

TOWN OF LEICESTER – INTERIM ZONING BYLAW CHANGES – ADOPTED 9/23/13

Section 190: DEFINITIONS

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 singular includes the plural; the word "lot" includes "plot", the word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by " or "intended, arranged or designed to be used or occupied"; "person" includes individual, partnership, association, corporation, company or organization; and the word "street" is synonymous with "roadway". Doubt as to the precise meaning of any word used in these regulations shall be clarified by the Zoning Board of Adjustment.

ABUTTING LANDOWNER: The owner of record of a parcel of land or interest therein if that land:

1. Shares a boundary with the tract of land where a proposed or actual development or subdivision is located; or
2. Is adjacent to a tract of land where a proposed or actual development or subdivision is located and the two properties are separated only by a river, stream, street or other public or private right-of-way.

ACCESSORY DWELLING UNIT: A dwelling unit located within or appurtenant to an owner-occupied single-family dwelling. An accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

1. The property has sufficient wastewater capacity to satisfy state regulations.
2. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
3. Applicable setback, coverage, and parking requirements specified in the bylaws are met.

ACCESSORY USE OR BUILDING: A use or building customarily incidental and subordinate to the principle use or building, located on the same lot, and not containing independent living quarters.

AGRICULTURAL USE: Land area of at least two acres, which is used for agricultural purposes. The term "agricultural purposes" shall mean agriculture, farming, dairying, pasturing, silvicultural and animal and poultry husbandry. The term "agricultural purposes" shall not include the slaughtering of animals or poultry for commercial purposes that are not grown or raised on premises.

ALTERATION: Structural changes, change of square foot area, rearrangement, change of location, or addition to a building, other than repair and modification of building equipment.

BASEMENT: Basements are an area of a structure located at least partly underground. Basements will generally not be counted as a "story" so long as the vertical distance between the basement ceiling and the average grade level of the adjoining ground is not more than six feet.

BED & BREAKFAST: An inn or motel with less than ten guest rooms serving a transient traveling population.

BOARDING HOUSE: A building wherein more than four people are provided shelter and food for profit. Does not include motor lodge.

BOATHOUSE: An accessory structure constructed either wholly or partly over a body of water and designed primarily to provide shelter for water craft and storage for related equipment.

BUILDING: Structure having a roof supported by poles or walls and intended for the shelter or enclosure of persons, animals or chattel.

BUILDING COVERAGE: The building area of any lot shall constitute the footprint of the largest story of the principal building and of all accessory buildings. Uncovered porches, terraces and steps shall not be used to calculate the building area. All dimensions shall be measured between the exterior dimensions.

Any solar collection device or related apparatus not included as floor plans of a building is not included. All dimensions shall be measured between exterior face walls.

BUILDING FRONT LINE: Line parallel to the street line transecting that point in the building face that is closest to the street line. This face includes any carport, porch, terrace, deck and steps. Where a lot fronts on public waters but not a public roadway "mean water line" shall replace "street line" in this definition.

BUILDING HEIGHT: Vertical distance measured from the average elevation of the proposed finished grade of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

BUILDING REAR: Line parallel to the street line transecting that point in the building face that is furthest from the street line. This face includes any carport, porch, terrace, deck and steps. When a lot fronts on public waters but not on a street, "mean water line" shall replace "street line" in this definition.

CAMP/SEASONAL HOME: One cabin, mobile home, camper, shelter or other accommodation for limited use as seasonal or temporary living unit for a total of 6 months in any calendar year.

CAMPER: Any motorized or unmotorized vehicle mounted on wheels and used as sleeping, camping or living quarters, eight feet in width or less.

This includes a camper body mounted on a truck and excludes mobile homes.

CAMPGROUND: Any tract or parcel of land occupied by two or more campers, tents or tent sites for vacation or recreational purposes.

CHANGE OF USE: A change of use constitutes a change of use or function of a primary structure and will require a permit.

COMMERCIAL STRUCTURE: A structure used for commercial purposes.

COMMERCIAL USE: The provision of facilities, goods or services by a person to others in exchange for payment.

COMMUNITY CENTER: Any public or private meeting hall, government facility, place of assembly, museum, art gallery, library, school, church or other similar type of establishment which is not operated primarily for profit.

CONTRACTOR'S YARD: An area used for the long- or short-term storage of equipment or materials used in the construction service industries.

CONDITIONAL USE: A conditional use constitutes a use that may be permitted by the Zoning Board of Adjustment only after public notice, public hearing and approval by the Zoning Board of Adjustment finding that the proposed use conforms to general and specific standards.

DECK: An unenclosed structure without walls or a roof. Decks must not be more than 100 square feet and meet all setback requirements to be exempt from permitting under these regulations.

DWELLING UNIT: A building or part thereof used as living quarters for one family. The terms "dwelling", "one family dwelling", "two family dwelling", "dwelling ground" shall not include a motel, hotel, bed and breakfast, tourist home or similar structure.

DWELLING, ONE FAMILY: A building, including accessory buildings, used as living quarters by one family.

DWELLING, TWO FAMILY: A building, including accessory buildings, used as living quarters by two families living independently of each other.

DWELLING, MULTIPLE FAMILY: A building, including accessory buildings, used as living quarters by three or more families living independently of each other.

ENVELOPE: The exterior dimensions of a building including its footprint, roofline, height, fenestration, and the exterior dimensions of all stories.

EXCAVATION: Substantially changing the contour of the land or extraction of sand, soil or gravel or other natural resources.

FAMILY: One or more persons living on the same premises as a single housekeeping unit.

FENCE: Structure or vegetation used primarily for enclosure or screening up to 6' in height without a permit. Permit required if in excess of 6' in height.

FINISHED GRADE: Completed surfaces of ground, lawn, walks, paved areas and roadways brought to grade as shown on plans relating thereto.

FLOOR AREA: Sum of the gross horizontal area of floors of a building, excluding basement floor areas. All dimensions shall be measured between interior faces of walls.

FRONT YARD SETBACK: ~~Consists of the depth of the front yard (distance from building front line to street line) plus the distance from the street line to the centerline of the existing street.~~ **distance from any structure to the centerline of the existing street. Where a lot front on abuts public waters but not on a street, the front yard setback shall consist only** is defined as the distance of the depth of the front yard ~~(building front line to~~ **from the mean water line to any land development (including, but not limited to, structures, retaining walls and decks).**

GASOLINE OR MOTOR VEHICLE SERVICE STATION: Any lot or area of land, including the building or buildings thereon, which is used for the sale of any motor vehicle fuel or lubricant, or which has commercial facilities for lubricating, washing, painting, repairing or servicing motor vehicles.

HEALTH CARE FACILITY: Any residential facility for the diagnosis or treatment of human ailments, including but not limited to hospital, sanitarium, nursing home, and convalescent home.

HEAVY INDUSTRY: The processing, assembly, distribution or packing of natural or man-made products, including the extraction of earth resources, where such an activity results in adverse off site effects on air quality, water quality, noise or vibration level, odor or glare, as determined by the Zoning Board of Adjustment after notice and hearing; or employs more than 20 employees for any consecutive four months during a calendar year, or occupies more than 20,000 square feet of floor and outdoor storage area in the aggregate.

HOME OCCUPATION: Activities conducted within a dwelling or accessory building by the residents thereof, which is clearly secondary to the dwelling's use as living quarters and does not change the character thereof.

INTERESTED PERSON: A person owning or occupying real property in the immediate neighborhood of a parcel of land that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. Please see 24 V.S.A., §4465 for a more complete definition.

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 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.

LIGHT INDUSTRY: The processing, assembly, distribution, or packaging of natural or man made products where such activity results in no adverse off site effects on air quality, water quality, noise or vibration level, odor or glare, as determined by the Board of Adjustment; and employs no more than 20 employees for any consecutive four months during a calendar year, and occupies less than 20,000 square feet of floor and outdoor storage areas in the aggregate.

LOADING SPACE: Off street space, which is at least twelve feet wide, forty feet long, and fourteen feet high, not including access driveway, and having direct access to a street or alley, used for the temporary location of one licensed motor vehicle.

LOT: Land and premises, with or without buildings, having not less than the minimum area, width, depth and space required for a lot in the district in which such land is situated, and having frontage on a street or public water, or other means of access as may be required elsewhere in these bylaws.

LOT AREA: Total area of a lot, not including any land lying within the boundaries of a street, or proposed street.

LOT, CORNER: Lot which has an interior angle of less than 135 degrees at the intersection of two streets.

LOT COVERAGE: That percentage of the lot area covered by the building area.

LOT DEPTH: The distance from the centerline of the traveled street to the rear of the lot measured at right angles to the centerline of the traveled street.

LOT FRONTAGE: Distance measured across the width of the lot at the street, or in absence of a street, the public waters.

LOT LINES: Property lines bounding a lot.

LOT WIDTH: Width measured at right angles to lot depth, at the proposed or existing building front line.

MARINA: Building or land for the rental, sales, provisioning, or other boat related services.

MOBILE HOME: A structure, transportable in one or more sections, greater than eight feet in width, which is built to be used with a permanent poured concrete foundation not less than 3 ½" in depth with at least six tie downs when connected to the required utilities. It does not include recreational vehicles or travel trailers.

MOBILE HOME PARK: Any parcel of land under single or common ownership or control which contains or is designed, laid out, or adapted to accommodate, two or more mobile homes.

MOTOR LODGE: A building or group of buildings in which the majority of the rooms are used for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals. Does not include boarding lodge.

NON-CONFORMING STRUCTURE: A structure or part of a structure that does not conform with the Zoning Regulations for the district in which it is located, but which 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 Zoning Administrator.

NON-CONFORMING USE: The use of land or structures which does not comply with all Zoning Regulations for the district in which it is located, but which did conform to all applicable laws, ordinances and regulations prior to enactment of these regulations including a use improperly authorized as a result of error by the Zoning Administrator.

OIL AND GAS ACTIVITIES: Oil and gas exploration and extraction, and any land development incidental thereto.

PARKING SPACE: Off street space used for the temporary location of one licensed motor vehicle, such space being at least nine feet wide and twenty- two feet long not including access driveway, and having direct access to a street or alley.

PERMITTED USE: A use specifically allowed in the district, by right or previously allowed as non-conforming uses.

PERSON: An individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

PERSONAL SERVICES: Barbers, beauty parlor, shoe repair, Laundromat, dry cleaner, photographic studio, and other businesses providing similar personal services, except for medical services.

PLANNED UNIT DEVELOPMENT: (PUD) One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards.

PRIVATE CLUB: Building or use catering exclusively to club members and their guests for recreational purposes and not operated

primarily for profit.

PROFESSIONAL OFFICE: Professional office including architect, accountant, dentist, doctor, lawyer, engineer, psychologist, or other similar occupation.

SAND, SOIL AND GRAVEL EXTRACTION OR QUARRYING: Marble, granite, or other stone, sand, soil and gravel extraction operations and any land development incidental thereto. Sand, soil and gravel extraction or quarrying includes the enlargement of any existing sand, soil, and gravel extraction or quarrying excavations.

RECREATION, INDOOR: Bowling alley, theater, table tennis, pool table, arcade, skating rink, gymnasium, swimming pool, hobby workshop, or other similar places of indoor recreation.

RECREATION, OUTDOOR: Golf course, hunting preserve, skating rink, riding stable, park, beach, tennis court, swimming pool, skiing facility, playground, ball field, or other similar places of outdoor recreation.

RESIDENTIAL USE: All uses of buildings for one family, two family and multiple family dwellings and home occupational uses.

RESTAURANT: A public eating establishment in which the primary function is the preparation and servicing of food, whether inside or outside the principle structure.

RETAIL STORE: Includes enclosed restaurant, café, shop and store for the sale of retail goods and services and shall exclude any drive-up service, free standing retail stand, gasoline service and motor vehicle service, new and used car sales and service, trailer and mobile home sales and service ATV sales and service.

RETIREMENT FACILITY: An establishment providing residential care for persons who by reason of age wish to have such care provided for themselves, but who do not need continuous medical or nursing treatment.

SANITARY LANDFILL: Land used for the disposal by abandonment, dumping, burial, burning or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discard machinery, vehicles or parts thereof, or waste material of any kind.

SERVICE AREA: A designated space used for waste storage or pickup, utility areas, or for the delivery of goods and services to any building or land use.

SIDE YARD SETBACK: Consists of the depth of the side yard measured from a property line to the side of the building most closely parallel to that property line.

SIGN: Any device, structure, building, or part thereof, for the visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

SIGN, ADVERTISING OR BILLBOARD: Sign which directs attention to a business, industry, profession, service, commodity, or entertainment conducted, sold or offered elsewhere than upon the same lot on which it is displayed.

SIGN, BUSINESS: Sign which directs attention to a business, industry, profession, service, commodity, or entertainment sold or offered upon the same lot on which it is displayed, including real estate signs.

SINGLE FAMILY RESIDENCE: A single-family dwelling used or improved to be used on a full-time year-round basis.

SOLAR COLLECTOR: A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

SOLAR ENERGY SYSTEM: A complete design or assembly consisting of solar energy collector, an energy storage facility, where used, and components for the distribution or transformed energy to the extent they cannot be used jointly with a conventional energy system. Passive solar energy systems, those that use natural or architectural components to collect and store solar energy without using external mechanical power, are included in this definition.

STORY: That portion of a building included between a floor and the floor or roof next above it.

STREET: Public way for vehicular traffic, which affords the principle means of access to abutting properties. Streets shall include state highways, Class 1, 2 and 3 town highways and public roads in private ownership serving more than three residences.

STREET LINE: Right of way line of a street as dedicated by a deed or record. Where the width of the street is not established, the street line shall be considered to be thirty feet from the centerline of the street.

STRUCTURE: An assembly of materials for occupancy or use, including a building, mobile home or trailer, sign, wall, or fence.

SUBSURFACE SEWAGE DISPOSAL SYSTEM: A septic tank and leach field or leach pit used to treat and dispose of sewage into the ground.

TELECOMMUNICATIONS FACILITY: A tower or other support structure, including antennae, that will extend 20 or more feet vertically, and related equipment, and base structures to be used primarily for communication or broadcast purposes to transmit or receive communication or broadcast signals.

TRAILER: Any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery or boats, or is used as an office.

VETERINARY CLINIC/ANIMAL HOSPITAL: A building or premises for the medical or surgical treatment of domestic animals or pets, including dogs and cats.

WAREHOUSE: A structure or part of a structure for storing goods, wares and merchandise. A warehouse may include a wholesale establishment, discount house, bulk storage and bulk sales outlet.

WIND ENERGY CONVERSION SYSTEM: A device that converts wind energy to mechanical or electrical energy.

YARD: Space on a lot not occupied with a building or structure.

~~YARD, FRONT: Yard between the street line and the front line of a building. Where a lot fronts on public waters but not on a street, "mean water line" shall replace "street line" in this definition.~~

YARD, REAR: Yard between the rear lot line and the rear line of a building.

YARD, SIDE: Yard between the principle building or accessory building and a side lot line.

Section 330: ~~CERTIFICATE OF COMPLIANCE~~

~~Upon completion of any work or change in use requiring a permit under these regulations and prior to its occupancy, the permittee shall request a Certificate of Compliance from the Zoning Administrator.~~

~~Within seven days after notification of the Zoning Administrator by the applicant that a building, structure, premises or part thereof is staked and about to have its footings poured and again when the building or structure is completed or ready for occupancy or use, the Zoning Administrator may make inspection of it. Upon determining that the structure conforms with the provisions of these regulations and any other conditions contained within a validly issued zoning permit, the Zoning Administrator will issue a Certificate of Compliance.~~

Section 400: EXEMPTION FROM PERMIT

The following are exempt from the required permits and any application fees; however written notification shall be given to the Town on the exemption form and written acknowledgment of its receipt obtained from the zoning administrator prior to any construction or other land development.

1. One structure 100 sq. feet or less and less than 8 feet in height and not attached to a dwelling or another structure. Must conform to all setback requirements in district.
2. Decks: Not greater than 100 sq. feet. Must conform to all setback requirements in the district.
3. Handicap access ramp to a residence inhabited by a handicapped person provided that it does not obstruct the public right-of-way. The Town should be notified of the identity of the disabled person or persons before construction is begun. All other handicap access ramps must comply with dimensional requirements.
4. Any structure destroyed by natural disaster and reconstructed in original footprint.
5. Fences 6' and under in height.
6. Any normal exterior maintenance that does not change the dimensions of a building such as roof repair/replacement, siding repair/replacement, window replacement. Any interior construction or remodeling that does not change the use of the building.
7. Excavation for water, or sewer, utility lines, or landscaping, and minor landscaping.
8. Roadside agricultural stands and tag sales, provided that they comply with Section 647 550 of these regulations.
9. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation, respectively, under subsections 1021(f) and 1259(f) of Title 10 and Section 4810 of Title 6 are exempt from these regulations:
 - a. For the purposes of this section, "farm structure" means 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.
 - f. A person shall notify a municipality of the intent to build a farm structure and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets. No municipal permit for a farm structure shall be required.
10. Pursuant to 24 V.S.A. Sect.4413(b), public utility power generating plants including small "net metering" wind and solar operators or transmission facilities regulated under 30 V.S.A Sect. 248. Also, temporary wind monitoring equipment and towers.
11. Pursuant to 24 V.S.A. Sect. 4413(e), but subject to 24 V.S.A. Sect. 2295 the Regulations shall not restrict hunting, fishing, trapping and other activities under Section 2295.

Section 620: WATER-FRONT LOTS IN RESIDENTIAL DISTRICTS

~~Waterfront lots may have a one-story boathouse chiefly for the purpose of boat storage and one end may extend into the water 16 feet, if permitted by state statute or regulation. Width of boathouses is not to exceed twelve feet; height not to exceed ten feet above mean water level.~~ An existing boathouse may be repaired or replaced if permitted by state statute or regulation.