

Zoning Regulations

Town of Huntington, Vermont

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PURPOSE

This ordinance, which shall be known and cited as the Town of Huntington Zoning Regulations, is intended to promote the health, safety and general welfare of the inhabitants of the Town of Huntington, to protect agricultural lands, to preserve the value of property, to prevent overcrowding, to facilitate provision of public requirements, and to provide for the orderly development in Huntington of homes, agriculture, commerce and recreation, while conserving valuable natural and historic resources.

This ordinance is in accordance with Title 24 V.S.A Chapter 117, MUNICIPAL AND REGIONAL PLANNING AND DEVELOPMENT, hereinafter known as the "Act".

ARTICLE 1. ESTABLISHMENT OF DISTRICTS

1.1 ZONING DISTRICTS

For the Purpose of this Regulation, the Town of Huntington is divided into the four zoning districts shown on the official zoning map as follows:

- (1) VL Village District
- (2) RUR Rural Residential District
- (3) WDL Woodland District
- (4) CON Conservation District

1.2 ZONING MAP

The official Zoning Map describes generally the different and separate districts of the Town of Huntington in Section 1.1. Said Zoning Map is hereby adopted by reference and is declared to be a part of this Regulation. If uncertainty exists as to the boundary of any district, the Planning Commission shall determine the location of such boundary.

1.3 LOTS IN TWO ZONING DISTRICTS

Where a district boundary line divides a lot, the Zoning Board of Adjustment may permit, as a conditional use, the extension of the boundary for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

1.4 APPLICATION OF ZONING REGULATIONS

- 1.4.1 No structure shall be erected, moved, altered, rebuilt, or enlarged, nor shall any land or structures be used, designed, or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements, and restrictions specified in this Regulation for the district in which such structure or land is located.
- 1.4.2 Structures of less than 150 sq. ft shall not require a Zoning Permit but must conform with all regulations, requirements, and restrictions specified in this Regulation for the district in which such structure or land is located including, but not limited to, setback and dimensional standards.

- 1.4.3 Nothing contained in this Regulation shall require any change in plans, construction, or designated use of a building complying with applicable laws in force prior to this Regulation. Neither shall this Regulation require any change in development plans, which have been legally permitted in compliance with Vermont laws and local ordinances prior to the adoption of this Regulation.

ARTICLE 2. USES, AREA, DENSITY AND DIMENSIONAL REQUIREMENTS

2.1 PERMITTED USES

The permitted uses, as described in each of the following respective districts, are permitted as set forth in each specific district. Any use not expressly permitted is prohibited except those uses, which may be allowed as conditional uses as set forth hereafter.

2.2 CONDITIONAL USES

The conditional uses, as described in each of the following respective districts, may be permitted as set forth in each specific district as conditional uses by the Zoning Board of Adjustment in accordance with provisions in Section 4.2.

2.3 MIXED USES

In designated zoning districts, more than one principal use may be allowed within a single building, or on a single lot, subject to review by the Zoning Board of Adjustment and the following provisions:

- 2.3.1 Each of the proposed uses is allowed as a permitted or conditional use within the zoning district in which the mixed use is to be located.
- 2.3.2 The uses in combination meet all applicable standards for the district in which the mixed use is proposed, including minimum lot, frontage and setback requirements, and maximum lot coverage; or the mixed use is part of a planned unit development (PUD).
- 2.3.3 The mixed use meets all other applicable general regulations, including, but not limited to, sign and parking requirements.
- 2.3.4 Conditional use approval and site plan approval are required.
- 2.3.5 A State Wastewater and Potable Water Supply permit must be obtained, or a waiver when multiple residential structures are proposed.

2.4 SPECIAL USES (V.S.A. TITLE 24, CHAPTER 117, SECTION 4413a)

Pursuant to State statute (V.S.A. Title 24, Chapter 117, Section 4413a), certain special uses (listed below) may only be regulated by municipalities with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use.

All relevant provisions of the Huntington Zoning Regulations shall apply to these special

uses (listed below) so long as the intent of the regulation is consistent with the above list of allowable review components. For conditional uses, the standards in section 4.2.2 shall still apply, but only as they relate to the allowable review components listed above. These special uses shall be allowed in locations as set forth in each specific zoning district (i.e., see list of permitted and conditional uses). For those uses not specifically mentioned in any zoning district, allowable locations shall be as presented in Table 1. The intent is to provide a reasonable opportunity for these uses to locate in compatible portions of Huntington as specified per zoning districts.

1. State- or community-owned and operated institutions and facilities.
2. Public and private schools and other educational institutions certified by the state department of education.
3. Churches and other places of worship, convents, and parish houses.
4. Public and private hospitals. Locations: as per zoning districts.
5. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

2.5 AREA AND DIMENSIONAL REQUIREMENTS

In each district the minimum size and dimension of lots, structure setbacks, and the maximum percentage lot coverage shall be as shown on Table 1.

Accessory structures shall meet the setback requirements for principal structures.

Table 1. Area and Dimensional Requirements

District	Minimum Lot Size	Minimum Lot Frontage	Minimum Front Setback ⁽¹⁾	Building Side Setback	Setbacks Rear Setback	Maximum Lot Coverage ⁽²⁾
Village (VL)	1.0 acre	120 feet	50 feet	15 feet	15 feet	30% ⁽²⁾
Rural (RUR)	5 acres	180 feet	50 feet	20 feet	20 feet	15%
Woodland (WDL)	25 acres	200 feet	50 feet	50 feet	50 feet	NA
Conservation (CON)	25 acres	NA	NA	NA	NA	NA

- (1) All front yard setbacks are measured from the centerline of the road.
- (2) Higher lot coverage may be allowed under conditional use for existing small lots and multi-family housing provided they have adequate water and septic capacity per State standards. Coverage to include structures, roads and other improvements.

2.6 LOT AND STRUCTURE REQUIREMENT

2.6.1 Stream and Wetland Setbacks: All structures including accessory structures shall be set back a minimum of one-hundred (100) feet from the top of bank/top of slope of the Huntington River; 50 feet from the following streams up to the 1300 foot elevation line as shown on USGS topographic maps or the Town of Huntington Zoning Map (Baker Brook, Brush Brook, Carpenter Brook, Cobb Brook, Fargo Brook, Hollow Brook, Johns Brook, Jones Brook, Otter Brook, Sherman Hollow Brook, Texas Brook, and Weaver Brook.) The Zoning Board of Adjustment may provide relief to stream setbacks to allow for expansion of existing, non-complying structures under conditional use review provided that the conditions listed below are satisfied.

- (1) Water quality and stream values shall be protected.
- (2) Expansion or improvements do not impact adjoining uses in any manner.
- (3) A reasonable alternative expansion or improvement location is not available.

2.6.2 Setbacks Required: All land development activity, regardless of building permit requirements, is required to meet the setback and lot coverage requirements of Table 1 unless a variance or conditional use is granted. School bus shelters shall not be subject to front yard setback restrictions, but shall not be so placed as to create hazardous situations.

2.6.3 Setbacks for Restoration of Older Structures: Minimum setback requirements listed in Table 1 may be reduced, with conditional use approval, for the reconstruction or restoration of appurtenances (e.g., porches) to a structure built before November 7, 1972 . Such appurtenances shall have been in existence prior to November 7, 1972, and shall be reconstructed or restored in keeping, to the extent practical, with the original/historic outward appearance of the structure.

2.6.4 Multiple Structures and Uses: No more than one principal building shall be permitted on a lot in the Rural Residential or Village districts. Multiple uses and/or structures are allowed on one lot in the Rural Residential and Village Districts with Site Plan Approval and Conditional Use Approval.

2.7 CORNER PARCEL

Lots which abut on more than one street or private right-of-way shall provide the front-yard setback from each street or private right-of-way and frontage requirements shall be met on each street or right-of-way, if access to the lot is available from each frontage. If access from one or more frontages is permanently restricted by deed condition and/or terrain features, frontage requirements need not be met on that side of the lot.

2.7.1 Although typical corner lots will have multiple front yards for setback purposes, no lot shall have more than one rear yard for setback purposes.

2.7.2 No wall, fence, or other structure shall be erected, and no hedge, tree, shrub, or other growth shall be maintained within a front-yard setback as to cause danger to traffic by obstructing the view.

2.8 HEIGHT LIMITATIONS

The height of any structure, other than farm accessory structures, shall not exceed thirty-five (35) feet and the height of any fence shall not exceed ten feet, except that the Zoning Board of Adjustment may allow the following to exceed the height limitations as a conditional use:

- (1) Railroads, public utility towers, high-voltage transmission lines, substations, radio and television antennae, wind turbine and meteorological towers, and other similar structures.
- (2) Farm accessory structures exceeding eighty (80) feet,
- (3) Industrial or commercial accessory structures exceeding thirty-five (35) feet,
or
- (4) Church spires, belfries, monuments or similar institutional structures.

ARTICLE 3: ZONING DISTRICTS

The location and boundaries of each zoning district are established as shown on the official “Town of Huntington Zoning Map,” the most current National Flood Insurance Program maps, and district overlay maps for the Town of Huntington, which are hereby adopted by reference and declared to be part of these regulations.

3.1 VILLAGE DISTRICT (VL)

(A) Purpose. The purpose of the Village District is to: (1) encourage a mix of higher density residential, commercial and civic development on suitable land immediately adjacent to Huntington’s traditional village centers, and (2) protect agricultural land and open space areas, especially those that functionally and visually define village boundaries.

(B) Permitted Uses:

1. Accessory Structure/Use (to a permitted use)
2. Agriculture
3. Dwelling/Accessory (existing structure)
4. Dwelling/Single Family
5. Dwelling/Two Family
6. Family Child Care Home
7. Forestry
8. Group Home [max: 8 residents]
9. Home Occupation
10. Office
11. Outdoor Market
12. Place of Worship
13. Personal Service
14. Public Facility

(C) Conditional Uses:

1. Accessory Structure/Use (to a conditional use)
2. Adaptive Reuse
3. Agricultural Sales & Service
4. Bakery
5. Bed & Breakfast
6. Campground
7. Cemetery
8. Contractor's Yard
9. Cottage Industry
10. Home Occupation Vehicle Repair Service
11. Cultural Facility
12. Day Care Center
13. Dwelling/Accessory (new structure)
14. Dwelling/Multi-Family
15. Financial Institution
16. Funeral Home
17. Garden Center
18. Health Clinic
19. Home Industry
20. Inn
21. Light Industry
22. Kennel
23. Mixed Use
24. Mobile Home Park
25. Motor Vehicle Service & Repair
26. Nature Center
27. Private Club
28. Public Utility
29. Recreation/Indoor
30. Recreation/Outdoor
31. Residential Care Facility
32. Restaurant [drive-through prohibited]
33. Retail Sales
34. School
35. Telecommunications Facility
36. Veterinary Clinic
37. Wind turbine and meteorological towers
38. PRDs/PUDs

(D) Dimensional Standards (unless otherwise specified for a particular use):

Lot Size (minimum)	1 acre
Frontage (minimum)	120 feet
Setback/Front (from centerline of road)(minimum)	50 feet
Setback/Side (minimum)	15 feet
Setback/Rear (minimum)	15 feet
Height (maximum)	35 feet
Lot Coverage (maximum)	30%

(E) District Standards:

(1) All allowed uses within this district must also meet applicable general standards for development.

(2) Permitted uses listed under 3.1.(B) – except for agriculture, forestry, accessory, seasonal, single and two family dwellings, and associated accessory uses and structures (including home occupations and child care homes serving 6 or fewer children) – are also subject to site plan review.

(3) Multifamily dwellings in this district may be located in one or more buildings per lot, but shall not exceed a maximum overall density of four (4) units per acre, except within a planned unit or planned residential development. This density also applies to the conversion of a single to a multi-family dwelling.

(4) Public facilities allowed in this district are limited to: municipal and other government offices, post offices, libraries, town halls and other public buildings intended for general public access or assembly, public parks and playgrounds, public parking facilities, fire and ambulance stations and town garages.

(5) Public utilities allowed in this district are limited to: municipal or community water and wastewater treatment facilities and associated infrastructure, and utility (electric, gas, cable, telephone) distribution lines and facilities. Such facilities regulated by the Vermont Public Service Board which are determined to be exempt from these regulations must be consistent with the Huntington Town Plan.

(6) Retail Sales: retail space (maximum retail floor area) is limited to 4,000 square feet. Gasoline stations and motor vehicle sales are specifically prohibited as a principal use. Retail sales may include the retail sale of gasoline and other petroleum products only as an accessory to another established retail or mixed use (e.g., a general or hardware store).

(7) Telecommunications facilities allowed in this district are limited to small scale facilities attached to existing structures.

(8) Planned residential and planned unit developments are allowed and encouraged within this district.

3.2 RURAL RESIDENTIAL DISTRICT (RUR)

(A) **Purpose.** The purpose of the Rural Residential District is to: (1) provide for a reasonable rate of residential development in the town; (2) to encourage moderate densities of residential development in areas near village centers and in close proximity to existing road networks where soils are suitable for on-site septic systems; and (3) to encourage the efficient development of land and protection of rural resources through planned residential and planned unit development; and (4) to protect agricultural land and open space areas.

(B) Permitted Uses:

1. Accessory Structure/Use (to a permitted use)
2. Agriculture
3. Dwelling/Accessory (existing structure)
4. Bed & Breakfast
5. Cemetery
6. Dwelling/Seasonal
7. Dwelling/Single Family
8. Dwelling/Two Family
9. Family Child Care Home
10. Forestry
11. Group Home [max: 8 residents]
12. Home Occupation
13. Outdoor Market

(C) Conditional Uses:

1. Accessory Structure/Use (to a conditional use)
2. Adaptive Reuse
3. Agricultural Sales & Service
4. Campground
5. Contractor's Yard
6. Cottage Industry
7. Home Occupation and Vehicle Repair
8. Dwelling/Accessory (new structure)
9. Day Care Center
10. Extraction & Quarrying
11. Golf Course
12. Home Industry
13. Inn
14. Light Industry
15. Kennel
16. Mixed Use
17. Mobile Home Park
18. Motor Vehicle Service & Repair
19. Nature Center
20. Office [only within a PUD]
21. Place of Worship
22. Residential Care Facility
23. Private Club
24. Public Facility
25. Public Utility
26. Restaurant [only in a PUD or Mixed Use]
27. Retail Sales [only in PUD or Mixed Use]
28. School
29. Telecommunications Facility
30. Veterinary Clinic
31. Solid and Hazardous Waste Facilities
32. Wind turbine and meteorological towers
33. Recreation/Outdoor
34. PRDs/PUDs

(D) Dimensional Standards (unless otherwise specified for a particular use)

Lot Size (minimum)	5 acres
Frontage (minimum)	180 feet
Setback/Front* (measure from centerline of road) (minimum)	50 feet
Setback/Side (minimum)	20 feet
Setback/Rear (minimum)	20 feet
Height (maximum)	35 feet
Lot Coverage (maximum)	15%

(E) District Standards

- (1) All allowed uses within this district must meet applicable general standards.
- (2) Permitted uses listed under 3.2.(B) – except for agriculture, forestry, accessory, seasonal, single and two family dwellings, and associated accessory uses and structures (including home occupations and child care homes serving 6 or fewer children) – are also subject to site plan review.
- (3) Public facilities allowed in this district are limited to: municipal or other public facilities that are not intended for general public access or assembly, including fire and ambulance stations, garages and storage facilities; public parks and recreation areas; state institutional uses otherwise not specified, and solid and hazardous waste management facilities certified by the state.
- (4) Public utilities allowed in this district are limited to: community water or wastewater systems and associated infrastructure; and utility generation, transmission and distribution facilities and lines.
- (5) Telecommunications facilities allowed in this district are limited to telecommunications towers and small scale facilities.
- (6) Planned residential and planned unit developments are allowed and encouraged within this district.

3.3 WOODLAND DISTRICT (WDL)

(A) Purpose. The purpose of the Woodland District, which includes all land from 1,500 to 2,000 feet USGS base in the eastern portion of Huntington, is to protect environmentally fragile high elevation areas and critical wildlife habitat.

(B) Permitted Uses:

- 1. Accessory Structure/Use (to a permitted use)
- 2. Agriculture
- 3. Dwelling/Seasonal*
- 4. Forestry

*within an approved building envelope, or conditional use review is required.

(C) Conditional Uses:

- 1. Accessory Structure/Use (to a conditional use)
- 2. Campground [“primitive” only]
- 3. Cemetery
- 4. Dwelling/Accessory (to a “grandfathered” dwelling)
- 5. Nature Center
- 6. Public Utility
- 7. Recreation/Outdoor
- 8. Telecommunications Facility
- 9. Wind turbine and meteorological towers

(D) Dimensional Standards (unless otherwise specified for a particular use):

Lot Size (minimum)	25 acres
Frontage (minimum)	200 feet
Setback/Front (from centerline of road)(minimum)	50 feet
Setback/Side (minimum)	50 feet
Setback/Rear (minimum)	50 feet
Height (maximum)	35 feet
Lot Coverage (maximum)	None

(E) District Standards

(1) All allowed uses within this district must meet applicable general standards for development.

(2) A structure within this district must be located within a designated building envelope approved by the Planning Commission (under subdivision review) or, for lots subdivided prior to the effective date of these regulations, by the Zoning Board of Adjustment (subject to conditional use review). In addition, a permitted structure in this district, as listed under 3.3.(B) Permitted Uses, shall:

- (a) have a total footprint area not greater than 1,000 square feet,
- (b) be connected to or served by on-site utilities, and
- (c) not be sited to be silhouetted on exposed ridgelines, or be visible from public vantage points, including public roads.

(3) For development in this district that is subject to conditional use review, the Zoning Board of Adjustment may:

- (a) limit the extent of site clearing and disturbance, including the removal of existing vegetation, for development other than agriculture or forestry,

- (b) require screening or reforestation as necessary to minimize the environmental or visual impacts of development; and
- (c) require the submission of environmental assessments, and forest, critical wildlife habitat, erosion control and/or stormwater management plans for board review and approval.

(4) Campgrounds (primitive only) within this district are limited to designated tenting areas and tent sites. No facilities or structures other than composting or pit toilets are allowed.

(5) Any structure associated with outdoor recreation in this district is limited to a shelter, lean-to, warming hut, or storage shed having a total footprint no greater than 1000 square feet.

(6) Telecommunications facilities allowed in this district are limited to telecommunications towers and small scale facilities.

(7) Planned residential and unit developments are not allowed within this district.

3.4 CONSERVATION DISTRICT (CON)

(A) Purpose. The purpose of the Conservation District, which includes all land in Huntington over 2,000 feet base USGS is to protect the town’s forests, watersheds, wildlife habitat, and environmentally sensitive upland areas, and (2) to maintain the scenic beauty of the mountain ridge and skyline.

(B) Permitted Uses:

- 1. Accessory Structure/Use (to a permitted use)
- 2. Agriculture
- 3. Forestry

(C) Conditional Uses:

- 1. Accessory Structure/Use (to a conditional use)
- 2. Campground (“primitive” only)

(D) Dimensional Standards (unless otherwise specified for a particular use):

Lot Size (minimum)	25 acres
Frontage (minimum)	Not Applicable
Setback/Front (from centerline of road)(minimum)	Not Applicable
Setback/Side (minimum)	Not Applicable
Setback/Rear (minimum)	Not Applicable
Height (maximum)	35 feet
Lot Coverage (maximum)	Not Applicable

(E) District Standards

(1) All allowed uses within this district must meet applicable general standards for

development.

(2) A structure within this district must be located within a designated building envelope approved by the Planning Commission (under subdivision review) or, for lots subdivided prior to the effective date of these regulations, by the Zoning Board of Adjustment (subject to conditional use review). In addition, a structure in this district shall not:

- (a) have a total footprint area greater than 1,000 square feet,
- (b) be connected to or served by on-site utilities,
- (c) be accessible by motor vehicles, except for snow mobiles and all terrain vehicles,
- (d) be sited on exposed ridgelines, or be visible from public vantage points.

(3) For development subject to conditional use review in this district, the Zoning Board of Adjustment may:

- (a) limit the extent of site clearing and disturbance, including the removal of existing vegetation, for development other than agriculture or forestry,
- (b) require screening or reforestation as necessary to minimize the environmental or visual impacts of development;
- (c) require the submission of environmental or visual impact assessments, and forest, critical wildlife habitat, erosion control and/or stormwater management plans for board review and approval.

(4) Campgrounds within this district are limited to designated tenting areas. No facilities or structures other than composting or pit toilets are allowed.

(5) Accessory structures associated with outdoor recreation facilities in this district are limited to shelters, warming huts, or storage sheds having a total footprint area no greater than 1,000 square feet.

(6) Planned residential and planned unit developments are not allowed within this district.

ARTICLE 4: PERMITS AND APPROVALS

4.1 APPLICATION FOR ZONING PERMITS

4.1.1 No person shall undertake any land development or a change in use, except as exempted in Section 4.1.2 below, without a valid zoning permit issued by the Administrative Officer that specifically authorizes the action. A permit shall be required for any action that:

- (1) Constructs, places or relocates a structure (see definition of structure and accessory structure);
- (2) Changes or expands the use of lands;
- (3) Improves an existing residential or non-residential structure or expands an existing structures footprint;
- (4) Changes the type of use or substantially expands the operations of a premises;
- (5) Commences new, or expands, mineral or gas exploration or drilling, sanitary

- landfill, earth resource extraction, or processing operations;
 - (6) Demolishes a principal structure in the Village District;
 - (7) Excavates for a pond or swimming pool;
 - (8) Changes, improves or expands an existing commercial or industrial structure or use;
 - (9) Involves any transfer or division of land that is listed as an exception to subdivision under the definition of 'subdivision' in the Subdivision Regulations.
- 4.1.2 No zoning permit shall be required for the transfer or division of land that has been approved by the Planning Commission as a Subdivision; however, all existing permit requirements must be met.
- 4.1.3 Certificate of Occupancy. It shall be unlawful to use or occupy or permit the use or occupancy of any premises until a certificate of occupancy is issued by the Administrative Officer stating that the construction of the structure conforms to this Regulation, complies with all applicable conditions of the Planning Commission approval, and any necessary Town driveway permit.
- 4.1.4 All structures and uses of land must be in conformance with this Regulation, even though a permit for construction is not required. Those uses classified as "conditional" require approval from the Zoning Board of Adjustment. If a use is not mentioned, it may not be newly established.
- 4.1.5 Application for a Zoning Permit shall be made by the owner, lessee, or any person having a contractual interest in the property, or the agent of the foregoing, to the Administrative Officer on forms provided for that purpose. All permit applications shall be signed by the landowner(s), and the applicant (if different). These signatures shall attest that all the information provided with the application is accurate.
- 4.1.6 The Administrative Officer shall require that every application for a Zoning Permit be made in two (2) copies and accompanied by one (1) or more copies of a property plan on an 11" x 17" or 8 ½" x 11" sheet showing the following in sufficient detail to enable the Administrative Officer to ascertain whether the proposal is in conformance with this Regulation:
- (1) The actual shape, proportions, dimensions, and location of the lot with evidence that actual corners of the lot are known and established on the ground or from common usage property lines identifiable on the ground and mutually agreed upon by abutting landowners.
 - (2) The shape, size, height and location of all structures to be erected, altered, or moved, and of any significant structure already existing on the lot.
 - (3) The location of existing and proposed accesses (curb cuts), driveways, and parking areas.
 - (4) The location of existing and proposed utilities.
 - (5) Setbacks from property boundaries, road rights-of-way, and surface waters.
 - (6) The location of any recorded building envelopes, areas restricted by easements, and areas with any other legal restriction placed on the property by previous permits, approvals, or covenants.
 - (7) The intended uses and areas of use of the land and all buildings and other

structures, including driveways, parking areas, wastewater systems, water supplies, and similar improvements.

(8) Copies of State permit applications: including but not limited to a Potable water supply and wastewater disposal permit, an Act 250 Landuse Permit, a State Wetlands Permit, an Army Corps of Engineers wetlands permit.

- 4.1.7 The Administrative Officer shall be empowered to request such additional information or evidence, and visit the property as he/she shall deem necessary, in support of an application or to determine if a certificate of occupancy is appropriate.
- 4.1.8 If the proposal as set forth in the application is in conformity with the provisions of this Regulation and all other ordinances of the town, the Administrative Officer shall issue a Zoning Permit which shall remain valid for a period of two (2) years from date of issue. A permit may be renewed for a period of one (1) year.
- 4.1.9 If the proposal as set forth in the application is not in conformity with the provisions of this Regulation and all other ordinances of the town, the Administrative Officer shall refuse to issue a Zoning Permit. He/she shall state in writing the reasons for such disapproval and instruct the applicant in procedures for filing an appeal with the Zoning Board of Adjustment.
- 4.1.10 The Administrative Officer shall, within 30 days of an application, issue either an approval, a denial or a request for additional supporting information or permits. If additional information or permits are required, the Administrative Officer shall, within 30 days of final submission, issue either an approval or a denial. Failure to act within these time limits will constitute automatic approval.
- 4.1.11 Notification Requirements: Notice provision shall adhere to Section 4449 of the Act.
- 4.1.12 Fees for Zoning Permits shall be regulated by the Selectboard.

4.2 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES

Uses designated in this Regulation as conditional uses shall be permitted, enlarged or altered only upon approval of the Zoning Board of Adjustment in accordance with the standards specified in this Regulation.

- 4.2.1 The applicant shall notify the Zoning Board of Adjustment at least 21 days prior to the next regularly scheduled Board meeting at which the applicant desires the conditional use proposal to be considered. The applicant shall submit a completed application and fee together with two (2) sets of any plans as well as one (1) set of 11" x 17" or 8.5" x 11" reductions of the plans, data, and information, which shall include the following:
- (1) Names and addresses of the property owner(s) of record;
 - (2) Names and addresses of all adjoining property owners;
 - (3) Project location map showing the location of proposed development;
 - (4) Description of the proposed use;
 - (5) Hours of Operation (for non-residential uses);
 - (6) Number of Employees (for non-residential uses);
 - (7) Customer Traffic (for non-residential uses);

- (8) Signage (for non-residential uses);
 - (9) Water and Sewer Requirements;
 - (10) Visual, Noise, Light, Dust, Smoke and Other Emissions generated by the use.
 - (11) Applications, which involve new structures, shall include two (2) sets of detailed plans specifying property boundaries, easements, building dimensions, elevations, lighting, and exterior treatments. The site plan shall include site features, including prominent topographic features and areas of steep slopes (equal to or greater than 20%); surface waters, wetlands, vernal pools and associated setback distances and buffer areas; existing land cover; critical wildlife habitat areas and travel corridors; rare, threatened and endangered species, and designated historic sites.
 - (12) Additional information requested by the board during a public hearing or meeting shall be submitted prior to the next scheduled hearing date for the proposal.
- 4.2.2 The Zoning Board of Adjustment shall ensure that the proposed conditional use shall not adversely affect:
- (1) The capacity of existing or planned community facilities.
 - (2) The character of the area affected, and the essential character of the neighborhood or district in which the property is located.
 - (3) Traffic on the roads and highways in the vicinity.
 - (4) The Town Plan and Regulations in effect.
 - (5) Utilization of renewable energy resources.
 - (6) The appropriate use or development of adjacent property.
 - (7) The public welfare in any other manner.
- 4.2.3 The Zoning Board of Adjustment shall ensure that the proposed conditional use meets all site plan review standards.
- 4.2.4 In permitting a conditional use, the Zoning Board of Adjustment may impose additional conditions necessary to protect the best interests of the surrounding property, the neighborhood, or the town as a whole. These conditions may include:
- (1) Increasing the required lot size or yard dimensions.
 - (2) Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property.
 - (3) Controlling the location and number of vehicular access points to the property.
 - (4) Increasing the street width.
 - (5) Increasing the number of off-street parking or loading spaces required, or decreasing the number permitted.
 - (6) Limiting the location of signs.
 - (7) Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property character in keeping with the surrounding area.
 - (8) Specifying a time limit for construction, alteration, or enlargement.
 - (9) Specifying limitations and restrictions on exterior lighting.
- 4.2.5 Conditional use review of commercial or industrial development, as well as multiple-family dwellings, in any district shall incorporate site plan review standards.

4.2.6 The Zoning Board of Adjustment may require that the applicant for a conditional use furnish the town with a performance bond of up to the value of the cost of the improvement to be guaranteed by such bond in order to assure the proper development of the conditional use according to the restrictions and conditions specified by the Zoning Board of Adjustment and as set forth in this Regulation. Conditional use approval shall expire after the period of time set forth in Section 6.6.

4.3 SITE PLAN APPROVAL

With the exception of development undergoing conditional use review, no commercial or industrial structure, nor multiple-family dwelling (larger than a two-family dwelling), nor wind turbine and meteorological tower in any district shall be erected, moved, altered, rebuilt, or enlarged, whether by variance or otherwise, and no commercial or industrial use, nor multiple-family dwelling, nor wind turbine and meteorological tower shall be established whether by variance or otherwise without first obtaining site plan approval from the Planning Commission. Site plan review is also required for town and other public structures.

4.3.1 Site Plan Revisions: Revisions to previously approved site plans must be reviewed by the Planning Commission in the same fashion as any new site plan.

4.3.2 In reviewing site plans, the Planning Commission may impose conditions and safeguards with respect to adequacy of traffic access, circulation, and parking; landscaping; screening; and other conditions and safeguards as appropriate. The Planning Commission shall act to approve or disapprove such a site plan within forty-five (45) days after the date upon which it receives the proposed plan, and failure to act within such period shall be deemed approval.

The applicant shall notify the clerk of the Planning Commission at least ten (10) days prior to the next regularly scheduled Planning Commission meeting at which the applicant desires the site plan to be considered. The applicant shall submit a completed application and fee together with two (2) sets of plans as well as one (1) set of 11" x 17" or 8.5" x 11" reductions of the plans, data, and information, which shall include the following:

- (1) Site plan drawn to scale showing existing features, contours, structures, easements; all proposed improvements and land use area; proposed traffic access, circulation, parking and loading spaces, and pedestrian walks; landscaping, site grading, and screening;
- (2) Specifications of the materials and plantings to be used;
- (3) Period of time in which all site improvements will be completed; and
- (4) Any other information or data, which the Planning Commission shall reasonably require, not excluding a traffic study.

4.3.3 Site Plan Review Standards: Unless the Zoning Board of Adjustment is conducting a conditional use review, the Planning Commission shall review the site plan and supporting data before approving, approving with conditions, or denying, and shall take into consideration the following standards:

- (1) Adequacy of site layout and design to protect significant site features, including but not limited to: surface waters, wetlands, vernal pools, critical wildlife habitat areas and associated buffers and travel corridors,

ridgelines, areas of steep slopes (equal to or greater than 20%), rare, threatened and endangered species, historic sites and structures, and tree lines, walls and fences;

- (2) Safety of vehicular and pedestrian circulation on site and on the adjacent street network;
- (3) Adequacy of circulation, parking and loading facilities with particular attention to safety. Provisions for refuse storage and disposal, snow removal, and emergency access shall also be addressed where applicable;
- (4) Adequacy of landscaping, screening, setbacks, hours of operation and exterior building design in regard to achieving maximum compatibility with adjacent property and with the character of the neighborhood;
- (5) Adequacy of exterior lighting for safe circulation on the site without creating off-site glare and excess illumination;
- (6) Adequacy of sewer and water;
- (7) Adequacy of drainage and grading plan, ensuring treatment and control of stormwater runoff, control of soil erosion during and after construction, and proper design solutions for steep slopes and poorly drained areas;
- (8) Consistency with the Town Plan in regards to the pattern of development, preservation of significant natural and cultural resources, and the location and nature of existing and planned roadways and other public facilities;
- (9) Proper planning and design in regard to hazardous wastes and avoidance of runoff;
- (10) Conformance with design standards specified in these regulations;
- (11) Utilization of renewable energy resources;
- (12) Conformance with these regulations as to size, location, and design of signs;
- (13) Conformance with other matters addressed in this regulation and the Huntington Subdivision Regulations.

4.3.4 The Planning Commission may limit the number and width of access drives to secure traffic mobility and safety. It may also require the provision of joint facilities for access, parking, and utilities.

4.3.5 No commercial or industrial use shall operate outside the hours of 6:00 a.m. to 10:00 p.m. without the approval of the Planning Commission. Hours of operation may be established by the Planning Commission in instances where site plan approval is required but no conditional use approval is required.

4.3.6 Site plan approval shall expire after the period of time set forth in Section 6.6.

4.4 DEVELOPMENT ON A PRIVATE RIGHT OF WAY OR CLASS 4 TOWN ROAD

4.4.1 Planning Commission approval is required before an easement or right of way or Class 4 Town Road may be used as the primary access to any lot whether or not the lot has frontage on a public road or public waters, regardless of whether the lot is in Huntington or an adjacent town.

- 4.4.2 The applicant shall notify the clerk of the Planning Commission at least ten (10) days prior to the next regularly scheduled Planning Commission meeting at which the applicant desires the right of way proposal to be considered. The applicant shall submit a completed application and fee together with two (2) sets plans as well as one (1) set of 11" x 17" or 8.5" x 11" reductions of the plans, data, and information which shall include:
- (1) Site plan drawn to scale showing, existing features, proposed access and 50 foot right of way, existing and proposed structures, north arrow and scale, title block (names, date, location), any existing and/or proposed wells & septic systems within 100 feet of the proposed right of way.
 - (2) Covenant to be included in deed that addresses the method for sharing the maintenance, repair, and snow plowing of the common portion of the road.
 - (3) If the right of way is to be used by more than one dwelling, evidence that the road will permit emergency vehicle access to the site at all seasons and meet appropriate road standards as determined by the Planning Commission.
- 4.4.3 The Planning Commission shall review the application and supporting information for evidence that safe and legal year-round access is assured to the lot.
- 4.4.4 Approval for development on a private right of way shall expire two (2) years after the date of issuance if substantial construction has not begun at that time. A single one-year extension from the original expiration date may be granted by the Planning Commission, if the Commission determines that conditions are essentially unchanged from the time of the original approval. In the case of an appeal, the one-year extension shall not start until the decision has become final.
- 4.4.5 Approval for development on a private right-of-way shall be incorporated into site plan approval and subdivision review (when subdivision review is necessary) and shall not require separate review.

4.5 PLANNED RESIDENTIAL DEVELOPMENTS AND PLANNED UNIT DEVELOPMENTS

- 4.5.1 **Purpose:** In accordance with the Act, Planned Unit Developments (PUDs) and/or a Planned Residential Developments (PRDs) are permitted in designated zoning districts (VL and RUR) to allow for innovative and flexible design and development that will promote the most appropriate use of land, and specifically achieve one or more of the following objectives:
- (1) Cluster development to accommodate new housing and conserve energy, avoid the fragmentation of farmland, forest and wildlife habitat, and maintain Huntington's rural, open character;
 - (2) Facilitate the adequate and economical provision of streets and utilities in a cost effective manner;
 - (3) Accommodate new development in a manner that maintains the town's historic settlement patterns and protects significant natural, cultural and scenic features as described in the Huntington Town Plan;
 - (4) Provide opportunities for a diversity of housing types, and promote affordable housing in appropriate locations; and/or

- (5) Allow for compact, pedestrian oriented mixed-use development within the Village District and appropriate areas within the Rural Residential District.
- 4.5.2 **Applicability:** To qualify, a PUD or PRD project shall:
- (1) Be a prescribed use within the district in which it is to be located;
 - (2) Meet the purposes of the preceding section and conform with the standards set forth below; and
 - (3) Conform to the definitions herein and to the requirements of the Act.
- 4.5.3 **Review Process:** All PRDs and PUDs shall be reviewed as major subdivisions in accordance with the Huntington Subdivision Regulations.
- 4.5.4 **Application Requirements:** Applications for PRDs and PUDs shall be submitted in accordance with the requirements for subdivisions set forth in the Huntington Subdivision Regulations. Applications shall also address site plan review submission requirements, in cases where site plan approval is necessary. In addition to the application materials specified above, applications for PRDs and PUDs must include the following:
- (1) A statement setting forth the nature of all proposed modifications or changes of existing land use and development regulations; and
 - (2) A brief summary of the project and how it meets the standards set forth in this section.
- 4.5.5 **General Standards:** To achieve the objectives set forth in this section, the Planning Commission may waive or modify portions of the Zoning Regulations as follows:
- (1) The project shall be consistent with the Huntington Town Plan, and the uses of the site shall not differ from the uses allowed in the district in which the project is located.
 - (2) The project shall be an efficient and unified treatment of the development possibilities of the site, and appropriate provisions shall be made for the following:
 - a. roads, culverts, and ditching in accordance with the specifications in the Town of Huntington's Road Standards; and
 - b. water supply, sewage and solid waste disposal, drainage, traffic flow and parking, pedestrian access, and the layout of facilities so that public services can be economically and effectively provided; and
 - c. natural and cultural features such as streams and stream banks, wetlands, steep slopes, soil unsuitable for development, forested areas.
 - (3) Upon approval of the PUD or PRD by the Planning Commission, the necessary modifications of the Zoning Regulations shall be noted in the conditions of Subdivision approval and shall be referenced on the approved subdivision plat recorded in the Town land records. All other provisions of the Zoning Regulations not specifically waived or modified shall remain in full force and effect.
 - (4) Unless a residential density bonus is granted, the overall density shall not exceed that which could be permitted if the land were subdivided or developed in conformance with the Zoning Regulations, and giving due consideration to site conditions limiting development.
 - (5) Where a district boundary line divides a parcel, the Planning Commission may allow the development of a single PRD or PUD with a total density based on the combined allowable density of each district.

(6) Roadways should be designed to minimize site disturbance by following existing contours and site features.

(7) Provisions shall be made for the preservation of open space and/or creation of suitable community facilities.

(8) The minimum setback requirements for the district in which the project is located shall apply to the periphery of the development.

4.5.6 Open Space. Provision shall be made for the preservation of open space or the creation of suitable community facilities, unless the Planning Commission determines that the applicant has made other provisions through alternative mitigation measures. The location, type, size and shape of lands set aside for open space and/or community facilities should be sufficient to meet the intended use, and shall be approved by the Commission, in accordance with the following:

(1) Open space within the Rural Residential District shall reflect the context of the project by preserving agricultural land, forest land, recreational or natural resources or serving as buffers to adjoining land in rural areas, or by providing pedestrian amenities, recreational or other community facilities. PRD and PUD open space in this district shall constitute no less than 25% of the parcel area, unless the Commission determines that the creation of suitable community facilities warrants a lesser area. Guidelines for the provision of open space and community facilities are as follows:

- a. Agricultural Land
- b. Forest land, especially large tracts contiguous to other large, undeveloped land
- c. Fragile Features (e.g., wetlands, steep slopes, floodplain, riparian areas, vernal pools, rare, threatened and endangered species)
- d. Critical wildlife habitat, including but not limited to deer winter habitat, significant habitat for bear (i.e. mast stands and spring feeding areas), identified wildlife travel corridors, and habitat to support rare, threatened and endangered species
- e. Existing or potential trail corridors, including preservation of established trail networks
- f. Gateways; areas defining contrast between compact village/hamlet and surrounding countryside
- g. Community facilities (e.g., water supply, community buildings, transit shelters)
- h. Green space & recreational facilities (greens, playgrounds, parks, playing fields)
- i. Pathways (paved & unpaved), and sidewalks

(2) Open space within the Village Zoning District serves more limited purposes due to the Town's desire to see higher densities and/or specialized uses in these areas. Open space in this district shall reflect the context of the project primarily through providing pedestrian and recreational amenities as well as community facilities. PRD and PUD open space in this district shall constitute no less than 10% of the parcel area, unless the Commission determines that the creation of suitable community facilities warrants a lesser area. Guidelines for the provision of open space and community

facilities are as follows:

- a. Agricultural Land
 - b. Fragile Features (e.g., wetlands, steep slopes, floodplain, riparian areas, vernal pools, rare, threatened and endangered species)
 - c. Critical wildlife habitat, including but not limited to deer winter habitat, significant habitat for bear (i.e. mast stands and spring feeding areas), identified wildlife travel corridors, and habitat to support rare, threatened and endangered species
 - d. Gateways; areas defining contrast between compact village/hamlet and surrounding countryside
 - e. Community facilities (e.g., water supply, community buildings, transit shelters)
 - f. Green space & recreational facilities (greens, playgrounds, parks, playing fields)
 - g. Pathways (paved & unpaved), and sidewalks
- (3) Open Space may be set aside as common land, as a separate undevelopable lot or as a portion of a single lot, outside of the development envelope, to be held in private ownership, and/or may encompass the contiguous boundaries of a specific feature located on multiple lots. The ownership of the open space should be consistent with the best means of maintaining the resources on the site.
- (4) Areas preserved for agricultural and forestry use should be of a size that allows for continued productive use of the land.
- (5) Sewage disposal areas, utility and road rights-of-way or easements, access and parking areas shall not be counted as open space areas, except where the applicant can prove, to the satisfaction of the Planning Commission, that they will in no way disrupt or detract from the values for which the open space is to be protected.
- (6) The Planning Commission may require that protected open space be dedicated, either in fee or through a conservation easement approved by the Commission, to the Town of Huntington (with Selectboard approval), a community association comprising all of the present and future owners of lots in the subdivision, and/or a non-profit land conservation organization. At a minimum, designated open space shall be indicated with appropriate notation on the final plat.

4.5.7 Planned Residential Development (PRD) Standards. The following standards apply to proposed PRDs.

- (1) A PRD shall include only residential and associated accessory uses allowed within the district in which the PRD is located. The dwelling units permitted may, at the discretion of the Planning Commission, be of varied types, including single-family, two-family, or multi-family (if allowed in the district), and may be attached or detached.
- (2) **Residential Density Bonus:** A density bonus of up to 25% is permitted at the discretion of the Planning Commission. A density bonus of up to 50% is permitted, at the discretion of the Planning Commission, in instances in which not less than 50% of the total number of dwelling units created are affordable housing, and guaranteed through management plans and/or legal agreements.
- (3) Lot layouts should provide sufficient space for residential uses, particularly in

areas with on-site water and sewage disposal. Where residential lots will abut agricultural lands, lot layouts shall be designed to minimize potential conflicts with agricultural operations.

- (4) Management plans should provide conservation strategies for conservation areas, including but not limited to surface waters, wetlands, vernal pools, critical wildlife habitat and travel corridors, rare, threatened and endangered species habitat and other land to be conserved.
- (5) PRDs located within the Rural Residential District shall be designed so that:
 - a. the project maintains the district's rural character and historic working landscape, characterized by wooded hillsides and knolls, open fields, and a visual and functional relationship of structures to the surrounding landscape; and
 - b. residential dwellings are clustered to avoid, to the extent practical, the development (including roads, utilities and structures) and/or fragmentation of agricultural or forest land; and
 - c. lots, residential dwellings, and associated infrastructure (including roads, utilities, etc.) are arranged, to the extent practical, to preserve access to agricultural or forest land.
6. PRDs within the Village District shall be designed so that:
 - a. buildings front upon and are oriented toward roads or common areas; and
 - b. roads and driveways are laid out in a manner that reflects traditional village street design characterized by narrow travel lanes and a well defined streetscape comprised of street trees, and a consistent building setback; and
 - c. adequate provision for open space or community facilities are provided to serve as central organizing features within the PRD, such as a green or park; and
 - d. adequate provision for pedestrian access both within the development and to the rest of the Village.

4.5.8 Planned Unit Development (PUD) Standards. The following standards apply to proposed PUDs.

- (1) A PUD shall include one or more non-residential uses, and may include any other permitted or conditional uses allowed in the district in which it is located. Multiple principle structures, or multiple ownership of a single structure, may be permitted. Projects consisting solely of residential uses shall be considered PRDs rather than PUDs.
- (2) Residential Density Bonus: A density bonus of up to 25% is permitted, at the discretion of the Planning Commission, in instances in which not less than 50% of the total number of dwelling units created are affordable housing as defined by the Act, and guaranteed through management plans and/or legal agreements.
- (3) Mixed uses shall be so arranged as to be compatible with one another and adjacent uses, and to ensure visual and aural privacy for the residents of the development and for adjacent properties.
- (4) All PUDs require site plan review, in addition to subdivision review by the Planning Commission.

4.6 Common Interest Unit: Created pursuant to Title 27A (f) For the purposes of this regulation, no differentiation shall be made with regard to the type of current or proposed ownership/conveyance for a parcel or proposed land development when interpreting, administering, or enforcing the provisions herein. Any lot, land area, or property defined for ownership or conveyance as condominiums shall conform to all lot and permitted use requirements of the district in which the parcel is located and shall be subject to all requirements and processes of the Huntington Zoning Regulations/Subdivision Regulations as per any other form of land subdivision or land development.

4.7 Notification Requirements: Notice provision shall adhere to Section 4464 of the Act for the above listed reviews: Conditional Use Approval, Administrative Appeals, and Site Plan Review.

ARTICLE 5: SPECIFIED USES

5.1 HOME OCCUPATIONS

5.1.1 Permitted Use: A resident may use a portion of a dwelling for a home occupation customary in residential areas so long as:

- (1) The home occupation shall be conducted wholly within the principal residential structure (no exterior storage), use not more than twenty-five percent (25%) of the total livable floor area, and must be incidental to the residential use of the premises (See definition of "Floor Area, Livable" in Section 8.1.);
- (2) Exterior Storage shall be allowed only where such exterior storage is in conformance with the character of the neighborhood and the materials and equipment so stored are screened from adjoining properties and roadways.
- (3) The home occupation shall employ no more than two (2) non-residents, except that up to four non-members may be employed for a period not exceeding a total of 60 days in any calendar year;
- (4) Other than passenger automobiles, no more than one vehicle, not exceeding a carrying capacity of three tons and owned by a resident, shall be used in connection with the home occupation and the vehicle shall have adequate off-street parking;
- (5) The home occupation shall generate no greater traffic than would normally be expected in a neighborhood of a similar type, and, in no event result in an increase of more than five (5) vehicle round trips in any one day (with the exception of unusual special events), except for home day care providers caring for up to six (6) children at a time plus four (4) after school children daily.

5.1.2 Conditional Use: Home occupation using an accessory building, are permitted only after conditional use review and approval if the standards set forth in Section 5.1.1 above are met except as modified hereafter:

- (1) The home occupation may be located in an accessory building, provided the use occupies not more than 600 square feet in the accessory building and the accessory building can be easily converted to an allowed use in the district and shall conform to the design of other structures in the

neighborhood. In addition, the home occupation may occupy up to fifty percent (50%) of the total livable floor area in the residence, or 1,000 square feet, whichever is less and the exterior character of the residence must remain unchanged.

- (2) The home occupation shall employ no more than five (5) non-residents and off street parking shall be provided.
- (3) The home occupation shall generate no greater traffic than would normally be expected in a neighborhood of a similar type, and, in no event result in an increase of more than fifteen (15) vehicle round trips in any one day (with the exception of unusual special events), except for home day care providers caring for up to six (6) children at a time plus four after school children daily.

5.1.3 Performance Standards: In addition to the General Performance Standards in 5.16, all home occupations, whether permitted uses or conditional uses, must meet the following performance standards:

- (1) At no time shall any premises be used in such a manner as to cause noxious or offensive odors, vapors, fumes, glare, dust, smoke, gas, vibration, noise, or radiation, polluted or excessive run-off, or cause disturbance to any of the surrounding properties or their occupants. No home occupation shall result in an increased use of hazardous chemicals or of increased danger of explosion, fire, or pollution greater than a residence.
- (2) Only one (1) non-illuminated sign shall be located on the premises in connection with the home occupation, not exceeding twelve (12) square feet in area, and only bearing the name of the resident or business name, the type of business, and telephone number.
- (3) Home occupations shall produce no change in the character of the neighborhood.

5.1.4 Conditional Use Approval shall expire upon transfer of ownership or change of occupants of the residence, or at such earlier time as the Zoning Board of Adjustment shall, in the exercise of its good discretion and for specific reasons, shall provide in granting its approval. In addition, the Zoning Board of Adjustment may impose more restrictive conditions than those set forth herein (as is true anywhere in this Zoning Ordinance pursuant to conditional use review), in particular, construction of a building of a smaller size, fewer vehicle round trips, fewer employees, restricted hours of operation, and such other conditions as are appropriate and reasonable.

5.1.5 Pet breeding, boarding, or grooming services shall be allowed only in areas in which the potential for noise and traffic impacts on neighboring properties is minimal, and are allowed only as home occupations. However, this restriction shall not apply to breeding of horses, breeding of animals for agricultural purposes, commercial pet breeding where no more than one litter is raised per year, or non-commercial raising of pets.

5.1.6 Multiple Home Occupations: Multiple home occupations in one dwelling shall be considered together as one home occupation.

5.2 COTTAGE INDUSTRIES

Cottage industries are permitted only after conditional use review which will incorporate site plan review standards:

- 5.2.1 **Types of Uses:** This Section 5.2 shall apply only to commercial, manufacturing, or light industrial uses, such as woodworking shops, arts/crafts studios, food processing kitchens, or computer services shops, that (a) operate on the same scale and intensity as a home occupation, (b) do not change the character of the neighborhood, and meet the performance standards of Section 5.1.3 for home occupations. Retail sales are not permitted under this Section 5.2, except as an incidental aspect of one of the uses just set forth. The Zoning Board of Adjustment, in determining whether to grant conditional use approval, shall determine that each of the foregoing requirements will be met, in addition to the other provisions of Section 4.2.
- 5.2.2 **Size and Type of Building.** A cottage industry which meets the requirements of this Section must be the principal structure on a lot. Multiple cottage industries on a lot shall be considered together as one cottage industry, and shall be located in one structure. The building housing the cottage industry shall have the outward appearance of a residence or barn. The building housing the cottage industry must be designed for easy conversion to a residence or barn, if the cottage industry ceases to operate. The Zoning Board of Adjustment (and the Planning Commission as a part of site plan review) may require building plans or architectural drawings (elevations) showing the design of the structure, to evaluate whether the structure has the required outward appearance, and, without limitation, such other plans or information as it deems necessary, including any other information in connection with any other Section of this Regulation.
- 5.2.3 **Hours of Operation:** The Zoning Board of Adjustment, as part of conditional use approval, shall establish hours of operation, which assure that the cottage industry does not disturb neighboring residences.
- 5.2.4 **Number of Employees:** There shall be no more than ten (10) employees. Sufficient off-street parking is to be provided for all employees.
- 5.2.5 **Traffic:** Cottage industries shall not create more than twenty (20) vehicle round trips in any one day over the number of round trips that serve the primary residential use.
- 5.2.6 The Zoning Board of Adjustment may impose more restrictive conditions than those set forth herein (as is true anywhere in this Regulation pursuant to conditional use review), in particular, construction of a building of a smaller size, fewer vehicle round trips, fewer employees, restricted hours of operation, and such other conditions as are appropriate and reasonable.

5.3 CONTRACTORS' YARDS; HOME OCCUPATION VEHICLE REPAIR SERVICES

5.3.1 CONTRACTORS' YARDS

1. **Approvals Required:** Contractors' yards which meet the provisions of this Section are permitted only after conditional use review (incorporating site

plan approval standards as outlined in Section 4.3.3). The repair of bulldozers, backhoes, and other heavy equipment shall be considered a contractor's yard for the purposes of this Section. Contractors' yards are allowed only if they meet the requirements of this Section 5.3.1, in addition to the requirements of Section 5.1.3.

2. Definition of Contractor's Yard: A contractor's yard is property, which is used for storage and/or repair of heavy equipment and material for use in off-site construction including but not limited to trucks, excavators, graders, and cranes, and trailers for the same. Temporary storage of such equipment for use on the site on which the construction is taking place shall not constitute a contractor's yard.
3. Screening must be consistent with 4.3.3 (4)
4. Amount of Equipment Allowed: In addition to passenger vehicles and pickup trucks, no more than a total of ten (10) trucks and pieces of heavy equipment may be stored on the site at one time. Any piece of equipment shall be considered a separate piece of equipment for the purposes of this Section if it a) has its own means of propulsion, or b) is registered or registerable, or c) is not intended to be used by attachment to any other piece of equipment normally located on the site.
5. Employee Parking: No more than eight (8) employees may park on the site at any one time. Sufficient off-street parking is to be provided for all employees.
6. Size of Structures: Any new structures used in connection with the business shall be no larger than 4,000 square feet in floor area, and shall be designed for easy conversion to residential, accessory, or agricultural use if the business ceases to operate.
7. Business to Be Kept in Neat Order: All contractors' yards shall be kept in neat order and good condition at all times.
8. Hours of Operation: The Zoning Board of Adjustment, as part of conditional use approval, shall establish hours of operation for the contractor's yard. In any event, except for infrequent, unusual circumstances, a contractor's yard shall not be used before 7:00 a.m. or after 9:00 p.m. on weekdays or before 8:00 a.m. or after 9:00 p.m. on weekends.
9. Location
 - a. Any structure or portion of the lot used in connection with the business shall be located more than 50 feet from an adjoining property line, and more than 80 feet from the centerline of any road.
 - b. The business shall be located on a lot which is: a) accessed by a Class 1, Class 2 or Class 3 public road, or b) accessed by a private right-of-way, which provides access to a Class 1, Class 2 or Class 3 public road (provided the owners of all land accessed by the private right-of-way have notified the Zoning Board of Adjustment, in writing, at the time conditional use approval is sought, that they have no objection to the use of said road for said business, and also provided that an agreement

is entered into by the owner of the business and the other users of the private right-of-way as to the method of paying for the costs of maintenance, repair, and snow plowing of the private right-of-way.

10. Performance Standards: The contractor's yard must meet the performance standards set forth in Sections 5.1.3, and must produce no change in the character of the neighborhood.

5.3.2 HOME OCCUPATION VEHICLE REPAIR SERVICES

1. Approvals Required: Home occupation vehicle repair services which meet the provisions of this Section are permitted only after conditional use review (incorporating site plan approval standards as outlined in Section 4.3.3). Home occupation vehicle repair services are allowed only if they meet the requirements of this Section 5.3.2, in addition to the requirements of Section 5.1.3.
2. Home occupation vehicle repair services are allowed in the Rural Residential and Village Zoning Districts and are restricted to lots on which the primary residence of an owner of the business is also located.
3. Definition of Home Occupation Vehicle Repair Service: Any property used for the commercial repair of motor vehicles if more than one vehicle on which service is to be performed, is being performed or has been performed, and not registered to an owner or lessee of the property, is present at any given time, but which property is owned by the owner of the business on the property.
4. Screening must be consistent with 4.3.3 (4).
5. Number of Vehicles Allowed: In addition to the homeowners' vehicles, no more than a total of ten (10) passenger vehicles and trucks may be stored on the site at one time. A vehicle shall be considered a separate vehicle for the purposes of this Section if it a) has its own means of propulsion, or b) is registered or registerable, or c) is not intended to be used by attachment to any other vehicle normally located on the site.
6. Employee Parking: No more than eight (8) employees may park on the site at any one time. Sufficient off-street parking is to be provided for all employees.
7. Size of Structures: Any new structures used in connection with the business shall be no larger than 4,000 square feet in floor area, and shall be designed for easy conversion to residential, accessory, or agricultural use if the business ceases to operate.
8. Business to Be Kept in Neat Order: All vehicle repair services shall be kept in neat order and good condition at all times.
9. Hours of Operation: The Zoning Board of Adjustment, as part of conditional use approval, shall establish hours of operation for the vehicle repair service. In any event, except for infrequent, seasonal, or unusual circumstances, home occupation vehicle repair service shall not be used before 7:00 a.m. or after 9:00 p.m. on weekdays or before 8:00 a.m. or after 9:00 p.m. on weekends.
10. Location

- a. Any structure or portion of the lot used in connection with the business shall be located more than 50 feet from an adjoining property line, and more than 80 feet from the centerline of any road.
 - b. The business shall be located on a lot which is: a) accessed by a Class 1, Class 2 or Class 3 public road, or b) accessed by a private right-of-way, which provides access to a Class 1, Class 2 or Class 3 public road (provided the owners of all land accessed by the private right-of-way have notified the Zoning Board of Adjustment, in writing, at the time conditional use approval is sought, that they have no objection to the use of said road for said business, and also provided that an agreement is entered into by the owner of the business and the other users of the private right-of-way as to the method of paying for the costs of maintenance, repair, and snow plowing of the private right-of-way.
11. Performance Standards: The vehicle repair service or contractor's yard must meet the performance standards set forth in Sections 5.1.3, and must produce no change in the character of the neighborhood.
 12. Traffic: In addition to the homeowner's personal vehicles trips, there shall be no more than an additional 15 vehicles round trips per day. This number of vehicle trips shall be inclusive of all customer and parts supplier round trips.

5.4 SIGN REGULATIONS

- 5.4.1 No signs shall be allowed in any zoning district except as specifically provided herein. Construction, display, or placement of signs as detailed herein requires a Zoning Permit except those signs exempted in Section 5.4.4.
- 5.4.2 The following information shall be submitted to the Administrative Officer at least 30 days in advance of construction of a permanent sign or ten (10) business days in advance of placement of a temporary sign: (a) a plot plan or sketch showing the proposed locations of the sign with distances to property lines, structures, rights-of-way and setbacks; (b) a sketch showing the design of the proposed sign with overall dimensions; (c) a lighting plan (if applicable).
- 5.4.3 General Standards:
 - (1) No sign, with the exception of official highway signs, road-name signs and official business directional signs erected in accordance with Title 10 VSA, Chapter 21, shall be located in a road right-of-way or off premises.
 - (2) Only one permanent, primary outdoor sign for the purpose of identifying a permitted commercial use shall be displayed.
 - (3) Permanent, primary outdoor signs shall have no internal illumination, and may only be illuminated by a downward directed fully-shielded, continuous (non-flashing) light. Signs shall only be illuminated during hours when premises are occupied or are open for business.
 - (4) A Planned Unit Development, such as a business or industrial park, is allowed one freestanding sign to be located near the principal entrance not

exceeding 24 square feet in area. Signs identifying residential subdivisions or developments are prohibited.

- (5) No sign shall exceed 20 square feet in area, except at a Planned Unit Development as set forth in Section 5.4.3, and except a Home Occupation or Cottage Industry the sign for which shall not exceed twelve (12) square feet in area. Area measurements shall include all of the supporting frame.
- (6) A free standing sign shall not be higher than ten (10) feet from the average grade of the surrounding ground to the highest point of the sign or the supporting structure, whichever is higher.
- (7) A sign mounted on a building shall not protrude above the eave of the roof.
- (8) All signs shall be set back at least twenty (20) feet from edge of the traveled portion of the road unless mounted flush on the wall of an allowed structure. No sign, exempt or permitted, shall in any case obstruct the view of a driver to the highway or an entering driveway so as to cause a hazard.
- (9) Up to five (5) signs not exceeding four (4) square feet each may be displayed on a structure.
- (10) A single, continuous, non-blinking neon, LED, or comparable sign, not to exceed four (4) square feet may be displayed in a window. Such sign shall only be lit during hours when premises are occupied and are open for business.
- (11) The combined area of all permanent and temporary signs shall not exceed one hundred fifty (150) square feet or twenty-five (25) percent of the area of the exterior, vertical building surface facing the road, whichever is larger. Total sign area for buildings on a corner or constructed at an angle to the road shall be based on the largest vertical, exterior surface facing the road.

5.4.4 Exempt Signs:

- (1) Signs are permitted on motor vehicles except where they are for the purpose of circumventing the provisions of this Section or when the display of such a sign is the primary purpose of the vehicle.
- (2) Signs erected by the town or state on public roads for directional, safety or public service purposes including signs erected in accordance with Title 10 VSA, Chapter 21.
- (3) An ornamental or address sign incidental to residential use and not used for advertising purposes not exceeding six (6) square feet in area.
- (4) Signs identifying historic, landmark or conserved property not exceeding six (6) square feet in area.
- (5) Temporary signs not exceeding six (6) square feet in area. Temporary signs are those used for no more than three consecutive months.
- (6) Unlit, non-advertising signs not exceeding three (3) square feet in area for direction or convenience of the public (e.g., restrooms, public telephone, no trespassing or hunting or trail markers).
- (7) Gasoline pricing signs not exceeding 12 square feet in area.
- (8) One temporary real estate sign “for sale” or “for rent” sign per front yard that

does not exceed six square feet in area per side and sits a minimum of 12 feet from the edge of the road. Such a sign must be removed immediately following the property's sale or rental.

5.4.5 Temporary Signs

(1) Temporary signs for the purpose of advertising a community event (Chicken BBQ, Huntington Valley Arts, Valley Stage, public hearings, etc) may be displayed for up to thirty (30) days; all temporary signs must be removed within forty-eight (48) hours of the end of the event.

(2) Temporary signs not exceeding nine (9) square feet for the purpose of advertising contractors and subcontractors for permitted construction projects may be displayed for the duration of active construction and are included in the Zoning Permit approving said construction.

(3) Temporary signs for the purpose of advertising services or products directly related to a permitted use may be displayed for a period of up to ninety (90) days.

(4) Waiver: The Planning Commission may in its discretion for good cause waive any requirement or standard in this regulation as part of a Site Plan Review application.

Table 2. Sign Standards and Informational Chart

Type	Maximum Size (square feet)	Permit Required ?	Section Reference	Note
Primary Sign	20	Y	5.4.3 (3)	May be externally illuminated.
Planned Unit Development	24	Y	5.4.3 (4)	Freestanding, near principal entrance
Home Occupation/Cottage Industry	12	Y	5.4.3 (5)	
Secondary Sign(s)	4	Y	5.4.3 (9)	Limit 5 total
Sign in window	4	Y	5.4.3 (10)	May have non-blinking internal illumination.
Ornamental or Incidental residential address	6	N	5.4.4 (3)	
Historic, landmark, or conserved property	6	N	5.4.4 (4)	
Temporary Sign	6	N	5.4.4 (5)	Duration is 90 days max unless otherwise specified.
Directional/public convenience signs	3	N	5.4.4 (6)	
Gasoline pricing signs	12	N	5.4.4 (7)	
Real Estate	6	N	5.4.4 (8)	
Community Event	NA	N	5.4.5 (a)	Duration is 30 days max.

Construction	9	N	5.4.5 (b)	Duration is the period of active construction
Temporary Advertising	NA	Y	5.4.5 (c) 5.4.3 (11)	Duration is 90 days max. Combined area of all permanent and temporary signs must be not be greater than 150 sf or 25% of single, vertical building surface
Election Campaign Signs	NA	N		

5.5 OFF STREET PARKING STANDARDS

5.5.1 Off-street parking requirements shall apply only to buildings and uses newly constructed, extended, or restored or where use has changed or where site plan review is required. The quantity of parking to be provided in each instance shall be as set forth in Table 3, except as hereafter set forth. Each parking space shall be a minimum of 162 square feet (9 feet x 18 feet) exclusive of access drive or aisles thereto unless the Planning Commission finds the minimum space size to be excessive. Each space shall be provided access to a public street through a drive or aisle of not less than 9 feet in width for one-way and 18 feet in width for two-way aisles.

5.5.2 Parking lots shall include parking for the physically handicapped where required by state or federal regulation or where required by the Planning Commission in its judgment under site plan review. Each such handicapped space shall be a minimum of twelve (12) feet in width. Shared parking may be noncontiguous to the use being served upon site plan review and approval by the Planning Commission.

5.5.3 The required number or size of off-street parking spaces may be reduced by the Planning Commission under site plan review to the extent that the applicant can demonstrate a reduction is necessary because of unique use, or overlapping coverage, or because the requirement is unnecessarily stringent.

5.5.4 More parking spaces than required in the following table (Table 3) may be required by the Planning Commission under site plan review, and the minimum size of each parking space may be increased or reduced based on site considerations, use, traffic patterns, and other relevant concerns.

5.5.5 The Planning Commission shall make the determination of the general category that a specific use should come under in the event uncertainty exists as to what category applies.

Table 3. Off Street Parking Standards

Structure	Minimum Parking Spaces Required
Dwellings, residential units	2 per dwelling unit
Establishments for overnight commercial lodging	1 per room for hire, plus 1 per full-time equivalent employee

Structure	Minimum Parking Spaces Required
Campgrounds	1 per tent or trailer site, plus 1 per full-time equivalent employee
Hospitals, convalescent home and similar facilities	1 per 4 beds, plus 1 per full-time equivalent employee and 1 per staff or visiting doctor
Place of amusement or assembly containing fixed seating	1 per 3 fixed seats
Place of amusement or assembly without fixed seating	1 per 100 square feet of floor or ground area used for assembly or amusement
Restaurants, sit down	1 per 2 fixed seats, plus 1 per full-time equivalent employee
Elementary or intermediate schools	2 per classroom, but not less than 1 per full-time equivalent teacher and staff
Secondary or post-secondary schools	3 per 20 students, plus 1 per full-time equivalent teacher and staff
Retail establishments	1 per 200 square feet of floor area
Manufacturing/industrial	1 per full-time equivalent employee, plus 1 per vehicle used in the business
Offices, stores, service shops, financial institutions, etc.	1 per 200 square feet of floor area.

5.6 CUSTOMARY ACCESSORY USES

5.6.1 The following accessory uses incidental to a principal use are permitted uses in all districts: (a) Customary home occupations as in Section 5.1; (b) private garages, garden houses, tool houses, playhouses, wading pools or swimming pools incidental to the residential use (Permanent pools shall comply with setback requirements.); (c) animal houses (providing the use does not result in unreasonable noise or odor nor change the character of the neighborhood); (d) accessory to a commercial farm operation, the sale on a seasonal basis, from a non-permanent structure, of farm produce produced on site; or (e) utility poles, unless provided as a conditional use.

5.6.2 The private sale of cars and trucks does not require a permit but is restricted to the occasional sale of vehicles (a) titled to the property owner (or his/her tenant) (b) a maximum of two vehicles for sale at any given time, and (c) a maximum of 6 cars sold in any 12 month period.

5.7 ACCESSORY APARTMENTS

5.7.1 An accessory apartment (i.e., accessory dwelling unit) means an efficiency or 1- or 2-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. Pursuant to the provisions below, a single accessory apartment shall be a permitted use, except as noted in section 5.7.3.

- (1) No more than 1 accessory apartment shall be associated with a single-family dwelling, and the accessory apartment (clearly subordinate to the principal unit) shall contain no more than two (2) bedrooms. Furthermore, the accessory apartment shall not exceed 30% of the total habitable floor area of the single family dwelling prior to the creation of the apartment.

- (2) The owner must reside in the single-family dwelling or the accessory apartment.
- (3) At least two (2) off-street parking spaces shall be provided for each dwelling unit and no additional access drives are to be created.
- (4) An accessory structure containing the accessory apartment shall meet the applicable setback standards for a principal structure.
- (5) No accessory apartment shall be permitted unless adequate water and sewage disposal is provided which meets all applicable local or state regulations.
The Administrative Officer may, prior to granting the permit, require the applicant to furnish documentation evidencing compliance with state potable water and wastewater regulations.

5.7.2 A zoning permit shall be issued by the Administrative Officer for all accessory apartments.

5.7.3 Conditional use approval by the Zoning Board of Adjustment is required for an accessory apartment (a) in a new accessory structure, or (b) requires an increase in the height or floor area of the existing building, or (c) requires an increase in the dimensions of the parking areas.

5.8 NON-CONFORMING USES AND NON-COMPLYING STRUCTURES

The following provisions shall apply to all structures and uses (including signs under Section 5.4 of this Regulation) existing on the effective date of this Regulation which do not conform to the requirements set forth in this Regulation, and to all structures and uses that in the future do not conform by reason of any subsequent amendment to this Regulation.

5.8.1 Non-conforming uses or non-complying structures shall not be moved, enlarged, altered, extended, reconstructed, or restored (except as provided below).

5.8.2 Non-conforming Uses: Any non-conforming use of structures or land, except those specified below may be continued indefinitely, except such non-conforming uses shall:

- (1) not be changed to another non-conforming use without conditional use approval, and then only to a use, which is of the same or more restricted nature.
- (2) not be re-established if such use has been discontinued for any reason, except damage, for a period of six (6) months, or has been changed to, or replaced by, a conforming use.
- (3) not be restored to other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage.

5.8.3 Maintenance and Expansion of Non-complying Structures: A non-complying structure may continue to be occupied and maintained subject to the following:

- (1) Nothing in these regulations shall be construed as permitting the use of a structure declared unsafe by an appropriate governmental authority nor the continuation of a condition declared to be a health hazard by an appropriate governmental authority.

- (2) A non-complying structure which is damaged or destroyed by fire, collapse, explosion or other similar cause may be reconstructed, repaired or restored, provided that the reconstruction or repair results in a structure that is no more non-complying than the original structure and that the work is commenced within twelve (12) months and substantially completed within twenty four (24) months of the damage or destruction. The Zoning Board of Adjustment may grant one additional 12 month extension if it is demonstrated that the delays were unavoidable and that work is progressing.
- (3) Nothing in this Regulation shall be deemed to prevent normal maintenance, repairs, additions and/or re-modeling of a non-complying structure provided that such action does not increase the degree of non-compliance.

5.9 EXISTING SMALL LOTS AND MERGER

- 5.9.1 Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence prior to March 3, 2009 may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements of such district, but only if such lot is not less than one-eighth acre in area or has a minimum width or depth dimension of forty (40) feet, and, also, if development of such lot, including accessory structures, otherwise complies with the requirements of this Regulation, including applicable setbacks, use, etc. Likewise, any lot in a subdivision that has been approved by the Huntington Planning Commission may be developed in accordance with the terms of such approval.
- 5.9.2 Merger. In the event that an undeveloped lot is or becomes under common or affiliated ownership with an adjoining lot, and is not, a part of an approved or recognized subdivision, such lot shall be considered merged with such adjoining lot and no longer retain its separate identity for subdivision and zoning purposes. Common or affiliated ownership means (a) under ownership of the same person, (b) where owned by more than one person, under ownership having at least one person in common, (c) under ownership of members of an immediate family, or (d) under ownership of a corporation, partnership, trust or other such legal entity where a person having a legal or equitable interest in such entity is the same person who has a legal or equitable interest in the adjoining lot or in the legal entity owning such lot. Approved subdivision means a property approved for subdivision by the Huntington Planning Commission pursuant to the Huntington Subdivision Regulations or its successor regulation. Recognized subdivision means a subdivision established by recorded instrument or plat which would have been effective to create a subdivision prior to March 3, 2009. A lot shall be considered undeveloped if at the time of transfer or attempted transfer of such lot (a) either the water or wastewater system is not functioning in an acceptable manner or (b) the lot being transferred or the adjoining lot do not have approved plans for potable water systems and one or more backup (replacement) wastewaters systems as provided in Title 10 VSA, Chapter 64.

- 5.9.3 A conveyance of land which adjusts a lot boundary more than 25 feet at any point shall be subject to this regulation for jurisdictional purposes and shall create a subdivision subject to the Huntington Subdivision Regulations.
- 5.9.4 The Administrative Officer shall require the following standards be met before development may occur on any existing small lot defined in this section.
 - (1) Safe and adequate water supply shall be assured.
 - (2) State Wastewater and Potable Water Supply System Permits shall be required for new dwellings on existing small lots.

5.10 CONVERSION OF ONE-FAMILY DWELLINGS AND CAMPS

Conversion of an existing structure from a one-family dwelling to a multi-family dwelling and conversion of a camp to use as a full-time residence is permitted, under conditional use review, subject to the following conditions:

- 5.10.1 For conversion of a single family dwelling to a multi-family dwelling, both the structure and the lot shall have been in existence as of the adoption date of these revised regulations. There shall be provided on the lot two (2) parking spaces for each dwelling unit.
 - (1) There shall be provided a minimum lot area per dwelling unit of 15,000 square feet in the Village District, and comply with density requirements of other districts.
 - (2) A professional registered engineer shall certify in writing to the Administrative Officer that, in his/her opinion, such structure contains an adequate potable water supply.
 - (3) All new units are subject to state wastewater regulations and require state wastewater permits.
- 5.10.2 Conversion of a camp to use as a full-time residence is subject to conditional use review, and, in addition, the following shall be required for any conversion of a camp:
 - Any wastewater disposal system shall be designed and constructed under the supervision of a registered professional engineer or certified site technician. The registered professional engineer or certified site technician shall certify in writing to the Administrative Officer that he/she supervised the design and construction of the system, and that it was installed as designed, as for new construction in accordance with the state wastewater regulations
 - Safe and adequate water supply shall be assured.
 - Access shall be by a public or private right-of-way and permanently maintained for the easy access of emergency vehicles to the site in all seasons. For conversion to a full-time dwelling a camp shall comply with frontage, driveway and right-of-way requirements as for a new subdivision.

5.11 OUTDOOR LIGHTING

- 5.11.1 Purpose. The town's rural character is enhanced by the ability to clearly view and enjoy the night sky that is free from light pollution. While some outdoor

lighting may be necessary for safety and security, inappropriate, poorly designed or improperly installed outdoor lighting can create unsafe conditions and nuisances for nearby property owners, cause sky glow which obstructs views of the night sky, and result in unnecessary power consumption.

5.11.2 Standards. The following standards shall apply to all outdoor lighting except for temporary holiday lighting displays:

(1) All outdoor lighting shall be kept to a minimum required for the safety, security or other intended use consistent with the character of the neighborhood.

(2) All outdoor lighting shall be shielded such that the point source light illumination shall not extend more than 70 degrees deviation from vertical directly under the light. For light sources larger than a point, including light sources bunched together in one fixture, all portions of the light source shall be considered a point source. An exception to the shielding requirement set forth in this section shall be permitted for exterior residential lighting illuminating doors, stairs and walkways where the light source point illumination does not exceed 700 lumens (that light emitted by a standard 60 watt incandescent light bulb).

(3) Permanent outdoor lighting fixtures shall be designed to minimize glare, and shall not, directly or indirectly, shine light upward, horizontally or on to adjacent properties, roads, or public waters, or result in excessive lighting levels that are uncharacteristic of the surrounding neighborhood or area.

(4) Any operation or activity producing glare, including exterior lighting, shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.2 foot-candles when measured at the property boundary of the property where the operation or activity is generated.

(5) Security or street lighting shall only be permitted where unusual or hazardous conditions require, shall be shielded as provided above and shall be aimed so that only designated services or areas are illuminated.

(6) Exterior lighting that flashes, pulses, rotates, moves or simulates motion are not permitted, except that motion sensor security lighting shall be permitted so long as it otherwise complies with the preceding sections set forth above.

(7) Installation of commercial exterior lighting fixtures shall require a zoning permit.

(8) Electrical service to outdoor lighting fixtures shall be buried, except where the applicant or property can show that above ground wiring is neither a hazard nor an eyesore.

(9) Where a property has been cited for non-compliance with this regulation, and in all applications for zoning and subdivision permits, the property owner or applicant shall submit an exterior lighting plan specifically describing all intended and existing exterior lighting on the property, the nature and purpose thereof and how the lighting as designed is consistent with the purpose. As a part of the application or compliance

process, the Planning Commission, Zoning Board of Adjustment or Administrative Officer may require a lighting plan prepared by a qualified lighting expert for illumination of an exterior parking area or for street or security lighting.

(10) Outdoor lighting fixtures associated with nonresidential uses, except for approved security lighting, shall be illuminated only during normal business hours.

(11) Standards for illuminated signs are governed by Section 5.4 of these regulations.

5.12 ABANDONMENT

Within one (1) year after the abandonment of any structure or use which has been destroyed by fire or damage from any cause, the owner shall either remove all ruins and structural materials and restore the site to a smooth grade or resume construction or repair of the structure. This 1-year period may be extended by the Administrative Officer if evidence is provided to demonstrate that an insurance claim for the structure or use has not been settled. However, such an extension may only be granted if the site is reasonably secured to address public safety. An abandoned structure in a dangerous or unsafe condition is a public nuisance and is prohibited. The Administrative Officer is empowered to take such actions, including with the authority of the Selectboard legal proceedings, to abate such a nuisance.

5.13 OPEN STORAGE OF VEHICLES AND JUNK

Junkyards (as defined in Article 8 of this Regulation) are prohibited in all districts. Vehicles that are both non-operative and non-inspected (vehicles being used in farm operations are exempt) and junk (see Article 9 for definition) shall not be allowed in any setbacks, and shall be effectively screened from view of a public highway and adjacent private property at all seasons of the year.

5.14 TEMPORARY USES AND STRUCTURES

- 5.14.1 Temporary permits may be issued by the Administrative Officer for non-conforming uses and non-complying structures incidental to construction projects, provided that the property owner shall remove the temporary structure or use upon the expiration of the construction project permit.
- 5.14.2 Temporary and seasonal roadside stands that sell only locally grown agricultural products shall be permitted if sufficient customer parking is provided off the traveled surface of the road and the stand is erected at least twenty (20) feet back from the nearest edge of the highway right-of-way.
- 5.14.3 No more than six (6) garage/lawn sales shall be conducted on the same premises in any 12-month period. These sales are not to exceed three (3) days in duration each.
- 5.14.4 In the case of the loss of a building, the Administrative Officer may issue a permit for such temporary structures, including a mobile home, as are necessary to continue a prior use. Said permit shall expire six (6) months from date of issue, and may be renewed for one (1) additional six-month

period.

- 5.14.5 Temporary structures of more than 150 square feet including, but not limited to green houses, large collapsible or inflatable pools and tent-garages require a permit if in existence for more than six (6) months. Trailers intended for on-road usage, box vans, shipping containers and similar conveyances shall be considered structures if they are used for storage for more than six (6) months. Structures in existence for more than one year shall be considered permanent, require a permit, and meet all applicable standards. All structures must be kept in good repair.

5.15 ACCESS REQUIREMENTS

- 5.15.1 Required frontage on, or access to, public roads:

- (1) No land development may be permitted on lots which do not either have the minimum frontage for the district within which it is located on a public road or, with the approval of the Planning Commission, access by means of a Class IV road or a permanent deeded easement or a right-of-way on record at least fifty (50) feet in width. Such right-of-way or easement must be located where it is practical to construct and use.
- (2) A written agreement binding all owners current and subsequent to maintain and service the right-of-way and approved by the Planning Commission must be part of final subdivision application. (Recording will take place after application approval.) No building nor use permit may be issued unless the lot owner agrees to its provisions and is on record with the Town.
- (3) All driveways and right-of-ways entering onto public roads must meet the Town specifications for grade, culverts, ditching, and visibility.

- 5.15.2 Dead-end right-of-way, easements and private roads: despite any other provisions of this Regulation, up to 2 lots at the end of a private right-of-way, need not have any specific amount of frontage on said right-of-way, unless required by the Planning Commission.

5.16 PERFORMANCE STANDARDS

No land or building shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or objectionable hazards by nature of water, smoke, noise, dust, odor, water or vibration, as per the following restrictions:

- 5.16.1 No noise other than noises that would be part of the normal coming and going by occupants shall be discernible at property lines during hours before 6:00 a.m. and after 10:00 p.m. on weekdays or before 8:00 a.m. or after 9:00 p.m. on weekends. If other standards are defined elsewhere in the regulations, the more strict limitations shall be applicable. The Planning Commission or Zoning Board of Adjustment may permit noises at other times, as a condition if it finds that reasonable and successful steps have been taken to accommodate adjoining property owners, and if it finds that it is reasonable to permit noise at other times. This Section shall not be construed to prohibit usual and customary residential activities or property maintenance at usual and

customary times.

- 5.16.2 No vibration shall be measurable at the outer boundaries of the parcel.
- 5.16.3 No odors shall be discernible at the outer boundaries of the parcel. This provision shall not be construed to apply to otherwise permitted farming operations. Such operations shall not create odors substantially beyond what is normal for such operation.
- 5.16.4 No fire, explosive, or safety hazard shall be permitted which significantly endangers other property owners or which results in a significantly increased burden on municipal resources.
- 5.16.5 Smoke emission shall not exceed number two (2) on the Ringleman Chart. (The Ringleman Chart is a device used to measure the opacity of smoke emitted from stacks and other sources.)
- 5.16.6 No dust or fly ash shall exceed two-tenths (0.2) grain per cubic foot of flue gas at a stack temperature of five hundred degrees (500°) Fahrenheit.
- 5.16.7 No noxious gases, glare or heat shall be discernible at the outer boundaries of the parcel.
- 5.16.8 Industrial wastes shall be deposited, stored, and transmitted from parcels so as to not be objectionable to adjacent properties nor create a public nuisance. No wastes shall be discharged into any water course nor into any wastewater disposal systems beyond capacity. Industrial and hazardous materials and wastes shall be kept within a designed containment area.
- 5.16.9 No significant soil erosion and/or discharge of sediment into a brook, stream, river, culvert or catch basin.
- 5.16.10 Excepting discharge into an approved storm drainage system, no significant increase in storm water flow levels and/or alteration of existing runoff patterns which result in ponding or flooding of other properties.
- 5.16.11 The Planning Commission or Zoning Board of Adjustment may consider the duration and intensity of activities which may have an effect on surrounding landowners when deciding if they have a measurable or deleterious effect.

5.17 LAND FILLING, EXCAVATION, AND EARTH RESOURCE EXPLORATION

5.17.1 No mineral or gas exploration or drilling, no sanitary landfill, no new earth resource extraction or processing operation, nor expansion of any such existing operation, and no resumption of such an inactive operation, shall be permitted until a zoning permit has been issued therefore. For a gravel pit, "expansion" of an existing operation shall include, but not necessarily be limited to, any substantial increase in the rate of gravel removed from a pit, or any use of an area which was not previously part of an existing operation. No such zoning permits shall be issued until all conditions below are met:

- (1) a conditional use permit has been issued for such operation, and
- (2) a site plan including a plan for the rehabilitation of the site has been approved by the Planning Commission; and
- (3) the operation does not alter stream beds without State approval.

5.17.2 Application for approval. Applicants shall provide the following information in addition to other specific materials that may be requested:

- (1) a site plan showing the location and scope of all proposed development activity,
- (2) a screening plan,
- (3) an erosion and sedimentation control plan,
- (4) a site rehabilitation plan, including schedule of implementation, and
- (5) a description of the proposed methods of operation including operating hours and the duration of the proposed activities, types and quantity of equipment and trucks, location and method of waste disposal, and a transportation plan addressing both on-and off-site trucking activities.

5.17.3 The burden of proof shall be on the applicant to show that the proposed operations may be feasibly undertaken without violating the standards contained within this section and without substantial damage or hazard to the public or to adjoining properties.

5.17.4 Conditional Use Permit:

- (1) In considering an application for a Conditional Use Permit under this Section, the Zoning Board of Adjustment shall consider the following specific standards in addition to any other applicable standards specified elsewhere within this Regulation:
 - (a) Adjoining land areas should be protected from undue adverse impacts resulting from dust, noise, or air pollution. There shall be a minimum setback of 200 feet from adjoining properties for all extraction or processing activities, except for offices and accessory automobile parking.
 - (b) Within the required setback areas, the natural vegetation shall be retained and supplementary planting may be required in order to buffer impacts from the proposed operation.
 - (c) An erosion and sedimentation control plan shall be submitted and shall provide that increased run-off shall not be permitted beyond the property boundaries of the proposed project area.
 - (d) No operation shall be permitted which may result in the pollution of surface or groundwater through by-products of the proposed operation.
 - (e) Suitable fencing or other appropriate safety precautions may be required around extraction sites, sedimentation ponds, and waste or equipment storage area.
 - (f) Proposed operations shall not create unusual or unreasonable traffic hazards, or the need for special public improvements or maintenance of public streets or bridges, which would place an unreasonable additional financial burden on the Town.
 - (g) Explosives may be utilized only in accordance with a plan approved under this section and only after it has been demonstrated by the applicant that the use of such materials will not have an adverse impact on adjoining properties.

5.17.5 Site Rehabilitation

- (1) Activities involving the extraction, exploration, or processing of earth

resources, by their very nature disturb the natural landscape and utility of the site. These provisions are intended to ensure that the entire site, at the conclusion of such activities, is restored to a condition, which is free of hazards to the public and is conducive to subsequent use for other activities.

- (2) Applicants for an earth resources extraction, exploration, or processing operation shall provide a site rehabilitation plan which shall include the following information, in addition to other specific materials that may be required by the Planning Commission:
 - (a) A plan of the entire site affected by the proposed operation which shall indicate the:
 - i. final grading and topography, including drainage patterns;
 - ii. location and depth of relocated topsoil; and
 - iii. location, type, size, and quantity of restoration plan materials;
 - (b) Sequence and timing of rehabilitation activities;
 - (c) Provision for adequate bonding or surety to cover rehabilitation.
- (3) In considering a site rehabilitation plan, the Planning Commission shall consider the following specific standards in addition to any other applicable standards specified elsewhere within this Regulation:
 - (a) Suitability of the site following rehabilitation for uses that are permissible under the applicable zoning district;
 - (b) Landscape in the vicinity of the site;
 - (c) The top twelve (12) inches of topsoil on all disturbed areas shall be stockpiled for use in rehabilitating the site;
 - (d) Implementation of rehabilitation activities shall be on a continuing basis commencing as soon as practical where extractive activities have been completed;
 - (e) Storm water runoff and erosion/sedimentation following rehabilitation shall not exceed that which existed prior to development;
 - (f) Bonding or surety shall be at a level to cover the costs of rehabilitation all disturbed areas, and may be adjusted periodically by the Planning Commission.

5.18 MOBILE HOMES AND MOBILE HOME PARKS

- 5.18.1 A mobile home shall be considered a single-family dwelling and shall meet the same zoning requirements applicable to single-family dwellings, except when occupied and displayed in a mobile home sales establishment or allowed as a temporary structure under this Regulation.
- 5.18.2 Mobile homes may be permitted in a mobile home park subject to the requirements of this section and State Law. (Note: the State definition of a Mobile Home Park shall be applicable for this section).
- (1) Replacement of an existing mobile home in an existing park with the same or smaller size mobile home shall require a building permit from the Administrative Officer.
 - (2) Replacement of an existing mobile home in an existing park with a larger mobile home that meets the setback requirements below shall require a building permit from the Administrative Officer.
 - (3) Replacement of an existing mobile home in an existing park with a larger mobile home, which would not meet the setback requirements below, shall require conditional use approval by the Zoning Board of Adjustment. In granting such approval the Commission shall not modify the mobile home lot line setback standards by more than 50% and shall ensure that the expansion does not encroach upon any public or private right-of-way.
 - (4) New mobile home parks, and any addition or alteration to an existing mobile home park, shall require subdivision review by the Planning Commission. "Addition" shall mean modifying an existing mobile home park by increasing the number of sites or mobile homes in the park. Alterations involving the erection, construction, or placement of accessory structures shall not be required to obtain conditional use approval by the Zoning Board of Adjustment; however, a building permit will be required for all accessory structures.
- 5.18.3 A mobile home park shall have a contiguous area of not less than five (5) acres nor more than fifty (50) acres.
- 5.18.4 A strip of land at least fifty (50) feet wide shall be maintained as a landscaped area abutting all new mobile home park boundary lines. No mobile home unit, office, or service building may be placed in this buffer area. However, the Planning Commission may reduce or eliminate this landscaped area requirement if such a modification or waiver will make it possible to preserve a scenic view from the mobile home park, provided that privacy for adjacent property owners can be maintained.
- 5.18.5 The minimum mobile home lot size in a mobile home park shall meet the district requirement unless all lots are provided with off-site sewage disposal, in which case the minimum mobile home lot size in a mobile home park shall be 10,000 square feet.
- 5.18.6 Each mobile home lot in a mobile home park shall have at least fifty (50) feet of frontage on a mobile home park road. Said road shall be constructed to the Town Road Standards.
- 5.18.7 Mobile Home and accessory structure placement on a lot in a mobile home park

shall conform to the following minimum setback requirements:

- (1) Front yard (from the center line of park access road): 30 feet
 - (2) Side yard (from mobile home lot line or mobile home park (50 foot buffer): 10 feet
 - (3) Rear yard (from mobile home lot line or mobile home park (50 foot buffer): 10 feet
 - (4) From stream or pond: 100 feet
 - (5) From the centerline of any public road that serves as a rear yard: 50 feet
- 5.18.8 Individual tenants of a mobile home park may erect, construct or place no more than two (2) accessory structures on a mobile home lot, with setbacks in accord with setback requirements provided that such structures combined do not exceed sixty percent (60%) of the floor area of the mobile home. Individual building permits shall be required for each such structure in each case.
- 5.18.9 A suitable non-porous pad at least four (4) inches thick shall be provided for each mobile home lot in a mobile home park.
- 5.18.10 Sewage disposal, water supply, and garbage facilities shall comply with state regulations. All electric, telephone, and other utility lines shall be underground.
- 5.18.11 Each mobile home park shall provide at least 10% of its total size for recreational purposes. All open space is subject to the provisions of Planned Residential Developments.
- 5.18.12 Replacement of an existing mobile home on any lot, and not including mobile home parks, with a larger mobile home which would not meet the setback requirements of the zone in which the lot is located may be allowed under conditional use review by the Zoning Board of Adjustment. In all cases, the following shall be assured:
- a. The existing mobile home is of a size no longer available or not up to present standards for permanent housing.
 - b. Replacement of the existing home, to include its appearance and placement on the lot constitutes an improvement in the surrounding neighborhood.
 - c. Siting of the new home shall consider existing trees and other significant vegetation on the lot with an interest in preserving natural features.
 - d. Replacement will not have an undue adverse impact on adjoining properties, the character of the neighborhood or impact any other public interest, which would be protected in maintaining the existing setbacks to adjoining properties and bodies of water.
 - e. Screening, which may include fencing, or plantings, may be required by the Planning Commission.

5.19 CAMPING VEHICLES AND CAMPGROUNDS

- 5.19.1 Any camping vehicle used for living quarters and sited so as not to be readily movable shall be deemed a dwelling and shall be subject to all zoning and health regulations applicable to dwellings.
- 5.19.2 Camping vehicles may be parked or stored on the owner's property, or, with permission, upon the property of a relative or friend. The vehicle must meet all district setback requirements if the period of occupancy exceeds forty-five (45)

days in six (6) months.

- 5.19.3 Owners of lots used for camping are responsible for the sanitary disposal of wastewater either in an on-lot system or by special permit issued by the Administrative Officer authorizing use of a holding tank or chemical toilet. Procedures for utilizing and dumping the holding tank/chemical toilet will be as specified in their permit.
- 5.19.4 New campgrounds, and any addition or alteration to any existing campground, shall be subject to the following regulations:
- (1) Conditional use approval with incorporation of site plan approval standards is required.
 - (2) Campgrounds shall provide for lavatory, shower, and toilet facilities, and individual camping vehicle or tent spaces. All campgrounds shall comply with State regulations.
 - (3) A strip of land at least one hundred (100) feet wide shall be maintained as a landscaped or buffer area abutting all campground property lines. No camping vehicle, tent, or service building shall be located in this buffer area. The Planning Commission may reduce or eliminate this landscaped area provision if such a modification or waiver will make it possible to preserve a scenic view from the campground, providing that privacy for adjacent property owners can be maintained.
 - (4) Every campground operator shall maintain a register available to any authorized person inspecting the facility or emergency officials. Said register, which shall contain the names and addresses of all campground occupants, shall be preserved for a period of at least one (1) year.

5.20 STEEP SLOPES

Development is prohibited on slopes equal to or greater than 20%. Development on slopes equal to or greater than 15%, or which results in such slopes, shall be subject to conditional use review and the following provisions:

- 5.20.1 The zoning permit application shall include contour intervals of five (5) feet or less, slope profiles showing existing gradients and proposed cut and fill sections, and a stormwater management and erosion control plan, prepared by a qualified professional, that covers all phases of development (site preparation, construction, post construction).
- 5.20.2 Development shall be sited and constructed, and slopes stabilized in accordance with accepted engineering and best management practices for stormwater management and erosion control to: (a) prevent runoff, erosion, slumps, and other down slope movements of material, and (b) minimize associated risks to surface and ground waters, public facilities and roads, and neighboring properties.
- 5.20.3 Development, including road and utility corridors, shall be sited and designed to minimize visual impacts from public vantage points. The use of landscaping and natural screening materials is encouraged, and may be required to lessen the visual impact of such development.

5.21 ADAPTIVE REUSE OF AN HISTORIC STRUCTURE

- 5.21.1 Adaptive reuse is designed to provide for the continued viability of historic structures that have outlived their original intended function by allowing additional uses within the current dimensions of such structures, including nonconforming structures, subject to conditional use review.
- 5.21.2 Structures eligible for adaptive reuse are limited to those which (a) are no less than 50 years old and are listed on, or eligible for listing on, the VERMONT HISTORIC SITES and STRUCTURES SURVEY FOR THE TOWN OF HUNTINGTON; or (b) have historical or architectural significance to the town, as determined by the Board of Adjustment from application information, and/or evidence provided in hearing.
- 5.21.3 Structures determined eligible for adaptive reuse may be put to one or more of the following uses in any zoning district subject to conditional use approval:
- (1) any use allowed within the district in which the structure is located;
 - (2) multi-family dwelling (a maximum of 4 dwelling units);
 - (3) storage facility;
 - (4) the processing and/or sale of agricultural or forest products (e.g., farm produce store, food cooperative, woodworking or furniture shop);
 - (5) cultural facility (e.g., museum, theater, performance space); and
 - (6) retail sales, limited to antiques, arts and crafts.
- (7) It also shall be demonstrated to the satisfaction of the Zoning Board of Adjustment that there exists adequate water supply, septic system, and off-street parking capacity to accommodate the proposed use; and that any proposed exterior renovations to an historic structure must conform to guidelines set forth in the most recent edition of The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" [36 CFR 67].

5.22 SURFACE WATERS AND CRITICAL WILDLIFE HABITAT

- 5.22.1 To prevent surface runoff and soil erosion, and protect water quality and critical wildlife habitat (as defined in Article 8), all structures and/or impervious surfaces, except for allowed encroachments as set forth below, shall be set back at least:
- a. 100 feet from the Huntington River as measured from the top of the bank/ top of slope;
 - b. 50 feet from the following streams up to the 1300 foot elevation line as shown on USGS topographic maps or the Town of Huntington Zoning Map: Baker Brook, Brush Brook, Carpenter Brook, Cobb Brook, Fargo Brook, Hollow Brook, Johns Brook, Jones Brook, Otter Brook, Sherman Hollow Brook, Texas Brook, and Weaver Brook; as measured from the top of the bank or from the top of slope where no bank is discernible.
- 5.22.2 The expansion or enlargement within setback areas of any structure lawfully in existence prior to the effective date of these regulations shall be subject to review as a nonconforming structure.

- 5.22.3 Regardless of deer winter habitat boundaries on Vermont wildlife maps, approved site plan and subdivision plats and all approved zoning permits shall be presumed to be in compliance with this subsection. Structures and/or impervious surfaces shall not encroach upon deer winter habitat, except:
- a. Modifications and/or additions to existing permitted structures and uses and accessory structures to an existing permitted structure or use shall be permitted in those zoning districts where they are otherwise a permitted use within 150 feet of such existing permitted structure or use.
 - b. Modifications and/or additions to a conditional use and accessory structures to an existing permitted use shall be a conditional use in those zoning districts within 150 feet of such conditional use.
 - c. Alternative and renewable energy installations which do not require a Certificate of Public Good from the Vermont Public Service Board are exempt.
 - d. In the process of site plan or subdivision review, new structures and impervious surfaces may be allowed in deer wintering areas if, in the written opinion of a qualified wildlife biologist or other professional approved by the Board or Commission, the new structures or impervious surfaces will, because of mitigating factors, not result in undue adverse impact on the deer wintering habitat. In such event the Commission or Board as part of its approval shall require a written opinion of the wildlife biologist.
- 5.22.4 Where setbacks are required, at least 50 feet of the setback area, as measured from the top of bank, mean water line, or delineated Class II wetland boundary, shall be maintained as a natural vegetated buffer. No development, excavation, landfill, or grading shall occur within the buffer area, and vegetation shall be left in an undisturbed state, with the exception of limited clearing and site development associated with the following allowed encroachments in accordance with applicable state and federal regulations:
- (1) farming activities that comply with accepted agricultural practices,
 - (2) forestry (silvicultural) activities that comply with accepted management practices,
 - (3) stream bank or shoreland stabilization and restoration projects, designed and constructed in accordance with applicable state and federal regulations,
 - (4) unpaved pedestrian and recreation paths, and,
 - (5) landscaping to maintain physical and visual access (including pruning and selective cutting).
- 5.22.5 The Zoning Board of Adjustment also may allow road, rail, driveway and utility crossings, and public access improvements, as uses subject to variance review, and in accordance with State and Federal Permit programs. All encroachments within setback and buffer areas shall be sited and designed to minimize surface runoff, channeling, and soil erosion, and potential impacts to riparian habitat.
- 5.22.6 For development subject to subdivision, site plan, or conditional use review, the Planning Commission or Zoning Board of Adjustment may require increased setback and buffer distances, limited or shared access to public waters, and/or a

buffer area management plan to protect water quality and riparian habitat, if it is determined that such measures are needed based on site, slope and soil conditions and the nature of the proposed use.

- 5.22.7 Projects must meet minimum distance setbacks and are advised to comply with the most recently amended Vermont Wetland Rules.

5.23 DAY CARE

- 5.23.1 A family child care home, operated by an owner or operator licensed or registered by the state, which serves six (6) full-time and four (4) part-time children or fewer, shall require a Zoning Permit and the application will include accurate measurements for drop off, parking, and square footage of home. A family child care home that serves more than ten (10) children, as defined in state statutes requires a permit issued by the Administrative Officer and site plan approval by the Planning Commission.
- 5.23.2 Nonresidential child and adult day care facilities, and those facilities operated from single family dwellings which serve more than ten (10) individuals may be permitted in designated zoning districts as a conditional use subject to review.

5.24 TELECOMMUNICATIONS

- 5.24.1 Purpose and Consistency with State and Federal Law. The purpose of this section is to promote the public health, safety, welfare, and convenience of the residents of the Town of Huntington, while accommodating the telecommunication needs of the Town's residents. This section is intended to be consistent with the Telecommunications Act of 1996 and relevant Vermont statutes, including, Title 24, Chapter 117 of Vermont Statutes Annotated, as amended. If any section of this bylaw is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this bylaw.
- 5.24.2 Permit Required; Wireless Telecommunication Facilities may be permitted as conditional use upon compliance with the provisions of this section. No installation or construction of, or significant addition or modification to, any Wireless Telecommunication Facility shall commence until a permit has been issued by the Administrative Officer. However, in accordance with 24 V.S.A. § 4412(9), a permit shall be issued for a Wireless Telecommunication Facility that in, the determination of the Zoning Board of Adjustment will impose no impact or merely a de minimis impact upon any criteria established in Section 5.24.7 below. The Zoning Board of Adjustment's determination regarding no impact or de minimis impact shall be in writing and shall be subject to appeal under 24 V.S.A. § 4471.
- 5.24.3 Exemptions.
- (a) No permit shall be required for a Wireless Telecommunication Facility that is used exclusively for municipal radio dispatch service or emergency radio dispatch service and which does not exceed 50 feet in height.
 - (b) This bylaw shall not apply to amateur radio, citizens band radio, AM or FM radio, or broadcast television service.
 - (c) No permit shall be required for a Wireless Telecommunication Facility that has received a Certificate of Public Good pursuant to 30 V.S.A. § 248a.
 - (d) this section shall not prohibit a property owner's ability to place or allow placement of an antenna used to transmit, receive, or transmit and receive communications signals on the property owner's premises if the area of the largest face of the antenna is not more than 15 square feet, and if the antenna and the mast to which they are attached do not extend more than 12 feet above the roof of that portion of the building to which they are attached.
 - (e) Except as necessary to ensure compliance with the most recently adopted Huntington Flood Hazard Area Regulations, no permit shall be required for:
 - (1) an ancillary improvement (as defined in 30 V.S.A. § 248(b) and Section 8.1) that does not exceed a footprint of 300 square feet and a height of 10 feet.
 - (2) The following improvements associated with the construction or installation of a communication line:

- (i) The attachment of a new or replacement cable or wire to an existing electrical distribution pole.
- (ii) The replacement of an existing electrical distribution or communications distribution pole with a new pole, so long as the new pole is not more than 10 feet taller than the pole it replaces.

5.24.4 Permit Application Requirements. In addition to information otherwise required, applicants shall include the following supplemental information:

- (1) A vicinity map showing the entire vicinity within a 1,000 foot radius of the Facility, including the location of any tower, topography, public and private roads and driveways, buildings and structures, utilities, water bodies, wetlands, landscape features, historic sites and critical wildlife habitats. It shall indicate the property lines of the proposed Facility site parcel and all easements or rights of way needed for access from a public way to the Facility.
- (2) The location of the Facility on a USGS Topographic Map or a GIS-generated map compatible with Vermont Center for Geographic Information (VCGI) standards and encompassing the area within at least a two-mile radius of the proposed tower site.
- (3) Elevations and proposed site plans of the Facility showing all facades and indicating all exterior materials and colors of towers, buildings and equipment, as well as all landscaping, utility wires, guy wires and screening. (All plans shall be drawn at a minimum scale of 1 inch = 50 feet).
- (4) In the case of a site that is forested, the approximate average elevation of the existing vegetation within 50 feet of any tower base.
- (5) Construction sequence and time schedule for completion of each phase of the entire project.
- (6) A report from a qualified engineer that:
 - (i) Describes any tower's design and elevation,
 - (ii) Documents the elevation above grade for all proposed mounting positions for antennas to be co-located on a tower and the minimum distances between antennas,
 - (iii) Describes a tower's capacity, including the number, elevation and types of antennas that the tower is proposed to accommodate.
 - (iv) In the case of new Facilities, demonstrates that existing towers and structures within 5 miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community.
 - (v) Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage.
 - (vi) Describes the output frequency, number of channels and the power output per channel for each antenna. In the alternative, a coverage map may be provided.
 - (vii) Demonstrates the Facility's compliance with the standards set

forth in this bylaw or other applicable standards.

(viii) Provides proof that at the proposed Facility site the applicant will be in compliance with all Federal Communications Commission (FCC) regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards and requirements for radio frequency radiation (RFR).

(ix) Includes such other information as determined by the Zoning Board of Adjustment to evaluate the application.

(7) A letter of intent committing the Facility owner and its successors to permit shared use of any tower if the additional users agree to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards and requirements and the provisions of this Bylaw and all other applicable laws.

(8) In the case of an application for additional antennas or other equipment to be installed on an existing Facility, a copy of the executed contract with the owner of the existing structure.

(9) To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the Facility, or a written statement by the applicant that an EA is not required for the facility.

5.24.5 Independent Consultants. Upon submission of an application for a Wireless Telecommunication Facility Zoning Permit, the Zoning Board of Adjustment may retain independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals in telecommunications engineering, structural engineering, monitoring of electromagnetic fields and such other fields as determined by the Zoning Board of Adjustment. Such consultants shall work at the Zoning Board of Adjustment's direction and shall provide the Zoning Board of Adjustment such reports, advice and assistance, as the Zoning Board of Adjustment deems necessary to review the application.

5.24.6 Balloon Test. The Zoning Board of adjustment may require the applicant to fly a four-foot diameter brightly colored balloon at the location and maximum elevation of any proposed tower. If a balloon test is required, the applicant shall advertise the date, time, and location of this balloon test at least 7 days in advance of the test in a newspaper with a general circulation in the Town. The applicant shall also inform the Zoning Board of Adjustment, in writing, of the date, time and location of the test, at least 15 days in advance of the test. The balloon shall be flown for at least eight consecutive daylight hours on two days. If visibility and weather conditions are inadequate for observers to be able to clearly see the balloon test, further tests may be required by the Zoning Board of Adjustment.

5.24.7 Criteria for Approval and Conditions. An application for a Wireless Telecommunication Facility zoning permit shall be approved after a hearing when the Zoning Board of Adjustment finds all the following criteria have been met:

(a) The Facility will not be built on speculation. If the applicant is not a

Wireless Telecommunication Service Provider, the Zoning Board of Adjustment may require the applicant to provide a copy of a contract or letter of intent showing that a Wireless Telecommunication Service Provider is legally obligated to locate a Wireless Telecommunication Facility on lands owned or leased by the applicant.

(b) The Facility will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the Wireless Telecommunication Facility, unless the proposed elevation is reasonably necessary to provide adequate Wireless Telecommunication Service capacity or coverage or to facilitate collocation of facilities.

(c) The minimum distance from the base of any tower to any property line is not less than 100 % the total elevation of the tower, including antenna or equipment.

(d) The Facility will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by Federal Aviation Administration, federal or state law.

(e) The applicant will remove the Facility, should the Facility be abandoned or cease to operate. The Zoning Board of Adjustment may require the applicant to provide a bond, or other form of financial guarantee acceptable to the Zoning Board of Adjustment to cover the cost of removal of the Facility, should the Facility be abandoned or cease to operate.

(f) The applicant demonstrates that the Facility will be in compliance with all FCC standards and requirements regarding radio frequency radiation.

(g) The applicant will maintain adequate insurance on the Facility.

(h) The Facility will be properly identified with appropriate warnings indicating the presence of radio frequency radiation. The Zoning Board of Adjustment may condition a permit on the provision of appropriate fencing.

(i) The proposed equipment cannot be reasonably co-located at an existing Wireless Telecommunication Facility. In determining whether the proposed equipment cannot be reasonably co-located at an existing facility, the Zoning Board of Adjustment shall consider the following factors:

(i) The proposed equipment would exceed the structural or spatial capacity of the existing facility and the existing facility cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.

(ii) The proposed equipment would materially impact the usefulness of other equipment at the existing facility and such impact cannot be mitigated or prevented at a reasonable cost.

(iii) The proposed equipment, alone or together with existing equipment, would create radio frequency interference and/or radio frequency radiation in violation of federal standards.

(iv) Existing towers and structures cannot accommodate the proposed equipment at an elevation necessary to function reasonably or are too far from the area of needed coverage to function adequately.

(v) Collocation of the equipment upon an existing tower would cause an undue aesthetic impact.

(j) The Facility will not destroy or significantly imperil critical wildlife habitat or that all reasonable means of minimizing the destruction or imperilment of such habitat or species will be utilized.

(k) The Facility will not generate undue noise.

5.24.8 The owner of a Wireless Telecommunication Facility shall, at such times as requested by the Zoning Board of Adjustment, file a certificate showing that it is in compliance with all FCC standards and requirements regarding radio frequency radiation, and that adequate insurance has been obtained for the Facility. Failure to file a certificate within the timeframe set by the Zoning Board of Adjustment, shall result in the revocation of all permits and approvals granted by the ZBA.

5.24.9 Unless otherwise approved by the Zoning Board of Adjustment, an abandoned or unused Wireless Telecommunication Facility shall be removed within 90 days of abandonment or cessation of use. If the Facility is not removed within 90 days of abandonment or cessation of use, the Zoning Board of Adjustment may cause the Facility to be removed. The costs of removal shall be assessed against the Facility owner. Unused portions of a Wireless Telecommunication Facility shall be removed within 180 days of the time that such portion is no longer used. Replacement of portions of a Facility previously removed shall require a new zoning permit.

ARTICLE 6: ADMINISTRATION AND ENFORCEMENT

6.1 ADMINISTRATIVE OFFICER

6.1.1 Appointment: The Administrative Officer shall be nominated for appointment by the Planning Commission and appointed by the Selectboard for a term of three (3) years to carry out the provisions of this Regulation. Suitable compensation may be made for his/her services. The Administrative Officer may be removed for cause by the Selectboard after consultation with the Planning Commission.

6.1.2 Duties: The Administrative Officer shall administer and strictly enforce this Regulation literally. The Administrative Officer shall not have the power to permit any land development which is not in conformance with this Regulation, other applicable Town regulations, any applicable conditions of the Planning Commission or the Zoning Board of Adjustment. In addition, the Administrative Officer shall inspect properties for compliance with these regulations and Town permits, audit permits, conduct enforcement activities, maintain accurate and complete records and perform related tasks. The Administrative Officer shall periodically meet with the Planning Commission and provide suitable reports.

6.1.3 Conflict of Interest: The Administrative Officer shall not hold office on Planning Commission or Selectboard while serving as Administrative Officer.

6.2 ZONING BOARD OF ADJUSTMENT

- 6.2.1 Appointment:** A Zoning Board of Adjustment is hereby created and may consist of not less than three (3) nor more than nine (9) members appointed by the Selectboard for three year terms or as otherwise determined by the Selectboard. Any member of the Zoning Board of Adjustment may be removed for cause by the Selectboard upon written charges and after public hearing.
- 6.2.1 Organization and Meetings:** The Zoning Board of Adjustment shall elect its own officers and adopt rules of procedure. A quorum shall be not less than a majority of the Board, and a concurring vote of a majority of the Board shall be necessary to affect an order. Meetings shall be at the call of the chairperson and at such times as the Board may determine. The officers of the Board may administer oaths and compel the attendance of witnesses and the production of materials related to any issue under appeal, in accord with the Act and these regulations.
- 6.2.2 Application:** The Zoning Board of Adjustment is hereby authorized to:
- (1) Administer aspects of this Regulation as it provides, specifically, but not limited to the following duties:
 - Hear and decide requests for conditional use permits as governed by the terms of this Regulation;
 - Hear and decide appeals from denial of the Administrative Officer to issue a Zoning Permit, and appeals from issuance of notice of violation or denial of the Administrative Officer to act on reports of violation of provisions in this Regulation;
 - Hear and decide appeals for a variance from the strict application of this Regulation under the guidelines of the Act; and
 - Attach such requirements, conditions, and/or reviews to actions on applications presented to it as it feels necessary to carry out the intent and purposes of this Regulation.

6.3 PLANNING COMMISSION

- 6.3.1 Appointment:** The Planning Commission is hereby created and shall consist of seven (7) members elected for staggered three year terms or as otherwise determined by the Selectboard.
- 6.3.2 Organization and Meetings:** The Planning Commission shall elect its own officers and adopt rules of procedure. A quorum shall be not less than a majority of the Commission, and a concurring vote of a majority of the Commission shall be necessary to affect an order. Meetings shall be at the call of the chairperson and at such times as the Commission may determine. The officers of the Commission may administer oaths and compel the attendance of witnesses and the production of materials related to any issue under appeal, in accord with the Act and these regulations.
- 6.3.3 Application:** The Planning Commission is hereby authorized to:
- (1) Administer aspects of this Regulation and the Huntington Subdivision Regulation as they provide, specifically, but not limited to the following duties:

- a. Hear and decide requests for site plan review, subdivision approval and right-of way approval as governed by the terms of this Regulation, the Huntington Subdivision Regulation and any other applicable local regulations;
- b. Collect data, conduct studies, produce reports and organize information regarding the land use, development and planning in the Town of Huntington;
- c. Prepare and submit for approval the Huntington Town Plan;
- d. Draft proposed town regulations and submit for adoption ;
- e. Attach such requirements, conditions, and/or reviews to actions on applications presented to it as it feels necessary to carry out the intent and purposes of this Regulation and the Huntington Subdivision Regulation and the Huntington Town Plan.

6.4 PENALTY

The penalty for violation of any provision of this Regulation after it has been adopted shall be provided in this Regulation and in the Act. Any person who violates any of the provisions of these regulations shall, after seven days written notice by regular mail during which time the violation has not been cured, be fined not more than One Hundred Dollars (\$100) for each offense, and each day that a violation continues shall constitute a separate offense.

6.5 APPEALS

- 6.5.1** Any interested person, as defined in the Act may appeal a decision or act of the Administrative Officer by filing notice of appeal with the Zoning Board of Adjustment, within fifteen (15) days if in respect to being denied a Zoning Permit, and within seven (7) days if in respect to notification of violation issued by the Administrative Officer. A copy of the appeal notice shall be filed with the Administrative Officer and, upon such filing; the Administrative Officer shall transmit all papers of record related to the appeal to the Zoning Board of Adjustment within fifteen (15) days.
- 6.5.2** On an appeal for a variance from the provisions of these regulations the Zoning Board of Adjustment may grant variances and render a decision in favor of the applicant only if all of the factual criteria set forth in the Act and in Section 6.7 are found and such findings are specified in its decision. In no case shall the Zoning Board of Adjustment grant a variance for a use, which is not permitted or conditionally permitted in the applicable district, or grant a variance for an increase in the maximum density allowed in a district.
- 6.5.3** Appeals to the Environmental court: An interested person may appeal a decision of the Planning Commission or the Zoning Board of Adjustment to the Environmental court as specified in the Act.

6.6 EXPIRATION OF PERMITS, VARIANCES AND APPROVALS

The following section does NOT apply to the expiration or renewal of zoning permits. Unless the use for which approval was granted has been substantially commenced, conditional use approval, site plan approval, and variances shall expire one year from the date of the approval, if an applicable zoning permit has not first been obtained, or has previously expired. In the event of an appeal, expiration periods shall not start until the decision on an appeal has become final. Subdivision approvals, and PRD and PUD approvals, do not expire.

6.7 VARIANCES

6.7.1 The Zoning Board of Adjustment shall hear and decide requests for variances in accordance with the Act and associated appeal procedures under Section 6.5. A variance may be granted upon approval of the Board only if enforcement of these regulations will result in an undue hardship. **The Board may grant a variance, and render a decision in favor of the appellant, only if all of the following facts are found, and the findings are specified in its written decision:**

- (1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located.
- (2) Because of these physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is necessary to enable the reasonable use of the property.
- (3) The unnecessary hardship has not been created by the appellant.
- (4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
- (5) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

6.7.2 Variances within the Special Flood Hazard Area. In addition to requirements under 6.7.1, variances for development within the Special Flood Hazard Area shall be subject to the additional standards set forth in the most recently adopted Flood Hazard Area Regulations, as amended.

6.7.3 In granting a variance under this section, the Zoning Board of Adjustment may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. In no case shall the Zoning Board of Adjustment grant a variance for a use or condition prohibited in the applicable zoning district, or a variance which results in a density increase.

ARTICLE 7: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE

7.1 AMENDMENTS

This Regulation may be amended as provided in 24 V.S.A Chapter 117 known as the “Act”.

7.2 INTERPRETATION

Where this Regulation imposes a greater restriction upon the use of a building premises, or required larger open spaces than are imposed or required by any other statute, ordinance, rule, or regulation, or by any easement or agreement, the provisions of this Regulation shall rule.

7.2.1 The headings set forth in this Regulation are for ease of review, and shall not be considered in interpreting this Regulation.

7.2.2 An index may be provided for ease of use: it may change from time to time and is not part of this Regulation.

7.3 EFFECTIVE DATE

This Regulation shall be in full force and effect from the date of adoption by the Town of Huntington, Vermont, in accordance with the Act.

7.4 SEVERABILITY

Should any section or provision of this Regulation be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Regulation as a whole or any part thereof, other than the part so decided to be unconstitutional or invalid.

ARTICLE 8: DEFINITIONS

8.1 DEFINITIONS

Unless otherwise defined herein, definitions of words used in the Act and definitions used in the Huntington Subdivision Regulations shall apply; all other words shall carry their customary meanings. For the purpose of these regulations the following words shall be defined as follows:

Accessory Apartment: (i.e., accessory dwelling unit) an efficiency or 1- or 2-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.

Accessory Use/Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, such as a porch, deck, above-grade landing, garage, tool shed, carport, satellite-dish antennas, swimming pool with an area less than 100 square feet, and the like. Accessory structures attached to the principal building shall be considered an integral part of the principal building and, as such, shall be subject to front, side, and rear-yard requirements applicable to the principal

building. A building used for dwelling purposes shall not be considered an accessory structure.

Act: The Vermont Planning and Development Act. Titles 24, Chapter 117, Vermont Statutes Annotated.

Active construction: Any period of time in which one or more contractors or subcontractors are onsite and working one or more days per week or until the Zoning Permit expires, whichever comes first. The period of active construction will be deemed to end with the completion of finish work, removal of contractor tools and/or equipment, and/or indefinite suspension of construction activity.

Additions: An assembly of materials which is attached to, and increases the footprint of an existing structure for occupancy or use.

Administrative Officer: Administrative Officer appointed and empowered by the Town of Huntington to administer the Zoning Regulations in accordance with the Act.

Affiliated ownership: means any of the following, (a) under ownership of the same person, (b) where owned by more than one person, under ownership having at least one person in common, (c) under ownership of members of an immediate family, or (d) under ownership of a corporation, partnership, trust or other such legal entity where a person having a legal or equitable interest in such entity is the same person who has a legal or equitable interest in the adjoining lot or in the legal entity owning such lot. Also known as Common Ownership.

Ancillary improvement (telecommunications): An improvement for construction or installation of a telecommunication facility and is primarily intended to serve the communications facilities or support structure.

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

Basement: A story in a building, the structural ceiling of which is four (4) feet or less above the average level of finished grade and where the floor level is below finished grade at any point.

Black Bear Habitat: American beech or red oak stands with a history of use by or presence of black bear for feeding activities. And, as wetlands within or adjacent to forest cover that may be utilized by black bear for spring feeding activity.

Board: Zoning Board of Adjustment

Boundary Adjustment: A minor change in boundaries between two adjoining parcels in which the movement of any boundary is not greater than twenty-five feet at any point and the adjustment does not result in (1) lot that is smaller than the required minimum lot size in the zoning district, or (2) a nonconforming use or noncomplying structures or, (3) any other violation of the Zoning Regulation.

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

Building Envelope: A specific area on a lot, delineated on a subdivision plat, within which principal structures shall be located and outside of which no principal structures may be located.

Building Face: The side or edge of a structure. Measurements shall be taken from the greatest extension of that structure including support posts for roof overhangs and smaller portions of the structure that extend out from a face, but not including roof overhangs, mobile home “tongues”, stairs necessary for access to a structure and accompanying landings of no more than 20 square feet.

Building Height: The vertical distance measured from the average elevation of the finished grade to the highest point of the roof line.

Camp: See Dwelling, Seasonal

Campground: A place of business providing tenting or camping vehicle accommodations for commercial purposes, including travel trailer parks and the like.

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

Cemetery: Land used or dedicated to the burial of the dead, which includes as accessory structures mausoleums, columbarium, and maintenance facilities, but specifically excludes crematoriums. An individual or family burial plot on private land, registered with the Huntington Town Clerk in accordance with state law, is exempted from this definition.

Church: See Place of Worship.

Commission: The Planning Commission of the Town of Huntington, as established under the Act and this regulation. See also Act.

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

Common Ownership: See Affiliated Ownership.

Communications line: A wireline or fiber-optic cable communications facility that transmits and receives signals to and from a local, state, national, or international network used primarily for two-way communications for commercial, industrial, municipal, county, or state purposes.

Community Center: A building owned by a public or nonprofit entity, or a homeowners' or similar community association, which is used for recreational and social activities and is intended primarily to serve the population of the community in which it is located.

Conditional Use: A building, structure, or use which may be permitted in a zoning district if allowed by the Zoning Board of Adjustment, but which by reason of adverse conditions may be injurious to the public health, safety, or welfare unless appropriate conditions are imposed.

Contiguous Lot: Lots which have a common boundary, or which are divided only by easement or interests consisting of less than fee simple ownership; except for lots which are divided by state or municipal road rights-of-way, or by the Huntington River.

Contractor's Yard: Property used for storage of heavy equipment and construction materials for use in off-site construction, as more fully set forth in Section 5.3.

Cottage Industry: A commercial, manufacturing, or light industrial use such as a woodworking shop, arts/crafts studio, food processing kitchen, or computer service shop, that operates on the same scale and intensity as a home occupation but is a principal use on the lot, all as more fully set forth in Section 5.2.

Critical Wildlife Habitat: refers to the following specific habitat elements: Deer Winter Habitat, Critical Black Bear Habitat, Rare, Threatened or Endangered Species (& Habitats), Wildlife Travel Corridors, Vernal Pools

Critical Wildlife Habitat Identification: Critical wildlife habitats may be preliminarily identified on maps available from the Vermont Department of Fish and Wildlife, the Huntington Conservation Commission and through preliminary site investigation. Critical wildlife habitat boundaries depicted on maps may not be accurate and shall not be fully

relied upon for final habitat boundary depictions on plans or other submitted materials. Final boundaries must be determined by a qualified biologist or other professional approved by the governing body. Boundaries are to be surveyed by means of “mapping grade” (+/- 3-5 meter accuracy) survey methods or better.

Day Care Facility: A licensed establishment operated as a business or service on regular or continual basis, whether for compensation or not, to provide care, protection, and/or education for pre-school children, or for school aged children outside of school hours. See Section 5.23.

Deer Winter Habitat: Areas of mature or maturing softwood cover, with aspects tending towards the south, southeast, southwest, or even westerly and easterly facing slopes (*source-Vt Fish and Wildlife*). Other factors such as historic or current use by multiple wintering white-tailed deer may be considered evidence of deer winter habitat in areas of softwood cover with northerly tending aspects.

Dwelling, One-Family: A separate building containing only one (1) dwelling unit.

Dwelling, Two-Family: A building or part thereof containing two (2) dwelling units. A duplex shall be considered a two-family dwelling.

Dwelling, Multiple-Family: A building or part thereof containing three (3) or more dwelling units.

Dwelling, Seasonal, Part-time (Camp): A detached dwelling unit which is not the primary residence of the owner or occupant and/or is occupied only on a part-time or seasonal basis, such as a hunting or summer camp. This definition shall include, but may not be limited to: 1) a dwelling which lacks one or more of the basic amenities, services or utilities required for year-round or all weather occupancy, including but not limited to a winterized plumbing system, insulated walls and roof, heating source, or adequate water or wastewater disposal systems, 2) a dwelling which is occupied no more than 180 days during any one year period; and/or 3) a dwelling that has been specifically permitted as a seasonal dwelling. See also Dwelling Unit.

Dwelling Unit: A building or portion thereof having independent cooking, bathing and sleeping facilities for one (1) family, including any domestic servants employed on the premises. A boarding house, convalescent home, fraternity or sorority house, hotel, motel, or tourist home shall not be deemed to constitute a dwelling unit.

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

Extraction: A use involving the on-site removal of surface and subsurface materials, including soil, sand, gravel, stone or organic substances other than vegetation, from land or water. Customary extraction operations include sand and gravel pits, and accessory

operations such as the crushing, screening, and temporary storage of materials on-site. Specifically excluded from this definition are the grading and removal of dirt which is associated with and incidental to an approved use, or an excavation associated with accepted agricultural or forestry practices. See also Quarrying.

Family: One or more persons occupying a dwelling unit as a single non-profit housekeeping unit.

Family Child Care Home: a home or facility where the owner or operator is to be licensed or registered by the state for child care.

Farm Structure: In accordance with the Act, any building for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming.

Flood Hazard Area, Special: The land subject to a one percent (1%) or greater chance of flooding in a given year as defined and regulated in the most recently adopted Huntington Flood Hazard Area Regulations.

Floodway: The channel of a river and or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot, as defined and regulated in the most recently adopted Huntington Flood Hazard Area Regulations.

Flood proofed or 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 and sanitary facilities, structures, and their contents as defined and regulated in the most recently adopted Huntington Flood Hazard Area Regulations.

Floor Area: The total of the horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings, excluding cellar and basement areas used only for storage or for the operation and maintenance of the building. Garage area shall also be excluded from the "total floor area" of a single-family dwelling for the purpose of determining maximum allowable size of accessory apartments.

Floor Area, Livable: All spaces within the exterior walls of a dwelling unit (exclusive of garages, breezeways, unheated porches, cellars, heater rooms, and portions of basements not having a finished room) including attic space having a clear height of six (6) feet from finished floor level to pitch of roof rafter and with a clear height of seven feet six inches (7'6") from finished floor level to ceiling level consisting of fifty percent (50%) or more of the area of such attic.

Gas Station: See definition for motor vehicle service and repair facilities.

Group Home: a residence that has a maximum of eight residents that are not considered a family unit.

Hazardous Waste Facility: A public facility for the collection and temporary storage of hazardous wastes as defined by applicable state and federal regulations.

Height: The elevation of a building or structure as measured vertically from the average (of the highest and lowest) finished grade at the foundation or base to the highest point on top of the building or structure.

Home Occupation: Use of a portion of a residential lot by a resident for an occupational business which could normally be expected to be customarily located in the area that will not change the character of the neighborhood, and otherwise is in compliance with this Regulation.

Inn: A building or group of buildings on a single parcel which contain guest rooms which are rented out to provide overnight accommodations to transient travelers on a short-term basis of less than one month average, which may offer dining facilities for guests, and for hosting special events such as weddings.

Junk: Junk means old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including but not limited to rope, rags, batteries, glass, rubber debris, wood, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or parts thereof.

Junkyard: See Salvage Yard.

Kennel: A lot, premises, use or structure intended and used for the breeding, training, sale, and overnight boarding of well dogs, cats, or other domestic animals belonging to a person or persons other than the owner of the lot but not including a veterinary office, clinic and/or hospital.

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

Land Filling and Excavation: Any land alteration or excavation for commercial purposes which involves the moving or extraction of sand, gravel, topsoil, loam, sod, landfill, or similar substance, except when incidental to or in connection with the construction of a building or other site improvements related to a Town-approved development

Lot: A parcel of land under single, common, or affiliated ownership, and not divided by a state or town road, with defined boundaries pre-existing this regulation's adoption or created by subdivision approval or merger.

Lot Area: The total land area within the boundaries (lot lines) of a lot, exclusive of any land area within a road right-of-way.

Lot Coverage: That portion (percentage) of a lot area which is covered by buildings, structures and other manmade improvements, such parking, loading and service areas, driveways, tennis courts, and other impermeable surfaces which prevent the infiltration of storm water. Lawn areas are specifically excluded from this definition.

Lot Frontage: The width of a lot abutting a road, as measured along the road right-of-way.

Manufacturing: Any process whereby the nature, size, or shape of articles or raw materials is changed, or where articles are assembled and packaged.

Merger: As defined in Section 5.9.2 of this regulation.

Mineral or Gas Exploration: Any land alteration undertaken by a person or firm in search of oil, gas, or minerals. This would include drilling, pad installation, site clearing, access road improvements or construction, etc. Exploration efforts that do not significantly alter the land and that do not pose potential nuisances to adjoining properties would be excluded. Included in this category are boundary survey work, geophysical testing along public roads, and the like.

Mixed Use: A building or parcel containing two (2) or more principal uses which are otherwise allowed as permitted or conditional uses within the district in which the building or parcel is located. See Section 2.3.

Mobile homes: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Mobile Home Park: A parcel of land, under single or common ownership or control, which is used (or is to be used) to accommodate two (2) or more mobile homes.

Motor Vehicle Service and Repair Facility: An establishment whose principal purpose is the servicing and/or repair of automobiles and other motor vehicles within an enclosed building, including body shops, general vehicle and engine repair shops, and rebuilding and/or reconditioning shops. The sale of repaired or restored vehicles may be allowed as an accessory to the principal use; however no more than five (5) vehicles shall be stored

on the premises at any time. Gas stations are specifically excluded from this definition.

Nature Center: A scientific or educational facility open to the public that provides facilities, services, research, materials, educational programs, exhibits and/or displays promoting the management and protection of the natural environment.

New Construction: Structures commenced on or after the effective date of this ordinance.

Non-conforming Lot: A lot (or parcel) lawfully in existence as of the effective date of these regulations that does not conform to these regulations, including a lot improperly authorized as a result of error by the Administrative Officer.

Non-conforming Structure: A structure or part thereof not in conformance with the current zoning regulations covering building bulk, dimensions, height, area, yards, density or off-street parking or loading requirements, where such structure conformed to all applicable Regulations, ordinances and regulations prior to the enactment of such current zoning regulations.

Non-conforming Use: A use of land or a structure which does not comply with all zoning regulations where such use conformed to all applicable laws, ordinances and regulations prior to the enactment of such regulations.

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

Open Space: Land not occupied by structures, buildings, roads, rights-of-way, recreational facilities, and parking lots. Open space may or may not be held in common.

Outdoor Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Parent Lot: A lot legally in existence as of the effective date of these regulations, or retained portion thereof, from which additional lots are to be subdivided

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

Patio: A surface built at grade without a foundation or pier support.

Plan: The municipal development plan of the Town of Huntington (Town Plan) adopted pursuant to the Act.

Planned Residential Development (PRD): A method of land development subject to Planning Commission approval in which an area of land is planned for a number of dwelling units. In a PRD, the standards set forth in this regulation, including lot size, density, lot coverage and yard sizes, are given greater flexibility in order to promote patterns of development appropriate to the particular qualities of the land being developed.

Planned Unit Development (PUD): An allowed method of land development subject to Planning Commission approval in which an area of land is planned for a number of mixed uses including residential, commercial and industrial uses. In a PUD, standards, including lot size, density, lot coverage and yard size, are given greater flexibility in order to promote patterns of development appropriate to the particular qualities of the land being developed.

Place of Worship: A building used solely for purposes of assembly and worship by a legally established and recognized religious institution. This definition includes customary accessory structures such as parish houses which are owned and/or operated in conjunction with a place of worship for the purpose of providing living accommodations for church employees; but specifically excludes parochial schools.

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

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

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

Quarrying: The removal of rock by means of open excavation to supply material for construction, industrial or manufacturing purposes, and related operations such as blasting, crushing and the temporary storage of materials on site.

Rare Threatened or Endangered species: Threatened and Endangered (TE) species are defined by both state and federal law. State law defines endangered species as any species listed on the state endangered species list under {10 V.S.A. Chap. 123 section 5401} or determined to be an 'endangered species' under the federal Endangered Species Act. The term generally refers to species whose continued existence as a viable component of the

state's wild fauna or flora is in jeopardy.' Threatened species are defined in 10 V.S.A. Chap. 123 section 5402 as a species whose numbers are significantly declining because of loss of habitat or human disturbance, and unless protected will become an endangered species.

Rare Threatened or Endangered species critical habitat: individuals of a species themselves, and also to any particular or special habitat supporting and required by a listed species for survival or to provide basic biological needs.

Recreation – Outdoor: A facility for outdoor recreation, including but not limited to tennis courts, athletic fields, swimming pools, and trails for hiking, horseback riding, bicycling, snowmobiling, and cross-country skiing; except for such facilities which are accessory to an approved educational facility or a residential use.

Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, or salvaging of discarded material or scrap metal. This definition includes, but is not limited to “junkyards.”

Setback: The nearest distance between a building face and the centerline of the road for a front setback, and between a building face and the nearest section of a property line for side and rear setbacks. For the purpose of this definition, a "building face" shall include porches, whether enclosed or unenclosed, but does not include steps or patios.

Sign: Any words, lettering, figures, numerals, phrases, sentences, devices, designs, pictures, symbols, or trademarks by which anything is made known, whether placed on natural objects or on a building, fence, or other man-made structure, which are visible from any public right-of-way. “Sign” includes a banner, flag (except as otherwise defined in this Regulation) and all types of temporary or portable signs whether or not they have a rigid structure.

Storage Facility (Warehouse): A structure used only for the storage of goods and materials, and not as a location or outlet for retail uses.

Story: That part of any building, including basements, which is between the level of one floor and the level of the next higher floor, or, if there be no higher floor, then that part of the building which is between the level of the highest floor and the top of the roof plate.

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

Stream: All water courses with a visible stream bed of exposed rock, gravel or other

sediment, even if water is not present in the stream bed during seasonal dry periods.

Street: Public or private road or right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure or Building: anything constructed, erected, or placed and which requires a fixed location on the ground in order to be used, including, but not limited to, a building in excess of 150 square feet, mobile home or trailer, signs, tennis courts, and swimming pools with an area greater than 150 square feet. Not included are sidewalks, patios, driveways, utility poles, compost bins, steps, planters, fences, or temporary docks or floats.

Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into lots, parcels, sites, plots, units, or interests for the purpose of sale, lease or development including amended subdivision and re-subdivisions. Subdivisions are further divided into either Minor or Major Subdivisions as defined in this Article. See Huntington Subdivision Regulations.

Subdivision, Major: Any residential subdivision containing three or more lots (including the parent lot, including all lots created from a single parcel within a period of fifteen years; any subdivision requiring installation of new public streets; any non-residential subdivision; and any multi-family housing project. See Huntington Subdivision Regulations.

Subdivision, Minor: Any residential subdivision involving fewer than three lots (including the parent lot), and otherwise not qualifying as a Major Subdivision. See Huntington Subdivision Regulations.

Substantial Completion: The point at which a structure or building can be used for its intended purpose. This corresponds to the point at which a certificate of occupancy is typically granted.

Substantial Improvement: Exterior construction, reconstruction, addition, alteration, or replacement of a structure which results in new floor space or building area in excess of one hundred fifty (150) square feet. In the case of commercial and industrial uses, substantial improvement shall also include a change in access and exit facilities.

Telecommunications facility: A communications facility that transmits and receives signals to and from a local, state, national, or international network used primarily for two-way communications for commercial, industrial, municipal, county, or state purposes and any associated support structure that is proposed for construction or installation which is primarily for communications purposes, and any ancillary improvements that are proposed for construction or installation and are primarily intended to serve the communications facilities or support structure.

Top of Bank: The point along a stream where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stages.

Top of Slope: A break in slopes adjacent to steep-banked stream that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut, channel meet floodplains that have been abandoned or are undergoing abandonment.

Trip: A vehicle "trip" is a round trip, not a one-way trip.

Variance: The relaxation of the terms of this Regulation in compliance with the Act, whereby, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Regulation would result in unnecessary and undue hardship.

Vehicle Trip: See "Trip."

Vernal Pools: Vernal pools are small wetlands characterized by a lack of vegetation (though they may support some herbaceous and/or woody wetland species) resulting from the persistence of standing water for a portion of the year. Vernal pools typically occur in small depressions in upland forests over a relatively impermeable substrate layer, but they also may be found in the depressions of some forested swamps. Vernal Pool certification criteria from the Massachusetts Natural Heritage and Endangered Species program are to be used to confirm or deny the presence of a suspected vernal pool.

Warehouse: See Storage Facility

Wetlands: Lands that are inundated by surface or groundwater with a frequency sufficient to support significant vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include, but are not limited to: marshes, swamps, sloughs, vernal pools, river and lake overflows, mud flats, fens, bogs, and ponds.

Wildlife Travel Corridors (connecting habitat): Connecting habitat is land that links larger patches of habitat within a landscape, allowing the movement, migration, and dispersal of animals and plants. Riparian habitat along streams and rivers, strips of forest cover between developed areas, and hedgerows/ fencerows all represent potential connecting habitat. Sometimes these areas are called 'corridors' even though they are not always linear, as the term implies. In order to be considered critical habitat, a wildlife corridor (or connecting habitat) must either: a) Appear on a map of known or potential wildlife corridors; b) provide documentable travel or movement opportunities for wildlife species between larger forested areas or other distinct habitat features; c) Provide for superior wildlife movement opportunities as compared to the surrounding landscape.

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.

Wireless Telecommunication Facility: Any tower or other support structure, including antennae, that will extend 20 or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives radio frequency waves carrying Wireless Telecommunication Services.

Wireless Telecommunication Service Provider: Any person or entity providing Wireless Telecommunication Services.

Yard: The open space on a lot not occupied by a building or other structure and otherwise circumscribed by the front, side or rear setback distances.

Zoning Permit: A document issued in accordance with this Regulation by the Administrative Officer before any land development or construction may commence, other than usual repairs or maintenance and except as herein exempted in this regulation.