of at least four (4) inches thick shall be provided for each mobile home lot.
- Sewage disposal, water supply, and garbage facilities shall comply with State regulations. All electric, telephone, and other utility lines shall be underground, unless the applicant can demonstrate that due to utility company standards or pricing procedures, an unreasonable financial hardship will be created. Even where utilities lines are proposed to remain above ground, utility lines servicing each trailer shall be underground.

### 7.10 Mobile Home Parks – continued

- Each mobile home park shall provide at least 10% of its total area for open space and recreational purposes for the use of park residents.
- The mobile home park shall be an effective and unified treatment of the project site, and make appropriate provision for preservation of streams, stream banks, slopes greater than 25%, wetlands, soils, historic sites, natural areas, wildlife habitat, floodplain, and views.
- Regulation of lots within a mobile home park:

Mobile home parks and lots within mobile home parks may be owned and operated under a variety of rules, regulations, covenants, associations, etc.

For those not within an association or similar establishment, the use and further subdivision of land are regulated by, but not limited to, these bylaws, the associated subdivision plat, and any restrictions placed upon the title of the land.

For those within an association, limitations and changes of use can be regulated internally through the Association or similar setup. Articles of Association are contracts within the members of the Association; they are not a substitute for, nor do they supersede any provision of these bylaws. If given internal approval, the project must still receive Development Review Board approval for such change of use. The Administrative Officer does not enforce nor mediate disputes regarding any Articles of Association or park rules.

#### **Conditions of Approval**

The Development Review Board shall have the power to impose reasonable conditions and safeguards to ensure the safety and general welfare of surrounding properties when approving mobile home parks including:

The Development Review Board may establish such conditions as to the ownership, use, and maintenance of open space and recreation as it deems necessary to assure the preservation of such lands for their intended purpose.

The Development Review Board may require that certain facilities, such as laundry and playgrounds, be provided within the mobile home park if facilities are not readily available to park residents.

In accordance with the Act §4412(7)(b), if a mobile home park legally in existence as of the effective date of these bylaws is found to be nonconforming, this nonconforming status shall apply to the park as a whole, and not to individual mobile home sites within the park. Accordingly:

A vacated mobile home site within a mobile home park shall not be considered discontinuance or abandonment of non-conformity as defined in this Bylaw.

The requirements of this Bylaw, including District dimensional standards, shall not have the effect of prohibiting the replacement of mobile homes on existing sites within a mobile home park.

## 7.11 Motor Vehicle Fuel Sales

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

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

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

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

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

In the North Hyde Park Village Core District, canopies and pump islands containing more than two fueling stations shall be located behind the principal structure.

Canopies covering pump islands shall comply with the height and roof design standards for the district in which the use is located.

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

If Motor Vehicle Service/Repair or Car Wash facilities are to be included as accessory uses to Motor Vehicle Fuel Sales, such facilities shall comply with the standards and regulations in Section 7.13, Motor Vehicle Service/Repair and Section 7.14 Car Wash of this Bylaw.

## **7.12 Electrical Vehicle Charging Stations and Solar Installations**

Electric Vehicle Charging Stations intended for use by residents, employees, or guests of the principal use of the lot, but not made available to the general public, shall not require a permit under these regulations.

Electric Vehicle Charging Stations for use by the general public and/or paying customers shall require conditional use in accordance with the Table of Uses.

Solar panels, solar arrays, and other solar installations used to capture the sun's energy that are not exempt from review under these Bylaws, are subject to review as accessory or primary structures in all districts and may require a zoning permit. A zoning permit is required unless the installation is on a parcel with a residential use that will utilize a majority of the energy generated by the installation and will benefit in an on-going manner from the installation. When a permit is required, or the town is otherwise allowed to review an installation, the town may require that all improvements meet setback requirements for the applicable district and the above ground improvements be screened from view adjoining parcels, public roads and public parcels under the Site Plan provisions in this Bylaw.

## **7.13 Motor Vehicle Service/Repair**

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

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

- All fuel and oil shall be stored at least thirty-five (35) feet from any property line.
- Pumps, lubricating, and other service devices shall be located at least fifty (50) feet from any property line.
- All underground storage tanks shall meet applicable state and federal requirements for design and installation and monitoring.
- All areas designated for vehicle repairs shall be constructed and operated in accordance with all applicable state and federal regulations.
- Body work and/or painting of vehicles shall only be conducted within designated areas meeting all applicable state and federal health and safety standards for proper ventilation. Such areas shall be located and designed so that no fumes generated from these activities are discernable at any property line.
- A curbed, landscaped area shall be provided and maintained at least five (5) feet in depth along all street frontage not occupied by driveway or building.

Within the North Hyde Park Village Core Districts, all vehicle repairs shall take place within an enclosed building or an outdoor area located behind the front building line and enclosed within a wall or privacy fence of sufficient height to screen vehicles from public view, or equivalent screening approved by the Development Review Board.

All vehicle and service bay doors shall be located in accordance with loading requirements found in these bylaws. The Development Review Board may require the installation of stormwater treatment practices approved for use in stormwater hot spots as defined by the Vermont Department of Environmental Conservation.

## 7.14 Car Wash

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

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

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

## 7.15 Extraction of Soil, Sand, or Gravel

In any District, the removal of soil, sand, or gravel for sale (except when incidental to construction of a building on the same premises) shall be permitted in conformance with this Bylaw and only upon approval by the Development Review Board of a plan for the rehabilitation of the site, and after a public hearing. In any District, the following provisions shall apply:

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

The removal of all material shall be conducted so as to result in the improvement of the land, giving due regard to the contours of the vicinity, such as leveling slopes and removing hills. The digging or creating of pits or steep slopes shall not be permitted, unless provision is made to refill such pit.

7.15 Extraction of Soil, Sand, or Gravel - continued

The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall be fertilized, mulched, and re-seeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Administrative Officer.

All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street, or private property. All provisions to control natural drainage water shall meet with the approval of the Administrative Officer.

No excavation, blasting, or stock piling of materials shall be located within two hundred (200) feet of any street or other property line.

No power-activated sorting machinery or equipment shall be located within three hundred (300) feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.

All excavation slopes in excess of 1:2 shall be adequately fenced as determined by the Administrative Officer.

Extension of an existing non-conforming operation shall not be permitted.

Stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited.

The Development Review Board may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

## 7.16 Wireless Telecommunications Facilities

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

- Preserve the character, appearance, and property values of Hyde Park while allowing adequate telecommunications services to be developed.
- Protect scenic, historic, significant wildlife habitat, and significant natural resources of Hyde Park through careful design and siting standards.
- Provide standards and requirements for the siting, design, appearance, construction, monitoring, modification, and removal of wireless telecommunications facilities.
- Minimize tower proliferation by requiring the sharing of existing communications facilities where possible and appropriate.
- Facilitate the provision of telecommunications services to the residents and businesses of the Hyde Park.
- Encourage the location of towers in nonresidential areas and away from sensitive areas such as Well Head Protection Areas, wetlands, and endangered species habitat.

Consistency with Federal Law: In addition to other findings required by this bylaw, the Administrative Officer or Development Review Board shall find that its decision regarding an application is intended to be in conformance with current Federal law and current FCC regulations. The bylaw does not:

- Prohibit or have the effect of prohibiting the provision of personal wireless services.
- Unreasonably discriminate among providers of functionally equivalent services;
- Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the current FCC regulations concerning such emissions.

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

Wireless telecommunication equipment includes all equipment (including repeaters) with which a wireless telecommunications system transmits and receives the waves which carry their services. Equipment may be mounted on towers, buildings, or other structures. Small telecommunication equipment (dishes less than 24 inches or antennas) is considered part of the structure on which it is attached. Equipment meeting this standard are exempt under zoning permit exemptions.

Large telecommunication equipment (those not meeting the standards for small telecommunications equipment) is subject to conditional use review and site plan review. Where possible, equipment must be disguised, camouflaged, hidden, or positioned such that its view is limited from public places (roads, etc.). Stealth technologies must be used where available.

Wireless telecommunication towers are structures whose primary purpose is to support wireless telecommunication equipment and which will extend vertically twenty (20) feet or more. All wireless telecommunications towers require conditional use approval and site plan approval. Existing structures such as church steeples and agricultural barns and silos are not considered towers provided the mounting of telecommunications equipment is secondary to another use. Use of existing structures must meet application requirements for co-location, below.



## 7.16 Wireless Telecommunication Towers – continued

### Application requirements:

- A report and design by a professional engineer licensed in the State of Vermont and other documentation by the applicant or representative that describes the height, design, and elevation of the tower or structure.
- A site plan which includes:
  - A location map (typically a portion of the most recent USGS Quadrangle or map constructed with similar information) showing the area within at least a two-mile radius of the tower site.
  - A vicinity map showing the entire vicinity within a two thousand five hundred (2,500) foot radius of the tower site, including the telecommunications facility, topography, public and private roads and driveways, buildings and structures, water features, wetlands, landscaped features, historic sites, and habitat for threatened and endangered species. It shall indicate the property lines of the proposed tower site parcel and all easements or rights-of-way needed from a public way to the tower.
  - A site plan showing, in addition to the other application requirements for site plan approval, all structures, topography, public and private roads and driveways, water features, wetlands, landscaped features, historic sites, habitat for threatened and endangered species, existing vegetation, and property lines within five hundred (500) feet of the proposed tower location as well as a circle delineating the tower's "fall zone."
  - Elevations showing all facades and indicating all exterior materials and colors of towers, buildings, and associated facilities.
- Documented proof of compliance with all FCC requirements.

Documents of steps the applicant will take, including an inter-modulation study, in order to avoid interference with any established or proposed public safety telecommunications. If a telecommunication tower is proposed, a comprehensive regional tower plan detailing all potential and existing towers used by the telecommunications provider and how the proposed tower contributes to the overall plan for maximum coverage with a minimum of towers. The Municipality is essentially requesting the telecommunication provider's master plan for the region. Submission at the time of application to the Administrative Officer of documented proof that the applicant is a telecommunications provider or a copy of the applicant's executed contract to provide land or facilities to an existing telecommunications provider.
- Documents, for new tower locations, that co-location on an existing tower is not a feasible option.

The Development Review Board may require a commitment by the tower owner and his or her successors to permit shared use of the tower if the additional user agrees to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards, and requirements.

Specific Use Standards- Conditional Use Review: The following standards apply to all towers and equipment requiring conditional use approval.

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

- Telecommunication towers less than forty (40) feet tall are permissible in any district.
- Telecommunication towers up to one hundred twenty (120) feet tall are permissible in all Districts except in the North Hyde Park zoning district as described in Section 3.0.

Fall zones. The owner of a tower site must own the entire fall zone of a tower.

The fall zone shall be a circle around the tower whose radius is the height of the tower; the effect of which is to show the potential area of impact in the event of catastrophic failure. This exercise is not to evaluate the likelihood of failure but to examine the worst-case scenario (terrorism, major accident, extreme negligence, etc.).

### 7.16 Wireless Telecommunication Towers; Fall zone – continued

The fall zone shall be free of all other uses including, but not limited to, residential, commercial, and industrial uses. Agricultural uses are permitted within fall zones.

Minimizing towers. The proposal must demonstrate that the proposed tower contributes to a regional tower plan that maximizes coverage with a minimum of towers.

Applications for new towers where an alternative structure already exists: Where a suitable, available alternative structure which will achieve the same or better level of service of a proposed new tower the alternative structure must be used

Co-location requirements. The application for a new telecommunications tower shall not be approved unless the Development Review Board finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or structure, due to one of the following reasons:

- The proposed equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a professional engineer licensed to practice in the State of Vermont, or the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed new tower or facility.
- The proposed equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved facility as documented by a professional engineer licensed to practice in the State of Vermont and such interference cannot be prevented at a reasonable cost.
- The proposed equipment, either alone or together with existing equipment, would create RFI or RFR in violation of Federal standards or requirements.
- A cost-benefit or other fiscal analysis demonstrates that the provider will be placed at an unfair disadvantage competitively against other providers in the area.
- Existing or approved towers cannot accommodate the planned equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a professional engineer licensed to practice in the State of Vermont.
- Aesthetic reasons make it unreasonable to locate the planned telecommunications equipment upon an existing tower.
- There is no existing or approved tower in the area in which coverage is sought.
- Other unforeseen specific reasons make it unreasonable to locate the planned telecommunications equipment upon and existing tower.

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

Fencing. All tower sites shall be fenced to reasonably prevent access to the tower and all accessory buildings associated with the telecommunications facility.

Where a church steeple, silo, or other existing structure is proposed as a tower, the applicant must demonstrate that access to the wireless telecommunications equipment is secure - doors accessing steeple area are secured; areas within silos and barn that contain communications equipment are not accessible except by authorized personnel; etc.

FCC compliance. All new telecommunications facilities must comply with FCC regulations.

### 7.16 Wireless Telecommunication Towers – continued

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

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

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

Specific Use Standard- Site Plan Review: The following standards apply to all towers and equipment requiring site plan approval.

- Aesthetics. Towers must be disguised, camouflaged, hidden, or positioned such that its view is limited from public places (roads, etc.). Stealth technologies must be used where available. Towers and equipment and any necessary support structures shall be designed to minimize the visual impacts on the surrounding environment, except where the Federal Aviation Authority (FAA), State or Federal authorities have dictated color.
- Use of existing structures such as in a church steeple or agricultural structure (silos and barns) shall be considered to meet the aesthetic criteria provided the equipment and other accessory building and parking, etc. meet landscaping and screening requirements.
- The tower shall not be lit except for manually operated emergency lights for use only when operating personnel are on site.
- No advertising signs or lettering shall be placed on a tower, accessory building, or communication equipment shelter.
- The Balloon test. Within thirty-five (35) days of submitting an application, the applicant shall arrange to fly, or raise on a mast, a three foot diameter brightly colored balloon at the maximum height of a tower and within fifty feet of the center of the proposed tower. The date, time, alternative weather date, and location of this balloon test shall be advertised by the applicant at one and two consecutive weeks in advance of the test date in the *News & Citizen* and the *Transcript*, or equivalent thereof. The applicant shall inform the Hyde Park Development Review Board and abutting property owners in writing, at least two weeks in advance. The balloon shall be flown for at least six (6) consecutive daylight hours sometime between 8 a.m. and 6 p.m. on the dates chosen. The Development Review Board shall witness the balloon flight. The applicant shall include, as evidence, photography of the balloon test taken with a lens within the range of 105 to 135 millimeters, from at least ten (10) different locations of the choosing of the Development Review Board.

### 7.16 Wireless Telecommunication Towers – continued

- Screening. All wireless telecommunication facilities not concealed within an existing building (such as church steeples, silos, barns, etc.) shall be screened from view by suitable vegetation except where a design of non-vegetative screening better compliments the architectural character of the surrounding neighborhood. A planted or vegetative screen shall be a minimum of ten (10) feet in depth with a minimum height of six (6) feet and shall have the potential to grow to a height of at least fifteen (15) feet at maturity. Existing on-site vegetation outside the immediate site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless the disturbance is demonstrated to result in less visual impact of facility on surrounding properties and other vantage points.

Temporary Wireless Communications Facilities. Any wireless telecommunications facility designed for temporary use is subject to the following:

- Use of a temporary facility is permitted only if the owner has received a temporary use permit from the Municipality.
- Temporary wireless telecommunications facilities are permitted for no longer than five (5) days during a special event.
- The maximum height of a temporary facility is fifty (50) feet above grade.
- Temporary facilities must comply with all portions of these bylaws applicable to the request.

Abandonment of Wireless Telecommunications Facilities. Abandoned towers or abandoned portions of towers (above highest operating equipment) shall be removed as follows:

- Any tower or portion of a tower shall not be re-established if such use of said tower or portion of tower has been discontinued for a period of at least one (1) year. Once the tower or portion of said tower has been deemed abandoned, a zoning permit must be acquired to resume the original use. Intent to resume shall not confer the right to do so.
- In the event the tower is not removed within the one (1) year time period from the cessation of use, the Municipality may remove the tower and all associated equipment, and the costs of removal shall be assessed against the property or tower owner.

In accordance with the Act §4414(12), the Development Review Board may require a bond be posted, in an amount acceptable to the Selectboard, at the time of approval of the wireless telecommunications tower application sufficient to cover the decommissioning or dismantling of wireless telecommunications facilities and ancillary improvements.

### **7.17 Ground Mounted Solar and Other Energy Generation Projects**

All Ground Mounted Solar and Other Energy Generation Projects shall be reviewed and screened in accordance with Section 10.1(A) of these bylaws.

### **7.18 Personal Landing Areas and other Aviation Operations**

Personal Landing Areas and other Aviation Operations, as defined and regulated under Title 5 V.S.A. Section 2017, are subject to review as a conditional use to the extent not preempted by State law.

## 8.0 GENERAL PROVISIONS FOR ALL LAND DEVELOPMENT

### 8.1 Access

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

The Development Review Board, Selectboard, and VTrans have separate authorities in approving accesses. Through these regulations the Development Review Board has all authority (layout and design) of accesses onto private roads. The Selectboard has all authority over layout and design of accesses onto Municipal highways. VTrans requires a State highway access permit for any access onto a State highway. VTrans has all authority over these accesses, although the Development Review Board will provide comment and recommendations to VTrans.

The Development Review Board shall review all accesses onto private roads to ensure they meet the Town of Hyde Park highway access standards.

Except in the North Hyde Park Village and North Hyde Park Village Core District, new access points (or “curb cuts”) on Vermont Highway Routes 15 and 100 for permitted and conditional uses shall not be closer than one thousand (1,000) feet from each other, except as necessary to provide access to properties existing in separate and non-affiliated ownership on or before October 27, 1977. Use of shared access points and driveways is strongly encouraged on these routes.

### 8.2 Driveway Standards

Driveway standards apply to all private driveways and shared driveways serving up to three (3) residential lots. Where an access serves four (4) or more residential lots, or more than six residential units, excepting accessory apartments, the road must meet the current ‘Hyde Park Policy for Transportation Construction and Improvements’ also known as the “Town Road Policy”.

Residential driveways or shared residential driveways shall be gravel or paved and be no less than 10-foot wide with at least 3” of gravel or pavement on a stable base material and shall not have slopes greater than eight percent (8%) measured at no greater than 100-foot intervals along the centerline. The minimum turn radius shall not be less than five (5) feet. Drives with slopes up to ten percent (10%) may be allowed if ditched to prevent erosion, and paved, or may be gravel surfaced, if the following two additional conditions are met:

- 1) The first 35 feet from the centerline of the private or public road is no greater than 3%, and
- 2) The driveway length from the centerline of the private or public road to the closest point on the foundation of the primary structure is less than 200 feet.

Exception for residential driveways or shared residential driveways: For the last 200 feet of the driveway, there is no driveway slope maximum, but if over 10%, then the Fire Chief, or a designated Officer, of the fire department shall provide a letter, submitted with the land development permit application, stating that emergency services are able to service and access the primary structure, including sight lines and passing areas. Additionally, the landowner shall construct an emergency vehicle turning and staging area shall be accessible no farther than 200 feet from any point on the primary structure’s foundation. The approval of the vehicle turning and staging area shall be approved in the fire department letter with any additional access conditions required by the fire department to service the primary structure.

Exception for emergency access: Emergency access paths, drives, roadways, that are physically closed by posts or gates except for use by emergency responders and for maintenance activities, are exempt from the grade and width requirements, if written approval is obtained from the Town Fire Chief and such written approval is included with the zoning permit application for construction of the emergency access.

#### 8.2 Driveway Standards – continued

All non-residential driveways shall maintain a width of eighteen (18) feet to thirty-six (36) feet wide and a minimum turn radius of ten (10) feet to thirty (30) feet for commercial and industrial sites in order to accommodate two-way traffic and turning trucks with grades no steeper than 8%. The larger the trucks, the larger the turning radius and wider the driveway. Driveways may be wider to accommodate future development but should be kept as narrow as possible to reduce total impervious surface and associated storm water runoff.

No residential or commercial driveway or private road shall be constructed within ten (10) feet of a property line, unless the driveway acts as a shared driveway serving the impacted property. This standard does not apply within the North Hyde Park Village and North Hyde Park Village Core Districts, or development approved as a PUD under these bylaws.

Driveways should be long enough to allow adequate space for vehicles pulling off the roadway and to prevent stacking on the roadway. The stacking area shall be twenty (20) feet in length, plus twenty (20) additional feet per every ten (10) parking spaces required. Parking may be located adjacent to the stacking area. This standard does not apply within the North Hyde Park Village and North Hyde Park Village Core Districts, or to properties developed solely for a single family or two family dwelling. Those uses that require frequent use by larger trucks may require a larger stacking area (up to 150 feet long).

Adequate space for maneuvering in and out of parking and loading areas shall be provided and located so as not to interfere with circulation to and within the site.

With the exception of on-street parking, parking and driveways should be designed to allow vehicles to turn around so that there is no backing onto roadways.

Circulation within sites should account for any anticipated loading needs, solid waste removal, and snow removal.

### 8.3 Parking

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

USE	RECOMMENDED PARKING SPACES
<b>Residential Uses</b>	
Dwelling unit, one bedroom/efficiency	1.0 per dwelling unit
Dwelling unit, two or more bedrooms	2.0 per dwelling unit
Dwelling unit, elderly housing, two or more bedrooms	1.5 per dwelling unit
Group Home	0.33 per room
<b>Retail and Service Uses</b>	
Office/Services/Financial	1.0 per 800 sf GFA
Retail	1.0 per 500 sf GFA
Gallery/Studio/Museum	1.0 per 500 sf GFA
Lodging	1.2 per guest room
Restaurant/Food Service	1.0 per 800 sf GFA
<b>Recreation and Assembly Uses</b>	
Place of Worship	0.33 per maximum occupancy
Indoor Recreation Facility	0.33 per maximum occupancy
Outdoor Recreation Facility	1.0 per 10 acres + 1.0 per 800 GFA
Public Assembly Hall	0.33 per maximum occupancy
<b>Industrial Uses</b>	
Light Manufacturing	1.0 per 800 sf GFA
Heavy Industry	1.0 per 800 sf GFA
Forest Products Manufacturing	1.0 per 800 sf GFA
Agricultural Enterprise	1.0 per 800 sf GFA
Warehouse	0.5 per 1000 sf GFA
Contractor Yard	1.0 per 500 sf GFA
Kennel	1.0 per 500 sf GFA
<b>Automotive</b>	
Motor Vehicle Service/Repair	1.0 per 500 sf GFA
Motor Vehicle Sales	1.0 per 500 sf GFA
Motor Vehicle Fuel Sales	1.0 per 250 Sf GFA + 1.0 per pump
Car Wash	1.0 per 1,000 sf GFA

(sf = square feet, GFA = Gross Floor Area)

### 8.3 Parking – continued

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

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

On-Street Parking: Use of on-street parking is encouraged in the North Hyde Park Village and North Hyde Park Village Core Districts. The following provisions shall apply to on-street parking:

Existing On-Street Parking: No on-site parking shall be required for non-residential uses located within 1,500 feet of existing on-street parking.

New On-Street Parking: Subject to the approval of the entity responsible for management of the roadway (Vermont Agency of Transportation or Hyde Park Selectboard), to satisfy the parking recommendations above, new on-street parking may be created, or the number of on-street parking spaces may be increased, subject to the following requirements:

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

Parallel parking spaces shall be at least seven-feet-six-inches (7'6") wide. Diagonal parking shall be situated to allow for twenty (20) feet between the travel lane and the curb or edge of pavement.

Pedestrian infrastructure connecting the new on-street parking to the proposed use shall be provided by the applicant. On Main Street, Route 15, or Route 100, pedestrian infrastructure shall consist of a sidewalk at least five (5) feet in width. On other roads, alternative pedestrian infrastructure, including widened shoulders, may be considered by the Development Review Board, the Hyde Park Selectboard, on a case-by-case basis, provided an easement of sufficient width to accommodate installation of future pedestrian infrastructure is provided by the applicant to the Town of Hyde Park.

If the existing highway right-of-way lacks sufficient width to accommodate on-street parking and associated pedestrian infrastructure, the applicant shall provide a permanent easement to the Town of Hyde Park for this purpose.

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

The proposed off-site parking area shall lie within one thousand five hundred (1,500) feet of the principal access of the proposed use. The Development Review Board may approve off-site parking farther from the proposed use, provided the applicant can demonstrate that adequate pedestrian infrastructure or transportation management (such as a shuttle) to connect the parking area and proposed use exists or is proposed;

The proposed off-site parking area is not to be counted toward satisfying the parking requirements of any other use except in accordance with the provisions for shared parking above;



### 8.3 Parking – continued

A lease, easement, lease, or similar agreement granting parking rights to the subject property shall be recorded in the Hyde Park land records.

Tandem or “stacked” parking may be allowed for residential uses and dedicated employee-only parking, provided that such parking does not create unsafe circulation on the site. If tandem parking is allowed, the first space shall have unobstructed access while the second space may be accessed through the first space.

#### General Parking Provisions:

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

#### In specific districts, the following additional standards shall apply:

In the North Hyde Park Village Core District, parking shall not occupy the area between the primary building bay and the public right-of-way. This provision shall not apply to on-street parking approved in accordance with above.

In the North Hyde Park Village District, no more than fifty percent (50%) of the area between the primary building bay and the public right-of-way shall be occupied by parking, and such parking shall not be located so as to obstruct pedestrian access from the public right-of-way to the principal entrance of the building. This provision shall not apply to on-street parking approved in accordance with this Section.

All open parking areas shall be properly drained in accordance with accepted best management practices for storm water drainage. Relocation or redesign of parking areas may be required to limit runoff and control erosion.

Provision shall be made for efficient snow removal of all parking, circulation, pedestrian, and loading facilities. Sufficient space shall be present for the storage of snow and the subsequent melt so as to minimize flooding of these areas.

All parking areas shall be landscaped in accordance with the Site Plan provisions of this Bylaw.

The provision of bicycle parking is encouraged. Bicycle parking should be of sufficient size to accommodate a full sized bicycle, including space for access and maneuvering, and should allow the bicycle wheel and frame to be locked to the facility. For every five (5) permanently affixed bicycle parking spaces provided, the number of required parking spaces may be reduced by one (1), if approved by the DRB.

Trail network parking areas for public or private trail system users are allowed as an accessory use to the trail network and requires a zoning permit after review under the Site Plan provisions of this Bylaw.

## **8.4 Loading and Service Areas**

Where a proposed development will require the frequent or regular loading or unloading of goods or passengers, sufficient service areas shall be provided. Service areas may also be required for emergency vehicles, waste disposal and collection, transit service, and other purposes as necessitated by the proposed use. All loading and service areas shall be clearly marked and located in such a manner so that parked vehicles will not block or obstruct sight visibility at intersections or from any internal road or access. With the exception of passenger pick-up or drop-off areas, loading and service areas shall be located to the side or rear of the structure they are serving, screened, or designed with architectural treatments that obscure them from view.

The following standards shall apply to loading and vehicle bay doors (except for single family and two family dwelling garages), in the North Hyde Park Village Core Districts.

For a principal structure, all new loading and vehicle bay doors shall be located on the rear or side building façade. New vehicle bay doors shall not be permitted on the front building façade. Existing loading and vehicle bay doors that do not comply with this section may be replaced and/or enlarged by up to fifty (50) percent in area.

For a carriage house or accessory structure, loading and vehicle bay doors may be located on the front building façade.

## 8.5 Signs

**Applicability:** A zoning permit shall be required prior to the erection, construction, or replacement of any outdoor sign, unless otherwise exempt under this Bylaw. Sign dimensions and review requirements must comply to this section.

**Computation of Sign Area:** The following provisions shall apply when computing the permissible area of a sign: The total area of a sign shall not exceed the requirements as set forth in these bylaws.

**Free standing and projecting attached sign** measurement shall be the area included within the extreme limits of the sign surface. Parallel attached sign measurement shall be the total area of the wall or building surface clearly used as a sign. Signs consisting of freestanding letters, numerals, or other devices shall include any intervening space between them.

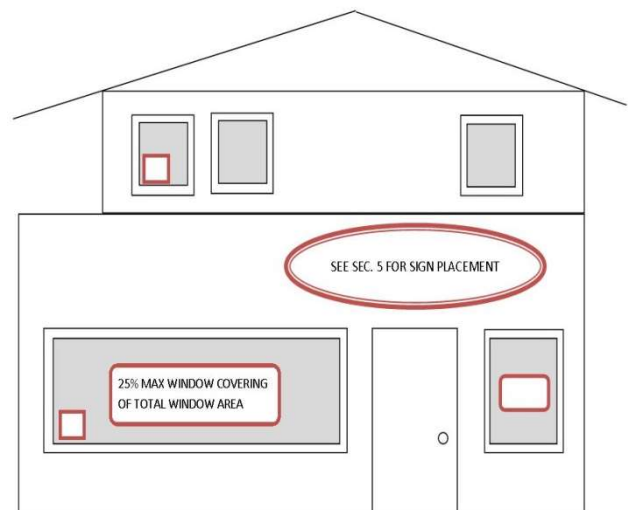
**Window Signs and Stenciling:** Signs may be displayed in building windows. Window stenciling may be placed on the inside of a window. Window signs and stenciling shall not count against number of allowed signs, provided no more than twenty-five percent (25%) of the total area of any window is obscured. Window signs and stenciling shall not obscure more than fifty (50) square feet of window area on any single building. *Stained glass windows, associated with a place of worship or similar use, that do not contain images of items or services for sale shall be exempt from the size limitations listed above.*

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

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

**Illumination & animation:** Illumination of signs shall be subject to the following standards:

- Signs may be illuminated only during those hours that the business being advertised is open for business.
- Lighting for illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion, or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon the sign itself and shall not directly shine into public roads or onto adjacent parcels. Signs shall be illuminated by a steady light, which must be of one color only.



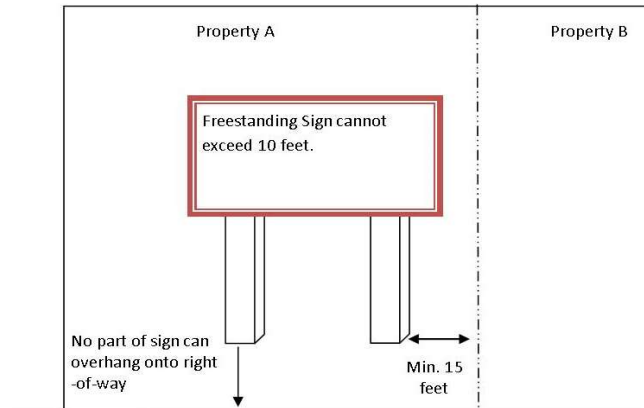
25% max of any one window can be obscured by a sign or stenciling.  
50 sq. ft. max coverage for signs and stenciling on all windows.

### 8.5 Signs - continued

Internally illuminated signs, including electronic message displays, are prohibited. Signs which are animated or contain strings or pennants or similar attention-gathering media are prohibited.

Sign Setbacks. Signs may be placed at the edge of the highway right-of-way, but shall not extend over the highway right-of-way. Freestanding signs shall not be located within fifteen (15) feet of adjacent private property, unless permission from the adjacent property owner is granted in writing as part of a complete application. No sign shall be placed in such a way as to obstruct views at an intersection.

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

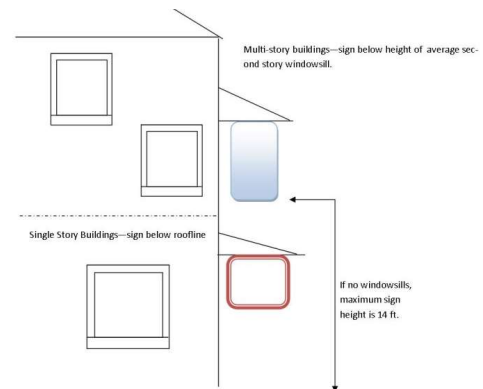


Lettering: No more than two (2) unique letter types or fonts shall be used on a single sign. Sign text shall consist of no more than three (3) colors. In order to improve readability, the coloring of a sign should provide significant contrast between text and background.

Maximum Coverage: No more than seventy-five percent (75%) of the total sign area shall be consumed by text, lettering, logos, or other imagery.

Materials: Durable materials shall be used. All signs shall be constructed from the following materials: Wood (carved, sandblasted, etched, sealed or painted), metal (formed, etched, cast, engraved, primed and painted, or factory coated), and/or stone (carved, etched, or sandblasted).

Sign Height. Signs shall be located at a similar height and level as surrounding signs in order to create a visually consistent streetscape. In general, this means that signs should be located between 4 feet from the ground and no sign shall be more than 10 feet in height from the average ground level at the base of the sign post, decorative foundation or other surrounding support above the original undisturbed ground.



Sign Content. The primary purpose of all business signs shall be for identification of the business (name), products sold, and the business or activity conducted on the premises; not for the purpose of making advertising claims. Sexually explicit or other inappropriate content shall be prohibited.

### 8.5 Signs - continued

Off-Premise Signs. Signs located elsewhere than upon the lot containing the subject of the sign shall conform to State statute and regulation or are otherwise prohibited

Sign Maintenance. All signs shall be maintained in good condition. A sign removed for repair or renovation may be re-installed at any time within a period of one hundred eighty (180) days without applying for a new permit. The Administrative Officer is empowered to order the removal of any sign which has fallen into disrepair, and which has not been repaired after thirty (30) day'notice.

Allowed Signs: The following signs shall not require a zoning permit and are exempt from the Bylaw:

- Signs erected by the Municipality, including a School District, or the State on public roads and/or State, School and Municipal properties.
- Political signs. All signs associated with an election or vote. Such signs shall be promptly removed following the date of election or vote.
- All temporary signs such as lawn or garage sale signs. Such signs may be erected for no more than six (6) times per calendar year for a period not to exceed fourteen (14) days each time. All such temporary signs shall be removed no later than one (1) day following the sale. No more than one (1) temporary sign per lot or business shall be erected.
- Temporary real estate or construction signs not to exceed twelve (12) square feet in area and six (6) feet in height. Such signs shall be installed on the property where the activity is occurring and removed no later than one (1) week following closing of the property or completion of construction.
- Signs on public structures.
- Instructional, educational, and way-finding signs, provided such signs do not have the overt intent or effect of advertising a product or service for sale or an agency, organization, or business.
- Murals that are a purely decorative treatment on the exterior wall of a building that does not have the effect of advertising a product or service for sale or an agency, organization, or business.

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

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

8.5 Signs – continued

**SIGNS - RESIDENTIAL DISTRICTS - RR2, RR5, SHORELAND, CON10 & CON27**

Number of Free-Standing or Projecting Signs	
Total signs per parcel - including multiple businesses on one parcel	1 max
In addition, each business may utilize one temporary sign, such as an a-frame or sandwich board with no more than two sides advertising daily specials or sales. Such sign shall be limited to six (6) square feet per side and four (4) feet in height. Such sign shall be removed daily at the close of business.	
Sign Size	
Individual Sign Area (permitted)	10 sq. ft. max
Common Signs	
Where multiple businesses are contained within a single building or on a single parcel, one common sign may be utilized.	
The common sign may be free standing or attached, and the maximum square footage may include any number of panels advertising individual businesses.	
Common Sign Area (permitted)	15 sq. ft. max
Individual businesses within the building or lot may install a single attached sign with an area no greater than 5 sq ft. in the vicinity of a public entrance to the structure. Other types of signs, except those allowed below, and advertising products and inflatables are prohibited. Reflective decals are acceptable. Electronic message boards, off-premise signs, and roof signs are prohibited. Temporary on-premise signs for special events that do not exceed the above maximum square footages are allowed without a zoning permit if the sign is displayed prior to the date of a special event, for a period not exceeding 14 consecutive days prior to the event and for not more than two special events per calendar year.	

**SIGNS COMMERCIAL DISTRICTS – NHPV & NHPI**

Number of Free-Standing or Projecting Signs	
Total signs per parcel - including multiple businesses on one parcel	2 max <sup>(1)</sup>
In addition, each business may utilize one temporary sign, such as an a-frame or sandwich board with no more than two sides advertising daily specials or sales. Such sign shall be limited to six (6) square feet per side and four (4) feet in height. Such sign shall be removed daily at the close of business.	
<i><sup>(1)</sup> One free standing sign and one attached (either paralleled, wall or projecting) sign.</i>	
Sign Size	
Individual Sign Area (permitted)	25 sq. ft. max
Common Signs	
Where multiple businesses are contained within a single building or on a single parcel, one common sign may be utilized as one of the two allowed signs per parcel.	
The common sign may be free standing or attached, and the maximum square footage may include any number of panels advertising individual businesses.	
Common Sign Area (permitted)	40 sq. ft. max
Individual businesses within the building or lot may install a single attached sign with an area no greater than 10 sq. ft. in the vicinity of a public entrance to the structure. Other types of signs, except those allowed below, and advertising products and inflatables are prohibited. Reflective decals are acceptable. Electronic message boards, off-premise signs, and roof signs are prohibited. Temporary on-premise signs for special events that do not exceed the above maximum square footages are allowed without a zoning permit if the sign is displayed prior to the date of a special event, for a period not exceeding 14 consecutive days prior to the event and for not more than two special events per calendar year.	

## 8.6 Fences

Applicability: These bylaws shall apply to all fences constructed of wood, masonry, metal, plastic, or other similar material whose primary purpose is not agricultural in nature. These provisions are not applicable with respect to stone walls/fences, earthen berms, and hedgerows (and other vegetation).

Exempt Fences: The following fences shall not require a permit and shall be exempt from the standards outlined below:

- Any fence that is agricultural in nature (keeping livestock, protecting fields or crops, etc.), whether or not located on a property line
- Any non-agricultural fence that meets **all** of the following criteria:
  - The fence is not located on a property line; and
  - The fence does not exceed seven (7.0) feet in height, as measured to the ground from the highest point of the fence, and
  - The fence is not within the flood hazard area.

Supplemental information: The applicant shall provide the following information if a zoning permit is required:

- The location of any proposed and/or existing fence must be shown on any site or sketch plan, if presented.
- For any fence proposed to be built on the property line, a letter signed by the abutting owner granting permission for on-line construction and access to perform routine maintenance.

Specific use standards: Permitted use: Fences may be approved by the Administrative Officer provided:

- The fence is not in any road or highway right-of-way and does not present a hazard to vehicles, and.
- Is seven (7) feet high or less, as measured from any point at ground level to the top of the fence post, and
- Is not in the flood hazard area (otherwise See Specific use standards- Conditional use approval: below).

Specific use standards: Conditional use approval: Conditional use approval must be granted by the Development Review Board when:

- The fence is more than seven (7) feet high, and/or
- The fence is located in the Flood Hazard Area Overlay. Fences are prohibited from the floodway. Fences in the floodway fringe must not impede the flow of water during such an event. It will be the responsibility of the applicant to provide sufficient proof to the Development Review Board that this requirement will be met.

## 8.7 Ponds

Purpose. To protect the lives and property of citizens; the infrastructure of the community; and the health of the natural environment, the construction of ponds shall require a zoning permit, and/or conditional use review by the Development Review Board. The purpose of regulating said construction is to reduce the possibility of failure from improper design or construction; to minimize potential flood damages incurred to upstream properties by the storage of flood waters; and to minimize the damages caused by the sudden release of stored waters from a failure of the dam or intentional rapid draining of the impoundment.

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

Conditional Use Review. Ponds with a berm, dam or raised impoundment above the natural grade are subject to conditional use review. In granting approval, the Development Review Board shall find that the proposed pond is located where failure of the embankment, berm, or other structure would not cause:

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

General Requirements; all ponds. In addition to other application requirements, the applicant must provide:

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

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



## 8.8 Swimming Pools

All in-ground swimming pools shall require a zoning permit and are subject to the following provisions:

- Pools shall be considered structures and shall meet all applicable setback requirements.
- All in-ground pools shall be completely enclosed by a fence, natural barrier, or other substantial structure not less than four (4) feet in height measured on the outside of the enclosure. Entrance to a pool shall be from a self-latching and self-closing gate.
- Above-ground pools are exempt from obtaining a zoning permit, if the pool structure and attached decks meet the minimum setback requirements.

## 8.9 Outdoor Seating, Street Furniture, Memorials and Public Art

Outdoor seating areas, public art, memorials on public property, and street furniture do not require a zoning permit and may be located within the front yard setback. Subject to the approval of the entity responsible for management of the roadway (Vermont Agency of Transportation or Hyde Park Selectboard), these items may be located within the highway right-of-way. Public outdoor seating areas, street furniture, and public art shall not be counted toward total lot coverage.

## 8.10 Surface Water Protections

To prevent soil erosion, protect wildlife habitat, and maintain water quality, an undisturbed vegetated buffer strip shall be maintained for a minimum of fifty (50) feet from all Class 1 and Class 2 wetlands, perennial streams, and rivers. For Class 3 wetlands, they are not protected under the Vermont Wetland Rules and there is no buffer required under these bylaws, however, other regulations may apply. Please contact the [Army Corps of Engineers](#) for more information. The fifty (50) foot buffer strip shall be measured from the mean water mark or delineated wetland boundary. No development, excavation, landfill, or grading shall occur within the buffer strip, and vegetation shall be left in an undisturbed state, with the exception of clearing and associated site development necessary to accommodate the following:

- Maintenance of lawns and other mowed areas in existence prior to the adoption of these bylaws.
- Road, driveway, and utility crossings.
- Streambank stabilization and restoration projects, in accordance with all applicable State and Federal regulations.
- Unpaved bicycle and pedestrian paths and trails.
- Public recreation facilities and improved river/lake accesses.
- The expansion or enlargement of any structure in existence prior to the effective date of these bylaws and not in compliance with this section is permitted with the approval of the Development Review Board in accordance the *Non-Conforming Structures* provisions of this Bylaw.

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

Notwithstanding the above, land development proposed in streams, wetlands and wetland buffers that obtain a state stream alteration permit or state wetlands permit, and remain in compliance with those applicable state regulations, rules and permit conditions, are exempt from this Section when a copy of the approved state permit is made available to the town.

### 8.10 Surface Water Protections – continued

Reduction of Stream Buffer Width: Subject to Conditional Use Review, the Development Review Board may authorize a reduction in the stream buffer down to an absolute minimum of ten (10) feet upon presentation of an impact study that provides sufficient documentation and justification that even with the reduction the same or greater degree of water quality protection, wildlife habitat protection, and stream bank stability would be afforded as would be with the full width buffer. Notwithstanding the above, all building setbacks to any stream within a River Corridor shall apply even if the vegetation in the buffer is reduced.

In granting such a reduction, the Development Review Board may require additional erosion control or runoff control measures as deemed necessary to protect water quality and bank stability and/or additional measures to protect wildlife, such as habitat restoration or improvement. An impact study shall meet the following requirements:

The Impact Study shall include detailed information regarding runoff and pollutant loading, bank stability, and erosion and flood control, including but not limited to the following:

- This portion of the Impact Study shall be performed by a registered professional engineer.
- Description of the proposed project including location and extent of impervious surfaces, on-site processes or storage of material, the anticipated use of the land and buildings, description of the site including topographic, hydrologic, and vegetative features.
- Characteristics of natural runoff on the site and projected runoff with the proposed project, including its rate and chemical characteristics deemed necessary to make an adequate assessment of water quality.
- Measures proposed to be employed to reduce the rate of runoff and pollutant loading of runoff from the project area both during construction and after.
- Proposed runoff control and reservoir protection measures for the site. These measures shall be designed to ensure that the rate of surface water runoff from the site does not exceed pre-development conditions and that the quality of such runoff is not less than pre-development conditions.
- The extent to which the reduced buffer will provide for stream bank stability and flood and erosion control. In no case shall a reduced buffer provide for less stream bank stability, flood control, and/or erosion control than would be provided by the prescribed buffer.
- The Impact Study shall include detailed information regarding impacts on wildlife habitat, including but not limited to:
  - a. Analysis of the project's impacts on habitat for fish and other aquatic animals, including impacts on the availability of woody debris and food supply and effects on water temperature in other portions of the water way, and
  - b. Analysis of the project's impacts on habitat for amphibious and terrestrial organisms, including the reduced buffer's functional capacity as a wildlife corridor.
- Description of measures, both on and off site, to improve or maintain the quality of wildlife habitat. The project shall be designed to ensure that the reduced buffer is of equal or greater value than the buffer prescribed by these bylaws.

## 8.11 Development of Steep Slopes

The following standards shall apply to the development of steep slopes. Steep slopes are the area of pre-development ground surface with slopes exceeding 10%. Development and disturbance of slopes twenty-five percent (25%) or greater shall be prohibited.

- Development with impervious surfaces totaling more than 5,000 square feet of proposed impervious area on steep slopes shall require Conditional Use Review by the Development Review Board. In addition to the Conditional Use Standards in this Bylaw, applicants shall meet the following:
  - The applicant shall provide a grading plan for the construction site and all access routes. Grades for roads and driveways shall not exceed the maximums prescribed in this Bylaw. Switchbacks and curve radii shall be designed to allow for safe ingress and egress of service and emergency vehicles.
  - Site disturbance, including cut and fill, shall be minimized and shall not create a detrimental impact on slope stability or increase erosion potential. The applicant shall submit scaled plans for erosion and sediment control during construction and plans for post-construction slope stabilization. These plans shall be prepared by a registered professional engineer or person having a valid Vermont Designers License. Erosion and sediment control measures shall at minimum meet the requirements of the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites. Potential post-construction slope stabilization measures include, but are not limited to, retaining walls and/or dense landscaping.

In addition to the standards above, if the area of steep slopes to be developed is within five hundred (500) feet of a surface water protected under this Bylaw, the required fifty (50) foot buffer strip shall be expanded to include an additional two (2) feet for every one (1) percent of slope. For example, if development occurs on a 16% slope, a buffer of 82 feet in width shall be required. (50 feet minimum buffer plus 32 feet (or 16 x2) of additional width)

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

## 8.12 Bulk Storage of Fuel Products

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

## 8.13 Performance Standards – All Districts

The following standards apply to all uses, with the exception of agriculture and forestry, in all Districts. In determining ongoing compliance, the burden of proof shall fall on the applicant and/or all successors and assigns. No use shall cause, create, or result in:

- smoke dust, odors, noxious gases, or other forms of air pollution which constitute a nuisance to neighboring landowners, businesses, or residents; which endanger or adversely affect public health, safety, or welfare; or which are offensive or uncharacteristic of the area;
- noise which is excessive at the property line and represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area. In no case will noise levels exceed the maximum levels found in the Table below, averaged using the RMS method over a continuous thirty (30) minute period, as measured at the nearest property line in all districts other than the North Hyde Park Industrial District. Within the North Hyde Park Industrial District, this performance standard shall be measured at the boundary of the District.

DISTRICT	MAXIMUM NOISE LEVEL	EQUIVALENT NOISE
NHPVC, NHPV	70 decibels	Vacuum Cleaner/Hair Dryer
NHPI	75 decibels	Freeway at 50ft from edge of pavement
All Other Districts	65 decibels	Normal Conversation/Laughter

*Note: RMS is the root-mean-square pressure which is most often used to characterize a sound wave because it is directly related to the energy carried by the sound wave, which is called the intensity. The intensity of a sound wave is the average amount of energy transmitted per unit time through a unit area in a specified direction.*

- noticeable or clearly apparent vibration which, when transmitted through the ground, is discernable at property lines without the aid of instruments;
- glare, lumen, light, or reflection which constitutes a nuisance to other property owners or tenants; which impairs the vision of motor vehicle operators; or which is detrimental to the public health, safety, or welfare;
- fire, safety, explosive, radioactive emission, or other hazard which endangers the applicants or neighboring properties or the general public or which results in a significantly increased burden on Municipal facilities and services;
- liquid or solid wastes or refuse in excess of available capacities for proper disposal; which cannot be disposed of by available or existing methods without undue burden to municipal facilities; which pollute ground and surface waters; or which are otherwise detrimental to the public health, safety, and welfare.
- Agricultural operations shall at minimum observe Accepted Agricultural Practices (AAPs) as defined and administered by the Vermont Agency of Agriculture, Food and Markets, as revised.
- Forestry operations shall at minimum observe Acceptable Management Practices (AMPs) as defined and administered by the Vermont Department of Forests, Parks, and Recreation, as revised.

## **8.14 Abandoned uses, damaged or destroyed structures, pre-existing non-conforming lots & non-conformities**

### a. Abandoned uses:

Any conditional or non-conforming use or structure shall not be re-established if such use has been discontinued for a period of at least twenty-four (24) consecutive months. A one-year extension may be granted in accordance with Section 9.7 of these bylaws. Once the use of a lot or structure has been deemed abandoned, a new zoning permit must be acquired to resume the original use. Intent to resume a use shall not confer the right to do so.

### b. Damaged or destroyed structures:

The reconstruction of structures that are damaged, removed or destroyed is permitted without obtaining a zoning permit provided the new structure:

- Is used for the same purposes as the old structure, and
- Is built within approximately the same footprint as the previous structure within 24 months, and
- Is substantially the same size and dimensions as the previous structure, and
- All existing setback distances are not reduced.

A new permit for land development will be required if the owners have not commenced redevelopment of the parcel within twenty-four (24) consecutive months following the date of unintentional damage or destruction. If the owners commence redevelopment of the parcel before the expiration of twenty-four (24) consecutive months following the date of unintentional damage or destruction, a new permit will not be required. A one year extension may be granted in accordance with Section 9.7 of these bylaws. Intentional removal or destruction of uses/structures is allowed without a permit; however, subsequent redevelopment of the parcel requires submittal of a zoning permit within 12 consecutive months following the date of substantial removal or destruction in order to be able to redevelop non-conforming uses or structures on the same parcel.

### c. Pre-existing non-conforming lots (existing small lots):

Any lot legally existing on the effective date of these bylaws may be developed for the uses, permitted or conditional, in the District in which it is located (following the receipt of a zoning permit from the Administrative Officer and, if required, site plan/conditional use review by the Development Review Board) even though not conforming to minimum lot size requirements found in these bylaws, provided such lot is not less than one-eighth (1/8) acre in area with a minimum width or depth dimension of forty (40) feet; 24 V.S.A. 4412. Regardless of minimum lot size and/or residential density requirements found in these Bylaws, such lots may be developed with a one structure containing any uses, permitted or conditional, within the district and/or a single dwelling unit. The provision above shall not apply to designated elderly and accessible dwelling units located in the North Hyde Park Village or North Hyde Park Village Core Districts, in which case density shall be limited by lot coverage rather than lot area.

In all Districts except the North Hyde Park Village and North Hyde Park Village Core Districts, existing lots less than one-eighth (1/8) acre in area with a width or dimension less than forty (40) feet, shall not be developed. In the North Hyde Park Village and North Hyde Park Village Core Districts, regardless of minimum lot size and/or residential density requirements, such lots may be developed with a structure containing any uses, permitted or conditional, within the district and/or a single dwelling unit, provided the lot is served by adequate on-site or offsite water and sewer. The provision above shall not apply to designated elderly and accessible dwelling units, in which case density shall be limited by lot coverage rather than lot area.

All other provisions of these bylaws must be met, including, but not limited to, setback and lot coverage requirements. This section does not negate the need for obtaining any other required permits or approvals as would normally be required under these bylaws. Any required conditional uses, site plan approvals, variances, and other permits must be obtained prior to the issuing of a zoning permit.

d. Non-conforming structure:

Any legal structure or part thereof, which is not in conformance with the provisions of these bylaws concerning setback, height, size, or other structural requirements (including such things as signs, parking, lighting, buffers, and lowest floor elevation in a floodplain overlay) shall be deemed a non-conforming structure. Legal non-conforming structures exist as a result of construction prior to adoption of bylaws, construction under an earlier set of less restrictive bylaws, a permit improperly issued by the Administrative Officer, or through a variance issued at any time. Any non-conforming structure may be allowed to exist indefinitely, but it shall be subject to the following provisions:

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

8.14 Abandoned uses, intentional or unintentionally destroyed uses/structures & non-conformities - continued

d) Non-Conforming Structure: – continued

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

Additions may be added to such a structure. If additions increase the floor area of the structure by more than twenty-five percent (25%), cumulatively for all additions constructed after the adoption of these bylaws, the additions shall meet building façade standards.

Internal renovations and changes of use may occur within such structures. Where renovations or change of use result in substantial improvement of the structure, as defined by these bylaws, the exterior of the structure shall also be renovated to meet any building façade standards for the district in which the structure is located.

For an existing, non-conforming structure, the Development Review Board may waive one or more building façade standards, when such standard cannot be implemented without demolishing the structure (for example, where the existing framing does not allow construction of building bays). When such a waiver is granted, the Development Review Board shall require alternative treatments (such as landscaping) to interrupt building bulk.

e. Non-conforming Uses:

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

The non-conforming use shall not be changed to another non-conforming use without approval by the Development Review Board, and then only to a use that, in the opinion of the Board, is of the same or of a more conforming nature.

The non-conforming use shall not be expanded, extended, moved, or enlarged unless it is determined that such expansion, extension, movement, or enlargement does not increase the degree of non-conformance. Subject to conditional use review, the DRB may approve expanding a non-conforming use by up to twenty-five (25) percent of the use's floor area at the onset of non-conformance.

The non-conforming use shall not be re-established if such use has been discontinued for a period of at least twelve (12) consecutive months or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.

The phrase "shall not increase the degree of non-conformance" shall be interpreted to mean that the aspect of the operation that is non-conforming shall not increase in size (or decrease in the event of failing to meet minimum standards). Therefore, a nonconforming use may not increase hours of operation, the numbers of tables, the number of employees, or the size of the operation through the expansion of a complying structure.

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

8.14 Abandoned uses, intentional or unintentionally destroyed uses/structures & non-conformities - continued

f. Non-Conforming Uses and Structures in the Flood Hazard Area Overlay:

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

Any expansion or substantial improvement of a non-conforming structure or use shall comply with the Development Standards for all development in the Flood Hazard Area Overlay found in these bylaws.

A non-conforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one (1) foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program;

Non-conforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than twelve (12) months; and

An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured homes must be placed so as to meet the development standards in this bylaw.



## 9.0 PERMIT REVIEW PROCEDURES

### 9.1 Type of Permit Application and Review Authority

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

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

### 9.2 Zoning Permit

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

**Applicant.** All owners of the property on which the proposed land development will occur must be the applicant or a co-applicant for a zoning permit. If the proposed land development increases the use of or otherwise affects a shared roadway or access, the landowners with an interest in shared roadway or access shall also be applicants.

**Application requirements:** An application for a zoning permit shall be submitted to the Administrative Officer along with the permit fee and all other approvals required by these bylaws. An application for a zoning permit should contain the following in order to be deemed complete and start the statutory review period of no more than 30 days:

A sketch plan, drawn to scale if requested, which shows the following information in sufficient detail to determine whether the proposal is in conformance with these bylaws. Where a site plan map has been submitted for review by the Development Review Board a sketch plan is not necessary. A sketch plan must include:

- The size, shape, and dimensions of the parcel, including existing and proposed property boundaries.
- The location of major site features, including surface waters, wetlands, and floodplains.
- The size, height, and location of all existing and proposed structures in exact relation to all property lines, roads, and major features.
- Where locations of, and relationship between, property lines, roads, buildings, and other required information is in doubt, a recent land survey of the property may be required.

## 9.2 Zoning Permit - continued

### A written description including:

- The name and address of the applicant(s).
- The signature of the applicant(s).
- The location of the proposed development.
- The existing and intended use of all such structures and the land.
- An identification of the District in which it is located.

Where a project requires State notification under these Bylaws, the appropriate report of permit shall be acquired and submitted with the application. For example, this includes the state wastewater and water supply permit and state stormwater permit.

Any other information that the Administrative Officer requires in order to ensure that the provisions of these bylaws are met, including any additional application requirements as required for a specific use.

Permit applications in the Flood Hazard Area Overlay shall, in addition to the information required above, include the following:

- A sketch map, drawn to scale, showing the distance of all features of the proposed land development from the nearest flooding water body and from the nearest boundary of the Flood Hazard Area Overlay.
- All existing and proposed grade elevations.
- The elevation, in relation to mean sea level, of the lowest floor, including the basement, of any new or substantially improved structures.
- When applicable, the elevation to which any new or substantially improved structures will be flood-proofed.
- Certification from a registered professional engineer or architect that the flood-proofed structure meets the flood-proofing criteria of these bylaws.
- All variance actions, including justification for their issuance.

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

If the Administrative Officer finds the application incomplete, the Administrator shall within five (5) days after receipt, notify the applicant in writing of all additional information or fees required.

If the Administrative Officer finds the application complete, the Administrator shall record on the application the date on which the application was received.

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

- Determine that the application is exempt from these bylaws.
- Decide to approve or deny the permit based on the General Standards for Permitted Uses, the Specific Use Standards, and other criteria as authorized in the Act.
- Determine that the proposed use requires Development Review Board approval and refer the application to the Clerk of the Development Review Board for consideration.

If the Administrative Officer fails to act within the thirty (30) day period, a permit shall be deemed issued on the thirty-first (31<sup>st</sup>) day.

### 9.3 General Standards for Permitted Uses

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

- That the proposed development meets all dimensional standards established for the District and any Overlay.
- If appropriate, the resumption of an abandoned use or the reconstruction of an unintentionally damaged or destroyed structure (provided all uses are conforming and structures are complying).
- If appropriate, that the development of an existing nonconforming lot is permissible.
- If appropriate, that the use of an existing nonconforming structure is permissible.
- If appropriate, that the use of an existing nonconforming use is permissible.
- That proposed development meets the parking and loading requirements of this Bylaw.

Specific use standards: Where specifically defined, a proposed permitted use must meet specific use standards established in these Bylaws.

### 9.4 Decisions

A zoning permit shall be issued by the Administrative Officer only in accordance with the Act §4449(a)(1) (includes state energy code compliance notice) and these Bylaws.

If in the opinion of the Administrative Officer, the proposal as set forth in the application is in conformance with the provisions of these bylaws, the Administrative Officer shall approve the zoning permit. If the permit is approved, the Administrative Officer shall notify the applicant, in writing, of the approval stating the effective date of the permit, including any permit conditions to ensure compliance with the Bylaw. For projects that are proposed on a parcel with environmentally-sensitive areas or with zoning setbacks proposed at the minimum distance allowed under the Bylaw, the permittee will be advised that a land surveyor is recommended to stake out proposed structures before construction.

If in the opinion of the Administrative Officer, the proposal as set forth in the application is not in conformance with the provisions of these bylaws, the Administrative Officer shall deny the zoning permit. If the permit is denied, the Administrative Officer shall notify the applicant in writing, stating the reasons for denial and containing a statement of the period of time within which an appeal may be taken.

No zoning permit shall be issued by the Administrative Officer until all local permits and required approvals from the Development Review Board, Selectboard, Health Officer, and/or any other local approval have been properly decided.

### 9.5 Effective Date

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

The effective date of permits which did not require Development Review Board approval or a decision on appeal is fifteen (15) days from the date of issuance of the zoning permit.

The effective date of permits which required Development Review Board approval or involved an appeal of a decision of the Administrative Officer is thirty (30) days from the decision of the Development Review Board or fifteen (15) days from the issuance of the zoning permit, whichever date is latest.

## 9.6 Appeals

Appeals from the decisions of the Administrative Officer may be made to the Development Review Board within fifteen (15) days of the decision or act.

## 9.7 Permit Expiration

All development must be completed within a period of twenty-four (24) months from the effective date of the permit unless the deadline is altered below. A permit in which the deadline has lapsed without completion shall be deemed expired and may be subject to enforcement action.

The Development Review Board may set the expiration date of a permit beyond twenty-four (24) months as a condition of approval for phased developments.

A one (1) year extension may be granted if active construction has continued, but has not been completed within the initial twenty-four (24) month period. The Administrative Officer, upon written request prior to the expiration date, may extend the zoning permit and associated approvals for a period not to exceed one (1) year without further review or hearings.

Reapplication for a new zoning permit, including all associated approvals, is required for incomplete development where the permit has expired. If appropriate, the Administrative Officer may find the incomplete development in violation of these bylaws, and action may be taken.

Any zoning permit issued based on material inaccuracies or misrepresentations in an application or in any supporting documentation to an application shall be null and void; and any associated development activity commenced under such permit shall constitute a violation of these bylaws subject to enforcement.

Unless expressly stated otherwise, all valid permits shall run with the land, valid for and binding upon any heir, assign, or successor who gains an undivided interest in the property.

A permit for a use which has been abandoned is not a valid permit.

## 9.8 Posting and Recording Requirements and Other Approvals

The Administrative Officer shall meet the posting and recording requirements of this Bylaw and the Act.

Sewer/Water Service: Any connection to the Hyde Park Village Sewer or Public Water System or other Public Water or Wastewater System shall be subject to approval by the Hyde Park Village Trustees or the managers of those other public systems prior to commencement of construction or change in use.

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

New Construction, Single Lot: No zoning permit for new construction of a use requiring increased wastewater capacity shall be considered "in effect" unless and until a State of Vermont wastewater and potable water supply permit is issued to the parcel owner under 10 V.S.A..

New Construction, Subdivision, and Creation of Two or More New Lots: An applicant may submit a permit application for review, and the Development Review Board may condition the issuing of a final permit upon an approved wastewater and potable water supply permit under 10 V.S.A. Chapter 64 of Title 10.

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

## 9.9 Highway Access Permit

All private roads, private drives, and other uses of the public rights-of-way proposed to intersect a Town owned road shall conform with 19 V.S.A §1111, and the road policies adopted by the Hyde Park Selectboard, as most recently amended.

In accordance with 19 V.S.A §1111, all new access points onto a State highway or within a State right-of-way are subject to approval by the Vermont Agency of Transportation, unless otherwise regulated by this bylaw.

A new State or Town access permit shall be required for any change or expansion of use.

## 9.10 Development Review Board Procedures

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

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

Review Process: The procedures of this section shall apply to all applications reviewed by the Development Review Board.

Applications to the Development Review Board shall include the following information:

- Completed application form signed by the landowner and applicant
- Two (2) full-size and seven (7) reduced (11" x 17") copies and electronic files of a plan containing all required information for a complete application or as requested by the DRB.
- Application fee.
- The Administrative Officer shall determine if any required items are not pertinent and shall determine when an application is complete. The date the application is deemed complete shall begin the statutory timeframes in the Act and this Bylaw.

Upon submission of a complete application, a public hearing of the Development Review Board shall be warned in accordance with the Act §4464. The Town Administrative Officer shall prepare the public notice and mail or deliver the public notices to those required by this Bylaw. Any revisions made to the application shall be submitted to the Administrative Officer at least one (1) week prior to the public hearing, unless such revisions are requested by Municipal Staff.

The Development Review Board may recess proceedings on any application pending the submission of additional information. The date and place of the adjourned hearing shall be announced at the hearing. The Board shall adjourn the hearing promptly after all parties have submitted requested information and all parties present for the hearing have had the opportunity to be heard.

9.10 Development Review Board Procedures - continued

The Development Review Board shall act to approve, approve with conditions, or deny an application within forty-five (45) days of the date that the public hearing is adjourned. The Board shall issue a written decision to include Findings, Conclusions and a Decision with any Conditions of Approval, and provisions for appeal to Environmental Court in accordance with the Act §4464(b). The decision shall be sent by certified mail to the applicant within the forty-five (45) day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing. All decisions shall be recorded in the land records of the Municipality. If the Board fails to act within the forty-five (45) day period, the application shall be deemed approved on the forty-sixth (46<sup>th</sup>) day, provided the applicant seeks Court affirmation of the deemed approval by direct appeal to the Environmental Court.

In granting an approval, the Development Review Board may attach such reasonable conditions as it may deem necessary to implement the purpose and standards for a specified type of review and to ensure the proper installation of required improvements.

If the Development Review Board finds that the proposed use does not satisfy the purpose and standards of the specified type of review and that reasonable conditions cannot be attached to the approval to ensure that they will be met, it shall deny the application.

Site Visits: To verify the location of proposed improvements and to evaluate conformity of the application with the standards of these bylaws and Town of Hyde Park Comprehensive Development Plan, the Development Review Board may make a site visit and require the applicant's attendance at the site visit. Interested parties shall be invited to the site visit.

Independent Technical Review: Pursuant to the Act §4440, the Development Review Board may require an applicant to pay for the reasonable costs of an independent technical review of the application or related legal documents. Accordingly, the Development Review Board shall prepare a detailed scope for the technical review. The scope shall be strictly limited and relevant to specific review criteria upon which the Board is required to base its decision on the application and shall require that the review be completed in a timely manner, as specified by the Board. The Board, in consultation with the Selectboard, and adopted town policies, shall retain a competent and, where applicable, licensed individual or company working in the pertinent field(s) to conduct the independent review. The cost of the review shall be paid for by the applicant, in accordance with procedures established by the Selectboard.

## 9.11 Site Plan Review

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

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

**Exemptions:** No site plan approval shall be required for the following:

- Single-family dwellings
- Two-family dwellings
- Accessory apartments.
- Home occupations
- Accessory structures to residential uses

### Administrative Site Plan Approval:

The Administrative Officer may grant site plan if all of the following criteria are met:

- All uses proposed are permitted uses in the district in which the parcel is located.
- Any structure containing the use conforms to all dimensional standards for the district in which it is located
- Any proposed expansion of the structure or total impervious surface, in culmination with any previous permitted expansion over the previous five (5) year period, does not exceed the thresholds outlined in the Table below.

DISTRICT	TOTAL INCREASE IN GROSS FLOOR AREA	TOTAL INCREASE IN IMPERVIOUS SURFACE
NHPV	1,500 square feet	0.25 acres
NHPI	5,000 square feet	0.5 acres
All Other Districts	500 square feet	0.25 acres

In granting Administrative site plan approval, the Administrative Officer shall ensure that all standards outlined below are met. If the Administrative Officer is unable to determine if any standard has been met, the application shall be referred to the Development Review Board.

Any development that does not meet all criteria for administrative site plan approval outlined above shall require site plan review by the Development Review Board.

**DRB Review Procedures:** The Development Review Board shall review any application for site plan review in accordance with the DRB procedures of this Bylaw.

**Site Plan Review Standards:** In reviewing a site plan, the Zoning Administrator and/or Development Review Board shall consider the following standards and conditions in reviewing the site plan and as described in the Act §4416, Site Plan Review; including: Landscaping, Exterior Lighting, Pedestrian and Bicycle Access, Utilities, Stormwater Management, and Protection of Natural Resources. Site plans shall comply with any and all applicable Specific Use Standards and the General Provisions for all Land Development in this Bylaw.

### 9.11 Site Plan Review - continued

Conditions of Site Plan Approval: The Development Review Board shall have the power to impose reasonable conditions and safeguards, to implement the standards above, and to ensure the proper installation of required improvements when approving site plan applications including, but not limited to:

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



## 9.12 Conditional Use Review

Applicability: A zoning permit for any use or structure that requires conditional use approval as defined per the district shall not be issued by the Administrative Officer until the Development Review Board grants such approval. A use designated as a conditional use shall not require separate site plan review. Site plan review standards, submission requirements, and approval conditions shall become part of the conditional use review standards.

Purpose: The purpose of a conditional use is to extend the development options of all property owners within a particular zoning district without causing undue impact upon other property owners or violating the purpose of the districts as stated in these bylaws.

Review Procedures: The Development Review Board shall review any application for conditional use review in accordance with the DRB procedures required in this Bylaw and, if so adopted by the DRB, the DRB Rules of Procedures.

Conditional Use Review Standards: When determining the appropriateness of a proposed conditional use, the Development Review Board shall determine that the development or use will not result in an undue adverse effect on the general conditional use standards of this Bylaw and the Act §4414(3):

- The capacity of existing or planned community facilities.
- The character of the area affected.
- Traffic on roads and highways in the vicinity.
- Bylaws now in effect.
- Utilization of renewable energy resources.
- In reviewing an application for conditional use, the Development Review Board shall also consider all site plan review standards and approval conditions.

Conditions of Approval: The Development Review Board shall have the power to impose reasonable conditions and safeguards to implement the standards above, to ensure the proper installation of required improvements in accordance with the Act §4464(b)(2) – Conditions and Escrow, and to ensure the safety and general welfare of surrounding properties when approving conditional use applications including, but not necessarily limited to, the following:

- Increased lot size or yard dimensions, unless maximum lot sizes or maximum setbacks are defined for the District in which the use is located.
- Limiting lot coverage or height of buildings because of undue obstruction to view and reduction of light and air to adjacent property, provided such a limitation is in conformance with the purpose statement for the District in which the property is located
- Controlling the location and number of vehicular access points to development to minimize traffic hazards.
- Improvements or upgrades to the immediate transportation network serving the development. Such upgrades shall be in conformance with the Town of Hyde Park Comprehensive Development Plan and any capital budget in effect. Such improvements need not correct all deficiencies in the existing network and should be commensurate with the proposal's actual impact. Especially within the Hyde Park Village and North Hyde Park Village Core Districts, improvements that encourage modes of travel other than the single occupancy automobiles are encouraged. Examples include contributing to a planned sidewalk or pathway network, commuter lot, or transit service.

9.12 Conditional Use Review – Conditions of Approval - continued

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

### 9.13 Subdivision - General

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

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

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

Minor subdivisions shall include any subdivision of land, or the re-subdivision of a previously subdivided parcel within a period of one hundred twenty (120) months, which results in the creation of three (3) or fewer lots (not including open land in a PUD) and which does not require the construction of any new public or private roads or new or modified vehicular easements. Minor subdivisions shall also include an amendment to an approved subdivision which does not result in a major subdivision. Minor subdivisions shall require administrative review if there are no waiver requests and only residential uses will be constructed on the parcels, otherwise the application shall be reviewed as a major subdivision. No public hearing is required for administrative approvals unless there is a request for hearing by an interested party within the 15 day permit appeal period. Notice shall be mailed, by the town and at no cost to the applicant, to all adjoining landowners with a copy of the approved subdivision plat within 3 calendar days of approval. If a hearing is requested in writing, the DRB shall review the project as an appeal of an administrative decision and the required hearing fees shall be the responsibility of the applicant.

Administrative Review: In addition to the delegation of powers authorized under this chapter, the administrative officer may review and approve minor subdivisions and amendments to previously approved development that would otherwise require review by an appropriate municipal panel. No amendment issued as an administrative review shall have the effect of substantively altering any of the findings of fact of the most recent approval; See 24 V.S.A. 4464(c). Any decision by an administrative officer under this subsection may be appealed as provided in 24 V.S.A. Section 4465 of the Act and notice of the decision shall be mailed to all adjoining property owners.

Major subdivisions shall include any subdivision of land, or the re-subdivision of a previously subdivided parcel within a period of one hundred twenty (120) months, which results in the creation of four (4) or more lots (not including open land in a PUD) or which requires the construction of any new public or private streets and new or modified vehicular easements, is not a minor subdivision, or which requires a waiver of the provisions of this Bylaw. Major subdivisions shall require preliminary and final review approval by the Development Review Board following public hearings, unless the preliminary review is waived by the DRB.

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

9.13 Subdivision - General – continued

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

Waiver Application: An application for a waiver shall be filed with the Clerk of the Development Review Board prior to, or concurrent with, the submission of the respective subdivision plat, in writing and shall include:

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

Review Procedures: The Development Review Board shall review any application for a waiver in accordance with the DRB procedures in this Bylaw

General Standards: The Development Review Board may waive, subject to appropriate conditions, subdivision application requirements and subdivision standards under these bylaws. The conditions for approval of a request for waiver of an application requirement or subdivision standard are:

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

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

Recording requirements: A copy of the decision shall be filed with the Administrative Officer and the Town Clerk as a part of the public record [the Act §4464(b)(3)]. The Development Review Board shall meet all recording requirements of this Bylaw.

## **9.14 Subdivision-Preliminary Plan Review**

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

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

Review Procedures: The Development Review Board shall review any application for preliminary plan review in accordance with the DRB procedures in this Bylaw.

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

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

### Conditions of Approval:

**Master Plan Review:** As part of the requirements established, after preliminary plan review the Development Review Board may require a description of the potential build-out of the entire parcel and adjacent parcels even if the application only includes a portion of the parcel(s).

When required, the Master Plan build-out shall include an indication of proposed roads, driveways or streets, the future probable lot lines and building envelopes of the remaining portion of the tract, and a description of the probable uses. The build-out may be drawn in a sketch plan format. The Development Review Board may require that the build-out be submitted as part of an extended preliminary plan review, or as a part of the final plat approval.

Requirements for Master Plan review are intended to ensure the orderly development of Hyde Park and will be required when the Development Review Board determines that the development currently under review may have an impact on the future development potential of the remaining parcel or adjacent parcels. It may also be required when the Development Review Board determines that the future build-out of the applicant's holdings, combined with the current proposal, may have a significant impact on Hyde Park. Approval of an applicant's current application does not constitute approval of the Master Plan build-out.

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

DRB determinations and associated recommendations shall remain in effect for one (1) year from the date of issuance, unless otherwise specifically approved or extended by the Development Review Board. Within one (1) year of the determination by the Development Review Board, the applicant may apply to the Development Review Board for final plat approval under these bylaws. At the expiration of one (1) year from approval by the Development Review Board, the subdivider shall be required to resubmit a new application in accordance with these bylaws.

#### 9.14 Subdivision-Preliminary Plan Review - continued

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

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

#### **9.15 Subdivision- Final Plat Review**

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

Review Procedures: The Development Review Board shall review any application for final plat review in accordance with the DRB procedures in this Bylaw.

General Standards: In reviewing a subdivision plat, the Development Review Board must consider all of the subdivision standards required as a condition of preliminary plan review and any additional regulations deemed relevant, including other applicable local bylaws. The proposed subdivision conforms to all other provisions of these bylaws, any capital budget and program in effect, any official map in effect, any other municipal bylaw in effect and any proposed waiver has been properly decided under these bylaws.

#### Conditions of Approval:

Completion requirement or Performance bonding: For any subdivision which requires the construction of roads or other public improvements by the applicant, the Development Review Board may require that no zoning permit, except for any permit that may be required for infrastructure construction, may be issued for an approved development unless the streets and other public infrastructure are satisfactorily installed in accordance with the approved decision and pertinent bylaws [Reference the Act §4464(b)(4)].

Security, Costs of Improvements: In lieu of completion of the required public improvements, the Development Review Board may require from the subdivider for the benefit of the municipality a performance bond, letter of credit, or other surety issued either by a bonding company or surety company approved by the Selectboard or by the owner with security acceptable to the Selectboard in an amount sufficient to cover the full cost of those new streets and required improvements on or in those streets or highways and their maintenance for a period of two (2) years after the completion as is estimated by the Development Review Board or such Municipal Department or officials as the Development Review Board designates. This bond, letter of credit, or other surety shall provide for, and secure to the public, the completion of any improvements that may be required within the period fixed for that completion and for the maintenance of those improvements for a period of two (2) years after completion. Reference the Act §4464(b)(4).

### 9.15 Subdivision- Final Plat Review - continued

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

Phasing: At the time the Development Review Board grants final plat approval, it may require the subdivision to be divided into two or more phases to be developed at separate times. The Development Review Board may impose specific conditions for the filing of an application for zoning permits to ensure the orderly development of the plat and coordination with the planned and orderly growth of the municipality, as reflected in the Town of Hyde Park Comprehensive Development Plan and any capital budget and program in effect. See Act §4422.

Conditions: The Development Review Board may impose other conditions of approval as necessary to protect the public safety and welfare and to ensure compliance with the Town of Hyde Park Comprehensive Development Plan, these bylaws, and other bylaws and ordinances in effect [the Act §4464(b)(2)].

Effect of Final Plat Approval: The approval by the Development Review Board of a final subdivision plat shall not be construed to constitute acceptance by the Municipality of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard in accordance with State statutes; 24 V.S.A. 4463. Each approval shall contain a time limit within which all improvements shall be completed, not to exceed three (3) years unless otherwise required or extended by the Development Review Board.

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

Recording Requirements: Recording of approved subdivision plats is the responsibility of the subdivider. Plats must be recorded with the Town Clerk in accordance with the requirements of these bylaws after the permit becomes effective. The approval of the DRB shall expire 180 days from that approval or certification unless, within that 180-day period, that plat shall have been duly filed or recorded in the office of the clerk of the municipality. After an approved plat or certification by the clerk is filed, no expiration of that approval or certification shall be applicable. Notice of final plat approval must be sent to the Listers within three (3) days of issuance of approval [Reference the Act §4449(b)(1)]. A copy of the decision shall be filed with the Administrative Officer and the Town Clerk as a part of the public record [Reference the Act §4464(b)(3)]. The applicant shall also file an electronic version of the final plat with the Administrative Officer and Town Clerk in a form acceptable to the municipality, at a minimum in “\*.pdf” format.

## 9.16 Minor Boundary Line Adjustment Approval

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

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

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

If the Administrative Officer finds the application incomplete, the Zoning Administrator shall, within five (5) days after receipt, notify the applicant in writing of all additional information or fees required.

If the Administrative Officer finds the application complete, the Administrator shall record on the application the date on which the application was received.

Administrative Officer Action: Within thirty (30) days after the submission of a completed application and fees, the Administrative Officer must act on the permit [Reference the Act §4448(d)]. Acting on the permit involves a documented action on the proposal. The Administrative Officer may decide to approve or deny the permit based on this Section and other criteria as authorized in the Act. If the Administrative Officer fails to act within the thirty (30) day period, a permit shall be deemed issued on the thirty-first (31<sup>st</sup>) day. Reference the Act [§4448(d)].

General Standards for Boundary Line Adjustments: When determining the appropriateness of a proposed boundary line adjustment, the Administrative Officer shall determine that the proposed boundary line adjustment meets the dimensional requirements of the applicable District, meets access requirements, and useable lot requirements of this Bylaw and that water system and wastewater disposal requirements are met.

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

Effective Date: No permit shall take effect until the time for appeal has passed. In the event an appeal is filed, the permit shall not take effect until the Development Review Board has heard the appeal and decided that the permit should be issued; whereupon it shall take effect after final adjudication of said appeal [the Act §4449(a)(3)]. The effective date of minor boundary line adjustment applications is fifteen (15) days from the date of issuance of the approval.

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

Recording Requirements: Same requirements as the Recording Requirements for "Subdivision, Final Plat Review", Section 9.15, above. Deeds for the transfer of land must be recorded to complete the boundary line adjustment process and shall be recorded in the Town Land Records within 180 days of the date of permit approval or a new application will be required under the regulations in place at the time of application.



## 9.17 Planned Unit Developments (PUD)

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

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

- For all subdivisions in the Conservation 10 and Conservation 27 Districts; or
- In all other Districts, when a proposed subdivision, and lots created in the prior consecutive ten (10) years from the date of application, results in the creation of ten (10) or more lots; or
- Where more than seventy-five percent (75) percent of the parcel to be developed is comprised of meadowlands, prime agricultural soils, and/or is located within the Core Forest and Wildlife Habitat Overlay.

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

PUD Permitted Density: The total base density in a PUD shall be eighty percent (80%) of the maximum potential residential density of the parcel, as calculated for the District, unless the applicant submits a density plan demonstrating that a greater number of lots could be created in a conventional subdivision meeting all requirements of these regulations. The density plan shall at minimum demonstrate that each potential lot satisfies all the dimensional requirements of the applicable zoning district and contains an area of compact, contiguous, buildable land equal to or greater than 10,000 square feet. All roads and driveways shown on the density plan shall meet the standards of these Bylaws and any other design standards established by the Town of Hyde Park.

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

9.17 Planned Unit Developments (PUD) - continued

PUD Bonus Calculation: At the request of the applicant, the Development Review Board may increase the residential density (number of lots or units) and/or increase maximum lot coverage, based on the criteria specified below:

Within the North Hyde Park Village Core and North Hyde Park Village District, total residential density and/or maximum lot coverage may be increased in accordance with the provisions outlined in the District Dimensional Tables.

A bonus may be granted for one or more of the following criteria, if identified in the District Dimensional Tables:

- Provides public access to LVRT, or Other Public Amenity: In order to be eligible for this bonus, the applicant shall provide deeded public access to the Lamoille Valley Rail Trail, Moss Woods, or other public amenity noted in the Municipal Plan, Capital Plan, Lamoille County Regional Plan, or other official plan or municipal document.
- Meets Green Building Standards: In order to be eligible for this bonus, the applicant shall provide evidence, including third party verification, that the development meets criteria established for Leadership in Energy and Environmental Design, or Vermont Builds Green Certification, or Vermont High Performance Home energy standards. The Development Review Board may also consider other “green building” certification programs, provided the program includes regionally based standards applicable to a cold weather climate and requires third-party review and verification/certification
- Meets Historic Preservation Standards: In order to be eligible for this bonus, the applicant must demonstrate that the project meets all Secretary of the Interior Standards for the Treatment of Historic Properties and follows the written recommendations of an Architectural Historian and/or Archeologist approved to conduct Section 106 Reviews by the Vermont Agency of Commerce and Community Development. Such recommendations shall be included as part of the application for PUD review.
- The bonus shall be cumulative (but not sequential) for all criteria met: Both lot coverage and residential density may be increased as a result of the bonus. Lot coverage shall be increased based on the allowed lot coverage in the District, plus the total density bonus. (For example, if the maximum lot coverage in the District is 60% prior to granting of a density bonus and the project is eligible for a 20% density bonus, a total of 80% lot coverage may be permitted.) Residential density shall be increased based on the total number of units allowed, plus the percentage of lots prescribed by the density bonus. (For example, if a lot could be developed with 10 units prior to granting of a density bonus and the project is eligible for a 20% density bonus, a total of 12 units may be permitted.)
- Within the RR-2, RR-5, Con-10, and Con-27 Districts, the total number of lots or units may be increased by fifteen percent (15%) or twenty-five percent (25%) percent, provided the applicant sets aside additional land as open space in accordance with the below table.

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

9.17 Planned Unit Developments (PUD) - continued

Designation of Open Space Lands: All PUDs in the RR-2, RR-5, Con-10, and Con-27 Districts shall make provisions for the preservation of open space. The lands set aside to be preserved for open space shall be reviewed and approved by the Development Review Board, in accordance with the following:

The amount of open space to be provided within the PUD shall be in accordance with the below:

<b>MINIMUM PERCENTAGE OF PARCEL AREA TO BE DESIGNATED AS OPEN SPACE</b>			
<b>DISTRCT</b>	<b>BASE DENSITY</b>	<b>BASE DENSITY +15%</b>	<b>BASE DENSITY + 25%</b>
RR-2	50%	60%	75%
RR-5	50%	60%	75%
Con-10	60%	75%	NA
Con-27	80%	NA	NA

Land designated as open space shall be indicated with appropriate notation on the final survey plat submitted for recording in the Hyde Park Land Records. Open space land shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot and establishing the person or entity responsible for its maintenance.

The configuration of the open space land and the covenants governing its usage shall reflect the purpose of the open land and shall be suitable for its intended use.

Open space land shall be configured to provide for large contiguous open space lands on the parcel. Fragmentation of open space land shall be avoided to the greatest extent possible, for example, by siting new driveways, private roads by sharing existing rights-of-way or following existing linear features such as roads, tree lines, stone walls, fence lines, or fields edge; and/or clustering buildings and structures near exiting development and roads.

Narrow strips of open space land shall only be approved when necessary to connect significant areas, such as significant wildlife habitat, or when designed to protect linear resources such streams or trails.

Within the RR-2, and RR-5 Districts, unless located in the Core Forest and Wildlife Habitat Overlay, the open space shall first protect agricultural soil resources. Recreational, forest land and wildlife habitat, and other common lands for community facilities shall be second in line for inclusion where agricultural land is present.

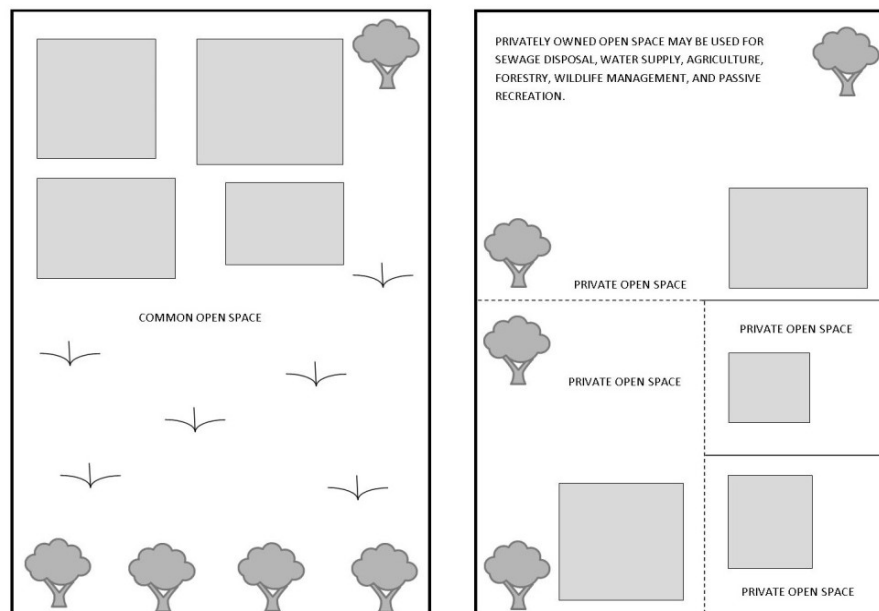
Within the Con-10 and Con-27 Districts, and within the RR-2 and RR-5 Districts, if located in the Core Forest and Wildlife Habitat Overlay, the open space land shall first include core forest and significant wildlife habitat. Recreational, agricultural, and other common lands for community facilities shall be second in line for inclusion where core forest and significant wildlife habitat is present.

9.17 Planned Unit Developments (PUD) - continued

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

Common Open Space: The following provisions shall apply to commonly-owned open space lands:

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



### 9.17 Planned Unit Developments (PUD) - continued

District Standards. Within a PUD, the District Standards found in Section 5 may be modified in accordance with the following:

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

Development Standards and Dimensional Regulations. The following shall be met in order for the DRB to approve the application:

- All PUDs shall comply with the subdivision review standards, any and all applicable Specific Use Standards, and the General Provisions of these Bylaws.
- The PUD will meet, at a minimum, State regulations for sewage disposal, water supply and the protection of surface and ground water quality.
- The Development Review Board may require that the PUD be phased in and that development shall be proposed over a reasonable period of time in order that adequate municipal facilities and services may be provided.

PUDs are encouraged for all development in Hyde Park, including applications that will not result in development of an entire parcel. In such cases, the applicant may apply for a phased PUD, provided a Master Plan meeting the criteria in this Bylaw and is submitted and approved by the Development Review Board.

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

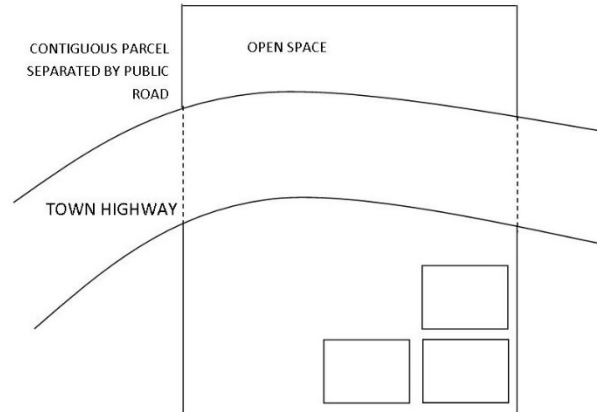
For those not within an Association, such provisions shall be made for the regulation and management of any common land. In these types of PUDs, the use and further subdivision of land are regulated by, but not limited to, these bylaws, the associated subdivision plat, and any restrictions placed upon the title of the land.

For those with an Association, limitations and changes of use may be regulated internally through the Association or similar setup. Articles of Association are contracts within the members of the Association. Articles of Association are not a substitute for, nor do they supersede these bylaws. If given internal approval, the project must still receive any approvals required by these bylaws. The Administrative Officer does not enforce nor mediate disputes regarding any Articles of Association.

9.17 Planned Unit Developments (PUD) - continued

PUDs involving contiguous parcels separated by a public road:

Contiguous parcels divided by a public road may be combined into a single application for PUD review. Total residential density shall be based upon the cumulative acreage of both parcels, and shall be determined in accordance with the procedures above. Density may be aggregated to allow for greater concentrations of development on one parcel, and corresponding land set aside as open space on the other, provided the total overall density for the combined parcels does not exceed that which could be permitted under this Bylaw. Density may be transferred within a zoning district or from a lower density district to a higher density district. Density shall not be transferred from a higher-density district to a lower density district.



Administrative Amendments:

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

- Minor revisions are those that have no substantial impact under any of the standards outlined in relevant sections of these bylaws. Conditions from prior approvals shall only be modified if the original rationale for the condition(s) is understood and has been adequately addressed in a manner consistent with current regulations. Furthermore, no revision issued via Administrative Review shall have the effect of substantially altering any of the Findings of Fact of the most recent approval.
- In no event shall Administrative amendment result in the creation of any new lots or vehicular easements.
- The authority to approve an application administratively does not mean that the Administrative Officer is required to do so. The Administrative Officer reserves the right to refer any application to the Development Review Board where it is deemed that DRB level review or interpretation is appropriate or necessary. In such cases, the applicant shall be responsible for any additional fees or submittals needed for Development Review Board review.
- Appeals: Any person may appeal to the DRB within fifteen (15) days of the date of the decision, in the same manner as other zoning permit appeals pursuant to the V.S.A. Ch 117 §4456.

Recording Requirements:

Same requirements as the Recording Requirements for “Subdivision, Final Plat Review”, Section 9.15, above.

**10.0 SITE PLAN AND CONDITIONAL USE STANDARDS**

All projects requiring site plan approval, subdivision approval and/or conditional use review, including amendments to those permits and approvals, shall comply with the applicable standards in this Chapter, excepting boundary line adjustments. Land development not requiring site plan approval and/or conditional use review and boundary adjustments are not required to comply with this Chapter.

**10.1 Landscaping and Screening**

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

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

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

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

Open space requirements. Except in the North Hyde Park Industrial District, no development shall take place which leaves less than 15% of the lot in open space. This requirement does not apply to single- and two-family residences but does apply to all land development projects requiring conditional use review, any commercial & industrial use requiring a zoning permit, and all energy projects

Street Trees: In the North Hyde Park Village and North Hyde Park Village Core Districts, new street trees shall be required along State and Town highways. Adequate setbacks and site grading should be provided to ensure that the plantings are not adversely affected by traffic and road salt. Street trees shall be planted at regular intervals and conform to the following schedule of maximum spacing based on mature height:

SIZE (mature height)	MAXIMUM SPACING (trunk-to-trunk distance)
Large (40 feet or greater)	50-70 feet
Medium (30-40 feet)	40-50 feet
Small (30 feet or less)	30-40 feet

### 10.1 Landscaping and Screening - continued

**Screening/Buffering:** All contiguous parking areas for five (5) or more cars, utility substations, outdoor dumpster/garbage receptacle areas, and/or open storage and loading service yards shall be screened when viewed from points along the adjacent property line or edge of public right-of-way (including the Lamoille Valley Rail Trail). Screening shall include a buffer strip of not less than four (4) feet in height within a minimum five (5) foot wide landscaped buffer utilizing dense evergreens or similar plantings. Integration of fencing or building elements which effectively screen these areas shall be a suitable alternative to this buffer strip.

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

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

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

#### **10.1(A) Planting and Screening for Ground Mounted Solar and Other Energy Generation Projects**

The following provisions shall apply to the planting and screening element of all landscape plans submitted for site development plan approval and all applications to the Vermont Public Service Board for ground mounted Solar Projects and other energy projects:

- (1) Planting and screening materials may include native, non-invasive trees, shrubs, lawns, flower gardens, ground covers, cropland, pasture, meadows, wetlands forests, berms, fences and topographical features. Applicants should consult brochures and lists provided by the State of Vermont and the Hyde Park Tree Warden when choosing plantings. A variety of species shall be used rather than a large expanse of uninterrupted uniform plantings. Plantings adjacent to parking areas, drives and roads shall be salt tolerant.
- (2) Natural cover shall be retained on a site to the extent possible and reasonable. Site clearing shall be kept to the minimum required for the construction of buildings, structures, and improvements.
- (3) A buffer may be required between adjoining land uses, public roads and parks, or between a land use and a natural feature to reduce the impact of one use on other uses or features. Buffers may include open space, woodland, landscaped areas, undisturbed vegetated areas, or other types of physical, visual or sound barriers.
- (4) Shade trees may be required near roads, parking areas and buildings.
- (5) The development shall be designed to minimize the visual impact on the surrounding area.



10.1 (A) Planting and Screening for Ground Mounted Solar and Other Energy Generation Projects - continued

- (6) Plantings shall be maintained in a healthy, growing condition. Where forest, cropland and "natural" areas are included, provision shall be made for their ongoing maintenance.
- (7) The choice and placement of plantings in parking areas and close to access drives and roads shall not interfere with the movement of vehicles and removal of snow.
- (8) Landscape plans shall show the location, species, size, and quantity of plants to be removed and installed. Additional information may be required by the Development Review Board (DRB) under subsection 11 below.
- (9) Plantings and screening materials shall not adversely impact drainage or grading or result in erosion.
- (10) The DRB may require the landscape plan to be prepared by a Vermont Licensed Landscape Architect or professional landscape designer.
- (11) The DRB may require the submission of computer generated photo simulations from all adjacent properties and public rights-of-way from which the application may be visible.

Sketch Plan Review Applicants for Solar and other energy projects requiring a Certificate of Public Good, or other state permit or approval, when the application is exempt from acquiring a municipal permits, the applicant shall contact the Zoning Administrator to schedule a time to meet with the Town Planning Commission to allow the Commission to review the proposed landscaping plan with the applicant before the applicant makes their initial application to the Public Service Board.

Recommendations to the Public Service Board. Pursuant to 24 V.S.A. §4414 (15), the Planning Commission and/or Selectboard may make recommendations to the Public Service Board in accordance with the requirements of this section for a Solar Project or Other Energy Generating Facility. Furthermore, the screening requirements of this Bylaw and the recommendations of the Planning Commission and/or Selectboard shall be a condition of a certificate of public good issued under 30 V.S.A. Sec. 248.

## 10.2 Exterior Lighting

Purpose: The purpose of the exterior lighting regulations is to:

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

Application requirements. On all projects requiring site plan approval, the installation or replacement of outdoor lighting requires the approval of the Development Review Board. Sufficient information is required to be provided by the applicant to ensure the applicable provisions will be satisfied, including:

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

General requirements.

- All existing and proposed exterior lighting shall be located, shielded, landscaped, or otherwise fully buffered in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated including adjacent properties, roadways, and the night sky.
- Exterior lighting shall be limited to cut-off fixtures. Wherever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.
- Such fixtures shall be aimed directly downward so as not to cause glare on adjacent roadways, not to cause excessive levels of illumination, or not to result in direct illumination of neighboring properties.
- Electrical service to outdoor lighting fixtures will be underground unless mounted directly on a utility pole.
- For the purpose of reduction in energy consumption, lighting shall be designed to provide the minimum level of illumination necessary for security, safety, and visual appeal. Lighting fixtures and bulbs are to be energy efficient.
- Lighting associated with holiday decoration shall be exempt from these provisions provided such lighting does not create a hazard and is removed promptly following the date of the holiday.
- Lighting fixtures shall be maintained to meet the requirements of these regulations.

Specific design standards:

Parking lot lighting.

- Parking lot lighting shall be designed to provide the minimum lighting necessary to meet the functional needs of safe circulation, to ensure adequate vision and comfort in parking areas, and not to cause glare or directly illuminate onto adjacent properties or streets.
- All lighting fixtures serving parking areas shall be cut off fixtures.
- The maximum mounting height shall not exceed twenty (20) feet.
- The minimum illumination level (at the darkest spot in the parking lot) shall be no less than 0.3-foot candles and no more than 0.5-foot candles.
- A minimum color-rendering index of 65 is required.
- Pole heights shall be compatible with the scale of the neighboring area.

## 10.2 Exterior Lighting; Specific design standards:- continued

### Lighting of gasoline service stations/ convenience store aprons and canopies:

Lighting levels in gasoline stations and convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the business. Signs allowed under other provisions of these bylaws shall be used for that purpose. Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements of the parking area standards set forth above. Areas around the pump island and under the canopies shall be illuminated such that the minimum horizontal illumination at grade level is at least 1.0-foot candles and no more than 5.5-foot candles. The uniformity ratio (ratio of average to minimum illumination) shall be no greater than 4:1, which yields an average illumination level of no more than 22.0-foot candles. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy so that the light is restrained to no more than 85 degrees from vertical. Lights shall not be mounted on the top or sides (fascia) of the canopy, and the side fascia of the canopy, shall not be illuminated.

### Lighting exterior displays/ sales areas:

Lighting levels on the exterior displays/ sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the business. The applicant shall designate areas to be considered display/sales areas and areas to be used as parking or passive vehicle storage areas. The designation must be approved by the Development Review Board. Areas designated as parking or passive vehicle storage shall be illuminated in accordance with the requirements for parking areas suggested above. Areas designated as exterior display/sales areas shall be illuminated so that the average horizontal luminance at grade level is no more than 5.0-foot candles. The uniformity ratio (ratio of average to minimum luminance) shall be no greater than 4:1. The average and minimum shall be computed for only the area designated as exterior display/ sales area.

### Fixtures:

Light fixtures shall meet the IESNA definition of cutoff fixtures and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent properties, roadways, and the night sky. Fixtures shall be mounted no more than twenty (20) feet above grade, and mounting poles shall not be located either inside the illuminated area or no more than ten (10) feet away from the outside edge of the illuminated area.

### Lighting of building facades and landscaping:

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

- The maximum illumination on any vertical or angular surface shall not exceed 5.0-foot candles.
- Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building facade. Illumination shall be confined to the property boundaries. Lighting fixtures shall not be directed towards adjacent streets or roads.
- Lighting fixtures mounted on the building and designed to wash the building in light are preferred.
- To the extent practicable, lighting fixtures shall be directed downward (i.e. below the horizontal) rather than upward.

### 10.2 Exterior Lighting: Lighting of building facades and landscaping - continued

When landscaping is to be illuminated, the Development Review Board shall first approve a landscaping lighting plan that presents the purpose and objective of the lighting, shows the location of all lighting fixtures and what landscaping each is to illuminate, and demonstrates that the installation will not generally exceed light levels or cause glare or direct light beyond the landscaping into the night sky.

#### Lighting of walkways, bikeways, and parks:

Where special lighting is to be provided for walkways, bikeways, or parks, the following requirements shall apply:

- The walkway, bikeway, or ground area shall be illuminated to a level of at least 0.3-foot candles and not more than 0.5-foot candles.
- Lighting fixtures shall be designed to direct light downward, and light sources shall have initial output of no more than 1,000 lumens.
- In general, lighting shall be consistent with the guidelines presented in the IENSA Lighting Handbook.

### **10.3 Pedestrian and Bicycle Access**

A safe and attractive pedestrian environment shall be provided as appropriate to the use and District. Adequate access for people with disabilities from any parking area and/or adjacent sidewalks to building(s) that are open to the general public shall be provided. The following provisions shall apply if the development is located within the North Hyde Park Village District or North Hyde Park Village Core Districts, or located in an area where the Municipality has identified the need for pedestrian or bicycle facilities in the Municipal Plan, Capital Plan, or other official document adopted by the Town Selectboard:

- The applicant shall provide a permanent easement up to twenty (20) feet but not less than ten (10) feet in width along any adjacent public street in order to facilitate construction of future pedestrian facilities.
- If a new or substantially improved principal structure is proposed and no sidewalk is present along the adjacent public street, the applicant shall install a sidewalk meeting all standards established by the Municipality, provided the cost of the installation does not exceed ten (10) percent of total estimated project cost. In lieu-of this requirement, the applicant may provide a payment to the Municipality equal to the cost of installing a sidewalk of equivalent length, as determined by the most recent piece rate estimates provided by the Vermont Agency of Transportation.
- If the development is located on a parcel adjacent to the Lamoille Valley Rail Trail, the applicant shall make every reasonable effort to facilitate pedestrian circulation between the LVRT and the development.

### **10.4 Utilities**

All existing and proposed utilities and utility rights-of-way/easements, including but not limited to electric, telephone, gas, fiber optic, and cable television, shall be shown on the site plan. Utility corridors shall be shared with other utility and/or transportation corridors where feasible and shall be located to minimize site disturbance. To the maximum extent possible, utility corridors shall share existing rights-of-way or follow existing linear features such as roads, tree lines, stone walls, fence lines or field edge. All new utilities shall be placed underground from the nearest available port, unless the Development Review Board determines that burial of utilities would result in an undue adverse impact to natural resources or would be prohibitively expensive (increase the cost by thirty percent (30%) or more). Exception: New above ground utilities may be installed for a distance of no more than 300' from an existing electric or other utility line that is located within a public right-of-way.

## 10.5 Stormwater Management

Applicability: All land development shall provide appropriate measures to prevent stormwater runoff from adversely impacting nearby properties, public infrastructure, or downstream water bodies. The provisions of this section apply to any development that will increase the amount of impervious surface on a lot by more than one half (0.5) acres, as measured cumulatively by previously permitted uses and structures over any 5-year period, except that, projects that require a State stormwater discharge permit are exempted from the provisions of this section.

Applicants are encouraged to incorporate Low Impact Development techniques and practices into the stormwater management system and/or to utilize the Voluntary Stormwater Management Credits provided for in the most recent version of the Vermont Stormwater Management Manual. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the State permit to the Administrative Officer prior to the start of construction.

## 10.6 Public Stormwater Systems

Applicability: Projects utilizing any public stormwater management facility shall provide evidence that the existing system will adequately meet the needed demand, or if the system will not meet the demand, the applicant will provide a plan for upgrading the system to meet the expected demand and provide a bond or security (to the satisfaction of the Selectboard or Trustees) to cover all or part of the costs of the necessary improvements. The applicant must also be able to demonstrate the ability to obtain all permits necessary to extend utilities, if necessary.

State Permit: All land development resulting in more than one-half (0.5) acres of new impervious surface shall at minimum meet the Recharge (Rev) criteria and the Water Quality Volume (WQv) criteria, as defined in the Vermont Stormwater Management Manual. All stormwater management facilities shall be designed and constructed in accordance with the most recent standards for such facilities adopted by the State of Vermont, and shall include Low Impact Development techniques whenever possible.

Low Impact Development: All applicants are encouraged to incorporate Low Impact Development techniques and practices into the stormwater management system and/or to utilize the Voluntary Stormwater Management Credits provided for in the most recent version of the Vermont Stormwater Management Manual. Applicants are also encouraged to refer to the Vermont Low Impact Development Guide for Residential and Small Sites for further guidance. Examples of Low Impact Development Practices are outlined below:

- Bioretention System. Bioretention or bio-infiltration systems retain runoff and pass it through a filter bed comprised of specific soil media. They resemble landscaped depressions and can contain grasses, wildflowers, shrubs, or trees depending on the size of the area. Stormwater runoff is delivered by channels, filter strips, curb cuts, or piping to these depressions where it temporarily ponds on the surface before seeping through an organic underground filter system and discharging to an underdrain network or infiltrating into the underlying soils. Treatment of stormwater includes attenuation of sediment, metals, bacteria, and nutrients.
- Rain Garden. Rain gardens are smaller-scale bioretention systems, well-suited for residential lots. They retain runoff and pass it through a filter bed comprised of specific soil media. They are a landscaped depression used to mitigate rooftop runoff or located at a low point on the lot to treat all stormwater on-site. Rain gardens are designed to be aesthetically pleasing and low maintenance with plant materials that can withstand periodic inundation. Rain gardens are usually sized to accommodate runoff from typical small storms, and during less frequent large storms they will overflow.

### 10.6 Public Stormwater Systems; Low Impact Development - continued

- Swale. Swales are open, grassed channels that are designed to treat, attenuate, and convey stormwater runoff. They are similar to conventional drainage ditches except that they are designed with a wider and shallower profile and flatter slope for a slower water velocity. There are many types of swales, and the specific design features and treatment methods vary among them. Some swales are designed with a fabricated soil bed and underdrains similar to a bioretention system. Generally, swales are used as pretreatment to other practices, although depending on the design they may also provide some pollutant removal or infiltration.
- Vegetated Buffer. Vegetated buffers may be engineered stormwater treatment areas or undisturbed natural areas where vegetation is used to treat and control stormwater. Buffers can be used to disperse and infiltrate stormwater runoff immediately adjacent to rivers, streams, ponds, and wetlands. They are an effective means of minimizing the amount of pollutants entering water bodies. They can also be used to treat stormwater along property boundaries or downslope of disturbed areas. They reduce runoff velocity, serve to protect soil from erosion and filter pollutants. Buffers comprised of natural woody vegetation are preferred. When natural vegetation cannot be preserved, new buffers can be designed as shallow pitched vegetated areas with herbaceous plants, low-lying groundcovers, shrubs, and trees. Stormwater flowing into buffer areas should be sheet flow and may require the use of a level spreader.
- Dry Well. A dry well is an underground chamber or large vertical pipe filled and/or surrounded with stone, typically used to collect and infiltrate roof runoff. Water from sources other than a roof will likely need preliminary treatment to filter out any solids that could clog the dry well. An overflow outlet is frequently needed for runoff from large storms that cannot be fully infiltrated. Dry wells are best suited where soils have high infiltration rates and there is adequate depth to groundwater and bedrock.
- Infiltration Trench. An infiltration trench is similar to a dry well except that it is a horizontal rock-filled trench with no outlet. Stormwater is usually pretreated before entering the trench where it is stored in the void space between the stones and infiltrates through the bottom and into the soil. An overflow outlet is frequently needed for runoff from large storms that cannot be fully infiltrated. Infiltration trenches are best suited where soils have high infiltration rates and there is adequate depth to groundwater and bedrock.

### **10.7 Protection of Natural Resources**

Site Plans in any district other than the North Hyde Park Village, North Hyde Park Village Core and North Hyde Park Industrial District shall be designed to minimize impacts on meadowland as required in Section 11.15 of this Bylaw and on farmland as required in Section 11.16 of this Bylaw.

## 10.8 Conditional Use Standards

Conditional use approval shall be granted by the Development Review Board only upon finding that the proposed development will not result in an undue adverse effect on or has been mitigated through conditions imposed on the approval.

- a. The capacity of existing or planned community facilities or services. The Board shall consider the demand for community services and facilities which will result from the proposed development and determine whether that demand will exceed the capacity of existing facilities or services (e.g. school capacity, water and sewer capacity, fire and emergency services, recreation facilities). In making such a determination, the Board will consider any capital program or budget in effect at the time of application.
- b. Dry hydrants and fire ponds. Where any conditional use, including a single-family home, is greater than one (1) mile from a dry hydrant or other water source, the Development Review Board may require the developer to install or contribute to the installation of a hydrant or fire pond. All hydrants must be installed to the specifications of the Hyde Park Fire Department or the North Hyde Park Fire Department as appropriate. Fire ponds and/or dry hydrants may be required for any conditional use remote from existing water sources adequate for firefighting. Fire ponds and dry hydrants shall be accessible for use in an emergency on other nearby properties. No fire ponds may be developed on lands designated as a wetland by the State or National Wetland Inventory.
- c. The character of the area affected. “Character of the area” is defined by the purpose of the zoning District within which the project is located as described in these bylaws and specifically stated policies and standards of the Town of Hyde Park Comprehensive Development Plan. The existence of one conditional use in a District will not necessarily be interpreted as justification for another similar conditional use to be located there. In the North Hyde Park Village Core District, the use shall be considered to meet the Character of the Neighborhood standard, if all building façade standards in each District, if any, and all performance standards in this Bylaw are met. In these districts, an increase in residential density and/or addition of a new non-residential use shall not in and of itself be considered detrimental to the “character of the neighborhood.”
- d. Traffic on roads and highways in the vicinity. The Board shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency, and use of affected public roads, bridges, intersections, and related pedestrian/bicycle infrastructure. The Board will rely on accepted transportation standards in evaluating traffic impacts and shall not approve a project that would result in the creation of unsafe conditions for pedestrians, cyclists, or motorists or unacceptable congestion for local roads, highways, and intersections (Volume--to capacity ratio greater than 1.)
- e. Bylaws now in effect. Proposed conditional uses must conform to all Municipal bylaws and regulations in effect at the time of submission of the application, including compliance with conditions of prior permits or approvals.

## 11.0 SUBDIVISION AND PLANNED UNIT DEVELOPMENT STANDARDS

### 11.1 Dimensional Requirements

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

- a. Area. Unless located within a PUD, no new lot created shall have an area less than the minimum area as required of the District in which it is located. Zoning rules and provisions are used to calculate areas.
- b. Dimensions. Except in the North Hyde Park Village or North Hyde Park Village Core Districts, or within a PUD, no new lot shall have a minimum width or depth dimension less than seventy-five (75) feet.
- c. Frontage. All new lots created shall either have a frontage on a public or private road or an easement or permanent right-of-way providing access to the lot. The minimum frontage required is established by the District in which it is located. Zoning rules and provisions are used to measure frontage.
- d. Easement requirements. An easement may be permitted to provide access for no more than three (3) parcels. Reference the Act §4418(1)(B)]. The permanent easement or right-of-way may be granted by the Development Review Board provided:
  - i. The right of way is at least thirty (30) feet in width.
  - ii. Is suitable to be developed as a driveway.
  - iii. Meets access location requirements.

Where an easement is intended to provide access to four (4) or more lots a private road right-of-way is required of at least 50 feet in width or larger as deemed necessary by the DRB, and each lot must meet the required frontage on the private road for the District in which it is located.

- e. Shape. Dogleg lots, bowling alley lots, and lots otherwise contorted in order to get around these bylaws are not permitted. Lot lines may be designed to follow existing land characteristics such as land contours, fence lines, roads, and paths, as well as to protect significant natural resources or to avoid excessively steep slopes, water courses, or wetlands, and where no other form of subdivision or PUD is possible.
- f. Non-Conforming. New or adjusted lot lines cannot cause an existing structure to become a non-conforming structure. If the structure was already non-conforming, then the new or adjusted lot line cannot increase the degree of non-compliance as defined in these bylaws.
- g. Monuments and Lot Corner Markers. Permanent monuments and corner markers shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying.



## 11.2 Access to Lots – Location

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

- a. Coordination with other local and State permits. The Development Review Board, the Selectboard, and VTrans have separate authorities in approving accesses.
- b. The Development Review Board, through these subdivision regulations, has all authority over (layout and design) accesses for private roads outside the public highway right-of-way.
- c. The Selectboard has all authority over layout and design of accesses within public highway right-of-ways.
- d. VTrans requires a state highway access permit prior to any subdivision of land abutting a State highway. VTrans has full authority over these accesses, although the Development Review Board will provide comment and recommendations to VTrans.
- e. Site layout. Parcels should be subdivided into lots that minimize the number of new accesses onto Class 1 and 2 highways. On Class 1 and 2 highways, access should be provided through a shared driveway or new street.
- f. Access location. All new lots must have locations suitable to meet access location, design, and offset requirements of these Bylaws. In accordance with these bylaws, North Hyde Park Village and North Hyde Park Village Core Districts, new access points (or “curb cuts”) on Vermont Highway Routes 15 and 100 for permitted and conditional uses shall not be closer than one thousand (1,000) feet from each other, except as necessary to provide access to properties existing in separate and non-affiliated ownership on or before October 27, 1977. Use of shared access points and driveways is strongly encouraged on these routes.
- g. Sight distance. All new lots must have locations suitable to meet sight distance requirements of these bylaws.

## 11.3 Usable Lot Requirement

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

- a. New lots must have some potential permissible use. The Development Review Board will not allow the creation of an unusable lot. No lot shall be approved until it is determined that the lot can meet the requirements of these bylaws for that use. The property owner does not need to obtain the zoning permit to receive plat approval but may apply for both plat approval and zoning permit approval simultaneously.
- b. Proposed Improvements. In order for the Development Review Board to approve a residential lot, for instance, the applicant must provide a location for wastewater disposal (sewer hookup or on-site), water supply, other utilities, a building envelope where a structure could be located and which meets all slope, setback, and buffer requirements and any zoning or other ordinance requirement which the Development Review Board determines to be appropriate.

### 11.3 Usable Lot Requirement - continued

- c. Building Envelopes: All lots shall have designated building envelopes that shall not include areas within any applicable setbacks, Class I or II wetlands, areas within fifty (50) feet of a surface water body , or any other area that may not be developed in accordance with these bylaws. Building lots shall be laid out to minimize impacts and fragmentation of meadowlands, farmland, and core forest areas, as defined in these Bylaws. The Development Review Board may further refine or restrict the location of the building envelope to meet any standard provided by these bylaws.
- d. State Permits Required. The Development Review Board may require an applicant to obtain applicable State permits before approving a subdivision if, in the opinion of the Development Review Board, the approval of such permit is in doubt or question.
- e. Conservation Parcels and Deferred Parcels. Where a parcel in a subdivision is not intended for future development (e.g. sale to a land trust for conservation purposes) the subdivision may be permitted provided the plat clearly reflects that the lot is for conservation purposes only. For deferred parcels that are not being conserved but the applicant is requesting no land development consideration, then the survey shall include a note within the parcel limits stating, "Deferred Parcel - No land development approved without prior town review and approval", or similar language acceptable to the municipality.

### **11.4 Water Systems**

For proposed or modified parcels to be developed with a water supply, the applicant shall show the following for each type of water source:

- a. Municipal Systems. For subdivisions utilizing any public water supply system, the subdivider shall provide evidence that the existing system will adequately meet the needed demand, or if the system will not meet the demand, the subdivider will provide a plan for upgrading the system to meet the expected demand and provide a bond or security (to the satisfaction of the Selectboard or Trustees) to cover all or part of the costs of the necessary improvements. Applicant must also be able to demonstrate the ability to obtain all permits necessary to extend utilities, if necessary.
- b. Community Systems. Community water systems shall be designed and installed in accordance with all applicable Municipal and State regulations and standards. Community systems may be required to be designed in such a way that they may eventually be connected to a Municipal water supply system. Articles of Association or similar arrangements are required to address long-term care and maintenance of these systems by the users.
- c. Individual Water Supplies. If the proposed development is to be serviced by individual wells, the applicant shall provide evidence of the location of all proposed wells and evidence that these locations will meet applicable Vermont State regulations for water supplies. Proposed well site(s) must be identified on a site plan, including any associated well shield. All well(s) must meet water supply-well shields and isolation distances provisions described in the most recent Vermont State Environmental Protection Rules.

## 11.5 Fire Hydrants, Fire Ponds, and Dry Hydrants

Where a subdivision is greater than one (1) road mile from a dry hydrant or other water source, or where the DRB otherwise determines that water sources are inadequate for firefighting, the Development Review Board may require the developer to install or fund the installation of a dry hydrant and/or fire pond.

Dry hydrants and/or fire ponds required under this section shall be installed by the subdivider. All dry hydrants and fire ponds must be installed to the specifications of the Hyde Park Fire Department or the North Hyde Park Fire Department as appropriate. Fire ponds and dry hydrants shall be accessible for use in emergencies on other nearby properties. No fire ponds may be developed on lands designated as a wetland by the State or National Wetland Inventory, unless approved by the Army Corps of Engineers and the Vermont Agency of Natural Resources

Fire ponds required under this section may also be incorporated into the stormwater management system serving the subdivision.

All costs associated with administering and maintaining the dry hydrant and or fire pond shall be the sole responsibility of applicant and/or subsequent landowners.

## 11.6 Wastewater Disposal

For proposed or modified parcels to be developed with a wastewater disposal system, the applicant shall show the following for each type of system:

- a. Municipal Systems. For subdivisions that will connect to a Municipal sewage disposal system, applications for extensions and hookups shall be approved by the officers and agents of the entity entrusted with the care and superintendence of the Municipal sewage disposal system. Applicant must also be able to demonstrate the ability to obtain all permits necessary to extend utilities, if necessary.
- b. Community Systems. Community wastewater disposal systems shall be designed and installed in accordance with all applicable Municipal and State regulations and standards. Community wastewater disposal systems may be required to be designed in such a way that they may eventually be connected to a Municipal wastewater disposal system. Articles of Association or similar arrangements are required to address long-term care and maintenance of these systems by the users.
- c. Individual Septic Systems. Individual septic systems shall meet the requirements of the Vermont State Environmental Protection Rules and all other applicable Municipal and State regulations and standards.
- d. Standards. Identification of sites for wastewater treatment and any backup sites (if required) shall be shown on the site plan. Where a new parcel is proposed for a use not requiring a wastewater permit, the plat shall clearly identify the parcel as not having an approved wastewater site.

## 11.7 Utilities

For proposed or modified parcels to be developed with a utility service, the applicant shall show the following for each type of service:

- a. Locations depicted: All proposed utilities, including but not limited to electric, telephone, gas, fiber optic, and cable television and associated rights-of-way shall be shown on the final plat and be located as follows:
  - i. The subdivider shall coordinate subdivision design with utility companies to insure adequate and suitable areas for under and above ground installation, both for the proposed subdivision and areas adjacent to the subdivision.
  - ii. Utility corridors shall be shared with other utility and/or transportation corridors where feasible and shall be located to minimize site disturbance; the fragmentation of agricultural, forest, and conservation land; and any adverse impacts to natural, cultural, or scenic resources and to public health. To the maximum extent possible, utility corridors shall share existing rights-of-way or follow existing linear features such as roads, tree lines, stone walls, fence lines or field edge.
  - iii. All new utilities shall be placed underground from the nearest available port, unless the Development Review Board determines that burial of utilities would result in an undue adverse impact to natural resources or would be prohibitively expensive (increase the cost by thirty percent [30%] or more.)
- b. Utility easements: Utility easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.
- c. Coordination with Selectboard. Where a subdivision will require the construction of utilities within the right-of-way of a public highway, approval of the Selectboard is required prior to final plat approval.

## 11.8 Private Road Design and Layout

Applicability: The standards contained herein shall apply to all proposed private roads serving four or more residential lots. All new private roadways are considered private for purposes of these bylaws until accepted as town public highways by the municipality. Acceptance of private roads by the Municipality is subject to the approval of the Selectboard, and applications can only be made following the completion of construction. Location and design of roads to these standards in no way ensures acceptance by the Selectboard. These standards do not apply to driveways or shared driveways serving as access up to (3) three residential lots:

- i. Road Design. All roads proposed and constructed under these bylaws shall be designed in accordance with the Hyde Park Road Policy, and other road construction guidelines established by the Selectboard, Rights-of-Way. All road rights-of-way, public or private, shall be a minimum of fifty (50) feet in width unless a wider right-of-way is required by the Town.
- ii. No "no outlet" roads shall be approved without a suitable turn-around at its terminus.
- iii. Surface. Except as provided in this bylaws regarding maximum slope, new roadways are not required to be paved, but if roads are proposed to be paved, they must meet standards established by the Town of Hyde Park.

11.8 Private Road Design and Layout; Road Design – continued

- iv. Intersections. A new or relocated road shall be located so that:
  - 1. A safe sight stopping distance is provided as determined by probable traffic speed, terrain, alignments, and climatic extremes. Generally, sight distance should be eleven (11) times the speed limit (e.g. a curb cut on a road with 25 mph speed limit would require a minimum sight distance of 275 feet).
  - 2. It is directly opposite an existing road or driveway to form a four-way intersection wherever feasible. Intersections creating centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted.
  - 3. It intersects the existing roadway at an angle between 70 degrees and 90 degrees.
  - 4. The gradient within one hundred (100) feet of an intersection shall not exceed three percent (3%).
  - 5. No structure or planting is situated to impair corner visibility.
- vii. Coordination with adjoining properties. In order to make possible necessary fire protection, movement of traffic, and present or future extension of required or needed utilities and public services, the arrangement of roads in the subdivision shall provide for the coordination of roads of adjoining subdivisions and for the proper projection of roads through adjoining properties which are not yet subdivided. The Development Review Board may require the set aside of rights-of-way for future development on the lot or adjacent properties. Where, in the opinion of the Development Review Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
- viii. Upgrade to Existing Roads. Where an existing road is inadequate or unsafe as determined by the applicant or municipality or both, and subdivision is proposed using the inadequate or unsafe road, the Development Review Board, in consultation with the Selectboard, may require the subdivider to conform to these standards and to upgrade that existing road to the extent necessary to serve emergency vehicles and the additional traffic resulting from the subdivider's subdivision. In situations where a development may require realignment, widening, or otherwise increasing the capacity of an existing road or where the Town of Hyde Park Comprehensive Development Plan or capital program indicates that the increased use resulting from such subdivision may require such improvements in the future, the subdivider may be required to reserve land for such improvements. These requirements shall also apply to any existing road that provides either frontage to new lots or access to new roads. Where a subdivision requires expenditure by the Municipality to improve existing roads to conform to these standards, the Development Review Board may disapprove such subdivision until the Selectboard certifies that funds for the improvements have been ensured, or the subdivider may be required to contribute to any or all of the expenses involved in road improvements necessitated by the project.
- ix. Road Names and Signs. Roads shall be named in accordance with the municipal road-naming ordinance or policy currently in effect and shall have specific historic, cultural, or geographic relevance. Said road names shall be identified on signs designed and located in accordance with municipal policy and shall be clearly depicted on the final plat.

### **11.9 Pedestrian and Bicycle Facilities and Access**

A safe and attractive pedestrian environment shall be provided as appropriate to the scale of the subdivision and District. The following provisions shall apply if the subdivision is located within the North Hyde Park Village District or North Hyde Park Village Core Districts, or located in an area where the Municipality has identified the need for pedestrian or bicycle facilities in the Municipal Plan, Capital Plan, or other official document adopted by the Town Selectboard:

- a. The applicant shall provide a permanent easement up to twenty (20) feet but not less than ten (10) in width along any adjacent public street in order to facilitate construction of future pedestrian facilities.
- b. If a new or substantially improved principal structure is proposed and no sidewalk is present along the adjacent public street, the applicant shall install a sidewalk meeting all standards established by the Municipality, provided the cost of the installation does not exceed ten (10) percent of total estimated project cost. In lieu of this requirement, the applicant may provide a payment to the Municipality equal to the cost of installing a sidewalk of equivalent length, as determined by the most recent piece rate estimates provided by the Vermont Agency of Transportation.
- c. Any subdivision of ten (10) or more lots shall provide formal facilities for pedestrians, regardless of the district in which the subdivision is located. Such facilities may include formal sidewalks along new and existing roads and/or trails/greenway located between and/or behind lots in the proposed subdivision.
- d. If the subdivision adjacent to the Lamoille Valley Rail Trail, the applicant shall make every reasonable effort to facilitate pedestrian circulation between the LVRT and the subdivision.

### **11.10 Site Restoration, Landscaping, and Street Trees**

All subdivisions shall be planned to retain, as much as possible, the natural contours and to conserve the natural cover and soil. The landscape shall be preserved in its natural state, as much as practical, by minimizing tree and soil removal and nonessential grading. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. Where existing trees are not present, street trees shall be planted along any new public or private road created as a result of the subdivision. Street trees shall be planted in accordance with the schedule set by the Town.

### **11.11 Stormwater Management**

Applicability. All subdivisions shall provide appropriate measures to prevent stormwater runoff from new impervious surfaces, totaling over 0.25 acres, that may adversely impact nearby properties, public infrastructure, or downstream water bodies. Any subdivision which will increase the amount of impervious surface may be required to first receive a State Stormwater Management permit as part of a final subdivision application. Subdivisions that require and are issued a State stormwater discharge permit are exempted from the provisions of this section.

Subdivision applicants are encouraged to incorporate Low Impact Development techniques and practices into the stormwater management system and/or to utilize the Voluntary Stormwater Management Credits provided for in the most recent version of the Vermont Stormwater Management Manual.

Any zoning permit or approval will be conditional upon the applicant submitting a copy of the State Stormwater permit to the Administrative Officer prior to the start of construction.

Subdivisions creating less impervious surface than set by the State for a state permit, but more than 0.25 acres, and have met the criteria for an “Environmentally Sensitive Rural Development,” as defined in the Vermont Stormwater Management Manual, shall be considered to have met the requirements of this Section. The minimum criteria for this Section are:

- i. The overall density is a maximum of 1 unit per 2 acres as an average over the total subdivision;
- ii. The total impervious cover of the subdivision is less than eight (8) percent;
- iii. A minimum of twenty-five percent (25%) of the project is protected in natural conservation areas;
- iv. Rooftop runoff is disconnected from impervious surfaces such as driveways in accordance with the criteria outlined in the Vermont Stormwater Management Manual;
- v. Grass channels designed in accordance with the Vermont Stormwater Management Manual are used to convey runoff, versus curb and gutter for roads and/or driveways; and
- vi. Vegetated stream buffers Stream buffers are incorporated into the site design on both perennial and intermittent streams. Such stream buffers shall conform to these regulations, as well as the standards of the Vermont Stormwater Management Manual.

The Development Review Board may require a letter from a licensed engineer certifying that the criteria for an “Environmentally Sensitive Rural Development” outlined above have been met.

### **11.12 Street & Sidewalk Lighting**

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

### 11.13 Recreation areas

Applicability. Subdivisions of greater than ten (10) lots created in any consecutive five (5) year period shall be required to provide some recreational areas for use by residents of the subdivision. The nature of the recreational areas (e.g. playground, ball field, trails, swimming pool, tennis courts) shall be at the discretion of the developer with input from the Development Review Board.

Recreation area requirements. All recreation areas shall meet the following requirements:

- a. The Development Review Board may require the dedication of up to fifteen percent (15%) of the total land area of the proposed subdivision for recreation purposes. Such area, to be set aside as common land unless otherwise approved by the Development Review Board shall be of suitable character to serve as park land, a playground, or recreation trail network. Reference the Act §4417.
- b. The location, shape, and character of the common land shall be suitable for its intended use.

### 11.14 Common Land

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

Common land requirements. All common land shall meet the following requirements:

- a. The location, shape, and character of the common land shall be suitable for its intended use.
- b. Land held in common shall be subject to appropriate deed restrictions, stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long-term stewardship.
- c. Common land is generally managed and maintained through Articles of Association or similar arrangements among the members of the subdivision. All costs associated with administering and maintaining common land shall be the responsibility of applicant and/or subsequent landowners.
- d. Articles of Association or similar arrangements must be recorded prior to the sale of the first lot if common land or shared facilities are approved in the final decision. Articles of Association and related arrangements are contracts within the members of the Association; they are not a substitute, nor do they supersede these bylaws. Where appropriate, these Associations must abide by the conditions established in the permit, but neither the Town of Hyde Park nor the Administrative Officer is responsible for mediating disputes within the Association.
- e. Legal review. The Development Review Board reserves the right to have any Articles of Association or similar arrangement reviewed by an attorney, at the expense of the developer, to ensure that basic standards, including but not limited to the following, are met
  - i. Proper establishment of the Association;
  - ii. Long-term care and maintenance of common land including costs are addressed;
  - iii. Protection of the Municipality in the event of legal challenges.



### **11.15 Preservation of Meadowland**

Applicability. Subdivisions shall be designed to allow the conservation of meadowland for open space and scenic values. Meadowland shall be defined as land, at least four (4) contiguous acres in size, not occupied by structures, roads, driveways, or parking lots and generally remaining in an open, non-forested or agricultural condition.

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

- a. Lot lines shall be configured to minimize the fragmentation of meadowlands.
- b. Roads and utility corridors shall, to the extent feasible, be located to follow existing linear features (e.g. farm roads, stone walls, tree and fence lines), and to avoid significantly subdividing open space.
- c. Provisions should be made to enable open space designated for agriculture and forestry (silviculture) to be used for these purposes.
- d. Where meadowland is also productive farmland greater than twenty-five (25) acres, Protection of Farmland provisions, below, also applies.
- e. Open space areas may be protected through the creation of common land.
- f. Open space areas shall be configured to be contiguous with existing open space lands on adjacent parcels.

Protection of Open Space. Meadowland open space may be held as common land or as a part of one of the lots within the subdivision. Where meadowland is held in common, appropriate Articles or Association or similar arrangements are required to address future use and maintenance of the area.

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

## 11.16 Protection of Farmland

Applicability: Where a subdivision includes twenty-five (25) acres or more of prime and statewide agricultural soils (farmland), the applicant must create subdivision boundaries configured to avoid adverse impacts on prime and statewide agricultural soils and other productive farmland. Methods for avoiding such adverse impacts include, but may not be limited, to the following:

- a. Where marginal soils also exist on the site, the creation of a PUD where the developable lots are clustered away from the farmland. Lot lines shall be located at field and orchard edges or, in the event that no other land is practical for development, on the least fertile soil in order to minimize the loss of productive agricultural land, to minimize impacts of existing farm operations, and to minimize disruption to the scenic qualities of the site.
- b. Contiguous patches of agricultural resources identified above shall not be fragmented. The resource should, wherever possible, remain in parcels of not less than twenty-five (25) acres.
- c. Vegetated buffer areas may be required between agricultural and other uses to minimize land use conflicts.
- d. To minimize the fragmentation of productive agricultural soils and to minimize visual impacts, access roads, driveways, and utility corridors shall be shared to the extent feasible, and where the sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, to the extent feasible, access roads, driveways, and utility corridors shall follow those linear features.
- e. It is not the intent of these provisions to reduce the overall level of development but to require clustering (through the use of PUDs) or other design tools to limit or reduce the impact of the development on the soil resources.

## 12.0 ADMINISTRATION AND ENFORCEMENT

### 12.1 Administrative Officer

- a. These bylaws shall be administered by the Administrative Officer [Reference the Act §4448(a)].
- b. The Administrative Officer shall be nominated by the Planning Commission and appointed by the Selectboard for a three (3) year term. The Administrative Officer may be removed from office for just cause by the Selectboard after consultation with the Planning Commission [Reference the Act §4448(a)].
- c. In the absence or disability of the Administrative Officer, an acting Administrative Officer shall be appointed and empowered in the same manner as provided above [Reference the Act §4448(b)].
- d. The Administrative Officer may hold any other office in the Municipality except for membership on the Development Review Board. Salary for the Administrative Officer shall be paid out of the General Fund in an amount and schedule established by the Selectboard [Reference the Act §4448(a)].
- e. The Administrative Officer shall manage and enforce these bylaws literally and shall not have the power to permit any development that is not in conformance with these bylaws and the Act §4448(a).
- f. The Administrative Officer shall have the power to hear and decide applications for zoning permits under these bylaws [Reference the Act §4449(a)(1)].
- g. The Administrative Officer shall investigate complaints and has the power to pursue violations of these bylaws through procedures set forth under Section 12.7 of these bylaws and the Act §4452.
- h. The Administrative Officer should provide forms required to obtain any Municipal permit or other Municipal authorization required under this bylaw or any other regulations or ordinances that relate to the regulation of land development within Hyde Park.
- i. The Administrative Officer should inform any person applying for a zoning permit that the person should contact the regional permit specialist in order to identify, apply for, and obtain relevant State permits [Reference the Act §4448(c)].
- j. The Administrative Officer shall meet the recording requirements of section the Act §4449.
- k. Minor Amendments to Zoning Permits  

Pursuant to Section 4464 (C) of the Act, minor amendments to a previously approved development project that has not been completed may be approved by the zoning administrator under the following conditions:

  - i. The zoning permit has not expired, and the amendment shall be limited to structures.
  - ii. No amendment shall be approved that results in a substantial impact under any applicable standard or substantively alters the findings of fact of all project approvals.
  - iii. An increase in square footage – finished or unfinished, if any, shall not exceed 300 sq. feet.

## 12.2 Development Review Board

- a. The Development Review Board (hereinafter referred to as “the DRB”) shall consist of not less than five (5) nor more than nine (9) members whose members shall be appointed by the Selectboard for specified terms. The Board may consist of the members of the Planning Commission. Vacancies shall also be filled by appointment of the Selectboard for unexpired terms and upon the expiration of terms. The Selectboard upon written charges and after a public hearing may remove any member of the DRB for just cause. [the Act §4460(b-c)]
- b. The DRB shall have all powers set forth in the Act to administer the provisions of these bylaws, including, but not limited to, the power to:
- c. Consider applications for conditional use approval of these bylaws and the Act §4460(e)(4).
- d. Consider applications for site plan approval of these bylaws and the Act §4460(e)(7).
- e. Consider requests for a variance of these bylaws [the Act §4464(e)(11)].
- f. Consider decisions of the Administrative Officer upon appeal of these bylaws and the Act §4464(e)(10)].
- g. Resolve any uncertainties on the Zoning Map under the Act §4464(e)(10).
- h. The DRB shall adopt rules of procedure and perform its functions in conformance with the Act §4461 ]and Vermont’s Open Meeting Law [1 V.S.A. §§310-314].
- i. The DRB shall meet all relevant recording requirements of this Bylaw.

## 12.3 Appeals- Decisions of the Administrative Officer

- a. Applicability: The applicant or an interested person may appeal any decision or act taken by the Administrative Officer by filing a written notice of appeal with the DRB within fifteen (15) days of the act or decision [Reference the Act §4465].
- b. Notice of Appeal Requirements: A notice of appeal shall be in writing and include [Reference the Act §4466]:
  - i. The name and address of the appellant.
  - ii. A brief description of the decision or act with respect to which the appeal is taken.
  - iii. A reference to applicable bylaws provisions.
  - iv. The relief requested by the appellant.
  - v. The alleged grounds why such relief is believed proper under the circumstances
- c. Rejection of Notice of Appeal: The DRB may reject an appeal without hearing and render a decision and Findings of Fact within ten (10) days of the filing of the notice of appeal if the DRB considers the facts or issues raised by the appellant to be substantially or materially the same as those decided in a previous appeal by said appellant [Reference the Act §4470(a)].

## 12.4 DRB Review Procedures

The Development Review Board shall review any appeal or request in accordance with the procedures in this Bylaw.

- a. The hearing shall be noticed in accordance with the Act and this Bylaw.
- b. In most cases the Administrative Officer is the defendant in the appeal before the DRB. In those cases the Administrative Officer must not act as a staff member during the hearing or deliberations.
- c. Any hearing may be adjourned by the DRB from time to time provided, however, that the date and place of the adjourned hearing shall be announced at the hearing.
- d. Decision: Upon completion of a hearing, the DRB shall render its decision in the form of written Findings of Fact and Conclusions of Law within forty-five (45) days. The DRB decision must be in writing and shall include a statement of the factual bases on which the DRB has made its conclusions and a statement of conclusions. Failure to render a decision within the required period shall be deemed approval [Reference the Act §4464(b)(1)].
- e. Copies of the DRB decision shall be sent to the applicant by certified mail or proof of acceptance must be given by the applicant via email or other electronic means, or a proof of receipt signed by the applicant provided to the Town, and delivered to every person or party who was heard at the hearing via email or US Mail, with copies to the Administrative Officer and the Town Clerk for filing as part of the public record.
- f. Appeals: Appeals from the decisions of the DRB may be made to the Environmental Court, within thirty (30) days of the decision as required in the Act.
- g. Posting and Recording requirements: The Administrative Officer shall meet the posting and recording requirements of the Act.

## 12.5 Appeals to Environmental Court

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

Initiation of Appeal. Within thirty (30) days following the date of decision rendered by the DRB, notice of the appeal shall be filed by certified mail with fees to the Environmental Court and mailing a copy to the Municipal Clerk or Administrative Officer, if so designated, who shall supply a list of interested persons to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the Notice of Appeal to every interested person and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the Court to intervene [Reference the Act §4471(c)].

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

- a. The name of the party appealing.
- b. What Board made the decision being appealed.
- c. The nature of the decision under appeal.
- d. A reference to the specific provisions of the bylaw.
- e. The relief requested by the appellant.
- f. The signature of the appellant or attorney.

Filing Fee: The filing fee is established by V.R.C.P. 76 (e). At the time of the development of these bylaws, the fee for filing an appeal with the Environmental Court is \$295.00. See: 32 V.S.A. §1431(b)(1).

## 12.6 Variance

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

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

### Application Requirements:

- a. Application: Variances are treated as appeals [the Act §§4465, 4466]. Therefore, a Notice of Appeal for a variance shall be filed with the Clerk of the DRB, or the Town Clerk if no such DRB Clerk has been elected, in writing and shall include:
  - i. The name and address of the appellant.
  - ii. A brief description of the property with respect to which the variance is requested.
  - iii. A reference to applicable bylaws provisions for which relief is requested.
  - iv. The nature of the relief requested by the appellant.
  - v. The alleged grounds why such relief is believed proper under the circumstances (i.e. how the proposal meets all requirements of this section).
- b. Review Procedures: The Development Review Board shall review any application for a variance in accordance with the DRB procedures in this Bylaw.
- c. Variance, General Standards: There are two sets of criteria established by the Act §4469 with regards to variances – general structures and renewable energy structures. Additional criteria are required for variance requests in the flood hazard area.
  - i. General structures. The DRB may render a decision in favor of the applicant only upon establishing all the facts required by this Bylaw in its decision.
  - ii. Renewable energy structures. For a structure which is primarily a renewable energy resource structure, the DRB may render a decision in favor of the applicant only upon establishing all the facts in this Bylaw in its decision.
  - iii. Flood hazard area. For general or renewable energy structures in the flood hazard area, the DRB may render a decision in favor of the applicant only upon establishing all the facts identified above and, based on a review by VT ANR, if it is determined that the proposed development will not increase flood levels and/or obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.
- d. Decision: Upon completion of a hearing, the DRB shall render its decision in the form of written Findings of Fact and Conclusions of Law within forty-five (45) days. The DRB decision must be in writing and shall include a statement of the factual bases on which the DRB has made its conclusions and a statement of conclusions. Failure to render a decision within the required period shall be deemed approval [Reference the Act §4464(b)(1)].

12.6 Variance – continued

- e. Copies of the DRB decision shall be sent to the applicant (by certified mail) or proof of acceptance must be given by the applicant via email or other electronic means, and every person or party who was heard at the hearing via email or US Mail, with copies to the Administrative Officer and the Town Clerk for filing as part of the public record.
- f. Conditions of Approval: In rendering a decision in favor of an applicant for a variance, the DRB may attach such conditions to such variances as it may consider necessary and appropriate under the circumstances to implement the Act and/or the Town of Hyde Park Comprehensive Development Plan as most recently adopted [the Act §4469(c)].
- g. Flood Hazard Areas: For any variance issued within the Flood Hazard Area Overlay, the permit shall state: “This development is not in conformance with the Flood Hazard Area bylaws established by the Town of Hyde Park to protect the health, safety, and welfare of the occupants and/or property. This development will be maintained at the risk of the owner. The issuance of this variance to develop in the flood hazard area will result in increased premium rates for flood insurance and may increase risks to life and property in the event of a flood.” Such language shall also be included on the deed recorded in the Hyde Park Land Records.

Appeals: Appeals from the decisions of the DRB may be made to the Environmental Court within thirty (30) days of the decision.

Posting and Recording requirements: The Administrative Officer shall meet the posting and recording requirements of the Act and these Bylaws.

**12.7 Violations and Enforcement**

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

- a. Identification and Investigation of Violations: The Administrative Officer is required by law to enforce all violations of these bylaws the Act §4448(a). Whether through direct observation, written or oral complaint, site visit, or notification of violation from the landowner, the discovery of an alleged violation must be pursued by the Administrative Officer.
- b. Any person may file a written complaint with the Administrative Officer if it is believed that a violation of these bylaws has occurred. The complaint shall state fully the causes and basis for the alleged violation. The Administrative Officer shall properly record such a complaint, investigate within a reasonable time, and take action as appropriate in accordance with these bylaws.
- c. The Administrative Officer may not enter upon any private property for purposes of inspection and investigation, except by permission of the landowner or per a search warrant duly issued by a court. See: 13 V.S.A. §4701.
- d. Formal Notice of Violation: No action may be brought under this section unless the alleged offender has had at least seven (7) working days notice by certified mail that a violation exists and has failed to satisfactorily respond or correct the alleged violation [the Act §4451(a)].
- e. The warning notice shall state:
  - i. That a violation exists;
  - ii. That the alleged offender has an opportunity to cure the violation within the seven (7) day period;
  - iii. That the alleged offender has the right to appeal the notice of violation to the DRB within fifteen (15) days from the date the notice was sent; and
  - iv. That the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) day period.
  - v. Action may be brought without notice and opportunity to cure, if the alleged offender repeats the violation of the bylaw after the seven (7) day notice period and within the next succeeding twelve (12) months.
- f. Informal Resolution of Violations: Where a landowner is cooperating with the Administrative Officer in finding a cure for the violation, the Administrative Officer has the authority to enter written agreements to resolve violations. The Administrative Officer is under no obligation to enter any agreement. Informal resolutions are not required under statute and are provided by the Municipality as an amicable means of resolving violations. At minimum, any agreement must:
  - i. Be in writing and be signed by both the violator and the Administrative Officer.
  - ii. Must establish a timeline for curing the violation.
  - iii. Give written authorization that will allow the Administrative Officer to inspect the premises to ensure compliance upon completion or by the agreed upon date of completion.

The Administrative Officer is prevented from making any agreement allowing a violation to continue, even if the violation is minimal, inadvertent, and/or the violator agrees to pay a fine [Reference the Act §4448(a)].



### 12.7 Violations and Enforcement – continued

- g. Enforcement Action: Where a property owner fails to remedy a violation within the seven (7) day period or the timetable agreed to under an informal resolution, the Administrative Officer, in the name of the Municipality, shall bring appropriate action to enforce the provisions of these bylaws [the Act §4452]. The appropriate action is typically an action in either Environmental or Superior Court, although other actions are available. The Municipality shall observe any limitations on enforcement proceedings relating to municipal permits and approvals as set forth in the Act §4454.
- h. Violations in the Flood Hazard Area Overlay: In addition to the notice procedures outlined above, a copy of the notice of violation shall be mailed to the State NFIP Coordinator. If any appeals have been resolved, but the violation remains, the ZA shall submit a declaration to the Administrator of the National Flood Insurance Program requesting denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.
- i. Fines: Any person who violates these bylaws shall be fined not more than the amount permitted under the Act §4451, which at the time of development of these bylaws is \$200. Each day that a violation is continued after the initial seven (7) day notice period shall constitute a separate offense. All fines imposed and collected shall be paid to the Municipality.
- j. Posting and Recording requirements: The Administrative Officer shall meet the posting and recording requirements of this Bylaw.

### **12.8 Fees**

The Selectboard may prescribe reasonable fees to be charged with respect to the administration of these bylaws and for the administration of development reviews. These fees may include the costs of posting and publishing notices and holding public hearings and the cost of conducting periodic inspections during the installation of public improvements. These fees may be payable by the applicant upon submission of the application or prior to issuance of the permit [the Act §4440(b)].

- a. The Selectboard may set reasonable fees for filing of notices of appeal and for other acts as it deems proper, the payment of which shall be a condition for filing the notice [the Act §4440(c)].
- b. The fee schedule may include a process and provisions that require applicants to pay for reasonable costs of an independent technical review of their applications [Reference the Act §4440(d)].
- c. An applicant may be charged the cost of the recording fees as required by law [Reference the Act §4449(c)(2)].
- d. The schedule of fees shall be posted in the offices of the Municipal Clerk and Administrative Officer and may be altered or amended only by resolution of the Selectboard.

## 12.9 Posting and Recording Requirements

- a. Posting: Within three (3) days following the issuance of a zoning permit or decision by the DRB, the Administrative Officer shall post a copy of the permit or approval in the Town Clerk's Office until the expiration of the appeal period [§4449(b)(2)]. Notice must also be posted by the applicant within view of the public right of way most nearly adjacent to the subject property until the time for appeals has passed. Each posting shall contain a statement of the period of time within which an appeal may be taken [§4449(b)] and a description as to where a full description of the project and approval can be found. Posting the property for a projects proposal is only required once, not with each subsequent zoning permit approval, as long as the project remains substantially the same as the original application through construction.
- b. Recording with the Listers: Within three (3) days following the issuance of a zoning permit the Administrative Officer shall deliver a copy of the permit to the Town Listers [the Act §4449(b)(1)].
- c. Recording Permits with the Town Clerk: Following the appeal period but within thirty (30) days after the issuance of any of the items listed below, the Administrative Officer shall deliver the original, or a legible copy, of the issuance to the Town Clerk for recording in the municipal land records [the Act §4449(c)(1)]. The following issuances are covered in this subsection:
  - i. Letters approving or denying exemptions from this Bylaw
  - ii. Zoning permits;
  - iii. Notices of violation; or
  - iv. Notices of denial of an application. [the Act §4449(c)(1)(A)]
- d. Temporary permits issued for telecommunication facilities under these bylaws are not required to be recorded per 24 V.S.A. §1154(b).
- e. Contents of Issuance: Any permit, notice of violation or appeal (issuances) delivered for recording shall list:
  - i. As grantor, the owner of record title to the property at the time of issuance;
  - ii. As grantee, the municipality issuing the permit, certificate, or notice – i.e. *the Town of Hyde Park*; and
  - iii. The tax map lot number or other description identifying the lot [24 V.S.A. §1154(c)].

12.9 Posting and Recording Requirements - continued

- f. Recording Plats with the Town Clerk: Within one hundred eighty (180) days after the approval by the DRB, administrative officer, or certification by the Clerk of the DRB's failure to act within forty-five (45) days, the applicant shall submit the final plat, including all endorsements, for review, DRB or administrative officer signature, if necessary, and recording in the Town Clerks Office [the Act §4463(b)]. Such final plat shall:
- i. Be on a Mylar® sheets, or similar material allowed by law, of 24 inches by 18 inches.
  - ii. Have all lettering and data which is clear and legible.
  - iii. Have all sheets which have margins having a minimum one-half inch margin, except at the binder side, which shall have a minimum of one and one-half inches margin.
  - iv. Contain an inset locus map clearly indicating the location of the land depicted and a legend of symbols used.
  - v. Utilize plat scale ratios sufficient to allow all pertinent survey data to be shown and contain a graphic scale graduated in units of measure used in the body of the plat.
  - vi. Contain a graphical indication of the reference meridian used on the survey plat and a statement describing the basis of bearings referenced on the survey plat.
  - vii. Contain a title area in the lower right-hand corner of the sheet stating the location of the land, scale expressed in engineering units, date of compilation, the name of the record owner as of that date, the land surveyor's certification as outlined in 26 V.S.A. § 2596.
  - viii. Contain a certification that the plat conforms to requirements of this section. These certifications shall be accompanied by the responsible land surveyor's seal, name and number, and signature.
  - ix. Each survey plat shall contain a graphical indication of the reference meridian used on the survey plat and a statement describing the basis of bearings referenced on the survey plat.
  - x. Contain a signature box for an authorized member of the DRB or Administrative Officer in the form prescribed in the written decision and a Town Clerk signature block in the form prescribed by the Town Clerk.
  - xi. Be signed by an authorized member of the DRB or Administrative Officer.
  - xii. Contain the recording requirements of the Town Clerk's Office below.
  - xiii. The approved permit # or the certification by the Clerk of the failure of the DRB to act.

The DRB or administrative officer approval, or certification by the Clerk of the failure of the DRB to act, expires after 180 days of issuance [Reference the Act §4463(b)]. Any plat not submitted to the Clerk's Office for recording within one hundred eighty (180) days shall be null and void.

## 12.10 Recording DRB Minutes and Findings with the Town Clerk

- a. DRB Minutes & Voting: The DRB shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall keep records of its examinations and other official actions. For each case heard and decided, the DRB shall make written Findings of Fact and Conclusions of Law that shall be maintained in the Town Clerk's Office together with all minutes and other records of the DRB [Reference the Act §4461(a)]. Such written Findings of Fact and Conclusions of Law shall include the name of each member participating in the matter and whether they voted in favor or against, or abstained from voting, with any member recusing themselves also noted.
- b. Administrative Officer records: The Administrative Officer shall maintain a record of development including:
  - i. A file of a copy of any municipal permits which have been submitted to the Town Clerk for recording in the land records, in a location where all municipal land use permits shall be kept.
  - ii. Copies of all evidence presented, public notices, hearing minutes, Findings of Fact and other material collected by the Administrative Officer or DRB in the process of reviewing an application, including any letters from State agencies as a part of these bylaws.
  - iii. All temporary permits issued or denied under these bylaws. The Administrative Officer must keep a copy of all temporary permits for a period of one (1) year following the expiration of said permit.
  - iv. For any permits issued within the Flood Hazard Area Overlay:
    1. A record of all permits issued for development in areas of special flood hazard;
    2. A copy of the elevation certificate;
    3. All flood proofing certifications required under this regulation; and
    4. All variance actions, including justification for their issuance.

## 13.0 DEFINITIONS

### 13.1 General Definitions

Except where specifically defined herein or in the Act, or unless otherwise clearly required by the context, all words, phrases, and terms in this bylaw shall have their usual, customary meanings. Definitions contained in the Act shall be applicable throughout these bylaws, unless otherwise specifically defined in this section.

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

The particular controls the general;

The present tense includes the future tense;

The words “shall” and “must” are mandatory and the words “should” and “may” are permissive;

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual, unless otherwise specifically defined herein;

The word “structure” includes “building;”

The word “lot” includes “parcel.”

### 13.2 Specific Definitions

**ACCESSORY STRUCTURE or ACCESSORY USE:** A structure or use which is incidental and subordinate in size and overall appearance to the primary USE or STRUCTURE and which is located on the same LOT, or which is incidental and subordinate to the use of the land. Structures accommodating any accessory use are subject to the same requirements (i.e. setbacks, height and size restriction, etc.) as the principal use or structure. Drive-thru for a person to conduct business from their vehicle are not considered an accessory use or structure and shall be prohibited in all districts.

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

**ACT, THE:** The Vermont Planning and Development Act , 24 V.S.A. Chapter 117.

**ADJOINING LANDOWNER:** Any person owning land contiguous to the proposed land development, including land separated by a road or road right-of-way. An adjoining landowner that shares a legal interest in a shared roadway impacted by the proposed land development becomes a co-applicant to the application.

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

**ADULT USE ESTABLISHMENT:** An establishment that:

- a) rents, sells and/or otherwise provides media or other goods in which ten (10) percent or more of the public floor area is devoted to adult media, or five (5) percent or more of the public floor area is devoted to the display of sexually oriented toys or novelties, or advertises itself out in any forum as a sexually oriented adult business; and/or
- b) features dancing or other live entertainment which constitutes the primary live entertainment, as determined from a pattern of advertisement and frequency of performances, and is distinguished or characterized by an emphasis on the exhibition of specific sexual activities; and/or
- c) emphasizes/predominately shows sexually oriented movies.

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

- a. On-site processing, storage, sampling, and tasting of crops or farm products not principally produced on the farm.
- b. Retail sales of crops or farm products not principally produced on the farm, such as an on-site farm café.
- c. Retail sales of non-farm products related to the farm and/or what is produced on the farm. Such retail sales of non-farm products must be clearly related to and subordinate to the farming operation and/or other agricultural operation uses.
- d. Education, cultural, agricultural-related museums, and recreation programming including, but not limited to, classes, day camps, petting zoos, etc.
- e. Event hosting as long as such events are clearly subordinate to the agricultural operation including, but not limited to, wedding venue, dinner/ dance venue, theater production, community events, and fund-raising events.
- f. Animal health, breeding, and boarded care facilities such as veterinary clinics principally servicing livestock and poultry.
- g. Horticultural facilities including selective seed storage and sales, as well as demonstration plots.
- h. Slaughter and meat processing facilities.
- i. Food processing facilities including but not limited to product washing, flash freezing, canning, or value-added processing production of food products.
- j. Craft scale dairies, cheese, and other dairy product makers, wineries, breweries, distilleries, juice, and cider producers, and similar activities.
- k. Agricultural and residential by-product processors such as composting and bio-electric generators.
- l. Agricultural machinery repair.
- m. Facilities or workshops supporting on-site agricultural services such as furriers, breeders, etc.

**AGRICULTURE:** Agriculture includes:

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

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

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

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

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

**AUTO SERVICE STATION:** See MOTOR VEHICLE SERVICE/REPAIR

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

**BASEMENT:** Any area of a BUILDING having its floor subgrade (below ground level) on at least fifty percent [50%] of its perimeter. A basement is not counted toward gross floor area and are not considered stories for the purposes of determining building height, unless the finished surface of the floor above the basement is either more than four (4) feet above the average pre-construction level of the adjoining ground, or more than twelve (12) feet above the pre-construction ground level at any point.

**BED and BREAKFAST:** See LODGING

**BOARDING HOUSE:** See LODGING

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

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

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

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

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

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

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

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

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

**CHANGE OF USE:** The modification from one type of use to another type of use, such as residential to commercial, but not single-family residential to two-family residential. Finishing space from unfinished area to a finished area in existing structures is also not a change of use.

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

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

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

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

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

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

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

**COMMUNICATION EQUIPMENT:** See TELECOMMUNICATIONS FACILITY

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

**CONTRACTOR YARD:** The use of land or structures for storage of construction supplies, vehicles, equipment and materials used in construction work that is performed off the parcel. Home occupations with similar activities but otherwise meeting the definition of HOME OCCUPATION are not contractor yards.

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

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

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

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

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



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

**SINGLE-FAMILY:** A building, or portion thereof, used or designed to be used as the residence of not more than one [1] FAMILY, and which is not attached to any other dwelling (with the exception of an ACCESSORY APARTMENT in accordance with these regulations – Accessory Apartments do not count as a “unit” for density calculations).

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

**MULTI-FAMILY:** A building or portion thereof, used or designed to be used as a residence for three (3) or more families, with each occupying a separate DWELLING UNIT, neither/none of which is an ACCESSORY APARTMENT .

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

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

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

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

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

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

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

**ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE):** The protective system which communicates with electric vehicles and monitors electrical activity to ensure safe charging, inclusive of all of the components: the conductors; the ungrounded, grounded, and equipment grounding conductors; electric vehicle connectors; attachment plugs, and all other fittings devices, power outlets, or apparatus installed specifically for the purpose of delivering energy from the grid to an electric vehicle. This definition shall also include similar ESVE technology that may be developed. There are currently three types, or levels, of EVSE:

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

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

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

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

**FAA:** Federal Aviation Administration.

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

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

**FARM STRUCTRE:** A building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in 10 V.S.A. § 6001(22), but excludes a dwelling for human habitation (24 V.S.A. §4413(d)).

**FARMING:** See AGRICULTURE

**FCC:** Federal Communications Commission

**FLOOR, GROUND:** The first story of a building other than a basement. The street level floor of a structure.

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

**FOREST PRODUCTS PROCESSING:** A facility for the processing and/or storage of forestry products that is located off site from harvesting operations. This may include, but is not limited to permanent sawmills, lumberyards, procurement yards, commercial firewood producers, wood pellet producers, wood kilns, and similar facilities. This definition does NOT include temporary equipment including, but not limited to, portable sawmills, wood chippers, and wood splitters, which are used in association with harvesting operations and which are removed from the site once harvesting operations are complete. Such temporary processing equipment shall be considered FORESTRY. Processing of logs on any parcel up to ten cords in any calendar year is exempt for residential firewood use off-site and exempt for on-site firewood use in any quantity. Processing of logs above the exemption level for off-site firewood use or for commercial firewood sales on that parcel or off-site in any quantity is land development requiring conditional use review.

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

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

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

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

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

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

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

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

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

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

- a) any substance defined in Section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980;
- b) petroleum, including crude oil or any fraction thereof; or
- c) hazardous wastes, defined in Section 101 (9) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

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

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

NOTE 3: *Vehicles or equipment in good working condition and properly containing fluids and oils as designed are not "Hazardous materials" storage.*

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

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

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

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

**HOME OCCUPATIONS AND BUSINESSES:** An accessory commercial, service, or industrial use carried out within a residential property under the conditions established by these bylaws.

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

**HOTEL:** See LODGING

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

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

**INN:** See LODGING

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

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

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

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

**LAND DEVELOPMENT:** The division of a parcel into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill with materials including but not limited to soil, sand, rocks, gravel and fill; any change in the use of any building or other structure or land; or the extension of the use of land.

**LEGISLATIVE BODY:** The Selectboard of the Town of Hyde Park.

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

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

**LODGING:** Any structure containing rooms which are designed to be rented as sleeping units for persons on a temporary basis. Meals may be served in a common dining area. This definition shall include: "bed and breakfasts," "hotels," "inns," "motels," "lodges," and "hostels."

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

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

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

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

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

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

**MOBILE HOME PARK:** Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate more than two [2] mobile homes. "Mobile Home Park" shall not mean any parcel of land under the ownership of an agricultural employer who may accommodate thereon up to four [4] mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment. This definition specifically excludes MOBILE HOME SALES.

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

**MOTEL:** See LODGING

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

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

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

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

**MUNICIPALITY:** The Town of Hyde Park

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

**NON-CONFORMING LOT or PARCEL:** A lot or parcel that does not conform with current regulations governing dimensional requirements but which was in conformity with all applicable laws, ordinances, and regulations prior to the enactment of current bylaws, including a lot or parcel improperly authorized as a result of error by the Administrative Officer or Development Review Board under the provisions of 24 V.S.A. §4472.

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

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

**OFFICE/SERVICES:** Services uses means providing a service to the public by an individual(s) with or without advanced academic training and engaged in a specific occupation for pay or for non-profit. Examples include ,but are not limited to, tailor, seamstress, cobbler, travel agent, barber, hairdresser, engineering firm, lawyer, accountant, consultant, realtor, real estate appraiser, architect, designer, psychologist/psychiatrist, chiropractor, healthcare provider, etc. Office use means professional offices and general business office space for billing, scheduling and managing a business, with or without accessory structures that are necessary to conduct business either off-site or on-site.

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

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

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

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

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

**PERENNIAL STREAMS AND RIVERS:** A watercourse, or portion, segment or reach of a watercourse that, in the absence of abnormal, extended, or severe drought, continuously conveys surface water flow and is identified as a "Small stream – 50 foot setback" on the current Vermont Agency of Natural Resources – Natural Resources Atlas.. A perennial stream shall not include the standing waters of wetlands, lakes, and ponds. The jurisdictional exemption under 10 V.S.A. Section 1002(10) for "ditches or other constructed channels primarily associated with land drainage or water conveyance" shall not include perennial streams that have been channelized or converted to ditches. All other streams or portions thereof shall be considered and termed intermittent. A perennial stream may, along its course, cycle from intermittent to perennial to intermittent through multiple iterations.

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

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

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

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

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

**PLANNING COMMISSION:** The Hyde Park Town Planning Commission established in accordance with The Act.

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

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

**PRIVATE ROAD:** a minor travel way under private ownership serving more than three adjoining parcels which provides vehicular access from an adjoining road to a parcel. Commercial access ways are not private roads. Private roads serve six or fewer residential units, excepting accessory dwellings.

**PUBLIC ART:** Art in any media that has been planned and executed with the intention of being staged in view of the public-right-of-way, public building, municipal, state or federal properties, or other public space, usually outside and accessible to the general public. Public Art includes vehicles, military equipment, farm equipment and other similar items that are no longer functioning but intentionally installed for viewing by the general public.

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

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

**PUBLIC ROAD:** See PUBLIC HIGHWAY

**PUBLIC STREET:** See PUBLIC HIGHWAY

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

**RECREATION FACILITY, INDOOR:** An establishment dedicated to indoor recreational pursuits including, but not limited to, indoor bowling alley, theater, table tennis, pool hall, skating rink, spa/gymnasium, swimming pool, hobby workshop, or similar BUILDING-centered, sheltered, recreation. Such facilities may or may not include the sale of food and/or beverages as an ACCESSORY USE.

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

**RECREATIONAL VEHICLE:** Vehicles that are registered or may be registered and are used for on and off-road travel. If the vehicle contains living facilities, such as a sink, bed, kitchen, etc. the occupancy and use is limited to no more than two vehicles on any one parcel for a maximum of 180 consecutive days each, per calendar year. Exterior storage of registered and road worthy recreational vehicles may occur without a zoning permit. Exterior storage of unregistered recreational vehicles not used for living purposes is limited to one vehicle per parcel.

**RESTAURANT/FOOD SERVICE:** An establishment whose principal business is the sale of foods and beverages cooked or prepared on the premises and which may have facilities for on-site food consumption, take-out service, and/or delivery.

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



RFI: Radio Frequency Interference

RFR: Radio Frequency Radiation

ROOF, ARCHED/BARREL: A curved roof.

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

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

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

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

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

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

ROOF, PITCHED: A roof with a pitch of 4/12 or greater.

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

SCREENING: Reasonable aesthetic mitigation measures to harmonize a facility with its surroundings and includes landscaping, vegetation, fencing, and topographic features. The perspective to be used when evaluating effective screening shall be from any adjoining parcel and from any point on the adjoining parcel not more than 50 feet from the boundary line when the subject parcel is viewed from a height of six (6) feet above ground elevation."24 V.S.A. 4414 (15) (B).

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

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

SIDEWALK: A paved, surfaced or leveled area paralleling, and usually separated from, the street used as a pedestrian walkway. The paved section of the public frontage dedicated to pedestrian activity, café seating, and other street furniture.

SIGN: Any devices, designs, trade names, trademarks by which anything is made known, such as are used to identify or advertise an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public-street or right-of-way and used to attract attention. Advertising products and inflatables are not signs and are prohibited by these regulations, including but not limited to, wind flags, roll up banners, temporary banners, air dancers, cold air or hot air balloons, helium inflatables and inflatable costumes.

**SIGN, AREA:** The total square footage or area of a sign mounted as individual letters and /or graphics against a wall or on other structure. For calculations purposes, the area shall be completely contained within a circle, square, or rectangle. The sign area shall be clearly defined by a boundary line, frame, contrasting colors, textures, materials and/or combination of materials designed to differentiate the sign area from the background against which it is placed. The area of any double-faced sign shall be the area of the largest single face, on one piece of mounting material and the sign faces shall be parallel to one another. V-shaped or curved signs are not allowed. V-shaped means that the two sides of a double-sided sign are not parallel to one another or are installed on more than one piece of mounting material. The mounting material for signs that are not wall signs shall not exceed 125% of the sign's maximum allowed square footage. Reflective decals or electronic message boards are not allowed. The width of any sign and any supporting posts, poles or standards shall not exceed 10 inches. Posts shall not count toward the total sign square footage nor be utilized for anything other than support of the sign, except for installation of no more than one - Open flag.

**SIGN, FREE-STANDING:** A sign resting on the ground or supported by means of no more than two poles, posts, or standards in the ground or a base structure made of natural materials, typically stone or wood. The width of any pole, post or standard supporting the sign shall not exceed 10-inches. For sign bases that are utilized instead of or in combination with poles, posts or standards, the overall height shall not be increased above the height specifically allowed for signs and the top of the base structure shall be no higher than three (3) feet from the average surrounding ground level and the bottom of the sign shall be no more than one (1) feet above the top of the base. The width of a sign base structure shall not be wider than 125% of the sign width. Banner flags with the word "Open" are not considered signs as long as they are attached to the principle structure or the free-standing sign for the related business and do not exceed twelve (12) square feet in size on a pole not exceeding six feet in length.

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

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

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

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

**SIGN, TEMPORARY:** A display, informational sign, banner, or other advertising device, with or without a structure frame, intended for a limited period of display and not permanently affixed to the ground or mounted to a wall or other vertical building surface.

**SIGN, WINDOW:** A sign affixed or attached to, painted on, or erected on the interior or exterior of a window, or within 12 inches of the interior surface of the window glass, with the sign, including any stand, shelving, counter, or other structure, placed in view of the general public from outside the structure.

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

**SOLAR, GROUND MOUNTED OR ENERGY GENERATION PROJECT:** a ground mounted solar plant over 15KW, including any accessory structures, or any energy project requiring a CPG from the Public Service Board.

**STOOP W/ STAIRS:** A FAÇADE ELEMENT wherein the facade is aligned close to the front property line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

**STORE FRONT:** A FAÇADE ELEMENT, most often for retail use, with substantial glazing, wherein the facade is aligned close to the front property line with the building entrance at sidewalk grade.

**STREET FURNITURE:** Constructed above-ground objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains, and telephone booths used by the public.

**STORY:** That part of a building above ground level between a floor and the floor next above. If there is no floor above it, then the space between the floor and the roof or ceiling next above it. An intermediate floor between the floor and ceiling, such as a mezzanine or landing, shall not be counted as a story unless the total of all such areas exceeds one-third of the area of the floor immediately below it. Attics are not considered stories. A basement shall be considered as a story only where the finished surface of the floor above the basement is either more than four (4) feet above the average pre-construction level of the adjoining ground or more than twelve (12) feet above the pre-construction ground level at any point.

**STORY, HALF:** The uppermost story, usually located within the roof framing, that has a clear floor to ceiling height of at least seven and one half (7.5) feet for not more than 50% of the total floor area. If the clear floor to ceiling height at the height point is less than seven-and-one-half feet (7.5'), the area shall not be considered a half story, and shall be considered an attic. If the clear floor to ceiling height is at least seven and one half (7.5) feet for more than 50% of the total floor area, the area shall be considered a story.

**STRUCTURE:** An assembly of materials for occupancy, use, or display including, but not limited to, buildings; in-ground swimming pools; ponds; mobile homes; antennae and communication towers;; animal or vehicle jumps; flag poles; public playground equipment; fences; signs, bridges, boardwalks, docks, decks, porches, and patios. The term "Structure" specifically excludes elements built at grade without a foundation or pier support including, but not limited to, walking or riding trails or playing fields that are materially unenhanced; compost bins, planters, sidewalks, and berms, swales, walls less than three [3] feet in height as calculated from grade and assembled from materials native to the parcel (i.e. not imported from off-site) that have been rearranged or relocated on the parcel. The term structure also excludes elements of wastewater treatment systems and water supplies governed by the Vermont Environmental Protection Rules.

**SUBDIVISION:** Includes but is not limited to:

1. The division of a parcel into two or more lots.
2. Re-subdivisions, amendments to subdivisions, amendments to conditions of plat approval, and boundary line adjustments.
3. Creation of easements or rights-of-way to allow access to landlocked parcels [the Act §4418(1)(B)].
4. Creation of common interest ownership communities where parcels within the community are subdivided.

**SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or other improvement of a STRUCTURE, the cost of which equals or exceeds fifty percent [50%] of the market value of the structure before START OF CONSTRUCTION of the improvement.

**SURETY:** When required, a letter of credit, bond or other surety agreement in a pre-determined amount shall be paid to the Municipality when the conditions of a development permit or other agreement are not met and must be performed by the Municipality under the terms of the Surety document.

**SURVEY PLAT:** A map or plan, drawn to scale, of one or more parcels of land showing, but not limited to, boundaries, corners, markers, monuments, easements, and other rights.

**SWIMMING POOL:** Any pool or other STRUCTURE used for swimming (other than a natural or man-made pond), above or below ground level, that contains two [2] or more feet of water at its deepest, whether for public, private, or commercial uses.

**TELECOMMUNICATIONS FACILITY:** A tower or other support structure, including antennae which extends twenty [20] feet or more vertically, and related equipment and base structures to be used primarily for communication or broadcast purposes to transmit or receive communication or broadcast signals. The term “telecommunications facility” includes towers and ancillary facilities.

**TELECOMMUNICATIONS PROVIDER:** An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

**TELECOMMUNICATIONS TOWER:** A structure whose primary purpose is to support wireless telecommunication equipment, and which will extend vertically 20 feet or more. Existing structures such as church steeples and agricultural barns and silos are not considered towers provided the mounting of telecommunications equipment is secondary to another use.

**TOWN:** The Town of Hyde Park

**TRADITIONAL VERMONT BUILDING TYPES.** Building types common in 18th and 19th century Vermont, as described in “The Historic Architecture of Vermont; Guide to Vermont Architecture” (1996) published by the Vermont Division for Historic Preservation. This definition refers to the external appearance and style of a building only, as viewed six (6) feet above ground elevation from adjacent properties and/or adjacent public rights-of-way. This definition shall not require use of specific building materials, construction techniques, or color palettes. Examples include, but are not necessarily limited to:

**BARN, BANK.** A barn whose basement is built into the side of a hill or bank and whose first floor is at grade level.

**BARN, GROUND LEVEL STABLE.** A barn that has its main floor at ground level with a hayloft above, usually with a gambrel roof (a roof with two double-pitched slopes meeting at a ridge)

**BARN, MONITOR.** A barn with a gable roof with a section along the ridge that is raised to accommodate a row of windows on each side.

**ADIRONDAK:** Rustic, late 19<sup>th</sup> century log camps. These buildings were designed to blend into forests and tree shaded areas with log or log veneer, wood-shingled roofs, rough fieldstone foundations or chimneys, and “rustic” ornamentation made of tree branches applied to porches, window surrounds, gable peaks, and other surfaces.

**BUNGALOW:** The word bungalow comes from India where, in the late 19th century, the British used it to describe low, single-family houses with large verandas well-suited to tropical environments. American bungalows, “homey” early 20th century 1 or 1 ½ story residences, have broad gable, hip, or jerkinhead roofs, often with dormer windows and deep overhanging eaves, and deep, wide front porches.

**COLONIAL REVIVAL.** The Colonial Revival style, popular from the late 1800s through the 1930s (and still used today), was derived from American architectural styles of the 18th century. Houses (traditional Georgian, sidehall, or other plans with gable, gambrel, or hip roofs), commercial blocks, and public buildings are decorated with features derived from the earlier styles but distinguishable by their larger scale and often unusual placement on the building. Among the most typical details are Palladian windows, porches with classical columns, doorways topped by fanlights or pediments, and full entablatures under the eaves.

**FEDERAL.** The Federal style, with its light and delicate detailing inspired by the classical architecture of ancient Rome, was the first major style in Vermont. It was widely used from the late 1700s through the 1830s to trim churches and the symmetrical gable, hip, or gambrel roof Georgian plans, I-house, or Cape Cod houses of the period. The main stylistic focus is on the entryway: a paneled door often flanked by sidelights and thin columns or pilasters, and crowned by a semi-elliptical fan or fanlight, transom, or delicate entablature. Other features include Palladian windows and molded cornices or entablatures that are sometimes enriched with dentils or fretwork.

**FRENCH SECOND EMPIRE** Popular in Vermont during the 1870s and 1880s, the elegant French Second Empire style, used for residences, public buildings, and commercial blocks, is characterized by use of the Mansard roof. Other features, shared with the Italianate style, include eaves line brackets paired windows, and sweeping verandas with chamfered posts and matching brackets.

**GOTHIC REVIVAL.** The Gothic Revival style was first used in Vermont from the 1820s to 1840s for churches, which were built in the common New England meetinghouse form but with pinnacles and cresting atop belfry towers and pointed arch windows with diamond panes. Churches from the 1850s to 1870s have the same features but often were built of stone. Houses in the style, irregular in form or symmetrical Classic Cottages built in the 1850s and 1860s, have steeply pitched roofs and wall dormers edged with barge-boards, molded label lintels over windows and doors, and porches with octagonal posts.

**GREEK REVIVAL.** Inspired by the ancient architecture of Greece, the Greek Revival style was the most popular 19th century style in Vermont, in widespread use from the 1830s through the 1870s, and later in remote rural areas. Residences (often sidehalls, Georgian plans, or Classic Cottages), churches, courthouses, stores, and other buildings are detailed with pilasters, full entablatures, and pediments. Most of the stylistic emphasis is often on the main entry -- a paneled door flanked by sidelights and robust columns or pilasters and topped by a transom and three-part entablature.

**ITALIANATE.** The Italianate style, influenced by the architecture of Italian countryside villas, became popular in Vermont after the Civil War and was used mainly for houses, commercial blocks, and outbuildings. Houses are either cube-shaped, with shallow hip roofs and sometimes projecting pavilions or towers, or gable-roofed Georgian or sidehall plans. Features include cornice brackets under overhanging eaves, rooftop cupolas or belvederes, windows that are often paired with arched tops, and porches with chamfered posts and scrolled brackets.

**QUEEN ANNE.** Gaudy, colorful, and irregular describe the Queen Anne style, popular in Vermont from about 1885 to 1905 for churches, public buildings, commercial blocks, and particularly for houses. It is identified by its asymmetrical building forms, richly textured wall surfaces, multi-colored paint schemes, unpredictable window spacing, towers, bay windows, gable screens, and porches with turned columns and balusters.

**TREE:** A woody plant having at least one (1) erect perennial stem (trunk) at least three (3) inches in diameter at a point four and one half (4-1/2) feet above the ground and a definitely formed crown of foliage and a mature height of at least thirteen (13) feet. A shrub shall not be considered a tree.

**TREE, LARGE:** A tree having a mature height of 40 feet or greater.

**TREE, MEDIUM:** A tree having a mature height of between 30 and 40 feet.

**TREE, SMALL:** A tree having a mature height of less than 30 feet,

**USE:** The specific purpose for which land or a BUILDING is arranged, designed, or intended; or for which either land or a building is or may be occupied or intended.

**VEHICLE TRIPS:** A term that forecasts travel demands by predicting the number of automotive journeys which originate from, or end in, a particular location. For example, leaving Point A to travel to Point B is calculated as one Vehicle Trip; leaving Point A to travel to Point B and then return to Point A is calculated as two Vehicle Trips. The total number of trips generated by a proposed development shall be estimated by consulting the most recent Institute of Transportation Engineers Trip Generation Manual or other similar credible sources.

**WALL:** The surface area of any façade of any side or face of a building, or portion thereof.

**WAREHOUSE:** A BUILDING used primarily for the interior storage of goods, materials, and merchandise, including “Self-Storage” units for rental use and exterior storage areas on the same parcel when accessory to a Warehouse Building on the same parcel.

**WETLANDS:** Those areas of the state that are inundated by surface or ground water with a frequency sufficient to support significant vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction and are delineated by an environmental consultant who delineates wetlands in Vermont, or those wetland boundary areas determined in consultation with the State of Vermont Wetlands Division and per the Vermont Wetland Rules.

**WINDOW, BAY:** A large window or series of windows that project outward from a building façade.

**WINDOW, COVERAGE:** The total area of a building façade containing windows, including windows associated with a door. Such windows shall allow at least 50% light transmission.

**WINDOW, FALSE:** Any window or other glassed area of a façade that allows less than 50% light transmission

**WINDOW/BUILDING OPENINGS:** The area of the building façade covered by windows, doors, or other openings.

**WINDOW SIGN:** shall mean a wall sign attached to, painted on, or erected on the interior of a window with the exposed face of the sign in a plane parallel to the face of said window, including any stand, shelving, counter, or other structure which is placed in view of the general public from outside the structure.

**YARD:** The open space extending the full width of the lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided for in these bylaws. The three types of yard include:

- a) **FRONT** - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the street line and the nearest line of any above-ground structure.
- b) **REAR** - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of any above-ground structure.
- c) **SIDE** - An open space between an above-ground structure and the side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of any above-ground structure.

**ZONING ADMINISTRATOR:** The common term for the Administrative Officer. See ADMINISTRATIVE OFFICER. The administrative officer, or the Assistant Administrative Officer appointed in accordance with the provisions of these Bylaws.

## 14.0 Flood Hazard Area Overlay Definitions

The following definitions shall apply for the purpose of administering flood hazard regulations. Where a conflict between the flood hazard definitions and specific definitions above occurs, the flood hazard definitions shall control in the flood hazard area. In all other areas, the specific definitions shall control.

**ACCESSORY STRUCTURE:** A structure which is: 1) detached from, and clearly incidental and subordinate to, the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to, garages, garden and tool sheds, and playhouses, but do not include accessory dwellings.

**AREA OF SPECIAL FLOOD HAZARD:** Synonymous in meaning with the phrase “special flood hazard area” for the purposes of these regulations.

**BASE FLOOD:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).

**BASE FLOOD ELEVATION (BFE):** The elevation of the water surface elevation resulting from a flood that has a one percent ( 1) percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet above the ground surface.

“BFE”: See BASE FLOOD ELEVATION

**BUFFER:** An undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or stream.

**CHANNEL:** An area that contains continuously or periodic flowing water that is confined by banks and a streambed.

**CHANNEL WIDTH (OR BANKFULL WIDTH):** The width of a stream channel when flowing at a bank full discharge. The bank full discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

**COMMON PLAN OF DEVELOPMENT:** Where a structure will be refurbished or constructed under one approved plan or permit, but in separate stages, phases, or in combination with other construction activities. Such work may be planned unit by unit and may take place at different times, on different schedules.

**COMPENSATORY STORAGE:** A volume not previously used for flood storage and which shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream, or creek.

**CRITICAL FACILITIES:** *Development vital to public health and safety or facilities regulated under 30 V.S.A. § 248.* For the purposes of this definition critical facilities include facilities that provide services or functions related to public health and safety during emergency response and recovery and facilities that must be protected to a higher standard to protect public health and safety.

**DEVELOPMENT:** Any human-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

14.0 Flood Hazard Area Overlay Definitions - continued

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the *initial* floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FILL:** Any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

**FIRM:** See FLOOD INSURANCE RATE MAP

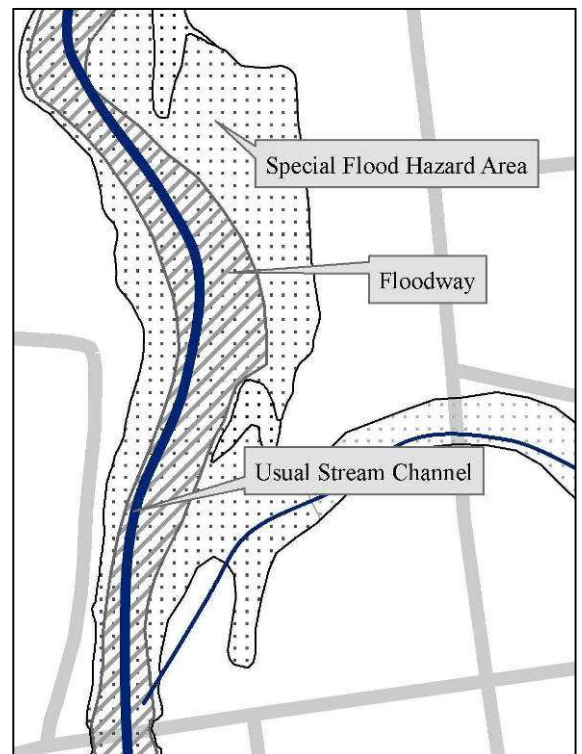
**FLOOD:** (a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin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

**FLOOD INSURANCE RATE MAP (FIRM):** An official map of a community on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, .pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

**FLOOD INSURANCE STUDY:** An examination, evaluation, and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation, and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

**FLOOD PROOFING:** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**FLOODPLAIN OR FLOOD-PRONE AREA:** Any land area susceptible to being inundated by water from any source (see definition of "FLOOD").





#### 14.0 Flood Hazard Area Overlay Definitions - continued

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panel.

**FLOODWAY, REGULATORY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot at any point.

**FLUVIAL EROSION:** Erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

**FUNCTIONALLY DEPENDENT USE:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

**HISTORIC STRUCTURE:** Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved State program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

“Letter of Map Change (LOMC)” is a letter issued by FEMA officially removing a structure or lot from the flood hazard area based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area. A LOMC can include a Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), Letter of Map Revision based on Fill (LOMR-F), or a Letter of Map Revision for a Floodway (LOMR-FW). **LOWEST FLOOR:** The lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

**MANUFACTURED HOME (OR MOBILE HOME):** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

**MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**NEW CONSTRUCTION:** FOR regulation under the overlay, means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

14.0 Flood Hazard Area Overlay Definitions - continued

**NONCONFORMING STRUCTURE:** A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the Administrative Officer. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not non-conforming structures.

**NONCONFORMING USE:** Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the Administrative Officer.

**NONCONFORMITY:** A non-conforming use, structure, lot, or parcel.

**NON-RESIDENTIAL:** Includes, but is not limited to, small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

**PUBLIC STORMWATER MANAGEMENT FACILITY –** Any publicly owned or controlled stormwater management and treatment infrastructure that accepts stormwater from public or private generators of stormwater.

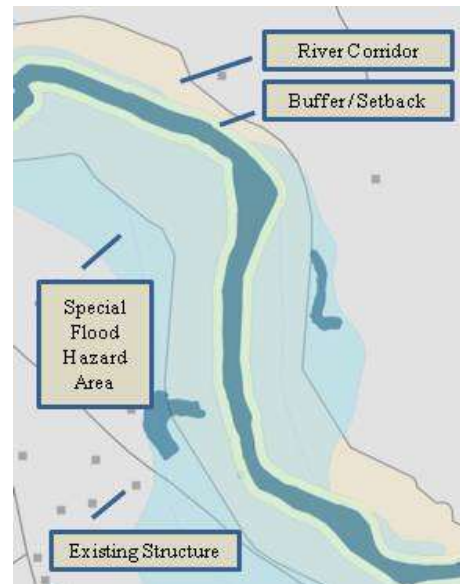
**RECREATIONAL VEHICLE:** A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarter for recreational, camping, travel, or seasonal use.

**REPETITIVE LOSS STRUCTURE:** A building covered by flood insurance that has incurred flood-related damages on two (2) occasions during a ten (10) year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five percent (25%) of the market value of the building at the time of each such flood event.

“River” means the full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches which experience perennial flow. “River” does not mean constructed drainageways, including water bars, swales, and roadside ditches.

**RIVER CORRIDOR:** 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, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide.

**SPECIAL FLOOD HAZARD AREA:** The floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area”. This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: [msc.fema.gov](http://msc.fema.gov) Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.



14.0 Flood Hazard Area Overlay Definitions - continued

**START OF CONSTRUCTION:** For purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The “start of construction” includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

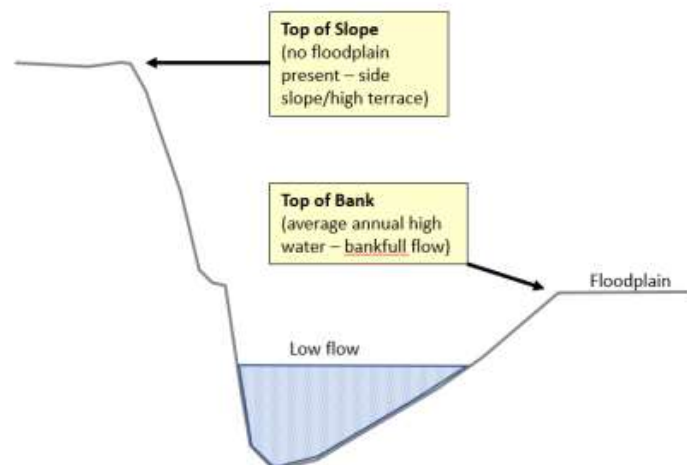
**STRUCTURE:** For regulatory purposes under this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three (3) years, or over the period of a common plan of development, cumulatively equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

“Top of bank” means the point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage. “Top of slope” means a break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut, channel meet floodplains that have been abandoned or are undergoing abandonment.

**VIOLATION:** The failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.



## **Attachments**

Zoning District Map – February 2020

Wellhead Protection Area Overlay – June 2015

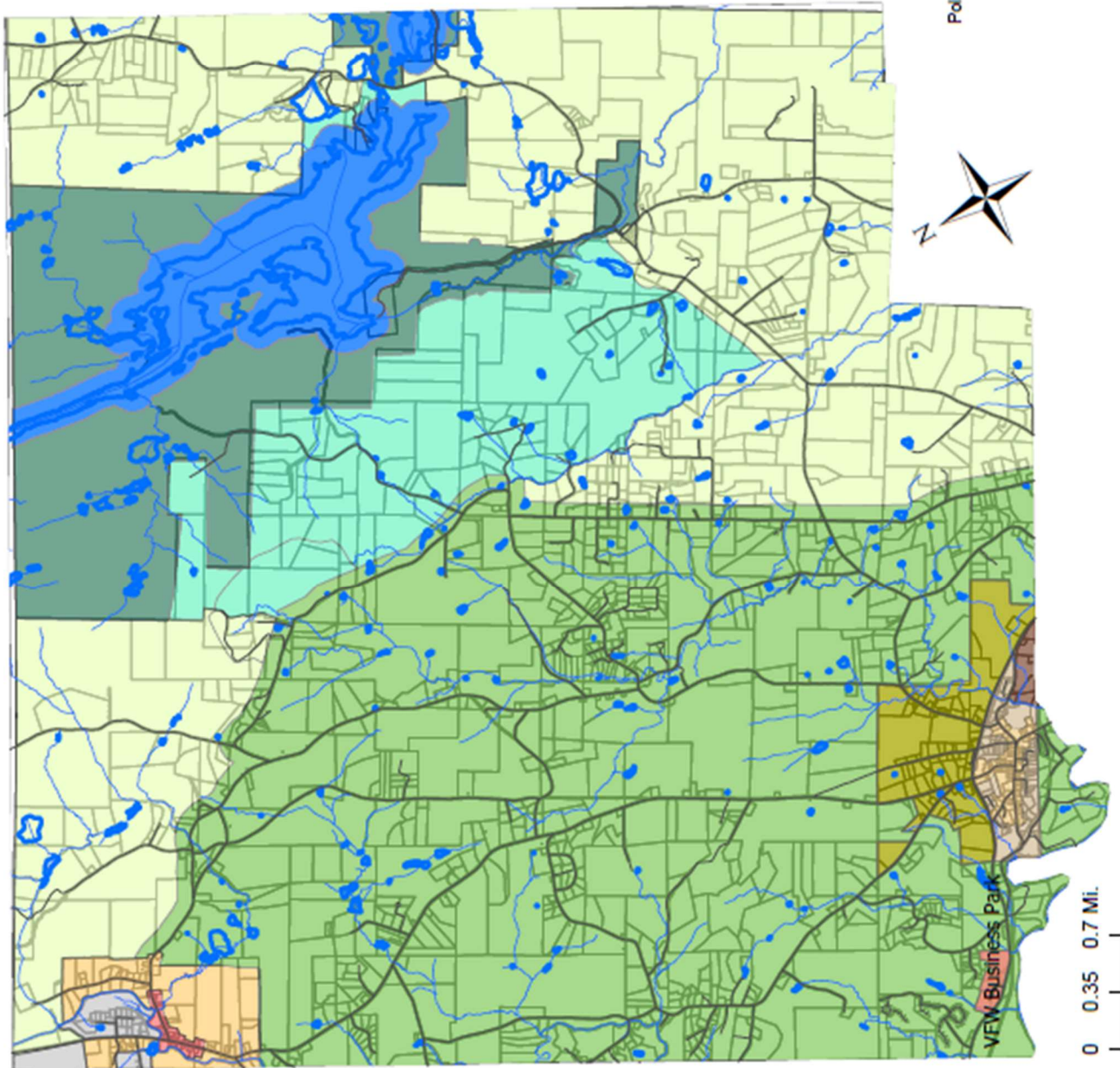
Flood Hazard Overlay – June 2015

Green River Reservoir Viewshed Overlay – March 2022

Core Forest and Wildlife Habitat Overlay – June 2015



**Official Zoning Map: Effective 02/18/2020**



**Town Zoning Districts**

- Conservation 10AC
- Conservation 27AC
- North Hyde Park Industrial - 1 AC or 2 AC
- North Hyde Park Village - 1/2 AC
- North Hyde Park Village Core - 1/2 AC
- Rural Residential 2 - 2 AC
- Rural Residential 5 - 5 AC
- Shoreland - 10 AC

**Village Zoning Districts**

- Village Center
- Village Gateway
- Village Gateway Commercial
- Village Residential
- VFW Business Park

- Roads
- River/Stream

Selectboard Signatures:

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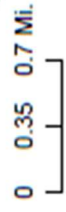
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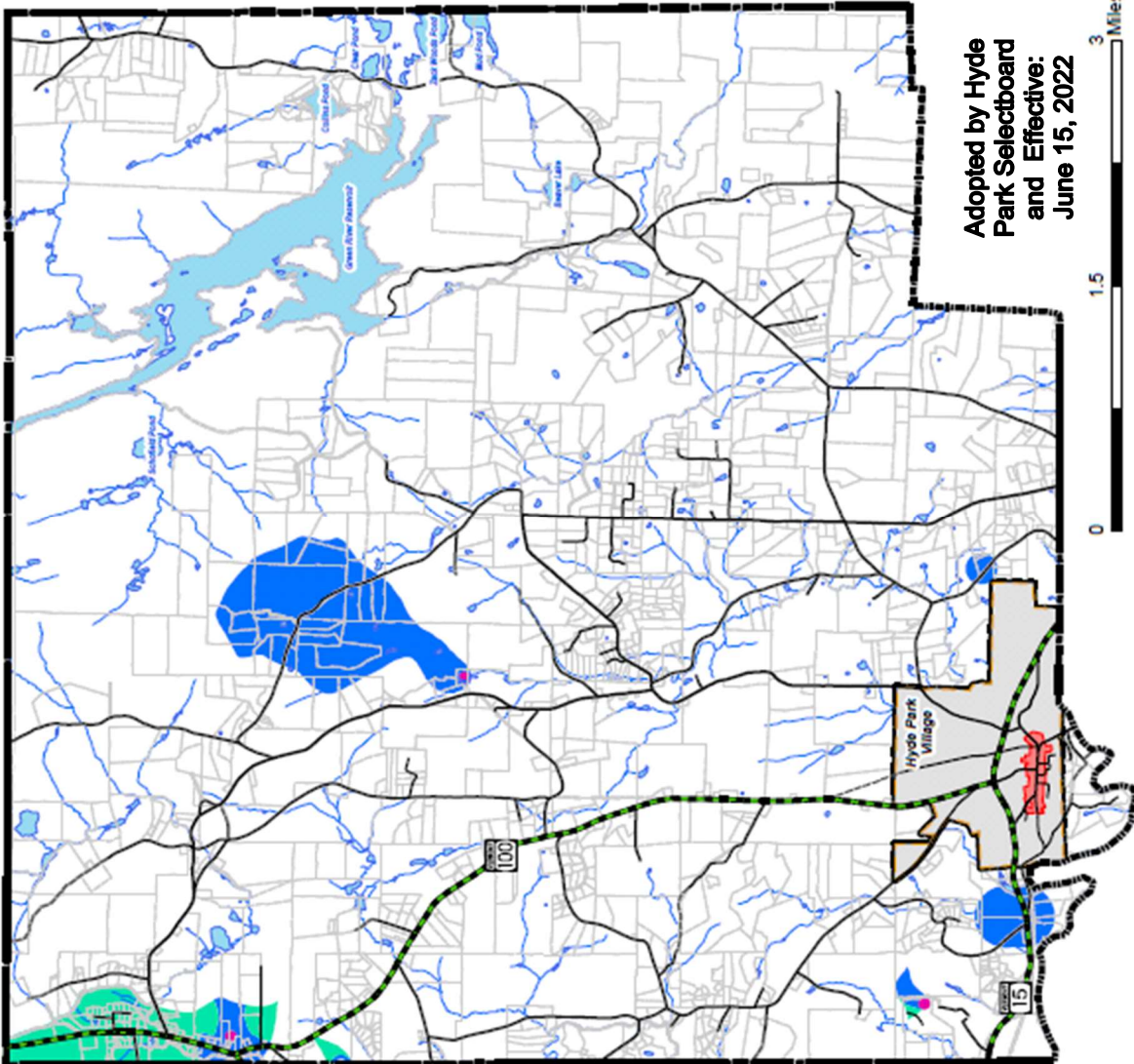
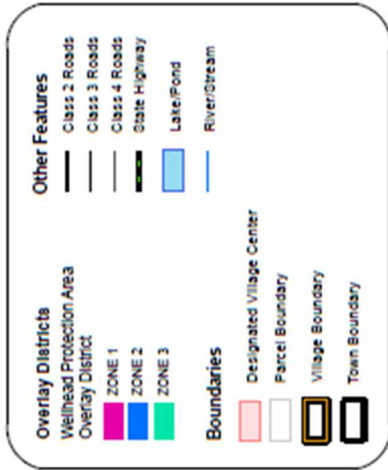


**Data Sources:**  
 Political Boundaries: 1:24000 USGS Quadrangles, VCGI, 1991.  
 Roads: 1:5000 E-911 Road Data, 2016.  
 Surface Waters: VCGI for VHD-USGS, 2001.  
 Parcel Data: Town of Hyde Park 2016

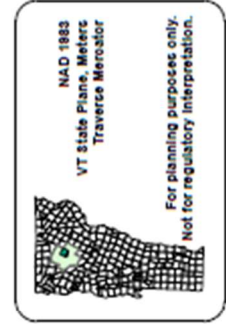
Lamoille County Planning Commission  
 P.O. Box 1637, 52 Portland Street  
 Morrisville, VT 05661  
 802-888-4548 f. 802-888-6938  
 www.lcpvt.org February 2020

# Wellhead Protection Area Overlay Districts

Town of Hyde Park



Adopted by Hyde  
Park Selectboard  
and Effective:  
June 15, 2022



**DATA SOURCES:**

POLITICAL BOUNDARIES: VCGI, 2008.  
ROADS: ES11 Road centerlines from 1:5,000 orthophotos and GPS, VCGI, 2014.  
SURFACE WATER: Vermont Hydrography Dataset digitized from 1:5000 orthophotos, VCGI, 2008.  
WELLHEAD PROTECTION AREA OVERLAY DISTRICT: Developed and digitized by LCPC for the Town of Hyde Park, 2014.  
PARCEL BOUNDARIES: Town of Hyde Park, 2014.

Lamoille County Planning Commission  
P.O. Box 1937, 52 Portland Street  
Morrisville, VT 05661  
802-888-4548 • 802-888-6938  
www.lcpcvt.org June 2015



# Flood Hazard Area Overlay District

Town of Hyde Park

<b>Flood Hazard Area Overlay</b>		<b>Other Features</b>	
	Special Flood Hazard Area		Class 2 Roads
	River Corridor Overlay		Class 3 Roads
			Class 4 Roads
			State Highway
			Lake/Pond
			River/Stream
<b>Boundaries</b>			
	Designated Village Center		
	Parcel Boundary		
	Village Boundary		
	Town Boundary		

**DATA SOURCES:**

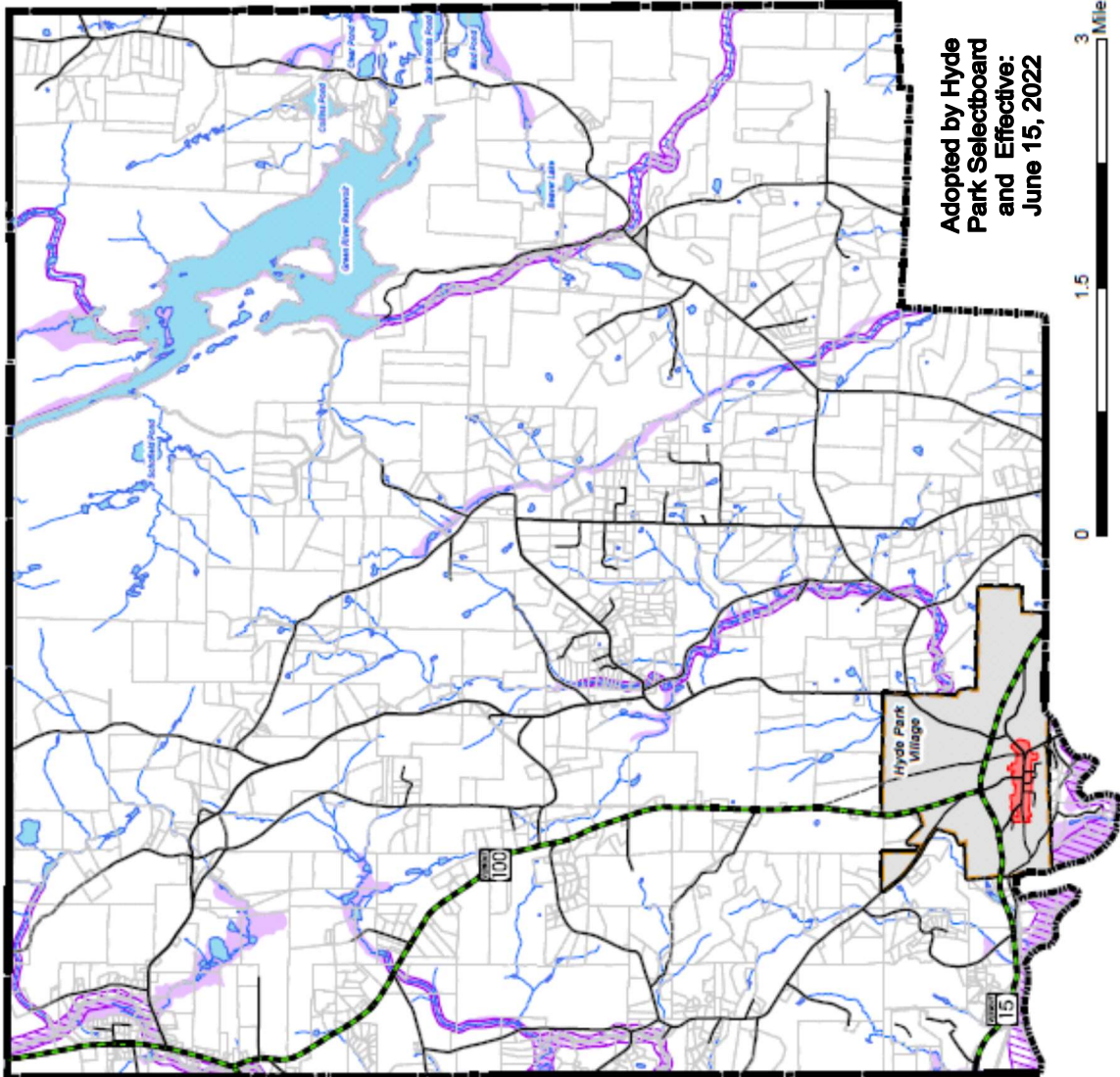
POLITICAL BOUNDARIES: VCGI, 2008.  
 ROADS: E911 Road centerlines from 1:5,000 orthophotos and GPS, VCGI, 2014.  
 SURFACE WATER: Vermont Hydrography Dataset digitized from 1:5000 orthophotos, VCGI, 2008.  
 SPECIAL FLOOD HAZARD AREA: Developed and digitized by LCPC from FEMA Flood Insurance Rate Map, 1983.  
 RIVER CORRIDOR: Vermont ANR, 2014.  
 PARCEL BOUNDARIES: Town of Hyde Park, 2014.



NAD 1983  
 VT State Plane, Meters  
 Traverse Meridian

For planning purposes only.  
 Not for regulatory interpretation.

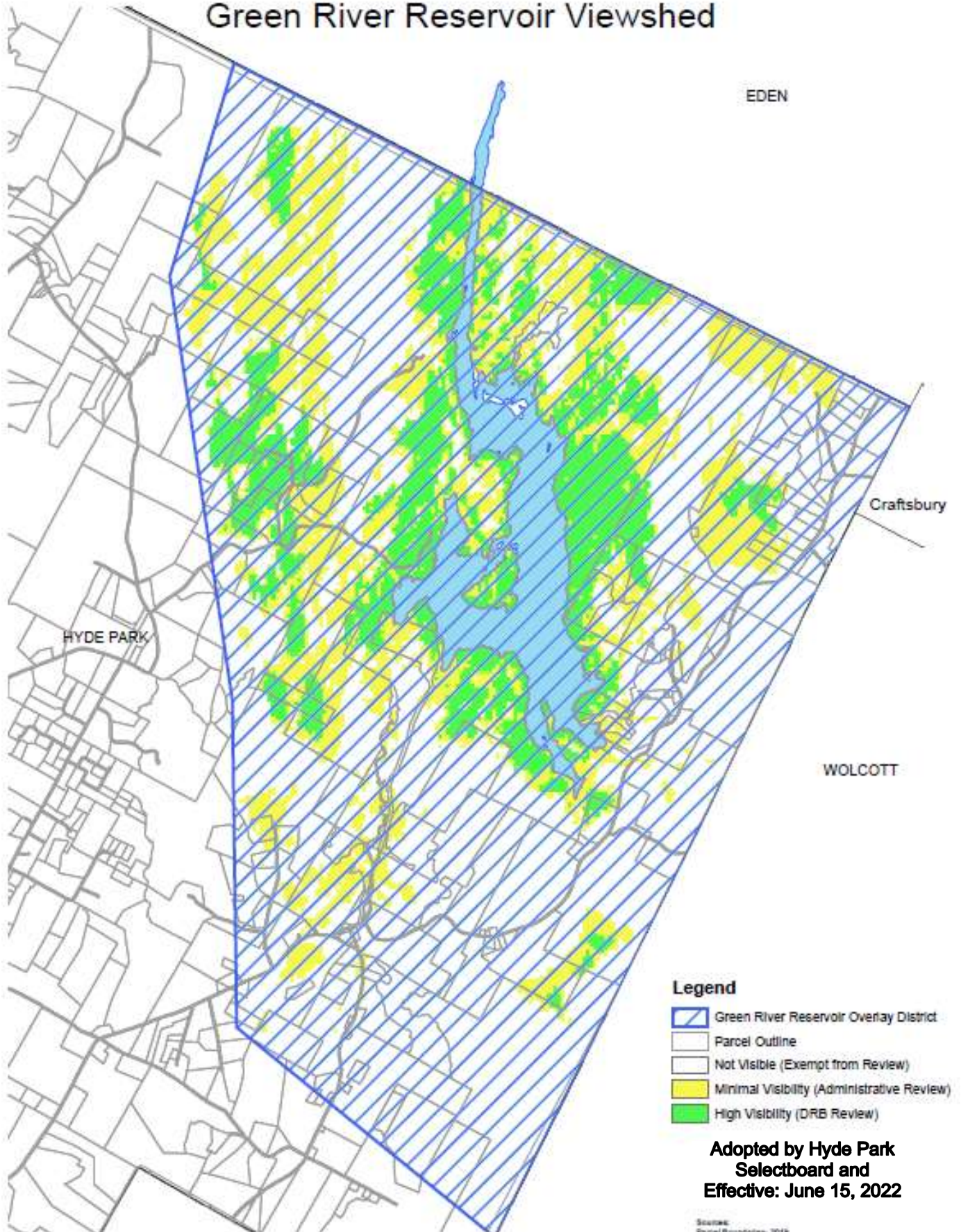
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 www.lcpcvt.org June 2015



**Adopted by Hyde  
 Park Selectboard  
 and Effective:  
 June 15, 2022**



# Green River Reservoir Viewshed





# Core Forest and Wildlife Corridor Overlay District

Town of Hyde Park

**Overlay Districts**

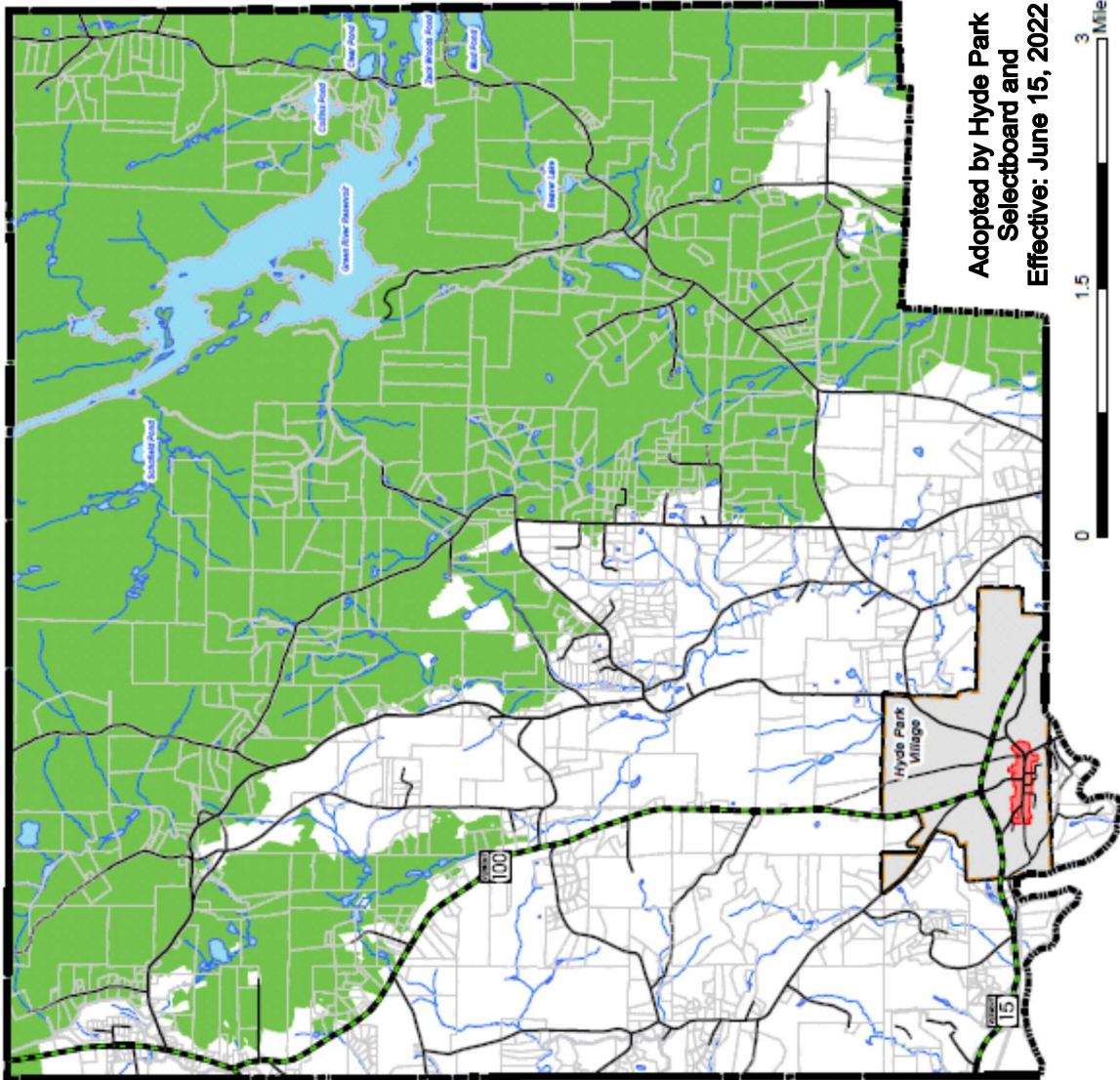
- Core Forest and Wildlife Corridor Overlay

**Boundaries**

- Designated Village Center
- Parcel Boundary
- Village Boundary
- Town Boundary

**Other Features**

- Class 2 Roads
- Class 3 Roads
- Class 4 Roads
- State Highway
- Lake/Pond
- River/Stream



Adopted by Hyde Park  
Selectboard and  
Effective: June 15, 2022

**DATA SOURCES:**

POLITICAL BOUNDARIES: VCGI, 2008.  
ROADS: E911 Road centerlines from 1:5,000 orthophotos and GPS, VCGI, 2014.  
SURFACE WATER: Vermont Hydrography Dataset digitized from 1:5000 orthophotos, VCGI, 2008.  
CORE FOREST AND WILDLIFE CORRIDOR OVERLAY DISTRICT: Developed and digitized by Vermont Department of Fish and Wildlife for the Town of Hyde Park, 2014.  
PARCEL BOUNDARIES: Town of Hyde Park, 2014.



NAD 1983  
VT State Plane, Meters  
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www.lccovt.org June 2015