

Article 13. DEFINITIONS.

1301. CLARIFICATION OF MEANING.

The precise meaning of any word used in these regulations, when not otherwise defined by these regulations or if the definition provided is unclear, shall be clarified by the Development Review Board. The Board shall interpret the meaning in the context of the purpose and intent of these Zoning and Subdivision Regulations, the City of Montpelier Municipal Plan, and 24 V.S.A. Chapter 117.

1302. GENERAL INTERPRETATION.

Except where specifically defined herein, all words used in these regulations shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural.

The word "lot" includes "plot".

The word "building" includes "structure".

The word "shall" is mandatory. "May" is authorized but not required. "Should" is desirable but not mandatory.

The words "occupied" or "used" shall be considered as though followed by "or intended, arranged or designated to be used or occupied."

The word "person" includes individual, partnership, cooperative, association, corporation, company, or organization.

The "Act" refers to 24 V.S.A. Chapter 117.

The word "staff" refers to employees of the Montpelier Department of Planning and Development.

The word "Board" refers to the Development Review Board.

1303. DEFINITION OF TERMS

Academic Institution: A post-secondary education institution offering or operating programs of college or professional education for credit or degree (See School).

Academic Institution Planned Unit Development (AI-PUD): An AI-PUD which is located in the Low Density Residential, Medium Density Residential, or High Density Residential zoning districts, and which has an academic institution as its primary land use.

Accessory Apartment: A small apartment, created within or attached to an owner occupied single-family dwelling, or within an accessory structure associated with the dwelling, which meets the accessory apartment standards of this ordinance.

Accessory Structure: A structure, the use of which is incidental and subordinate to, and customarily associated with the primary structure located on the same lot.

Accessory Use: Any use which clearly meets the following: (a) it is clearly incidental and customarily found in association with the principal use, and (b) it is subordinate in area, purpose, and extent to the primary structure and use of the lot.

Advertising Billboard Sign: A sign which directs attention to a business, industry, profession, service, commodity, or entertainment conducted, sold or offered elsewhere than upon the same premises.

Affordable Housing: A dwelling that is occupied by person whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United State Department of Housing and Urban Development (HUD), and the total annual cost of the housing, if owned by the inhabitant including principal, interest, taxes and insurance, or, if rented by the inhabitant including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

Affordable Housing Development: A development of which at least five (5) dwelling units or at least 20 percent of the total number of dwelling units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions, as defined in 27 V.S.A. §610, that preserve their affordability, for at least 99 years or longer [24 V.S.A. §4302(2)].

Agricultural Use: The use of property or structures for common farming-related activities necessary for crop and animal production, including plant or tree nurseries per the determination from the Agricultural Commissioner.

Agricultural Sales-related Activity: The sale of agricultural products or byproducts on agricultural property.

Ancillary Apartment: A small apartment, created within or as an addition to an existing single family dwelling unit, which meets the ancillary apartment standards of this ordinance.

Animal Boarding Facility or Kennel: Land, structure, or facility designed and used for the temporary storage or housing of five (5) or more domesticated or wild animals at any time. The housing, storage, or raising of any animals as part of an active farm is not deemed to be a kennel (See Animal Shelter).

Animal Care/Veterinarian: Any facility which provides medical care to animals which may include facilities for keeping animals overnight as part of veterinary care. Facilities which provide for the overnight boarding or caring for animals not part of veterinary care are deemed to be animal boarding facilities.

Animal Exhibits: Any structure or property where animals are kept in captivity for public display with or without charge.

Animal Rehabilitation Center: Any structure or property used in part or in its entirety for the short term care of any domesticated or wild animal.

Animal Shelter: Any accessory structure or property which is used for housing or sheltering four (4) or fewer domesticated animals outside of the principal permitted structures. A structure for the housing, storage, or raising of any animals as part of an accepted agricultural practice is not deemed to be an animal shelter.

Antenna: Any structure or device used for the purpose of receiving or transmitting electromagnetic waves, such as telecommunication, television, radio, or other electronic signals, including but not limited to directional antennas, such as panels, microwave and satellite dishes, and Omni-directional antennas, such as whip antennas.

Antenna Tower: Any structure, including all supporting lines, cables, wires, and braces, intended primarily for the purpose of mounting one or more antennas.

Apartment Unit: One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing other dwelling units.

Applicant: The person or legally responsible entity who is seeking approval for development pursuant to these regulations, whether represented by him/herself or represented by another person on his/her behalf, such as a builder, developer, optional purchaser, consultant, or architect.

Aquifer: A geologic formation beneath the surface of the earth that stores water.

Aquifer Recharge Area: An area in which water can infiltrate the soil and replenish an aquifer. Recharge areas are often much smaller than the total aquifer area. Artificially increasing runoff in a recharge area through paving or clearing can adversely impact an aquifer.

Architectural Elevation: A fully-dimensioned, scale drawing of a building façade in two dimensions showing features such as windows, doors and the relationship of grade to floor levels.

Art Gallery/Museum: A public or private cultural facility which provides for the display of art, artifacts or interactive exhibits, including children’s or science museums, art display spaces, and other facilities of natural, historic, educational, or cultural interest.

Artisan Studio: An enclosed space limited to 1000 square feet gross floor area and employing six (6) or fewer persons (including proprietors) that is generally used for the purpose of assembling finished goods which may or may not be retailed on the site.

Bank: Any financial institution involved in the direct deposit or withdrawal of funds or a structure which houses facilities to deposit or withdraw funds electronically.

Bank, Drive Through: Any bank facility which provides services to customers within vehicles.

Banner: Any temporary or permanent sign of lightweight fabric or similar material that is mounted on one or more poles, a building, or other structure at one or more edges. National, state or municipal flags shall not be considered banners.

Bar/Night Club: An establishment where the principal activities include serving alcoholic beverages for onsite consumption, social interaction, and/or stage entertainment.

Base Flood: The flood having one (1) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) : the height of the base flood, 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 average depth of the base flood, usually in feet, above the ground surface.

Basement: Any area of the building having its floor sub grade (below ground level) on all sides.

Bed and Breakfast: An owner-occupied dwelling which allows the use of up to five (5) sleeping rooms for rent for transient occupancy in exchange for compensation, including the serving of breakfast to guests only. The sale of alcoholic beverages is prohibited.

Boarding House: See Rooming House.

Bond: A performance bond duly issued by a bonding or surety company approved by the City Attorney with security acceptable to the Montpelier City Council or a performance bond duly issued by the developer-obligor (accompanied by security in the form of cash, certified check or U.S. Government bearer bonds deposited within the Montpelier City Council in the full amount of the obligation).

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

Building Coverage: The ratio of the ground plan area of a lot covered by buildings or structures to the total area. The portion of the lot covered by structures is measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on the lot.

Building Envelope: A three dimensional space within which the principal and accessory structures on a lot must be located. A building envelope shall be delineated laterally on the ground by setbacks or other limits, and vertically by height limits.

Building Front Line: A line parallel to the street touching that part of the building (including porches and overhangs) closest to the street.

Building Marker: Any sign indicating the name of a building, along with a date or incidental information about its construction, which sign is cut into a masonry surface or made of metal or stone.

Business Services: A business which offers services to other businesses or individuals, including but not limited to, photocopying, blueprinting, insurance sales, financial management, computer data and processing, security services, interior cleaning and similar uses. Business services are not principally involved with the sale of goods or materials, and do not require outdoor storage.

Canopy Sign: Any sign that is a part of, or attached to, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Car Wash, Incidental: Any facility whose principal business is the provision of automobile services other than a car wash, but which provides one bay for the washing of vehicles, clearly incidental to the other automobile services provided.

Car Wash: Any facility whose principal business is the cleaning and washing of vehicles of any type, or a facility which provides two or more bays for the washing of vehicles by the customer or for hire by the business.

Catering Services: Any facility which prepares food for delivery and consumption off the premises.

Central Business I (CB-I) : The Central Business District I (CB-I) is an area which permits a variety of uses necessary to serve as the community's governmental, commercial, retail and cultural center. Residential uses are permitted to add interest and vitality to the city center and to accommodate those who desire housing at relatively high density.

Central Business II (CB-II) : The Central Business District II (CB-II) is comprised of areas adjacent to the Central Business-I(CB-I), Civic (CIV), and High Density Residential (HDR), districts. It is designed to encourage desirable change toward several related goals.

Certificate of Compliance: The certificate of compliance provides a mechanism for review of all approved developments to ensure that all building code requirements and development conditions are satisfied prior to the occupancy of any structure.

Child Care Facility: A facility which operates according to a license or registration from the State of Vermont in which care is provided on a regular basis for seven or more children less than sixteen years of age, at one time, for periods not to exceed 24 hours. Such facilities include those commonly known as day care center, day nurseries, play groups, and preschool.

Child Care Home: A child care facility which provides for care on a regular basis in the caregiver's own residence for not more than ten children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. Care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children, who reside in the residence of the caregiver, except:

(A) these part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days which occur during the school year; and

(B) during the school summer vacation, up to 12 children may be cared for provided that at least six of these children are school age and a second staff person is present and on duty when the number of children in

attendance exceeds six. These limits shall not include children who are required by law to attend school (age 7 and older) and who reside in the residence of the caregiver. [33 V.S.A. 4902(3)]

Church, Synagogue, or Other Place of Worship: See Place of Worship, below.

Civic District (CIV) : The Civic District is the focus for Montpelier's role as the state capital and houses the greatest concentration of government buildings. This district includes the area identified as the Capitol Complex for which additional planning and regulatory functions are provided by the State Capitol Complex Commission.

Civic Use: Land or building space that is primarily intended for non-commercial public education, cultural, governmental, or religious functions.

Club: A premises used by group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

Cluster Development: Cluster development describes the approach of grouping or concentrating the physical development of an area so to minimize impacts, reduce infrastructure costs, protect desirable terrain features, protect sensitive ecological features, achieve desirable land use patterns, and preserve open spaces while still allowing the same number of units or more that would be allowed within the underlying zoning district. It may or may not require reduced lot sizes and other adjustments to dimensional standards.

Community Care Home: A dwelling unit licensed or registered by the State of Vermont to provide a living environment and personal care, but not full-time nursing care, for up to six unrelated residents including such supervisory and support staff as may be necessary to meet their needs.

Community Center: A building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency and may include the occasional sale or provision of refreshments, souvenirs, or other articles as related to and accessory to the activities occurring at the center.

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

Construction Site Identification Sign: A sign which identifies the project, owner or developer, architect, engineer, contractor and subcontractors, funding source, and related information including but not limited to sale or leasing information.

Convenience Commercial: A commercial establishment not exceeding 3,500 square feet net floor area offering personal services or items for sale in small quantities for daily use including prepackaged food products, household items, newspapers, magazines, sandwiches and freshly prepared foods for off-site consumption. Gasoline sales are expressly prohibited.

Convenience Gas Station: An establishment where the primary activities are the sale of automobile fuel and convenience goods (such as tobacco, magazines, drinks, packaged and deli foods) and does not contain seating for the onsite consumption of food but may contain automobile repair facilities.

Cultural Facility: The use of land, buildings, or structures to provide educational and informational services to the general public, which may include, but not be limited to, museums, schools, art galleries, libraries, accessory places of assembly or similar facilities.

Design Control District (DCD) : In accordance with 24 VSA 4407(6), the DCD has been created to guide development in an area with particular historical, architectural, urban design, visual and cultural significance.

Design Review: Design review is the process outlined in § 305 for properties located within the Design Control District (DCD).

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

Development in the Floodplain District: 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.

Directory Sign: A sign located in foyer or entryway which indicates floor, room or suite number for the purpose of locating a business for information purposes only.

Dormitory: A building used as group living quarters by six or more students and/or staff as an accessory use for an academic institution, convent, monastery, sorority, fraternity or similar institutional use.

Drawn to Scale: A plan drawn to scale represents the sizes and distances of all the elements of the plan in proper proportion to one another, regardless of the measure used (feet, inches, meters, etc.), and indicates the scale used. A bar scale on the plan showing the unit of measure is particularly useful for reduced plans.

Dry Cleaner: An establishment which provides laundry, dyeing or dry cleaning services to individual customers. Drop-off facilities for cleaning off the premises shall be deemed "personal service establishments".

Dwelling, Single-Family: A building or structure which contains no more than one (1) dwelling unit.

Dwelling, Two-Family: A building or structure which contains no more than two (2) dwelling units, sometimes referred to as a "duplex".

Dwelling, Multi-Family: A building or structure designed to contain three (3) or more dwelling units.

Dwelling, Manufactured Home: For floodplain management purposes, the term "manufactured home" means 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, however, include a "recreational vehicle."

Dwelling, Mobile Home: A structure at least eight feet wide and 40 feet long (or at least eight feet wide and 32 feet long if built before June 15, 1976) designed to be used as a dwelling that is constructed off-site on a permanent chassis or frame and moved or placed on a lot in one more sections with or without a permanent foundation and connected to utilities. Any structure that meets this definition except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code. 10 V.S.A. 6201(1) shall be considered a mobile or manufactured home.

Dwelling, Modular (or Prefabricated) Home: A factory-built structure constructed on-site to be used a place for human habitation, which is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Dwelling Unit: A room or set of rooms fitted with a private bath and kitchen facilities comprising an independent, self-contained residence occupied by a family and where rooms are not let to individuals.

Eating and Drinking Establishment: Any establishment which provides, for compensation, food or drinks primarily for consumption on the premises. This term does not include establishments which provide drive-through facilities or whose primary business is the preparation of food to be consumed off the premises.

Eating Establishment, Drive-through: Any establishment which provides one or more windows which allow patrons to buy and pick up food from their vehicle for consumption off premises.

Eating Establishment, Take-out: An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, but where ordering and pickup of food does not take place from an automobile.

Efficiency Apartment: A dwelling unit consisting of no more than one habitable room together with kitchen and sanitary facilities.

Elevation: A vertical distance above or below a fixed reference level. For elevations tied to a permanent bench mark, elevations are expressed in terms of U.S. Coast and Geodetic Survey NAVD '88 with conversions to the NGVD '29 datum if appropriate.

Emergency Shelter: Any building, structure, residence or place for the temporary housing or care of individuals or families (including limited counseling) for a period not to exceed thirty (30) days. This term shall not be deemed to include day care facilities, day care homes, family care homes, group care homes, nursing, rest, or convalescent homes, halfway houses or similar facilities.

Equipment Sales and Service: The sale, service or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, mobile homes, recreational vehicles, or similar heavy equipment.

Essential Services: Services and utilities needed for the health, safety, and general welfare of the community, such as underground, surface, or overhead electrical, gas, telephone, steam, water, sewerage, and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located.

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 floodplain management regulations adopted by a community.

Existing Street: A Street that was in existence and was assigned an E-911 street name either as a public or private street by the City of Montpelier, VT, prior to January 28, 2002.

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 manufactured 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).

Family: One or more persons living, sleeping, cooking, and eating on the same premises as a single housekeeping unit. More than five persons not related by blood, marriage, or adoption shall not be considered a family or part of a family.

Family Care Facility: A facility operating under a license or registration from the State of Vermont in which care is provided on a regular basis for seven or more adults, including limited counseling and medical care, and commonly known as group care facilities, therapeutic care facility, half-way houses, and similar facilities.

Family Care, Home: A state licensed or registered residential care home or group home, serving not more than six persons who are developmentally disabled or physically handicapped.

Farm Structure: 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 subdivision 6001(22) of Title 10, but excludes a dwelling for human habitation.

Fence and Wall: A freestanding structure of metal, masonry, stone, wood or any combination, which is attached to the ground and used for confinement, soil retaining or grading, screening, or partitioning purposes.

Fill, Commercial: The operation of clean fill dump site for a fee.

Fill or Filling: The placement of material or soil on any property in any manner which increases or alters the flow of stormwater on any adjacent lot. Soil preparation for gardening purposes shall not be deemed "fill".

Flag: Any fabric, banner, or bunting containing distinctive, colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other governmental entity.

Flood Hazard Boundary Map: An official map of a community, issued by the Federal Insurance Administration, which designates the boundaries of the flood, mudslide and related erosion areas having special hazards.

Flood Insurance Rate Map (FIRM) : An official map of a community, on which the Federal Insurance Administration has delineated both the special hazard area and the risk premium zones applicable to the community.

Flood Insurance Study: an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and / or flood related erosion hazards.

Floodplain: Normally dry land adjacent to a body of water, such as a river, stream, or lake, which is susceptible to inundation by floodwaters.

Floodplain Approval: Floodplain approval is granted to a project that is within the floodplain provided that it meets the requirements of the Federal Emergency Management Agency, State of Vermont, and the City of Montpelier and that it is adequately flood proofed or is shown to be above the 1% chance of flooding within a given year.

Floodplain District: The district shown on the official FIRM map of the area designated by the community, on which the Federal Emergency Management Agency, designating it as having a 1% chance of flooding within a given year.

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

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

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

Floor Area, Gross: The sum of the horizontal area of all floors of a building or structure measured from the exterior face of exterior walls or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than 6 feet.(figure 6-4)

Floor Area Habitable: The floor area of the finished portion of a dwelling unit that meets the applicable occupancy standards of Montpelier’s housing code and is suitable for human occupancy.

Floor Area, Interior: The sum of the horizontal area of all floors of a building or structure measured from the interior walls.

Floor Area, Net: The total of all interior floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the ground floor except when used or intended to be used for habitation or service to the public.(figure 6-4)

Floor Area Ratio: The gross floor area of all buildings or structures on a lot divided by the total lot area.

Footcandle (fc) : A unit of measure of illumination or luminance. A unit of luminance on a surface that is one foot from a uniform point source of light of one candle and equal to one lumen per square foot. Footcandle values can be measured directly with handheld incident light meters. One footcandle is equal to 1 lumen cast per square foot of surface. A typical sunny day can measure between 5,000 fc and 10,000 fc. An average living room measures about 30 fc. A full moon can provide 0.2 fc of illumination.

Frontage-Lot: See Lot Frontage.

Funeral Home: Any building or structure, or part thereof used for human funeral services which may include a chapel or facility to be used for funeral services.

Gasoline Sales: Any structure, device, or land used or intended to be used for the on-premises sale of petroleum products to motor vehicles required to be licensed under the laws of the State of Vermont, with or without the repairing or servicing of such motor vehicles.

General Business District (GB) : The GB is a business district designed for accommodating automotive activities, overnight accommodations and uses generally associated with the traveling public.

Glare: Light emitting from a luminaire or reflected off an object with intensity great enough to reduce a viewer’s ability to see and, in extreme cases, causing momentary blindness.

Grade, Finished Elevation: of completed surfaces of ground, lawns, walks, paved areas, and roads brought to grades as shown on plans relating thereto.

Ground Sign: A structure consisting of one (1) or more signs having its own supporting structure on/in the ground independent of any building.

Group Home: Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. 4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.

Group Housing: Any premises where the principal use is the housing of two or more individuals not living as a single housekeeping unit and which does not have individual cooking and eating facilities or separate apartments. This term shall be deemed to specifically include sororities, fraternities, retreat houses, camps, convents or similar uses but does not include hotels, family care facilities, or boarding houses.

High Density Residential (HDR) : This district is designated for land centrally located where city water and sewer facilities are available. Due to reasons of utilities, location, and existing intensive development, higher density is appropriate. The purpose of this district is to permit a continuation and expansion of residential and related uses when consistent with the objectives of the Montpelier Municipal Plan.

Historic Building, Property or Resource: Any property, building, structure, or site identified as having local, state or national historic, architectural or archeological significance and eligible for listing on the State Register of Historic Places either in its own right or as a contributing resource in an historic district.

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 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 by (i) 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.

Home Occupation: A non-residential use that is established in a legally established residential structure and meets the criteria and provisions of § 605.G.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily in-patients. Hospitals include, as an integral part of the institution, related facilities such as laboratories, out-patient facilities, training facilities, medical offices and staff residences.

Hotel: A facility designed and constructed to provide transient lodging accommodations to the general public and may provide additional services such as restaurants, meeting rooms, entertainment, and recreational facilities which are accessory to, customary to, and subordinate to the principal lodging use.

Housing for the Elderly: Multiple unit housing for senior citizens with increased density, and specific occupancy and ownership restrictions as described in this ordinance.

Illuminance (usually 'E' in formulas): The total amount of visible light illuminating (incident upon) a point on a surface from all directions above the surface. This "surface" can be a physical surface or an imaginary plane. Therefore, illuminance is equivalent to irradiance weighted with the response curve of the human eye. Standard unit for illuminance is Lux (lx), which are lumens per square meter (lm/m²). 1 fc= 10.764 lx.

Incinerator: Any facility designed to be used for the disposal by combustion of products or materials.

Industrial District (IND) : The IND provide areas which encourage the location of industrial development and uses through the provision of transportation and other utility infrastructure, and appropriate buffering from residential and commercial uses.

Informational Sign: A sign used strictly for the direction, safety or convenience of the public such as those indicating restrooms, parking restrictions or freight entrances. No sign with a commercial message legible from a position off the subject premises on which the sign is located shall be considered informational.

Inn: An historic building, the primary purpose of which is to offer for rent lodging for the traveling public. Meals and alcoholic beverages may also be provided as a secondary service to guests and other patrons.

Interior Signs: Signs attached to the interior of a building window or glass door.

Junk Yard: Any place which is maintained, operated or used in connection with a business for storing, keeping or processing, buying or selling junk for processing or use on or off the premises. Also included is any facility designed or used for the storage of sale of unlicensed vehicles or parts from vehicles. This does not include a garage or service station where wrecked or damaged vehicles are stored for less than 30 days, or

a recycling or waste collection center approved under provisions of these regulations, or new or used car sales establishments where vehicles for sale are unlicensed.

Kennel: See Animal Boarding Facility.

Landscape Service: Any establishment which provides maintenance, planting, sodding, seeding, trimming or other care to any plant off-premises. The production and storage of plant materials on the premises for pick-up and delivery is also deemed a landscape service.

Lot: A designated parcel, tract, or area established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Lot, Corner: A lot or parcel of land abutting two or more public streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

Lot Coverage: The portion of a lot covered by buildings, structures, paved areas, and unpaved parking/loading areas divided by total lot area. The portion covered by buildings is measured as the horizontal area of the footprint, including any eaves or overhanging structures, of all principal and accessory buildings.

Lot Frontage: Distance measured across the lot at the lot front line abutting a street.

Low Density Residential (LDR): The LDR district is an area limited to non-intensive land uses. The purposes of this district are to prevent premature development of land, to retain certain areas for non-intensive uses, to prevent development where it would be a burden on the community, and to retain areas for open space.

Lowest Floor: The lowest floor of the lowest enclosed area, including basements. An unfinished or flood-resistant enclosure, usable solely for the 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 design requirements of applicable sections of the National Flood Insurance Regulations.

Mail Services: Any establishment which engages in the distribution of mail or parcels.

Manufactured Home Park or Subdivision: a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Home: See Dwelling, Mobile Home or Manufactured Home.

Manufacturing, Light: Any business where the principal use is the assembly of materials or parts to be used in part or in entirety in the manufacture of consumer products including small appliances, electronics, computers, and other similar products. This includes research and development of new products, or improvements to existing products.

Manufacturing, Heavy: Any land use where a principal activity is the assembly or creation of products from raw materials. Specifically included are asphalt batch plants, commercial incinerators (not accessory to a permitted use), oil, gas, or coal fired facilities used to process raw products, and other similar uses which potentially generate water or air-borne pollutants.

Marquee: Any permanent roof-like structure or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

Marquee Sign: Any sign attached to, in any manner, or made part of a marquee.

Meadow: An area of grassland, either in its natural state or maintained as a pasture or for growing hay.

Medical and Dental Laboratory: Any establishment whose principal business is the processing, testing, or analysis of materials for medical purposes and which provides limited direct client service.

Medical Clinic: Any facility which provides medical services by licensed professionals to individuals on an out-patient basis and which does not provide facilities for the care of patients on an overnight basis. Facilities consisting of only one doctor and up to four support staff shall be considered an office use.

Medium Density Residential (MDR) : The MDR district is a principally residential area where city water and sewer facilities are available or where the installation of these facilities is feasible. Residential and other compatible and complementing uses are permitted in this district at densities dependent upon the city utility services available. This district is intended to house the majority of the community's permanent residents in areas and at densities consistent with the city utilities provided.

Micro-Industry: See Artisan Studio.

Mini-Warehouse: A storage facility designed and constructed for rent of individual storage spaces to customers where each rented or leased space has an individual door or gate. The storage or lease of spaces for commercial storage shall be deemed a warehouse.

Mobile Home: See Dwelling: Mobile Home.

Mobile Home Park: A parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate, more than two mobile homes for human occupancy. This term does not apply to:

- premises used solely for storage or display of mobile homes;
- to land under the ownership of an agricultural employer who may provide up to four (4) mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment; or
- any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes.

Motel: A facility designed or used primarily to provide transient lodging accommodations for automobile travelers in which each sleeping room customarily has an exterior entrance next to an adjacent parking space.

Motor Vehicle Maintenance Service: A facility which provides vehicle maintenance, including oil changes and lubrication, tire sales and replacement, and minimal work while the customer is on the premises. This does not include sale of gasoline, oil tires or parts for use off premises.

Motor Vehicle Sales and Repair Facility: An establishment for the display, sale and repair of new and used motor vehicles, trailers, boats, and recreation vehicles.

Motor Vehicle Service Bay: A space designed and constructed for the placement of any motor vehicle for repair, servicing, or washing. Service bays may be located outside of structures.

Motor Vehicle Service Station: Any facility which provides repair service to individual vehicles including engine repair, transmission repair, body repair, and the installation of or replacement of any mechanical parts. Car washing, maintenance services, tire installation and sale of parts may be an incidental or accessory use. Also included is the sale of gasoline.

Montpelier Municipal Plan: The municipal plan approved by the Montpelier City Council of the City of Montpelier, which indicates the general locations recommended for various functional classes of public activities, places and structures and for the general physical development of the City of Montpelier and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Municipal Facilities: Municipally owned and operated institutions and facilities necessary for the public welfare, including, but not limited to, police and fire facilities, garages, and storage facilities.

Nature Center: A private non-profit or municipal establishment which provides exhibits and interpretive information on the natural environment, including but not limited to indoor and outdoor animal exhibits, botanical or geological exhibits, trails and pathways with interpretive signage, and structures which provide lecture and exhibit spaces, rehabilitative services, and accessory uses.

New Construction: for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by a 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.

Nonconforming Lots or Parcels: Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

Nonconforming Sign: Any sign that does not conform to the requirements of this ordinance.

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.

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 use, structure, lot, or parcel 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.

Nursing, Rest or Convalescent Home: A place licensed by the State of Vermont, other than a hospital, that maintains and operates facilities and provides nursing care to three or more persons, unrelated to the home operator, who are suffering from illness, disease, injury or deformity and require nursing care.

Office: Any building, structure, room, suite, or portion thereof where the occupant transacts business or carries on a stated occupation. An office shall not include the manufacture, assembly, cleaning, testing, processing, or repair of any product.

Office, Incidental: Any suite, room or occupancy within a building used for the purpose of meeting customers or processing paperwork for the permitted business.

Office Park (OP) : The Office Park District is an area designated for planned commercial development, with a park-like setting utilizing substantial areas of undeveloped land which is currently primarily wooded or open meadow, and adjacent or visible to major highway routes into the city and from elsewhere in the city.

Outdoor Market: Any seasonal retail business where goods are sold outdoors or under an open structure. Items sold may include vegetables, new and used household goods, personal effects, art work, handicrafts, and antiques, in small quantities on a temporary or limited basis. This use includes indoor flea markets and farmer's markets. Spaces or booths may be rented or leased to individuals for the sale of products.

Parcel: A lot established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Parking Area or Lot: An area located outside of any street right-of-way or easement designed and used for parking or temporary storage of motor vehicles.

Parking, Commercial: The use of land or structures for the parking of vehicles for a fee as a lot or parcel whose principal use is the parking of vehicles.

Parking Space: A temporary storage area for motor vehicles that (a) has the minimum dimensions required in these regulations, (b) is directly accessible to an access aisle, and, (c) is not located on a dedicated street right of way.

Passenger Terminal or Station: Any premises for the loading or unloading of passengers from various modes of transportation such as railroad, bus, or limousine, including the temporary storage of transportation vehicles, parking, and ticket purchase facilities.

Pennant: Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

Permanent Sign: Any sign as defined above, intended to be erected and maintained for more than sixty (60) days.

Perpetually Affordable Housing: One or more dwelling units subject to housing subsidy covenants or restrictions, as defined in 27 V.S.A. 610, that preserves their affordability for a period of 99 years or longer.

Person: A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.

Personal Service Establishment: A facility which provides care to a person or a person's apparel, including barber shops, beauty shops, seamstress shops, shoe repair shops, coin-operated laundries, optician shops, diet centers, health clubs, spas, pet grooming shops and similar uses. Sales of products must be clearly incidental to the services provided.

Place(s) of Worship: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory

§610. Housing subsidy covenants; enforceability.

(a) Definition. As used in this section, "housing subsidy covenant" means a covenant the purpose of which is to encourage the development and continued availability of affordable rental and owner-occupied housing for low and moderate income persons. A housing subsidy covenant may be created during ownership or at the time of conveyance by the owner of real property as a condition of: (1) an allocation of "low income housing tax credits" pursuant to regulations of the agency of commerce and community development; (2) a grant, loan or contract made by an agency, instrumentality or political subdivision of this state; (3) a grant, loan or contract made by a nonprofit corporation; (4) a subsidized loan from any lending institution that makes loans for residential housing; or

(5) a subsidized private transaction.

(b) Restrictions. A housing subsidy covenant may include without limitation restrictions on the use of real property, restrictions on resale price, restrictions on tenant income and rents and restrictions on the income of a purchaser of housing or a housing unit for his or her own residence.

(c) Requirements. A housing subsidy covenant shall be set forth in a separate and distinct document and executed, acknowledged and recorded in the manner provided by law for the execution, acknowledgment and recording of deeds.

(d) Duration. A housing subsidy covenant may be perpetual or may be limited to a period of time specified in the document and may be amended or terminated by written agreement of the owner of the land and all persons or entities holding the right to enforce the covenant. Any amendment or termination shall be executed, acknowledged and recorded as provided in this section.

(e) Enforceability. A covenant that complies with this section shall run with the land and shall be enforceable according to its terms. The covenant may include provisions for monitoring and enforcing compliance. The covenant may be enforced by the person or entity that provided the subsidy of which creation of the covenant was a condition, or by any agency, instrumentality or political subdivision of the state or nonprofit corporation organized for the purpose of promoting affordable housing to whom the right of enforcement has been assigned.

Added 1989, N o. 91, § 1; am ended 1995, N o. 190 (Adj. Sess.), § 1(a).

buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

Plan: The plat and/or detailed drawings, from which the roadway, drainage, water supply, sewage facilities and such other installations as may be required, can be constructed.

Planned Residential Development (PRD): An area of minimum contiguous size, as specified in this ordinance, to be planned, developed, operated and maintained according to plan as a single entity for any number of dwelling units, the plan for which does not conform to the Zoning and Subdivision Regulations concerning lot size, type of dwelling, density, or lot coverage.

Planned Unit Development (PUD): An area of minimum contiguous size, as specified in this ordinance, to be planned, developed, operated and maintained according to plan as a single entity, the plan for which does not conform to the Zoning and Subdivision Regulations concerning lot size, bulk, type of dwelling, commercial or industrial use, density, lot coverage or required open space.

Plat: The final map, drawing or chart indicating the manner in which the property is to be subdivided.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs employing "A" or "T"-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day to day operations of the business.

Political Sign: A sign of non-permanent material for the purpose of calling attention to a candidate for public office or an issue to be voted on.

Preliminary Layout: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Development Review Board for its consideration.

Primary Agricultural Soils: Soil types designated as "prime" or "statewide" by the United States Natural Resource Conservation Service (USNRCS).

Projecting Sign: A sign projecting from the face of a building over either private or public property.

Public: Any use, land, structure, building, or facility used by any state or local government entity for use by the general public regardless of ownership.

Public Announcement Banners and Signs: A temporary banner or sign announcing an auction, a campaign, drive or event of a civic, philanthropic or religious organization.

Public Assembly Hall or Area: Any structure or area where large numbers of individuals collect to participate in or to observe programs of participation.

Private Frontage: Private frontage is that area between the front property line and the principal building facade. Variables within the private frontage include the depth of the setback and the combination of elements such as fences, stoops, porches, or landscaping. Private frontage may overlap with public frontage in the case of awnings, signs, patios, or similar features.

Public Frontage: Public frontage is the area between a property line and the edge of the travel way of a public thoroughfare, which typically includes curbs, walks, planters, street trees, streetlights, hydrants, and other streetscape features.

Quarry: A place where rock, ore, stone, and similar materials are excavated for sale or offsite use.

Real Estate Sign: A sign located on real estate or a building, advertising that the premises on which the sign is located is for sale, lease, or rent, along with identification of the owner or agent.

Recreation (REC): The REC district comprises public lands dedicated to recreation and conservation of open space. Other public uses shall be compatible with these objectives.

Uses approved immediately adjacent to the REC district shall not derogate from the public benefits of the district.

Recreational Use, Large Outdoor: Any public, quasi-public or private property where the principal use is a zoo, aquarium, amusement park, stadium, miniature or full-service golf course, swimming pool, exposition center, or similar use or activity. The characteristics of such uses include the occupation of a relatively large area of land, development of a large portion of the site for the use, and the use of the facility by a relatively large number of people at one time.

Recreational Use, Indoor: Any recreation facility enclosed in a structure for use such as billiards, bowling, indoor shooting range, arcade, pool halls, ice skating and similar facilities.

Recreational Use, Parks and Playgrounds: Any public, quasi-public or private facility where the principal use is a park, playground, athletic field, tennis court, bike path, or similar facility. A private club house restricted to use by development residents may be a park and playground recreation use.

Recreation Use, Temporary: Any recreation use which is established on a temporary basis including carnivals, booths, festivals, and similar uses.

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 quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicles Camp: Any parcel or portion thereof designed and constructed to accommodate the parking of one or more recreational vehicles for a fee.

Research Facility: An establishment, laboratory, or other facility for carrying on investigation and/or testing in the natural, physical, or social sciences, which may include engineering and product development.

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

Residential Use: Use of a structure or property for human habitation.

Retail Sales: An establishment whose principal use is the sale of products for consumption or use by the customer off the premises. This shall include but not be limited to the sale of hardware, paint, office equipment, sporting goods, television equipment (including satellite dishes), automotive supplies, major household appliances (including refrigerators, stoves, ovens, air conditioners, furnaces) and groceries. This also includes trading stamp and other redemption outlets and department stores.

Retail Sales, Outdoor: The use of any lot or parcel or portion thereof for the outdoor sale and storage of any product or the exchange or swapping of any product among customers.

Retail Sales, Temporary: The use of any structure, lot or parcel for limited sales events which are conducted on private or public property for brief periods of time.

Ridgeline: The uppermost point of a ridge, hill, cliff, slope or face. It may coincide with the top (highest elevation) of a rock cliff or, where the bedrock is not exposed, the most obvious break in slope associated with the underlying bedrock. The term does not include intermediate terraces, steps, or elevations along the face of a slope. A major ridgeline is a ridgeline characterized by an elevation, slope, orientation, and/or relationship to nearby property so as to be highly visible from distant vantage points.

River: Any natural or artificial watercourse in which water flows in a definite direction or course greater than 1.5 cubic feet per second, either continuously or intermittently, and has a definite channel, bed, and banks.

Riverfront District (RIV): The RIV District defines the area along the Winooski River between Main, Granite, and the rear of Barre Streets. Historically a manufacturing and rail transportation corridor, it is important to honor the area's industrial past while continuing to support the existing active rail use and manufacturing businesses.

Roof Sign: A sign erected, painted, or applied upon or over the roof of any building.

Rooming House: A dwelling where no less than three (3) and no more than eight (8) lodging rooms are offered for hire with or without meals. The sale of alcoholic beverages on the premises is prohibited.

Safety Service Facility: A facility for the conduct of public safety and emergency services, including police and fire protection and emergency medical and ambulance service.

School: A facility offering a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools and certified by the Vermont Department of Education, including parochial, private, public and nursery schools, accessory uses, but specifically excluding commercially operated schools of beauty, business, dancing, driving, music, and other similar establishments, see Academic Institution.

School, Commercial or Trade: A facility offering instruction or training, but not offering academic credit or degrees.

Shopping Center: A structure or series of structures which contain a variety of commercial outlets for purchasing goods and services.

Site Triangle: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign: Any structure, display, device or representation designed or used to advertise or call attention by visible communication to any thing, person, business, activity or place. This definition shall include signs located within a window when directly illuminated. Marquees, canopies, clocks, thermometers, and calendars shall be subject to the provisions of these regulations when used in conjunction with signs as defined above.

Significant wildlife habitat: Significant wildlife habitats are those natural features that are essential for the survival and/or reproduction of the native wildlife of Montpelier and surrounding areas. This includes, but is not limited to, (1) deer winter habitat (i.e. deeryards); (2) habitat for rare, threatened and endangered species (state or federally listed); (3) concentrated black bear feeding habitat (bear-scarred beech and oak stands); (4) wetlands that provide critical functions for sensitive or unusual wetland-dependent wildlife such as breeding/nesting habitat for wading birds, waterfowl, and otter and vernal pools; (4) wildlife travel corridors, typically characterized by undeveloped forested corridors, including forest cover reaching to road rights-of-way, which serve to link large tracks of unfragmented forest habitat; (5) large areas of contiguous, unfragmented forest; and (6) habitat identified by the Vermont Department of Fish and Wildlife as either significant wildlife habitat or necessary wildlife habitat.

Site Plan Review: Site plan review is the process outlined in § 306.

Solid Waste Collection Site: An area or facility designated for the temporary collection and transfer of waste to an approved landfill.

Solid Waste Transfer Site: Any premises, facility, structure, or building designed and utilized for the temporary storage or sorting of materials for later removal to a landfill or recycling center.

Special Flood Hazard Area: the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”..

Stable, Private: A structure in which horses are kept for private use and not for remuneration.

Stable, Public: A boarding and grooming facility for horses or other livestock with stalls for rent to the general public. A stable may include riding facilities and trails.

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 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.

Storage, Outdoor: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

Stream: Any natural or artificial watercourse in which water flows in a definite direction or course less than 1.5 cubic feet per second, either continuously or intermittently, and has a definite channel, bed, and banks.

Street: A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thruway, road, avenue, boulevard, lane, place, terrace, way or circle.

Street, Collector: A street that is being used or will be used to carry a substantial volume of traffic from a minor street(s) to a major street or community facility, and normally including the principal entrance street to a large subdivision or group of subdivisions, and the principal circulation streets within such subdivision.

Street Grade: The elevation of the street as established by the Director of Public Works.

Street, Major: A street that is being used or will be used primarily as a street between different communities or portions of the City, or which will otherwise carry a heavy volume of traffic.

Street, Minor: A Street that is being used or will be used primarily to provide access to abutting properties, and that does not provide for use by through traffic.

Structure: An assembly of materials for occupancy or use, including, but not limited to, a building, mobile home, billboard, sign, wall or fence. A trailer that is not for habitation is considered a structure if located on a lot for more than 90 days.

For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *Structure*, for insurance purposes, means: (a) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws. For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition. The term “structure” includes a gas or liquid storage tank.

Subdivision: The division of any parcel of land into two or more lots, plots, blocks, or sites for the purpose of offering any or all such lots, plots, blocks or sites for sale, lease or contract purchase. This also includes re-subdivision of land heretofore subdivided or platted.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to it’s before damaged conditions would equal or exceed 50 percent 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 the adoption of this bylaw the cost of which exceeds 50% of the market value of the structure before the “start of construction” of the improvements. The term does not, however, include either: (1) 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 (2) any alterations of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Taxi-cab and Limousine Service: A parcel, building or space designated for use by any company providing transportation for a fee. Incidental office space, structures designed for the storage of vehicles and the outdoor storage of vehicles not currently in service may be included.

Technical Review Committee: The TRC is an advisory staff committee comprised of representatives from the Planning and Community Development, Public Works, Police, Fire, Buildings, and Parks departments, and a representative from the Conservation Commission. Their role is to review development applications early in the review process and provide a coordinated feedback to the Applicant and to the Development Review Board as to issues and impacts associated with the proposed activity.

Temporary Sign: A sign, including its supporting structure, for the purpose of advertising or promotional information intended to be maintained for a continuous period not to exceed sixty (60) days.

Theatre: A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

Therapeutic Community Residence: A transitional facility licensed by the State of Vermont, providing individual treatment to three or more residents, unrelated to the licensee, in need of a supportive living arrangement to assist them in their efforts to overcome a major life adjustment problem such as alcoholism, drug abuse, mental illness and delinquency.

Tourist Home: A rooming house, primarily offering overnight lodging accommodations to public travelers. The sale of alcoholic beverages on the premises is prohibited.

Uniformity Ratio: Describes the uniformity of light levels across an area. This may be expressed as a ratio of average to minimum or it may be expressed as a ratio of maximum to minimum level of illumination for a

given area. Example: U. ratio max. to min. = 4:1 for the given area, the lowest level of illumination (1) should be no less than 1/4 or "4 times less" than the maximum (4) level of illumination.

Utility, Major: Generating plants, electrical switching facilities and primary substations, water and wastewater treatment plants, water tanks, and similar facilities to provide the public with electricity, gas, heat, steam, communication, water, sewage collection or other similar service. Antennas or antenna towers are excluded.

Utility, Minor: Services and facilities necessary to development, involving minor structures, such as underground, surface or overhead electrical, gas, telephone, steam, water, sewage collection and other utilities; and the equipment and appurtenance necessary for such systems to furnish an adequate level of service for the area in which they are located. Antennas or antenna towers are excluded.

Viewshed: A three-dimensional area extending outward from a stationary viewpoint or as one moves along a publicly accessible route. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as a mountain, which would result in a narrow corridor, or a group of objects, such as a range of mountains, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360-degree perspective.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

Wall: See Fence.

Wall Sign: A sign applied parallel to the face of a building.

Warehouse: A building used primarily for the storage of goods and materials.

Wholesale Trade: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wireless Telecommunication Facility: Any equipment that broadcasts or receives radio frequency waves carrying Wireless Telecommunication Services, including any tower or structure upon which such equipment is installed, and any accompanying structure, building, access road, or service utility.

Wireless Telecommunication Facility, Small Scale: Any device that is installed on the ground and does not exceed 10 feet in elevation and/or that is installed on an existing building or structure and does not extend more than 10 feet from the building or structure.

Wireless Telecommunication Service: Any commercial mobile service, wireless service, common carrier wireless exchange service, cellular service, personal communication service (PCS), specialized mobile radio service, paging service, wireless data service, or public or private radio dispatch service.

Yard: An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.

Yard, Front: A space extending the full width of the lot between any building and the front lot line and measured perpendicularly to the building at the closest point to the front lot line. Lots which front on more than one City Street may have corresponding additional front yards.

Yard, Rear: A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at the closest point of the rear lot line. Lots which have frontage on more than one city street may elect which side yard shall function as a rear yard.

Yard, Side: A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Yard Sale: A temporary retail sales event for the disposal of used personal clothing, furniture, and equipment which may take place indoors or outdoors but which occurs for no more than three (3) days in a single calendar year.