

Article 10 Definitions

A. General Definitions

Definitions contained in Title 24 V.S.A. Chapter 117 will be applicable throughout these Regulations unless otherwise specifically defined in this section.

B. Specific Definitions

Accessory Dwelling Unit (ADU). See *Dwelling Unit, Accessory*.

Accessory On Farm Business. Means activity that is accessory to a farm and comprises one or both of the following:

1. The storage, preparation, processing and sale of qualifying products, provided that more than 50 percent of the total annual sales are from qualifying products that are principally produced on the farm at which the business is located.
2. Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products. As used in this definition, "farm stay" means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option for guests to participate in such activities.
3. See also definitions of "farm", "qualifying product", and "RAP Rules."

Acre. An acre, as used in these Regulations, shall be computed on the basis of 43,560 square feet.

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

Administrative Officer. *Administrative Officer* and Zoning Administrator are one and the same and can be used interchangeably. (See 24 V.S.A. Section 4448)

Agribusiness. A business providing goods or services to producers of marketable agricultural products, including marketing outlets such as farm cooperatives, feed and supply stores, farm equipment establishments, commercial greenhouses and nurseries. *Agribusiness* does not include the slaughter of animals or poultry for commercial purposes or *Accessory on Farm Business*.

Agriculture. Includes those activities identified as "farming" in 10 V.S.A. § 6001(22) as may be amended, and as defined by the Vermont Agency of Agriculture, Food & Markets.

ADU - Vermont's Planning Act (24 V.S.A 4412) defines ADU to mean "a distinct unit that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation". Owner occupied either one?

Article 10

Alteration. A change to or rearrangement of the physical components of a building or structure which increases or decreases any exterior dimension (height, width or depth), or the moving of such components from one location to another.

Appropriate Municipal Panel (AMP). A Planning Commission performing development review; a Zoning Board of Adjustment performing development review; a Development Review Board performing development review; or a Legislative Body performing development review.

Basement. The part of a building that is wholly or partly below ground level.

Bed and Breakfast. An owner-occupied residential structure designed to provide room and board to travelers on a nightly, weekly, or seasonal basis, where sleeping accommodations of no more than six (6) bedrooms for hire are provided and where meals are provided incidental to the provision of accommodations.

Bedroom. A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom. A bedroom shall be a minimum of 80 square feet, and have at least one window, one closet, one interior method of entry and exit, excluding closets and bathrooms, and be physically separate from other rooms.

Best Management Practice (BMP). means a schedule of activities, prohibitions or practices, maintenance procedures, green infrastructure, and other management practices to prevent or reduce water pollution from Stormwater.

Boundary Adjustment. Adjustment of property lines between adjacent lots that does not create any new lots, does not create any non-conforming lots, and does not impact access to any parcel.

Building.

Building. A structure with a roof supported by walls or columns, which is designed to be used as a place of assembly, occupancy, storage or shelter.

Building Envelope. A three-dimensional volume within which all structures must be contained.

Building Height. The height of a building or structure as measured vertically from the highest point on top of the building or structure to the average of the highest and lowest finished grade at the foundation or base. See Section 5.4 and Figure 5.3.

Building Lot. Land occupied or to be occupied by principal building(s) and accessory structures.

Appropriate municipal panels (24 V.S.A. § 4460) - When a municipality establishes a development review board and appoints members to that board, the development review board in that municipality, until its existence is terminated by act of the legislative body, shall exercise the following specified development review functions.

- review of right-of-way or easement for land development without frontage as authorized in subdivision 4412(3) of this title;
- review of land development or use within an historic district or with respect to historic landmarks as authorized in subdivision 4414(1)(F) of this title;
- review of land development or use within a design control district as authorized in subdivision 4414(1)(E) of this title;
- review of proposed conditional uses as authorized in subdivision 4414(3) of this title;
- review of planned unit developments as authorized in section 4417 of this title;
- review of requests for waivers as authorized in subdivision 4414(9) of this title;
- site plan review as authorized in section 4416 of this title;
- review of proposed subdivisions as authorized in section 4418 of this title;
- review of wireless telecommunications facilities as authorized in subdivision 4414(12) of this title;
- appeals from a decision of the administrative officer pursuant to section 4465 of this title;
- review of requests for variances pursuant to section 4469 of this title;
- any other reviews required by the bylaws.

In municipalities that have created development review boards, the planning commission shall continue to exercise its planning and bylaw development functions and other duties.

Basement - means any area of a building having its floor elevation below ground level on all sides, includes crawlspaces.

Bedroom - means a room located within a dwelling that the residents use primarily as private sleeping quarters or that was designed for such use and has at least one window, one closet, one interior door that allows the room to be closed off from the remainder of the dwelling.

Building: A structure designed, built or used as a shelter for persons, animals or property. Buildings shall include lunch wagons, travel trailers and mobile homes when sited in such a manner that they are not readily moveable.

BUILDING ENVELOPE: The area delineated on an approved final plat plan of a project as meeting the approved minimum setbacks from lot lines, natural features, and any other restricted areas such as planned unit development buffers. All principal buildings and septic systems, shall occur within the building envelope.

Article 10

Building, Multi-story. A building with at least one habitable floor above the ground floor that is not less than 60% of the gross floor area of the ground floor.

Building, Principal. The primary building on a lot or a building that houses a principal use.

Camp

Camp, Hunting. A non-commercial, limited use structure for temporary living purposes. Such structures must provide composting sanitary facilities at a minimum. Such structures shall not be occupied for more than four consecutive weeks and not more than 60 days total in a calendar year. A hunting camp is exempt from frontage requirements.

Camp, Seasonal. See *Dwelling, Seasonal*

Camp, Commercial, Youth. Any parcel of land used seasonally wholly or in part for recreational or educational purposes, accommodating five or more children at one time under eighteen years of age for a period of, or portions of, five days or more. The operation may be a day camp or a resident camp.

Campgrounds. An area or tract of land on which accommodations for temporary occupancy are located including cabins, tents, camper trailers, recreational equipment, and is used for primarily recreational or educational purposes and retains an open air or natural character.

Cannabis Control Board (CCB). Created to safely, equitably, and effectively implement and administer the adult use and medical use of cannabis in the state of Vermont. It has the authority to grant and revoke state licenses and ensure compliance with state rules.

Cannabis Establishment. Means a cannabis cultivator, wholesaler, product manufacturer, retailer, or testing laboratory licensed by the CCB to engage in commercial cannabis activity in accordance with 7 V.S.A. Chapter 33.

Capital Budget. A document which sets forth a financial management plan (over a six-year period), which is the capital investment program including a listing of capital projects and expenditures prioritized in the form of an annual capital budget. A maximum level of future growth is established as the basis for scheduling municipal capital facilities and service expenditures. See 24 V.S.A. § 4430.

Car Wash. A building containing equipment for washing, waxing, polishing and general cleaning of motor vehicles.

Cemetery. Land used for the burial of the dead; does not include mortuaries or crematories.

“Campground” means any lot of land containing more than three campsites occupied for vacation or recreational purposes by camping units, such as: tents, yurts, tepees, lean-tos, camping cabins, and recreational vehicles, including motor homes, folding camping trailers, conventional travel trailers, fifth wheel travel trailers, truck campers, van campers, and conversion vehicles designed and used for travel, recreation, and camping. There shall be no distinction made between noncommercial (no charge, no service) and commercial operations.

The Cannabis Control Board is responsible for administering the adult-use and medical cannabis programs in the State of Vermont. It is also responsible for regulating hemp and CBD product manufacturing. There is created within the Executive Branch an independent commission named the Cannabis Control Board for the purpose of safely, equitably, and effectively implementing and administering the laws enabling access to adult-use cannabis in Vermont.

(Cite as: 24 V.S.A. § 4430)

§ 4430. Capital budget and program

(a) A capital budget shall list and describe the capital projects to be undertaken during the coming fiscal year, the estimated cost of those projects, and the proposed method of financing. A capital program is a plan of capital projects proposed to be undertaken during each of the following five years, the estimated cost of those projects, and the proposed method of financing. A capital project is any one or more of the following:

Cemetery

In Vermont, a cemetery is “any plot of ground used, or intended to be used, for the burial or disposition permanently of the remains of the human dead in a grave, a mausoleum, a columbarium, a vault, or other receptacle.” 18 V.S.A. § 5302(2). A community mausoleum is a structure or building used for permanent disposition of human remains in crypts or spaces. 18 V.S.A. § 5302(5). A columbarium is room or other space in a building or structure that is used to contain cremated human remains. 18 V.S.A. § 5302(4).

Article 10

Change of Use. The initiation of a new use on the subject property.

Chapter 117. The Vermont Planning and Development Act, also known as 24 V.S.A. Chapter 117.

Community Sewage Disposal System. Any sewage disposal system, other than a municipal sewage disposal system, that disposes of sewage for domestic, commercial, industrial, or institutional uses from two or more users.

Community Water System. Any water system, other than a municipal water system, that supplies water for domestic, commercial, industrial, or institutional uses to two or more users.

Complete Application. Information, including written, graphic, fees, and otherwise required for review and decision making on land development applications. Application forms for all Municipal Land Use Permit types are available from the ZA.

Contractor Yards. A facility for the storage and maintenance of contractor's supplies, vehicles and operational equipment in construction-related trades screened from off-site. May include a shop for maintaining or repairing contractor's vehicles and operational equipment or the contractor's office.

Convenience Store/Mini Mart. Any lot or area of land, including the building or buildings thereon, which is used for the retail sale of products and convenience items normally associated with a quick stop facility for off-site consumption. It may offer prepared foods or drinks for immediate consumption on- or off-site as an accessory use. This does not include a full-scale retail store.

Cultivation, cannabis. The process of growing cannabis for harvesting.

Cultivation, Indoor. Growing cannabis within a structure and/or light-supplemented cultivation of cannabis that allows flowering plants to be harvested year-round.

Cultivation, Outdoor. Growing cannabis in an expanse of open or cleared ground with no structure, other than a permitted perimeter wall or fence, and without the use of artificial light.

Day Care

Day Care Level 1. A state registered or licensed household childcare home serving no more than six full-time and four part-time children, as defined in Title 33 V.S.A.

Day Care Level 2. A state registered or licensed household childcare facility serving more than six full-time and four part-time children, as defined in Title 33 V.S.A.

Density. The number of lots, beds, seats or units, (residential, commercial, industrial) allowed in any given geographic area.

change of use: for zoning and land use purposes refers to a modification in the way a property, building or space within a building is utilized, which is different from its previous or designated use or is not in the same four-digit NAICS category as the old use.

community sewage disposal system: a system not operated by a municipality designed to collect, treat, and dispose of wastewater (sewage) from multiple buildings or properties in a community, as opposed to an individual sewage system that serves a single building or property. use for water as well

Complete Application: a completed zoning application refers to an application for a zoning permit or approval that includes all the information, fees, and documentation required by the local zoning regulations for the municipality to begin its review process.

Use Burlington

Day Care: a service or facility that provides care and supervision for children or adults during the day.

Family Child Care Homes: These are usually smaller-scale operations run in the provider's home.

They are often divided into two types based on the number of children cared for:

Registered Family Child Care Home: Typically cares for a smaller number of children. The exact number can vary but is often around six children or fewer.

Licensed Family Child Care Home: Can care for a larger number of children, often up to 10, depending on the provider's qualifications and the space available.

Center-Based Child Care: These are larger facilities that can accommodate more children. They are usually categorized based on the total number of children they serve. The specific thresholds for these categories can vary, but they are generally structured to accommodate larger groups of children than family child care homes. Center-based facilities might serve anywhere from a dozen to over a hundred children, depending on their size and staffing.

Afterschool Programs: These programs typically cater to school-aged children needing care outside of standard school hours. While they may not have a strict limit on the number of children, they are regulated based on staffing ratios and the ages of the children served.

Article 10

Deterioration. Significant dilapidation of a structure to the point where it is a safety hazard to persons or nearby structures on adjacent properties.

Development Review Board. The duly appointed body for the Town of Georgia to execute functions authorized by 24 V.S.A.

Driveway. A private vehicular way providing access from one (1) or two (2) residential dwelling unit(s) or non-residential structures to a roadway or street. A road is required to provide access to three (3) or more residential dwelling unit(s) or non-residential structures.

Drug-Free School Zone Law. Vermont law prohibits cannabis sales within 500 feet of a school. For more details see 18 V.S.A. § 4237. This applies to retail cannabis only.

Dwelling

Dwelling Unit. A building, or a portion thereof, occupied as a residence by a single household and having independent living facilities and permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling, Seasonal. A building, or portion thereof, occupied on a non-commercial basis as a temporary living space, and having living, sleeping, eating, cooking, and sanitation facilities. Such dwelling shall not be occupied for more than seven (7) months consecutively or cumulatively in a calendar year.

Dwelling, Single Household. A detached building which contains one dwelling unit. Includes site built as well as manufactured and mobile homes. Also see Use by Right.

Dwelling, Single Household, as Part of a Business. A dwelling unit which is attached to an allowed business, and which is designed for and occupied by one household. The dwelling unit may be occupied by a household unrelated to the business located in the building.

Dwelling, Two Household. A detached building which contains two dwelling units.

Dwelling, Multi Household. A detached building which contains three or more dwelling units.

Dwelling Unit, Accessory (ADU). An efficiency one-bedroom, or two-bedroom dwelling unit that complies with Section 6.1 of these Regulations, is clearly incidental and subordinate to a single-household dwelling and has independent living facilities and permanent provisions for living, sleeping, eating, cooking and sanitation.

Deterioration - a building or structure undergoes a decline in condition, quality, or functionality to the point where it is a safety hazard to persons or nearby structures on adjacent properties.

specific criteria that could include, but are not limited to:

Structural Integrity: Compromises to the structural integrity of the building, including issues with foundational elements, load-bearing walls, beams, columns, or roofing systems that no longer meet safety standards or are at risk of failure.

Exterior Condition: The degradation of exterior surfaces, including walls, roofs, doors, and windows, which may lead to water infiltration, damage to interior spaces, or safety hazards.

Interior Condition: Significant wear and tear or damage inside the building, including but not limited to, flooring, walls, ceilings, plumbing, and electrical systems that impair the building's usability or safety.

Safety Hazards: The emergence of conditions that pose a direct threat to the health and safety of occupants or the public, including electrical hazards, fire hazards, or the presence of toxic materials like lead-based paint or asbestos.

Aesthetic Degradation: While not always a safety concern, visible neglect or decay of a property that affects the aesthetic value and potentially the economic value of the property and surrounding properties.

Development Review Board: A quasi-judicial decision-making board appointed by the Town of Georgia to execute functions pursuant to 24 V.S.A. §4460.

Driveways: (add to current definition) Driveways must be built to B-71a (residential) or B-71b (commercial) standards and have an ability to serve letter from the Fire Chief as well as a Driveway permit from the Public Works Director or

Dwelling, Accessory: (ADU) An efficiency or one bedroom apartment located within or adjacent to a single-household dwelling, that is clearly subordinate to the single-household dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. See Section 6.1. [See also Use, Accessory].

Dwelling, Multi-Household: A structure containing three or more dwelling units, including units that are located one over the other and units in a row each with its own entrance

Dwelling, Seasonal: A dwelling unit (including a hunting camp and seasonal camp) not used as a principal residence that may be occupied weekends and for brief periods during the year. Seasonal dwellings must meet all requirements of these Regulations pertaining to year-round dwellings. LOOK INTO

Dwelling, Single-Household: A structure containing one dwelling unit. Mobile homes and modular or pre-fabricated housing meeting this definition shall be considered single-household dwellings.

Dwelling, Duplex: A structure containing two single-household dwelling units. A singlehousehold dwelling unit with an accessory dwelling is not a Two-Household Dwelling.

Dwelling Unit: A building or portion thereof, designed, occupied, or intended for occupancy by residents as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of its residents.

DWELLING, MOBILE HOME: A detached dwelling unit designed for transportation on streets or highways, on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like. A mobile home is designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems. A travel trailer is not considered as a mobile home. state approved septic system

DWELLING, TEMPORARY EMERGENCY, CONSTRUCTION, OR REPAIR: A residence (which may be a mobile home) that is: (i) located on the same lot as a residence made uninhabitable by fire, flood or other natural disaster and occupied by the persons displaced by such disaster, or (ii) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed, removed prior to issuance of a Certificate of Occupancy.

DWELLING, YEAR-ROUND: A dwelling unit continuously occupied from January 1st through December 31st.

Accessory Dwelling Unit (ADU) a smaller, independent residential dwelling unit located on the same lot as a larger, primary dwelling. ADUs can take various forms, including attached units such as an apartment over a garage, a basement apartment, or a detached unit like a cottage or tiny house in the backyard. state approved septic system

Article 10

Earth Resource Extraction. The extraction of materials from the ground, including solids such as minerals, rock, sand and gravel, liquids such as water, and gases such as natural gas. This use may also include preparation activities such as crushing and washing customarily part of the extraction, mining or quarrying activity.

Easement. The right to use another person's land for a stated purpose.

Facility and Service, Municipal. A facility or service provided for and/or available to the residents of the Town, including sewage disposal, fire protection, town equipment garages, police protection, public and private hospitals, educational facilities, governmental administration buildings, sewage and water facilities, fire facilities, postal services, public parking garages and like facilities.

Facility and Service, State or Federal. A facility or service which is owned or operated by the state or federal government.

Facility, Regional. A facility that is designed for normal and customary use by those who live in a greater than 10-mile radius.

Farm. Means a parcel or parcels of land owned, leased, or managed by a person, devoted primarily to farming, and subject to the RAP Rules. For leased lands to be part of a farm, the lessee must exercise control over the lands to the extent they would be considered as part of the lessee's own farm. Indicators of such control include whether the lessee makes day-to-day decisions concerning the cultivation or other farming-related use of the leased lands and whether the lessee manages the land for farming during the lease period. "*Farming*" shall also have the same meaning as in 10 V.S.A. Section 6001.

Fence. A constructed barrier erected to enclose a particular area or to screen an area from view.

Finished Grade. The final average elevation of soil around a structure.

Franchise Architecture. A standardized design that is a distinct architectural building style and/or elements, commonly employed by a fast food or other retail franchise, that serves to enhance or promote brand identity through visual recognition.

Frontage. The dimension between the two (2) sidelines of any lot, measured along the property line that borders the legal access to the lot.

Forestry. Any activity involving the maintenance and/or management of an area of trees for any of the following purposes: to produce commercial timber and/or other forest products; to provide good forest cover for watershed protection; to protect and preserve open land; or to maintain wildlife habitat.

Easement - (add to) Easements are used to grant non-owning parties certain rights over property while the legal title and ownership of the property remain with the owner.

Easement: An acquired right of or upon the property of another for a specified purpose.

Fence - a structure serving as a boundary or means of protection or confinement to screen an area from view, built from posts, wire, wood, metal, or other materials. wall of masonry is considered a fence. retaining walls built within 5' of property line is considered a fence

Finished grade - final elevation of the average ground surface after grading activities have been completed around a building or on a construction site.

Finished Grade: The final elevation of the ground surface after all man-made alterations, such as grading, grubbing, filling, or excavating, have been made.

Article 10

Garage, Private. A building or a portion thereof, accessory to a main building, whether attached or independent, providing for the storage of automobiles, in which no occupation or business for profit is carried on.

Garage, Repair. See *Service Station and Motor Vehicle Repair*.

Gas Station. The use of any building, land area, or premises for the sale of motor vehicle fuel, lubricants, and related products and accessories, and for the servicing of automobiles and light trucks. The sale of motor vehicles is prohibited. See *Service Station and Motor Vehicle Repair*.

Greenstrip. The grassed buffer between the sidewalk and the street where utility poles, trees, hydrants, signs, benches, transit shelters, and planters may be placed. See also *Street Furnishing Zone*.

Gross Floor Area. The sum of the total horizontal area of all enclosed floors of a building as measured from the exterior face of the exterior walls or the centerline of a common wall between attached buildings including any heated space in a basement, attic or mezzanine with a floor-to-ceiling height of seven (7) feet or more.

Ground Floor Area. The interior of the first floor of a structure, as measured in square feet.

Group Home. A dwelling unit licensed to serve a residential setting, to be operated under 24 vsa 4412, for persons who have a disability as defined in 9 V.S.A. Section 4501. Also known as a Residential Care Home.

Heavy Equipment Sales. The use of any building, land area, or premises for the display and sale of new or used construction or farm equipment and machinery; does not include automobiles, light trucks, vans, or recreation vehicles. The sale of motor vehicle fuels is prohibited.

Heavy Industry. The processing and manufacturing of certain materials and products not meeting the characteristics or definition of "*Light Industrial*."

Historic Site. Any historic structure and any historic district, site, or object that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) preliminarily determined by the Secretary to qualify as a registered historic district; (d) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (e) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior; or (ii) directly by the Secretary of the Interior in

Group Home: A residential dwelling unit occupied by unrelated individuals as a single nonprofit housekeeping unit only if all said occupants, with the exception of supervisory personnel, are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the “Fair Housing Act of 1988”. Such unrelated individuals shall have the right to occupy a residential dwelling unit in the same manner and to the same extent as any family unit as defined in this article.

Historic Site: The location of an event of historic significance or a structure, whether standing or ruined, which possesses historic, architectural, archeological, or cultural significance and is listed or eligible for listing on the State Local or National Register of Historic Places.

Article 10

states without approved programs.

Home Business. Use of an accessory building or up to 50% of a dwelling by a resident for a business which exhibits no outward apparent indications that a business exists. Uses otherwise listed in Table 2.2 may qualify as a home business if they meet the requirements of Section 6.4(A). [See also *Home Occupation, Home Industry* and Section 6.4(A)].

Home Industry. Use of up to 50% of a residential lot by a resident for an occupational business with not more than three non-resident full time equivalent employees, and which could normally be expected to be customarily located in the area and which will not change or have an adverse impact on the character of the neighborhood. Uses otherwise listed in Table 2.2 may qualify as a Home Industry if they meet the requirements of Section 6.4(C). [See also *Home Business, Home Occupation* and Section 6.4(C)].

Home Occupation. Use of an accessory structure or up to 50% of the gross floor area of a dwelling by a resident for an occupational business with not more than one non-resident full time equivalent employee, and which could normally be expected to be customarily located in the area and which will not change or have an adverse impact on the character of the neighborhood. Uses otherwise listed in Table 2.2 may qualify as a home occupation if they meet the requirements of Section 6.4(B). [See also *Home Business, Home Industry* and Sections 6.4(A) and 6.4(C)].

Homes. See *Dwelling Unit*.

Household. One or more persons living together as a single housekeeping unit related by blood, marriage or adoption, or not more than six unrelated adults living together, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or lodging establishment.

Individual Fueling Station. Individual fueling stations can be occupied by one vehicle for the purposes of pumping gas. Typically, a gas pump has two individual fueling stations, one on each side.

Interested Person. Person as defined in 24 V.S.A. Section 4465(b).

Intermittent Stream. A stream that conveys flowing water periodically throughout the year, often only during storm water events or spring runoff. Intermittent streams often constitute minor tributaries to the primary waterways / watersheds in Georgia and are typically unnamed.

Junk. Any old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber, debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or parts thereof.

Household: Family: One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit, but not including group quarters such as dormitories, sororities, fraternities, convents, and communes. Occupancy by any of the following shall be deemed to constitute a family:

(a) Members of a single family, all of whom are related within the second degree of kinship (by blood, adoption, marriage or civil union).

(b) A “functional family unit” as defined below.

(c) Persons with disabilities as so defined in Title VII of the Civil Rights Act of 1968, as amended by the “Fair Housing Amendments Act of 1988”.

(d) A state registered or licensed day care facility serving six or fewer children as required by 24 V.S.A. 4412(5), as the same may be amended from time to time.

(e) No more than four unrelated adults and their minor children.

Provided that a dwelling unit in which the various occupants are treated as separate roomers cannot be deemed to be occupied by a family.

For purposes of this definition of family, a group of adults living together in a single dwelling unit and functioning as a family with respect to those characteristics that are consistent with the purposes of zoning restrictions in residential neighborhoods shall be regarded as a “functional family unit” and shall also qualify as a family hereunder.

1) In determining whether or not a group of unrelated adults is a “functional family unit”, under the standard set forth above, the following criteria must be present:

a. The occupants must share the entire dwelling unit. A unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a functional family unit.

b. The household must have stability with respect to the purpose of this chapter. Evidence of such stability may include but not be limited to, the following:

i. Minor dependent children regularly residing in the household, and school age children are enrolled in local schools.

ii. Proof of the sharing of expenses for food, rent, or ownership costs, utilities and other household expenses and sharing in the preparation, storage and consumption of food.

iii. Whether or not different members of the household have the same address for purposes of:

1. Voter registration

2. Drivers’ licenses

3. Motor vehicle registration

4. Summer or other residences

5. The filing of taxes

c. Common ownership of furniture and appliances among the members of the household.

d. Employment of householders in the local area.

e. A showing that the household has been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units.

f. Any other factor reasonably related to whether or not the group or persons is the functional equivalent of a family.

2) The initial determination of whether a “functional family unit” status exists shall be made by the Code Enforcement Office (“CEO”). The burden will rest upon the individuals claiming “functional family status” to submit information to the CEO to substantiate their claim. Some of the information provided to the CEO as part of a “functional family unit” status request, as well as the CEO’s initial determination, may be highly confidential, and, thus, will be maintained in a separate “red envelope” in the property file. It will be left to the CEO to determine whether the information is sensitive enough to be retained in the “red envelope.” Information maintained in the “red envelope” will be considered confidential and thus used only by the CEO. Access to the “red envelope” by persons outside of the CEO will only be allowed under court order or during litigation regarding said property.

Interested Person: A person who has participated in a municipal regulatory proceeding authorized under 24 VSA Ch. 117 who may appeal a decision rendered in that proceeding by an appropriate municipal panel to the environmental court. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

Article 10

Junk Yard. A lot, parcel of land, or building or any part thereof, used for the collection, storage, sale, wrecking, dismantling, or salvaging of "junk," including any place where two (2) or more unregistered vehicles are stored. An area in excess of 200 square feet shall be deemed a "junk yard" if so used.

Kennel. Any establishment or building designed or arranged for breeding, boarding, or training six or more dogs or cats for sale or as a business, or for purposes of show or hunting.

Land Development. The subdivision of land; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; or of any mining, excavation or landfill; and any change in the use of any building or other structure, or land, or extension of use of land.

Landowner. The record owner of fee title to a lot.

Laundromat/Dry Cleaners. A business which provides clothes washing machines and clothes dryers for public use for a fee, and/or provides clothes-washing and/or dry-cleaning services to the public for a fee.

Light Industrial. The processing, manufacturing and/or fabrication of certain materials and products where no process involved produces noise, vibration, air pollution, fire hazard, or noxious emission which will adversely disturb or endanger neighboring properties, and which is apparent outside the boundaries of a lot. Non-inclusive examples are: home appliances; electrical instruments; jewelry; printed material; apparel; pharmaceutical goods; and like uses.

Lodging Establishment. A facility, other than a bed and breakfast, offering transient lodging accommodations on a daily rate to the general public which may provide additional services, such as restaurants, meeting rooms, banquet facilities and recreational facilities.

Lot. A lot is a parcel of land owned by a lot owner that can be lawfully owned and conveyed separately from other land, the boundaries of which are:

1. established by a deed or deeds recorded in the land records of the Town of Georgia, and the records of any public road right-of-way; or
2. shown on a plat approved by the Georgia DRB pursuant to subdivision regulations.

Lot Coverage. The percentage of a lot's area which is covered by impervious surfaces such as buildings, structures, patios, walkways, decks, parking areas, loading areas, or driveways.

Lot, Existing Small. A lot that does not meet the minimum lot size requirements in these Regulations.

Lot Frontage. Those side(s) of a lot abutting on a road or the legal access to the lot.

Lodging: An establishment providing for a fee three or more temporary guest rooms and customary lodging services (such as onsite staffing at all hours, lobby space, and room service), and subject to the Vermont rooms and meals tax. Lodging may, or may not, be owner occupied. Lodging does not include historic inns or short term rentals

Article 10

Lot Owner. The record owner of fee title to a lot. See also *landowner*.

Lot Size. The area of a lot, the boundaries of which are established by a deed or deeds recorded in the land records of the Town of Georgia, or as shown on a plat approved by the Georgia DRB. This includes land over which easements have been granted but excluding any land within a road right-of-way.

Manufactured Home. A residential structure, transportable in one or more sections, which is built on a permanent chassis, is designed for use with or without a permanent foundation when attached to the required utilities and meets the Federal Manufactured Home Construction and Safety Standards Act (42 USC Section 5401) [1976], commonly known as the HUD code. The term Manufactured Home does not include a Recreational Vehicle.

Manufacturing. The processing, packaging, assembly or fabrication of any article, substance or commodity.

Marina. Any shoreline property used to provide one (1) or more of the following.

1. Access to public waters for docking or mooring of five (5) or more boats with or without other services; or
2. A small-craft harbor complex providing access to public waters characterized by activities such as boat repairs, sales, rentals, chartering, derricks, docks, wharfs, moorings, marine railways, boat storage and other marine-type facilities and commercial services which may include the sale of food, fuel, marine supplies, or other *services* clearly incidental to the operation of the marine-based activities.

Mean Sea Level. This definition applies to Article 9 – Flood Hazard Regulations for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mobile Home. Synonymous with Manufactured Home.

Mobile/Manufactured Home Park. Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate, more than two mobile homes. “Mobile Home Park” does not mean premises used solely for the storage or display of mobile homes. “Mobile Home Park” does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land use solely on a seasonal basis for vacation or recreational mobile homes. The site may include services and facilities for the residents of the “Mobile Home Park.”

Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including but not limited to the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, metal, wood, stone, etc, including drop forge , and incidental storage and distribution of products. A manufacturing use may include a show room and/or offer public tours that are incorporated into the facility's ordinary operations.

Manufacturing-Light: The manufacturing of finished products or parts from previously prepared materials using hand tools, mechanical tools, and electronic tools, including processing, fabrication, assembly, treatment, and packaging of products, as well as incidental storage, sales, and distribution of such products; as well as shops for overhaul and repair including for plumbing, HVAC, and electrical. A light manufacturing use may include a show room and/or offer public tours that are incorporated into the facility's ordinary operations.

Mobile Home: Means a structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, cooling, and electrical systems contained in the structure, and is:

(A) transportable in one or more sections; and

(B) at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or

(C) any structure that meets all the requirements of this subdivision except for the size requirements and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the construction and standards established under Title 42 of the U.S. Code. 10 V.S.A. §6201(1).

Mobile Home Park: Means any parcel or contiguous lots of land under common ownership or control on which are sited, or which is designed, laid out or adapted to accommodate, more than two mobile homes. A parcel or contiguous lots owned by agricultural employers providing up to four mobile homes for use by full-time workers or employees, and a parcel or contiguous lots used solely on a seasonal basis for vacation or recreational mobile homes shall not be considered a mobile home park. 10 V.S.A. §6201 (2), further clarified in the Housing Division Rules, Part 1, Mobile Home Parks, Section 2.10.

Article 10

Motor Vehicle. Any vehicle used to transport people, goods, animals or materials that is propelled or drawn by power other than muscular power, including trailers.

Motor Vehicle Repair. The use of any building, land area, or other premises, which is used for the purpose of making major and minor repairs, for hire, to motor vehicles, including painting, body work, and mechanical work, provided all motor vehicles located on the premises are being worked on for repair or rebuilding and are not kept on the premises for salvage. All motor vehicles located on the premises must be registered for operation. The sale of vehicular fuels is prohibited.

Motor Vehicle Sales. The use of any building, land area, or other premise for the display and sale of three or more new or used motor vehicles generally but may include light trucks or vans, trailers, or recreation vehicles. Limited to the actual sales of vehicles that require registration by the Department of Motor Vehicles. The sale of vehicular fuels and motor vehicle repair or vehicular servicing is prohibited.

Multi-Tenant Housing for Older Persons. Multiple *dwelling units* with no more than two bedrooms per unit designed specifically to meet the physical and living requirements of older persons or people who are disabled. In addition to serving people who are disabled, housing for older persons includes housing:

1. Intended for, and solely occupied by, persons 62 years of age or older; or
2. Intended and operated for occupancy by persons 55 years of age or older, where at least 80% of units have at least one principal occupant who is 55 years of age or older. May include food preparation and service, medical care and/or convenience services primarily to residents as an accessory use.

Municipal Land Use Permit. Means any of the following whenever issued:

1. A zoning, subdivision, site plan, or building permit or approval, any of which relate to '*land development*' as defined in this section, that has received final approval from the applicable board, commission, or officer of the municipality.
2. Final official minutes of a meeting that relate to a permit or approval as described in (a) above that serve as the sole evidence of that permit or approval.
3. A certificate of occupancy, certificate of compliance, or similar certificate that relates to the permits or approvals described in (a) of this section, if these Regulations so require.
4. An amendment of any of the documents listed in (a) through (c) of this section.

Museum. A building or room used for storage, preservation and the public display of objects, sites and natural wonders with historic, cultural, scientific, or artistic value or interest.

multi tenant - The Fair Housing Act, as amended by HOPA in 1995, provides a federal definition of housing for older persons. It allows for communities or facilities to designate themselves as “55 and older” or “62 and older” housing, provided they meet certain criteria. For a community to qualify under HOPA, at least 80% of the occupied units must have at least one occupant who is 55 years of age or older, and the community must adhere to policies and procedures that demonstrate the intent to provide housing for persons 55 years of age or older.

Municipal Land Use Permit - a type of approval issued by a municipality (town, city, or village) for the use and development of land within its jurisdiction. This permit is necessary for ensuring that all proposed land uses and developments comply with the local zoning bylaws and ordinances, which can include regulations on building size, placement, type of use, and other aspects of development and land use. The process involves submitting an application to the local planning and zoning office, which may then require review by the Development Review Board and possibly a public hearing before a decision is made.

Key aspects typically addressed in the municipal land use permitting process include:

Zoning Compliance: Ensuring the proposed use is allowed within the specific zoning district where the property is located.

Site Plan Review: Evaluation of the proposed development’s layout, including considerations for parking, landscaping, stormwater management, and access to public roads.

Environmental Considerations: Assessing potential impacts on natural resources and compliance with state and local environmental regulations.

Building Codes and Safety: Ensuring that proposed structures will comply with building codes and safety standards.

In addition to local permits, developers and property owners in Vermont may also need to obtain state permits, such as those required under Act 250, Vermont’s landmark land use and development law. Act 250 review is required for larger developments and those that may have a significant impact on the environment, community, or region.

Article 10

Named Streams. A waterway that typically conveys flowing water throughout the entire year; however, on occasion, said flows may cease based on dry conditions or otherwise. The named streams in Georgia are: Mill River, Stonebridge Brook, Lamoille River, Deer Brook, Beaver Meadow and Rugg Brook.

Nonconforming Lots or Parcels. Lots or parcels that do not conform to the current Regulations covering area and dimensional requirements, but were in conformance with all applicable laws, ordinances and Regulations prior to the enactment of a bylaw with which they did not conform, including a lot or parcel improperly authorized as a result of error by the ZA or appropriate municipal panel.

Nonconforming Structure. A structure or part of a structure that does not conform to the current bylaw regarding setback, lot coverage, and/or other dimensional requirements, but was in conformance with all applicable laws, ordinances and Regulations prior to the enactment of a bylaw with which it did not conform, including structure(s) improperly authorized as a result of error by the ZA or appropriate municipal panel.

Nonconforming Use. Use of land that does not conform to the current bylaw regarding use and dimensional requirements other than setbacks, lot coverage and building height that are applicable to such use (including but not limited to lot size, density, number of buildings or off-street parking) but did conform to all applicable laws, ordinances and Regulations prior to the enactment of a bylaw with which it did not conform, including a use improperly authorized as a result of error by the ZA or appropriate municipal panel.

Nonconformity. A nonconforming use, structure, lot, or parcel.

Nursery. Land or greenhouses used to raise flowers, shrubs, trees, and plants for sale. May include retail sale of products grown on-site as an accessory use.

Nursing Home. A facility licensed by the State of Vermont which provides long-term health care to patients in a residential setting. This use includes assisted living, skilled care and hospice facilities.

Office. A place where a particular kind of business organizational or professional services are performed, such as legal, accounting, medical, real estate, government or insurance services.

Open Space. Land which is set aside from development and designated for recreation, productive use (such as agriculture or forestry), or resource protection (such as wildlife or scenic areas).

Parent Parcel. All of the property from which a subdivision is, or was, created. For example, if a subdivision divides one original lot into two new lots, the original lot is the parent parcel for that subdivision, and if a subdivision merges and re-subdivides two original lots into five new lots, the combined area of the two original lots is the parent parcel.

Nonconforming Lots or Parcels - Common characteristics of non-conforming lots include, but are not limited to:

Size: The lot may be smaller than current minimum lot size requirements.

Frontage: The lot has less street frontage than is currently required.

Setbacks: Existing buildings on the lot may be closer to property boundaries than current setback requirements allow.

Use: The lot may be zoned for a use that is no longer permitted under current zoning laws (though this more typically describes non-conforming uses rather than non-conforming lots).

Nonconforming Structure - Key points typically addressed in regulations concerning nonconforming structures include:

Continuation: Nonconforming structures are generally allowed to remain in use as they are, even though they do not comply with current zoning regulations.

Maintenance and Repair: Ordinances usually permit routine maintenance and repairs of nonconforming structures. However, significant alterations or expansions might be restricted or subject to specific conditions.

Expansion: Some municipalities may allow nonconforming structures to be expanded, but this is often subject to limitations, such as requiring that the expansion not increase the degree of nonconformity or that it meets certain conditions set forth in the zoning ordinance.

Destruction and Rebuilding: If a nonconforming structure is destroyed (by fire, for example), local regulations may dictate whether, to what extent, and under what conditions the structure can be rebuilt. Some ordinances may allow rebuilding only if it is within a certain percentage of the original structure's footprint or value, while others may require that any new construction conform to current zoning regulations.

Change of Use: Changing the use of a nonconforming structure to another nonconforming use may be subject to

Nursing Home - a facility that provides 24-hour nursing care, supervision, and certain health-related services to individuals who do not require hospital care but cannot be cared for at home

Office - a space used for conducting professional or administrative work, including but not limited to spaces for clerical work, meetings, professional services, and business administration.

Article 10

Parking Facility. An area open for public parking, with or without payment of a fee, under, within, or outside of a building or structure, including parking lots and parking garages.

Parking Space. An area, other than a loading space, of not less than 9' x 18', net, exclusive of access or maneuvering areas, or ramps, columns, etc., to be used exclusively as a temporary storage space for at least one private motor vehicle.

Pedestrian Walkway. A cleared way for pedestrians and/or bicycles that may or may not be paved or otherwise improved.

Pesticide. Shall have the same meaning as “Economic Poison” as defined in 6 V.S.A. § 911(5).

Physical Site of Operations, cannabis. Means any of the following locations: a cultivator’s grow site, a wholesaler’s product storage facility, a manufacturer’s site of manufacturing, a retailer’s store location, or a testing laboratory’s testing facility.

Place of Worship. A building or structure, together with any accessory structures with the exception of a rectory, used for regular assembly for religious worship, and which is maintained and controlled by a religious body organized to sustain such worship.

Plan. The Comprehensive Plan of the Town of Georgia adopted pursuant to the Vermont Planning and Development Act.

Planned Unit Development (PUD). One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from these Regulations’ requirements that are otherwise applicable to the area in which the PUD is located with respect to lot size, bulk or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards pursuant to Section 3.5 of the Regulations.

Planning Commission (PC). The duly elected body for the Town of Georgia to execute functions authorized under 24 V.S.A. Subchapter 2.

Plat. (1) A survey map representing a tract of land, showing the boundaries and location of individual properties and streets; (2) a survey of a subdivision.

Provisional License, Cannabis. As it relates to cannabis, (also known as pre-qualified) means the applicant has submitted an initial application and is provisionally approved for a license. It does not allow the applicant to begin operations, nor does it guarantee the applicant will receive a final license to operate.

Public Notice. The form of notice prescribed by 24 V.S.A. Sections 4444, 4449, or 4464 as the context requires.

Parking Space - Additionally, regulations may specify other aspects of parking space design, including aisle width, the angle of parking, and the provision of accessible parking spaces in accordance with the Americans with Disabilities Act (ADA).

Article 10

Qualified Consultant. A licensed professional engineer or a site technician or designer, as defined by the State of Vermont Environmental Protection Regulations, acting within the authority of his/her license or certification.

Qualifying Product. Means a product that is wholly:

1. An agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;
2. Livestock or cultured fish or product thereof;
3. A product of poultry, bees, an orchard, or fiber crops;
4. A commodity otherwise grown or raised on a farm; or
5. A product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.

Radio, Non-Commercial. Communication through electromagnetic waves for non-commercial purposes, such as amateur (ham) radio, two-way radio.

RAP Rules. Means the rules on required agricultural practices adopted pursuant to 6 V.S.A., Chapter 215, Subchapter 2.

Reconstruction. The rebuilding of damaged or destroyed properties.

Recreation

Recreation, Private Indoor. Recreation facilities and activities which are located inside of a structure or building, which is owned and operated by a non-governmental entity. Examples of *private indoor recreation* facilities include bowling alleys, movie theaters, indoor skating rinks, gymnasiums, indoor soccer facilities, and similar facilities.

Recreation, Private Outdoor. Outdoor recreation facilities which are privately owned and which may be made available on a members-only basis or to paying customers. Examples of *private outdoor recreation* facilities include yacht clubs, golf courses, golf driving ranges, trap, skeet, and archery ranges, swimming pools, outdoor skating rinks, riding stables, parks, beaches, tennis courts, skiing areas, campgrounds, and similar facilities.

Recreation, Public Indoor. Recreation facilities and activities which are located inside of a structure or building, which are publicly owned and operated. Examples of *public indoor recreation* facilities include bowling alleys, movie theaters, indoor skating rinks, gymnasiums, indoor soccer facilities, and similar facilities.

Recreation, Public Outdoor. Outdoor recreation facilities which are publicly owned and operated. Examples of *public outdoor recreation* facilities include playgrounds, playfields, parks, open spaces, swimming pools, tennis courts, and similar facilities.

RAP: The Agency of Agriculture, Food & Markets's Required Agricultural Practices Regulations (RAPs) Section 2.14 of the RAPs in part, states "farm" means a parcel or parcels of land owned, leased, or managed by a person and devoted primarily to farming, ... and that meets the threshold criteria as established in Section 3 of the RAPs, provided that the lessee controls the leased lands to the extent they would be considered as part of the lessee's own farm.

Section 2.16 of the RAPs states "farming" means:

(a) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural, silvicultural, and orchard crops; or

(b) the raising, feeding, or management of livestock, poultry, fish, or bees; or

(c) the operation of greenhouses; or

(d) the production of maple syrup; or

(e) the on-site storage, preparation, and sale of agricultural products principally produced on the farm; or

(f) the on-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or

(g) the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines. Farm Structures Section 2.15 of the RAPs, in part, states a "farm structure" means a structure that is used by a person for farming, including a silo, a building to ... raise horticultural or agronomic plants, or customarily used to carry out the agricultural practices defined in Section 3.2 [of the RAPs].

... A farm structure also must be used by a person who can demonstrate meeting the minimum threshold criteria as found in [the RAPs]. Any structure that involves human habitation or is considered multiuse, including both farming and nonfarming activities, would not fall under the definition of a farm structure and would therefore not be regulated by the

Article 10

Recreational Trail. A corridor that may or may not be paved and that is used for recreational activity, including hiking, walking, bicycling, cross-country skiing, etc. The trail may also be used by motorized vehicles, such as all-terrain vehicles and snowmobiles, at the discretion of the DRB. *Recreational trails* to be dedicated to the Town shall be conveyed by an Irrevocable Offer of Dedication and Easement Deed.

Recreational Vehicle. Means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less, when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Renewable Energy. Energy produced using a technology that relies on a resource that is being consumed at a harvest rate at or below its natural regeneration rate and shall include, but not be limited to, the following: solar photovoltaic and solar thermal energy; wind energy; geothermal heat pumps; hydro and micro hydro; farm, landfill, and sewer methane recovery; low emission, advanced biomass power, and combined heat and power technologies using biomass fuels such as wood, agricultural or food wastes, energy crops, and organic refusederived waste, but not municipal solid waste; advanced biomass heating technologies and technologies using biomass-derived fluid fuels such as biodiesel, bio-oil, and bio-gas.

Renewable Energy Facilities Regulated by the Town. These include renewable energy facilities that are sized to serve more than one dwelling or property but do not include those which are regulated by the VT Public Utility Commission. Facilities must meet the standards of Section 6.7 Renewable Energy.

Renewable Energy Facility, Small Scale. An energy conversion system that is sized and that will serve the principal use of one property and that is not connected to the electric utility system grid. These include but are not limited to solar thermal systems, a solar photovoltaic (PV) system or a wind system with a nameplate capacity of 15 kW or less. Facilities must meet all of the standards of Section 6.7 Renewable Energy. Renewable Energy Facilities and Systems which are regulated by the VT Public Utility Commission are not considered small scale renewable energy facilities for the purposes of these Regulations.

Recreational Vehicle: Any type of motorized vehicle used primarily for recreational purposes which have gross vehicle weight less than 10,000 pounds including but not limited to travel trailers, motor homes, ATV's, snowmobiles, etc. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes.

Renewable Energy: Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels, including wood and agricultural sources, waste heat, and geothermal sources.

Article 10

Research and Testing Laboratory. A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation related to development of manufactured, processed or compounded products.

Restaurant. Establishments where meals are sold (with alcoholic beverage sales being a minor percentage of gross sales) primarily for immediate consumption. Meals may be ordered for take-out and off-premises consumption. A deli in a grocery store, convenience store or supermarket serving food and sandwiches primarily for off-premises consumption shall not be considered a *restaurant*. Further, a restaurant shall be considered to be in one of the following categories.:

Restaurant, Sit-down. A restaurant where meals are ordered via table service or counter service and consumed on-site.

Restaurant, Take-out. A restaurant will be classified as take-out/delivery if it has drive-through service. A restaurant without drive-through service that has both eat-in and take-out service will be classified as a sit-down restaurant provided that the dining area (exclusive of outdoor seating) comprises at least 40% of the total floor area of the restaurant.

Retail Store. Establishment appropriately open to adults and minors selling products such as, but not limited to, food, dry goods, novelties, flowers, gifts, books, music, stationery, hardware, household furnishings or appliances, jewelry, sporting goods, luggage, wearing apparel, photographic supplies, hobby, toy and game shops, art supplies, newspapers and magazines, tobacco products, and drug stores, and excluding motor vehicle sales, recreational vehicle sales, and mobile home sales and service.

Retaining Wall. A vertical or nearly vertical structure, designed and built for the purpose of preventing erosion, or to transition from one elevation to another, which requires excavation and anchorage, and is substantial in design and construction, unlike the type and nature of a wall used only for landscaping purposes. Examples of a “*Retaining Wall*” include a seawall on a lakeshore, river or stream bank.

Right-of Way. A type of easement that gives one the right to travel across property owned by another person or entity.

Riparian. Of, on, or relating to land area edges bordering streams and rivers.

Research and Development Facility: A facility used primarily for applied and developmental research, where product testing is an integral part of the operation, and goods or products may be manufactured as necessary for testing, evaluation, and test marketing but does not involve the mass manufacture, fabrication, processing, or sale of products as a principal use.

Research Lab: A facility for scientific and/or academic research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Restaurant: Any food service establishment subject to Vermont Health Regulations where food and beverages are prepared and served for consumption primarily on premises; and where the service of alcoholic beverages is incidental to the consumption of food (less than fifty percent (50%) of the gross sales receipts from the business).

Restaurant, Take-Out: Any food service establishment subject to Vermont Health Regulations whose primary business is the sale of prepared food for consumption off the premises.

Retaining Wall: A wall or terraced combination of walls used at a grade change to hold soil and other earth materials at a higher elevation.

Right-of-Way: The real property or other legal instrument, such as an access easement, associated with transportation infrastructure, including but not limited to Streets and Public Paths.

Article 10

Road/Street

Road/Street, Private. A right-of-way which provides overland access to three or more properties or dwelling units, and is not owned by the Town of Georgia, State of Vermont, or United States.

Road/Street, Public. A right-of-way which provides overland access to a lot or lots and is owned by the Town of Georgia, State of Vermont or United States.

Rural Retail. Establishment selling goods made from products raised or made on the premises, galleries, and shops associated with outdoor recreation facilities on the premises.

Scale. The relationship between distances on a map and actual ground distances.

Scale of Development. The relationship of a particular project or development, in terms of size, height, bulk, intensity, and aesthetics, to its surroundings.

Scenic Areas. The major *scenic areas* shall be those scenic resources identified in the goals and policies of the Comprehensive Municipal Plan as well as state or national designated scenic byways. *Scenic areas* appropriate for protection and/or preservation shall also include scenic vistas and corridors in more localized neighborhoods or geographic areas.

School. Any establishment certified by the Vermont Department of Education, including religious, private, public, pre-schools, colleges, universities, and accessory uses; but specifically excluding commercially operated schools, such as, beauty culture, business, dancing, driving, marital arts, athletic pursuits, music and other similar establishments.

Seasonal Conversion. Conversion of a seasonal dwelling to a single household dwelling.

Self-Storage Facility. A structure or group of structures containing self-service, separate, individual and private spaces of varying sizes that are leased or rented on individual leases for varying periods of time and used only for storage of items or materials.

Service

Service, Business. A business activity that offers such services as advertising, building maintenance, consulting, clerical assistance and other activities generally falling under the Standard Industrial Classification Code #73.

Service, Essential. Infrastructure improvements (not including buildings) constructed or maintained by public or private utilities, or municipal, state, or federal government agencies, such as electric, telephone, gas, water, wastewater, telephone, or cable television lines which run underground or overhead, or facilities which enhance safety or health services to the town, including fire-suppression facilities, alarm systems, or

School: The academic space and accessory uses for the teaching of children or adults.

(a) Primary: elementary school, inclusive of grades K-8.

(b) Secondary: a high school and/or vocational center for attendance after elementary/primary school, granting a high school diploma for levels of education inclusive of grades 9-12.

(c) Post-Secondary: after high school, including colleges, community colleges, universities, or continuing education.

(d) Trade or Professional: a school that offers instruction in skilled trades.

(e) Preschool: a school providing educational services for children from 3 years of age until their admission to first grade and that may include kindergarten.

Article 10

other similar equipment reasonably necessary for the furnishing of services for the general welfare of residents of the Town of Georgia; does not include telecommunication towers or repeaters or wireless telecommunication facilities.

Service, Financial, Insurance, Real Estate. A business activity that renders such services as banks, credit agencies, security brokers, insurance companies, and real estate companies and other activities generally falling under the Standard Industrial Classification Code #60- 67.

Service, Personal. Includes barber, hairdresser, beauty parlor, shoe repair, photographic studio and businesses providing similar services of a personal nature.

Service, Professional. Includes, but is not limited to, doctor, dentist, chiropractor, other health service, legal service, architectural service, engineering service, certified public accountant, educator, real estate appraisal, social service, and other services generally falling under the Standard Industrial Classification Code #80-83 and 89. Also includes Social Service, Business Service and Financial, Insurance, and Real Estate Services.

Service, Social. Establishment providing assistance and counseling for income, employment, family, health, psychological, learning disability, or physical disability issues.

Service Station. The use of any building, land area, or other premise for the sale of motor vehicle fuel, lubricants, convenience store items, and related products and accessories, and for servicing of automobiles and light trucks. The site may also contain electric vehicle charging stations. The sale of motor vehicles is prohibited.

Setback

Setback, Front Yard. The required minimum horizontal distance between a *structure* and the centerline of the road right of way in all zoning districts, except the South Village Core, where the front yard setback is measured from the edge of the road right-of-way.

Setback, Rear Yard. The required minimum horizontal distance between a structure and the rear property line.

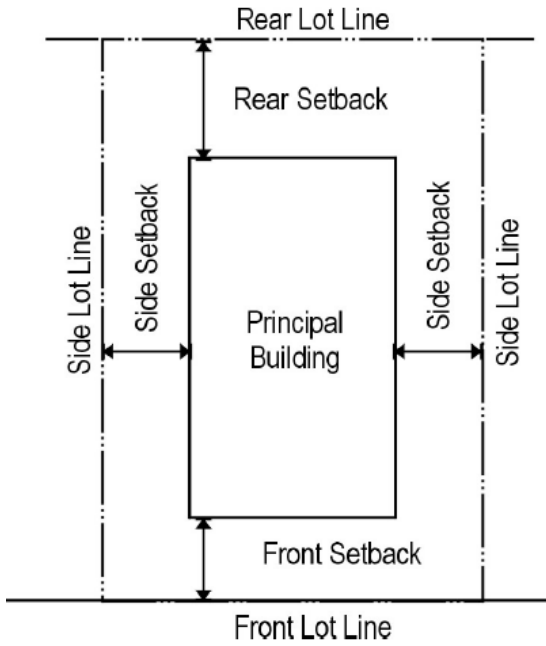
Setback, Shoreline. The required minimum horizontal distance between a structure and the *shoreline* (as defined in these Regulations).

Setback, Side Yard. The required minimum horizontal distance between a structure and the side property line.

Shopping Complex. (1) A large retail complex containing stores and restaurants in adjacent buildings or in a single large building; and (2) A street lined with retail shops and restaurants and closed off to motor vehicles.

Setback: The open, unobstructed area required to be provided between the furthestmost projection of a building and the adjacent property line. (See also definition for Yard)

Location of Lot Lines and Setbacks



Article 10

Shoreline. The shoreline of Lake Champlain is the normal mean water mark, established by the Army Corp of Engineers as 95.5 feet above sea level. The shoreline of Arrowhead Mountain Lake is the high-water mark, established by the dam as 290.0 feet above sea level.

Shoreline Frontage. The side of a lot abutting on Lake Champlain or Arrowhead Mountain Lake.

Shrub. A small to medium sized perennial woody plant. Unlike herbaceous plants, shrubs have persistent woody stems above the ground. Shrubs can be deciduous or evergreen. They are distinguished from trees by their multiple stems and shorter height.

Sidewalk. A paved or surfaced leveled area, paralleling and usually separated from the road or street, used as a pedestrian walkway.

Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

Awning. A sign that is located on an awning which is attached to the building front.

Freestanding. A sign anchored directly to the ground or supported by one or more posts, columns or other vertical structures or supports, and not attached to or dependent for support from any building.

Illuminated. A sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused, upon or chiefly directed at the surface of the sign. This includes freestanding and building mounted signs.

Projecting. A double-sided sign that protrudes off a building which means it's viewable from two directions.

Wall. A sign attached to and/or integral with an exterior wall surface of a building, the face of which is parallel to the surface.

Window. A sign which is permanently painted on or attached to the window-glass of a building.

Significant Geological Area. Those areas containing bedrock, surficial, aquatic and marine geological features that are defined by the local or regional plan, Vermont statute or state agency rule as a significant, limited and/or fragile resource.

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, images, trade names, and trade marks by which anything is made known, that are used to identify, advertise, or attract attention to an individual, firm, association, corporation, profession, business, place, event, commodity, or product which are visible from a public thoroughfare or right-of-way.

Article 10

Significant Wildlife Habitat. Those natural features that contribute to the survival and/or reproduction of the native wildlife of the Town of Georgia. This shall include, but not be limited to: (1) deer wintering areas (i.e., deeryards); (2) habitat for state or federally listed rare, threatened, or endangered species; (3) concentrated black bear feeding habitat (e.g., mast stands); (4) riparian areas and surface waters; (5) wetlands and vernal pools; (6) wildlife corridors, habitat connectors and migratory routes; (7) high elevation bird habitat; (8) ledge, talus, and cliff habitat; and (9) habitat identified by the Vermont Department of Fish and Wildlife.

Site Plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot and surrounding area, and any other information that reasonably may be required in order for the appropriate municipal panel to make an informed decision.

Small Scale Commerce. A personal or professional service that does not exceed 2000 square feet in gross floor area and does not generate more than 25 average weekday trips.

Street. Synonymous with road.

Streetscape. A design term referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street furniture, sidewalks, landscaping, including trees and other plantings, awnings and marquees, signs, and lighting.

Street Furnishing Zone. The buffer between the sidewalk and the street where the utility poles, trees, hydrants, signs, benches, transit shelters, planters, and other street furniture should be placed. See also *Greenstrip*.

Strip Development. Linear development along a public highway that includes three or more of the following characteristics: broad road frontage, predominance of single-story buildings, limited reliance on shared highway access, lack of connection to any existing settlement except by highway, lack of connection to surrounding land uses, and limited accessibility for pedestrians.

Site Plan: A scaled map of a lot or site that indicates all significant features including, but not limited to, site improvements, structures, boundaries, parking, drives, walkways, etc.

(new)

Site Plan Review: Review of the spatial layout and proposed content of a parcel of land illustrated on a site plan in accordance with the authority, limitations and procedures set forth in the municipal development plan, 24 V.S.A. §4416, and this ordinance, all as amended.

Structure

Structure. An assembly of materials for occupancy or use constructed or erected with a fixed location on, above, or below the ground or water. Examples of structures include but are not limited to: buildings, swimming pools, mobile homes, signs, fences, tennis courts, walls greater than 3' in height, and retaining walls. Commercial satellite dishes and telecommunication facilities are also structures.

Structure, Accessory. A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure, such as a garage, patio, tool shed, porch, deck, carport or small-scale renewable energy facility in accordance with Section 6.7 Renewable Energy. A structure used for dwelling purposes shall not be considered an accessory structure except when approved as an accessory dwelling unit.

Structure, Agricultural. A building, enclosure or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with acceptable or required agricultural or farming practices, including a silo, as defined by the Vermont Department of Agriculture.

Structure, Attached. Any structure that is attached to another structure by a common wall, by a roof, or by structural connections that allow pedestrian access to both structures, including but not limited to a roofed breezeway. For example, decks or stairways are attached structures when they are connected to another structure

Structure, Detached. Any structure that is not attached or does not touch any other structure and where all sides of the structure are surrounded by yard or open areas within the parcel.

Structure, Principal. Structure housing the primary use of the property.

Subdivider. Any person, who is owner of record or his or her duly authorized representative, firm, corporation, partnership, or association, who shall lay out for the purpose of sale, development or otherwise any subdivision or part thereof.

Structure: Any construction, erection, assemblage or other combination of materials to form a construction that is stable, including but not limited to, buildings, stadiums, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, bridges, piers, bulkheads, wharves, sheds, coal bins, shelters, fences, and display signs visible or intended to be visible from a public way, footings or a foundation attachment to the land and swimming pools necessitating pilings. The term “structure” shall be construed as if followed by the words: “or part thereof.”

Other - Solar rooftop and ground, wastewater (planter box style)

Article 10

Subdivision. Any land, vacant or developed, that is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease or development. The term includes proposals to amend a subdivision and to re-subdivide a subdivision (i.e., change the location of the boundaries dividing each lot, parcel, site, unit, or plot) . The term also shall include the development of a parcel of land as a shopping complex, and planned unit developments requiring a subdivision.

Subdivision, Major. Any residential subdivision containing four or more new building lots or any non-residential subdivision. Major subdivisions also include all shopping complexes, and planned unit developments regardless of the number of lots or units created. A subdivision amendment of a major subdivision is a major subdivision. In addition, the following may also be classified as a major subdivision:

- Minor Subdivisions classified by the DRB as major subdivisions by the applicant cumulatively creating four or more new building lots within a five-year period from the same parent parcel.

Subdivision, Minor. Any subdivision that is not a major subdivision as defined above. A subdivision amendment of a minor subdivision is a minor subdivision.

Subdivision, Final Plan/ Plat. The final drawings on which the subdivision is presented to the DRB for approval and which, if approved, shall be filed for record with the Town Clerk.

Subdivision, Preliminary Plan/Plat. The preliminary drawings for a major subdivision, indicating the proposed layout of the subdivision, to be submitted to the DRB for its consideration.

Subdivision Amendment. Any change in a recorded subdivision plat, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line, or if the change affects any map or plan legally recorded after the adoption of any subdivision regulation by the Town of Georgia.

Subdivision, Sketch Plan. Any informal sketch of the proposed subdivision, the purpose of which is to enable the applicant to save time and expense in reaching general agreement with the DRB regarding the form of the subdivision and objectives and requirements of these Regulations.

Swale. A man-made drainage ditch; does not include natural streams or rivers identified on United States Geological Survey (U.S.G.S.) maps, which are free flowing, or which have been altered by excavation, manipulation or disruption.

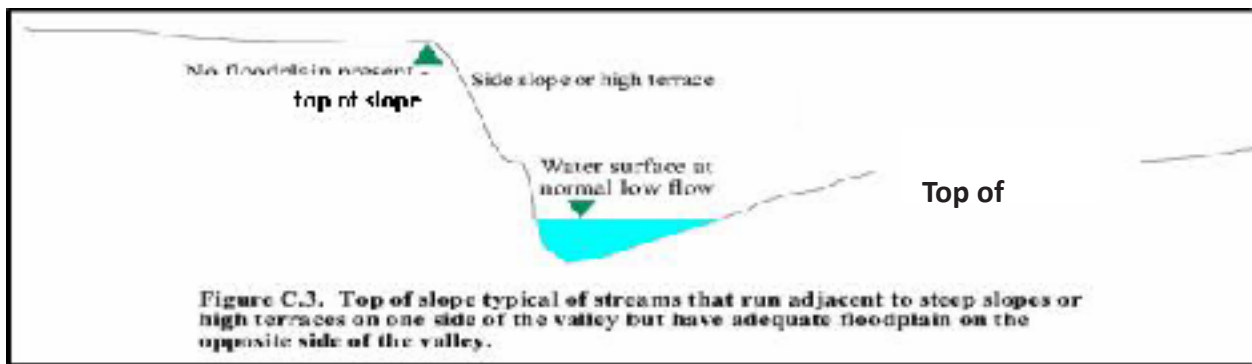
Subdivision: A division of a parcel of land into two (2) or more lots, or other divisions.

Article 10

Telecommunication Tower. A guyed, monopole, or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for broadcasting, communicating or transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

Top of Bank. The point along a stream bank where an abrupt change in slope is evident, and the point at which riparian buffers and applicable high impact buffers shall be measured from. In circumstances where a top-of-bank is not clearly evident, a determination of edge of stream and consequent stream- side edge of riparian buffer area shall be made by the ZA.

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



Trail. A public right-of-way which is not a town highway and which:

1. Previously was a designated town highway having the same width as the designated town highway, or a lesser width if so designated; or
2. A new public right-of-way laid out as a trail by the Selectboard for the purpose of providing access to abutting properties or for recreational use. Nothing in this section shall be deemed to independently authorize the condemnation of land for recreational purposes or to affect the authority of the Selectboard to reasonably regulate the uses of recreational trails.

Trip Ends. The total number of motor vehicle trips entering and leaving a specific land use or site over a designated period of time.

Trucking Terminal. Land or buildings used for the relay of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term storage of loads. The terminal facility may include storage areas for trucks, and buildings or areas for repair of trucks associated with the terminal. Trucking terminals shall not be used for storage, transfer or transport of toxic or hazardous materials.

Article 10

Undisturbed. No construction, excavation, land development or earth moving activities, and no storage of materials, no tree, shrub, or ground cover removal, and no mowing, except as enabled under Article 9.

Use

Use. The purpose or activity for which land, lots, structures or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Use, Accessory. A use on the same lot with, and clearly incidental and subordinate in area, extent, intensity and purpose to, the principal use and that is not separately owned or operated from the principal use unless approved as such by the DRB.

Use By Right. Uses which, by State statute, are allowed within a single household dwelling in all zoning districts which allow single household dwellings. Accessory Dwelling Units (Section 6.1), Daycare Level 1, Group Homes, and Home Businesses are examples of uses by right within single household dwellings. Zoning Permits and special conditions may be required for uses by right (see relevant sections).

Use, Change of. The initiation of a new use on the subject property.

Use, Commercial. Activity involving the sale of goods or services carried out for profit, including, but not limited to, retail store, office, financial, insurance, real estate service, business service, professional service, and personal service.

Use, Conditional. A type of use in any district which requires approval by the DRB after a warned public hearing, and for which general and specific standards of conformance apply. See 24 V.S.A. Section 4414(3).

Use, Mixed. Any combination of permitted and/or conditional uses, with the exclusion of Accessory Structures approved as Accessory Dwelling Units (ADUs) in the South Village (SV), allowed under the designated zoning district which are contained in either:

- a single structure, on a single lot, or
- as part of a single development proposal, meaning presented as part of a common plan or scheme for a development.

Use, Permitted. Any use allowed in a zoning district that only requires administrative approval of a zoning permit and subject to the restrictions applicable to that district.

Use, Principal. The primary or predominant use of any lot or building.

Use, Residential. The use of a building, or portion thereof, as a dwelling unit or units.

Article 10

Variance. An allowed deviation from specific requirements pertaining to this zoning code, granted by the DRB to an applicant.

Veterinary Clinic. An institution providing primary health services and medical or surgical care to animals, primarily on an outpatient basis. Such a facility would exclude research, training, long-term boarding or breeding facilities.

Village Green. A tract of grassed and landscaped land, largely undeveloped, designated for use by the public for passive recreation. A village green may have recreation paths, ponds, gazebos, fountains, benches, open shelters, public bathrooms, and other similar structures and infrastructure that supports community interaction and passive recreation.

Warehouse. A building used primarily for the storage of goods and materials but excluding the storage of hazardous or offensive materials.

Wetlands. An area that is inundated or saturated by surface water or groundwater at a frequency and duration to support vegetation or aquatic life that depend on such conditions for growth or reproduction and is designated on National Wetlands Inventory Maps or Vermont Wetlands Maps or is determined to be a wetland as a result of field inspection by the Vermont Agency of Natural Resources, the US Army Corps of Engineers, or a qualified professional.

Wildlife Travel Corridor/Habitat Connector. Land or water, or both, that links patches of wildlife habitat within a landscape, allowing the movement, migration, and dispersal of animals and plants and the functioning of ecological processes. A wildlife corridor/habitat connector may include recreational trails and uses exempt from regulation under 24 V.S.A. Section 4413(d).

Wildlife Preserve. A natural area preserving the habitat of native wildlife species, not including hunting preserves, game farms and zoos.

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.

Warehouse: A building used for the storage of goods or materials. Warehouses may include the local, regional, national or international distribution of goods but do not include retail sale of goods.

Wetlands: An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Commonly referred to as swamps, marshes, or bogs. The methodology for delineating wetlands shall be those as established for the state of Vermont under the Vermont Wetland Rules.

Possible new Definitions

Administrative Determination: Any decision made by the Administrative Officer or an Assistant Administrative Officer.

Affordable Housing/Unit: A housing development or unit for which the monthly rent, monthly carrying charge (including utilities paid by the tenant or co-op member), or monthly mortgage payment plus the average monthly utilities cost does not exceed thirty percent (30%) of household income adjusted for household size or for which carrying charges paid by the owner-occupant (including mortgage payments, taxes, condominium fees, and insurance) shall not exceed thirty percent (30%) of the household's income. A household size of 1.5 shall be used in determining whether a one (1) bedroom unit is affordable housing. A household size of 3, 4, 5, and 6, respectively, shall be used in determining whether a two (2) bedroom unit, three (3) bedroom unit, or a four (4) bedroom unit is affordable housing.

Animal

(a) **Boarding:** An establishment involving any structure, building, land, or combination thereof used, designed, or arranged for the keeping of five (5) or more domestic pets more than three (3) months of age for profit or exchange, inclusive of equines but exclusive of other livestock used for agricultural purposes in areas approved for agricultural uses. The keeping of four (4) or less such animals more than three (3) months of age for personal enjoyment shall not be considered "boarding" for the purposes of this ordinance.

(b) **Domestic Pet:** Any canine, feline, or European ferret (*Mustela putorius furo*) and such other domestic animals as the Secretary of the Agency of Agriculture, Food and Markets shall establish by rule and that has been bred or raised to live in or about the habitation of humans, and is dependent on people for food and shelter.

(c) **Livestock:** Animals used for food production (including eggs, milk, honey, and meat) or fiber.

(d) **Grooming:** Any establishment where domestic pets are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health.

(e) **Hospitals:** An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence. (See Veterinarian Office)

(f) **Kennel:** Building or enclosure for the keeping of domestic pets.

(g) **Barn or coop:** Building or enclosure for the keeping of livestock.

(h) **Shelter:** A facility used to house or contain stray, homeless, abandoned, or unwanted domestic pets or livestock for the purpose of providing temporary kenneling and finding permanent adoptive homes and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and human treatment of animals.

(i) **Store, Pet:** A retail sales establishment primarily involved in the sale of domestic pets, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and livestock.

Apartment: A single dwelling unit located in a building containing more than two dwelling units or a single dwelling unit located in a mixed-use building.

Area, Gross: The total area of a lot or parcel of land including street rights of way and other publicly dedicated improvements such as parks, open space, and stormwater detention and retention facilities. "Gross area" is expressed in either acres or square feet. (Also "considered gross leasable" where applicable).

Assisted Living: Supported living arrangement, including help with daily activities, such as dressing, grooming, bathing, etc.

Automobile: Motor vehicles including but not limited to motorcycles, passenger cars, light trucks, vans, and similar size vehicles that have gross vehicle weights less than 10,000 pounds. (See Trucks)

Automobile Body Shop: A facility which provides collision repair services, including body frame straightening, replacement of damaged parts, and painting of automobiles, trailers, and recreational vehicles.

Automobile Impound: A facility that provides temporary outdoor storage of automobiles, trailers, and recreational vehicles that are to be claimed by titleholders or their agents.

Automobile & Marine Part Sales: An establishment which sells new or used parts and accessories for automobiles, trailers, recreation vehicles, or boats.

Automobile Sales – New & Used: An establishment for the storage and display for sale of more than two automobiles or trailers.

Automobile/Vehicle Salvage Yard: Land or buildings used for the collection, wrecking, dismantling, storage, salvaging, and sale of machinery parts or vehicles not in running condition. Three or more unregistered vehicles are considered a salvage yard. An automobile/vehicle salvage yard does not include automobile/vehicle repair as defined in this Article.

Automobile/Vehicle Repair/Service: An establishment for the general repair, servicing, rebuilding, or reconditioning of automobiles, recreational vehicles, or trailers.

Awning: A hood, cover or porte-cocheres often comprised of fabric, metal, or glass that is designed and intended to provide for protection from the elements or as a decorative appurtenance, and which projects from a wall or roof of a structure over a window, walk, door, landing, public right-of-way or the like, and that may include a type which can be retracted, folded, or collapsed against the face of a supporting building. An awning with symbols, logo(s) or lettering (excluding the street address) are considered a sign for the purposes of this ordinance.

Bakery: An establishment primarily used for the on or off-site preparation and retail sale of bread, cake, cupcakes, confections and other similar baked pastries. Such uses may include incidental food service.

Bank/Credit Union: A financial institution open to the public and engaged in deposit banking, and performs closely related functions such as making loans, investments, exchange of money, facilitating the transmission of funds and other fiduciary duties.

Banner: A typically rectangular piece of fabric or other similar non-rigid material, and with or without characters, letters, illustration, or ornamentation, supported or anchored at its four corners, top and bottom, or along top with weighted bottom.

Bar: An establishment, or portion thereof, subject to Vermont Liqueur Control Regulations and primarily devoted to the serving and on-premise consumption of alcoholic beverages, and where the service of food is only incidental to the consumption of such beverages (alcoholic beverage is greater than fifty percent (>50%) of the gross sales of food and beverages at the establishment).

Barber Shop: An establishment or place of business of one or more individuals whose practice is the cutting, trimming or shaving of head or facial hair. Said use does not include chemical treatments such as perms or dyes.

Bicycle Parking, Short Term: Bicycle racks which permit the locking of the bicycle frame and one wheel to the rack and which support the bicycle in a stable position without damage to wheels, frame, or components

Bicycle Sales/Repair: An establishment where bicycles are repaired and/or sold.

Boat: Any type of vehicle or watercraft designed and intended for traveling in or on water.

Boat Repair/Service: An establishment for the general repair, servicing, rebuilding, or reconditioning of boats, where boats are repaired and stored only until repairs are completed.

Boat Sales/Rental: An establishment for retail sales and service in which boats are rented or sold. The sale or rental of non-motorized boats smaller than 25 feet and/or less than 150-pounds shall be considered general merchandise and not included.

Boat Storage: A space or place where boats are placed and kept for more than 24 consecutive hours.

(a) Private: A storage facility on a site used for the property owners own boat(s) without compensation.

(b) Yard: A storage facility used for boat(s) where compensation is paid for said storage.

Brownfield: Abandoned, idled, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

Buffer: An area designated to act as a visible or environmental separation between lots, districts, structures, or uses.

Building Permit: A permit issued by the Zoning Administrator (aka Zoning Application) for the construction, alteration or removal of a structure subject to the development regulations of the Town of Georgia.

Café: Any food service establishment subject to Vermont Health Regulations containing less than or equal to 2,000 gross square feet where food and beverages are prepared, and served for consumption either on or off premises.

Canopy: An attached or detached accessory structure intended to provide protection from inclement weather for drivers seeking goods or services. Examples of canopies include fuel pump canopies at gas stations, drive-through canopies at banks or pharmacies. Hotel or residential porte-cocheres are not canopies for the purposes of this ordinance.

Cold Frame: A temporary structure placed overtop of a garden bed typically made of, but not limited to, glass, plastic, fabric or other material used to extend growing season or protect seedlings and plants from the cold or heat.

Community Center: A facility or portion thereof which provides recreational, educational or cultural activities for the residents of that immediate neighborhood.

Composting: A facility engaged in the controlled biological decomposition of organic matter through active management to produce, use, or sell a stable humus-rich material but shall not mean sewage or septage or materials derived from sewage or septage.

Conditions: Those requirements, as denoted or assigned in conjunction with the approval of a zoning permit, which must be met prior to the issuance of a zoning permit or certificate of occupancy.

Conditional Use: Certain uses that may be allowed only by approval of the Development Review Board subject to affirmative findings under general and specific standards

Constructed Wetland: Stormwater treatment systems that use natural processes involving wetland vegetation, soils and their associated microbial assemblages to improve water quality.

Demolition: The destruction and physical removal of any structure or portion of a structure.

Development: Any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; including but not limited to the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any human activity that alters a shore, beach, river, stream, lake, pond, canal, marsh, woodlands, wetland, rare or endangered species habitat, aquifer or other resource area, including shoreland construction or other activity.

Direct Illumination: Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

Dormer: A roofed structure, often containing a window that projects vertically beyond the plane of a pitched roof. Dormers are commonly used to increase the usable space in a half story and to create window openings in a roof plane.

Shed dormers have a single, inclined roof.



Dog house dormers are gable roofed, typically with a single window.



Dry Cleaning/Laundry Service: An establishment or business maintained for the drop off, pickup and/or delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Electronic Message Display: Any element of a Sign or Sign structure capable of displaying words, symbols, figures, images, or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink,” or any other method or technology that allows a Sign to present a series of images, messages, or displays. This does not include Signs with manually-changeable copy.

Emergency Shelter: Overnight shelter with supportive services for homeless persons that is limited to temporary occupancy, typically 180 consecutive nights or less, by a homeless person. Provide shelter only overnight.

Flag: A typically rectangular or triangular piece of fabric or other similar non-rigid material, with or without characters, letters, illustration, or ornamentation, supported or anchored along one edge or two corners. If any side is more than three times as long as any other side the flag is considered a banner.

Fuel Service Station: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline, oil or other motor vehicle fuel, or that is used or designated to be used for lubricating, washing, cleaning or otherwise servicing motor vehicle, but not including the painting or major repair thereof or the use of mechanical car washing equipment. A service station may also include a convenience store, provided that the store is accessory to the fuel or service station building.

Fully Shielded Fixture: A light fixture constructed and mounted such that no light rays are emitted, either directly from the lamp or indirectly by reflection or refraction from any part of the luminaire above the horizontal plane running through the lowest point of the fixture where light is emitted.

Garage Sale: Any sale entitled “garage sale,” “lawn sale,” “moving sale,” “rummage sale” or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large can be aware of such sale. More than six days of sales within a 12-month period is considered commercial retail sales for the purposes of this ordinance.

Garden Supply Store: A place of business where retail and wholesale gardening products and produce are sold to the consumer. These centers may include a nursery and/or greenhouses.

Green House: A permanent structure typically made of, but not limited to, glass, plastic, or fiberglass in which plants are cultivated.

Industrial: Businesses involved in activities such as manufacturing or processing of products by automated, digital, mechanical, or manual means; warehousing and storage; waste disposal; transportation and logistics; research and development; and related technical engineering and distribution functions. (See also Manufacturing-Light, Office-Technical, Research and Development Facility, Food and Beverage Processing, etc.)

Lakefront: Lake front or lakeshore means the water’s edges of Lake Champlain at the ordinary high water mark (the elevation of one hundred (100) feet above mean sea level) unless otherwise defined.

Laundromats: A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Lot Line Adjustment: The relocation of a common property boundary where an additional lot is not created and where an existing lot reduced in size by the adjustment complies with the dimensional requirements of this ordinance. In addition, a lot line adjustment shall include the addition and subtraction of vestigial alleys when being combined with an adjacent lot.

Lumberyard: A facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold. Lumberyards may also process lumber performing millwork, planing, cutting, and other customizing processes. Lumberyards may provide for the sale of associated products including tools and fasteners.

Mixed Use, Attached Dwelling: A building containing any combination of residential and/or non-residential uses.

Mixed Use, Building Site: A tract of land developed with any combination of residential and/or non-residential uses.

Owner: Any person, firm, partnership, association, joint venture, corporation or other entity or combination of entities who alone, jointly or severally with others hold(s) legal or equitable title to any real property.

Owner Occupied: Where owner occupancy is required by this ordinance, owner occupancy shall mean occupancy of premises by an owner for at least 50% of the year.

Parking, Surface/Lot: Parking facilities that are at grade and uncovered or not within a structure.

Parking, Underground: Parking spaces within a covered structure where either: fifty percent of the volume of the parking space is below the finished surface of the ground adjacent to the exterior walls of the building; or, the floor of the parking space is four (4) feet below the finished surface of the ground adjacent to the exterior walls of the building, whichever is greater.

Pharmacy: A retail business substantially devoted to the sale of pharmaceutical items, supplies, and equipment, including the preparation and dispensing of prescription drugs. Said business shall be licensed by the State of Vermont as such.

Principal Building or Structure: The main or primary Building or Structure located on a Lot within which there is conducted any one or more of the Principal Use(s) found on such Lot.

Principal Use: A main or primary Use accommodated by a Building, Structure, or a Lot. The dominant use or uses to which the premises is devoted and the primary purpose for which the premises exists.

Usable Open Space: Any lot area(s) or portion thereof, which enhance utility and amenity by providing space for active or passive recreation including improvements such as: recreational facilities, walkways, plazas, tennis courts, bikeways, boardwalks, recreational piers, sitting walls, fountains, lawns, gardens, unprogrammed landscaped areas and works of art. Usable open space shall not include parking or drives.

Vehicle: Any automobile, truck, motorcycle, or trailer as defined in this ordinance. (See Automobile, Trucks, and Trailer)

Viewshed: The area within view from a defined observation point.

Waiver: Relief granted from a specific standard or requirement as authorized by this ordinance.

Wetland Buffer Zone: A defined upland area contiguous to a wetland that serves as the transition between wetlands and uplands on the landscape, and may also perform important functions independent of their buffering capacity for the wetland.

Windmill: Any mechanism including blades, rotors, and other moving surfaces and supporting structures designed for the purpose of converting wind into mechanical or electrical power.

Yard: All open space, other than an enclosed court, on the same lot with a building or group of buildings, which open space lies between a building or group of buildings and a lot line.

(a) Yard, front: The area encompassing the full width of the lot and lying between the street line of the lot and the nearest line of the building.

(b) Yard, rear: The area extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the building. A rear yard has no street frontage, but may abut an alley.

(c) Yard, side: The area between the side lot line of the lot and the nearest line of the building, and extending from the front yard to the rear yard, or, in the absence of either, to the front or rear lot lines. A side yard has no street frontage, but may abut an alley.

Zoning Application: Document signed by the administrative officer authorizing land development pursuant to the requirements of this ordinance.

Quasi-judicial: Having a partly but essentially judicial character by possession of the right to hold hearings on and conduct investigation into items dealing with rules and regulations and to make decisions in the general manner of courts.

Recreational Vehicle Sales – New & Used: The storage and display for sale of more than two recreational vehicles including those recreational purposes which have a gross vehicle weight more than or equal to 10,000 pounds.

Recycling Center: A building or enclosed area used for the collection, processing, sorting and resale of recyclable materials. For this use, processing means the preparation of material for shipment, or an end user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, cleaning, and remanufacturing. Processing facilities include storage and loading areas located entirely on the processing center site.

Rental Dwelling Unit: Any dwelling unit which is made available to a non-owner by another for compensation, pursuant to a lawful lease or rental agreement, whether oral or written, expressed or implied.

Residential: Regularly used by its occupants as a permanent abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.

Salon/Spa: An establishment where non-surgical cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation, including but not limited to day spas, tanning beds and chemical treatments.

Seawall: A wall of stone, concrete, or other sturdy material, built along the banks or shoreline of any river, stream, brook, or lake to prevent erosion.

Screen(ing): A method of visually shielding one structure, space or use from another structure space or use with vegetation, fencing, walls, berms, or other natural or man-made landscape elements.

Short term rental (STR): A dwelling unit that is rented in whole or in part (i.e. renting bedrooms within a unit) to guests for less than thirty (30) consecutive days and for more than 14 days per calendar year and is subject to the Vermont rooms and meals tax,

Site Plan Review: Review of the spatial layout and proposed content of a parcel of land illustrated on a site plan in accordance with the authority, limitations and procedures set forth in the municipal development plan, 24 V.S.A. §4416, and this ordinance, all as amended.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it and which is equal to or greater than 50% of the total perimeter of the building. If there is no floor above it, then the space between the floor and the ceiling above the floor of such story. Where the floor level of the first story is at least five feet below the adjoining finished grade, the space shall be considered a basement and not counted as a story.

Substantial Rehabilitation: For the purposes of this ordinance any rehabilitation of an existing structure that requires an investment equal to at least fifty percent (50%) of the structure's total replacement cost as approved by Georgia.

Temporary structures: A building or structure intended for removal or demolition within a prescribed time.

Tenant(s): Any person, group of individuals or family who occupies a single dwelling unit or commercial space pursuant to a lawful lease or rental agreement, whether oral or written, expressed or implied.

Trailer: A vehicle standing on wheels without an independent mode of power, designed to be towed or hauled by another vehicle, and used for short-term human occupancy, carrying materials, goods, or objects, or as a temporary office or recreational vehicle.

Tree Caliper: Caliper Measurement of the trunk taken six inches above ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at 12 inches above ground up until the tree is considered too large to transplant.

Tree Diameter: Diameter Measurement of the trunk shall be taken at 4.5 feet above ground also known as DBH (diameter Breast Height). This measurement is used to determine size for trees considered too large to transplant.

Tree Maintenance Plan: A plan prepared by a certified arborist that includes general and specific criteria for removing trees.

Truck: Motor vehicles including but not limited to recreational vehicles, tractors, buses, heavy equipment, and similar size vehicles which have gross vehicle weights greater than or equal to 10,000 pounds, but excluding aircraft or boats.

FLOOD HAZARD DEFINITIONS

For the sole purpose of administering the Special Flood Hazard Area provisions of this ordinance

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

Basement means any area of the building having its floor elevation subgrade (below ground level) on all sides.

Development means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood means (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

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

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of "flood").

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to properties and structures that substantially reduce or eliminate flood damage to any combination of real estate, improved real property, water or sanitary facilities, structures, and the contents of the structures.

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

Historic structure means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

Lowest Floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

Recreational vehicle means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones AE.

The SFHA is composed of the floodway and the flood fringe. The floodway is the stream channel and that portion of the adjacent floodplain that must remain open to permit passage of the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Floodwaters generally are deepest and swiftest in the floodway, and anything in this area is in the greatest danger during a flood. The remainder of the floodplain is called the flood fringe, where water may be shallower and slower.

The following figure illustrates the relationship between the floodway and flood fringe.

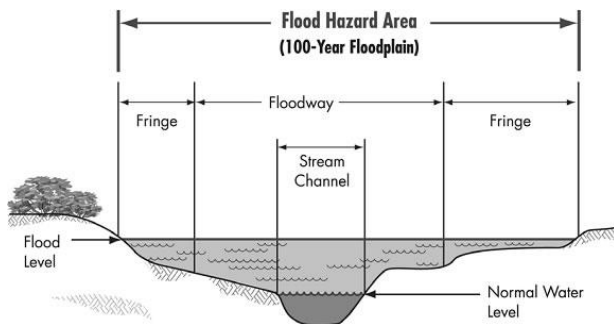


Illustration courtesy of the University of New Hampshire (UNH) Complex System Research Center (CSRC).

Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

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

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over a the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

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