

RESOLUTION
BOARD OF SELECTMEN
TOWN OF CANAAN, VERMONT

WHEREAS; pursuant to 24 VSA 4403, the Planning Commission for the Town of Canaan has submitted to the Board of Selectmen a proposed revised Zoning Bylaw for the Town of Canaan, and

WHEREAS; pursuant to 24 VSA 4404 on October 18, 2000 the Selectmen held a public hearing on the proposed Zoning Bylaw,

NOW, THEREFORE, the Selectmen hereby resolve as follows:

THAT, the proposed revised Zoning Bylaw for the Town of Canaan is hereby adopted.

Dated this 18th day of October 2000

/s/

/s/

/s/

Board of Selectmen
Town of Canaan, Vermont

Received August 8, 2000 at one o'clock 30 minutes PM.

Attest: Linda L. Hikel, Town Clerk

Received by Legislative Body on August 21, 2000 at 7:02 PM

Attest: Linka L. Hikel, Town Clerk

ZONING BYLAW
TOWN OF CANAAN, VERMONT

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ZONING BYLAW
TOWN OF CANAAN, VERMONT

ARTICLE 1: ENACTMENT AND INTENT

Section 101 Enactment

In accordance with the Vermont Planning and Development Act (Title 24 VSA Chapter 117) hereinafter referred to as the "Act", there is hereby established a zoning bylaw for the Town of Canaan which is set forth in the text and map that constitutes this law. This bylaw shall be known and cited as the "Town of Canaan Zoning Bylaw."

Section 102 Intent

It is the intent of this zoning bylaw to provide for orderly community growth and to further the purposes established in Section 4302 of the Act.

ARTICLE II: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 201 Zoning Map and Districts

The zoning map, officially entitled "Town of Canaan Zoning Map", is hereby adopted as part of this bylaw. The Town of Canaan Zoning Map shows a division of the town into the following districts:

"IND"	Industrial	"R-2"	Residential Two
"RC"	Residential-Commercial	"AGR"	Agricultural
"R-1/2"	Residential One-Half	"RL"	Rural Lands
"R-1"	Residential One	"WP"	Wallace Pond

Section 202 Copies of Zoning Maps

Regardless of the existence of other printed copies of the zoning map, which from time to time may be published, the official zoning map, which shall be located in the office of the Town clerk, shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the Town.

Section 203 District Boundaries

District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the center lines of such roads, streams and transportation rights-of-way. The abandonment of roads shall not affect the location of district boundaries. When the Administrative Officer cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the zoning map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Planning Commission shall interpret the locations of the district boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of this bylaw.

Section 204 District Objectives and Land Use Control

The following tables establish the objectives of each of the districts hereby established and the provisions that apply respectively in each district. Any use designated as a "Permitted Use" may be commenced in such district pursuant to Section 206 of these regulations. Any use designated as a "Conditional Use" requires Site Plan Approval pursuant to Section 207 of these regulations and conditional use review pursuant to Section 208 of these regulations.

Section 205 Application of Regulations

No land development may commence without a zoning permit issued by the Administrative Officer. Unless such land development conforms with the regulations herein specified, no zoning permit may be issued by the Administrative Officer. No subdivision permits will be issued by the administrative officer without a subdivision permit or an exemption of permit from the Agency of Natural Resources, Division of Wastewater Management.

TABLE 205.1 - "IND" Industrial

Objectives and Characteristics

This district provides a location for the establishment of a variety of types of manufacturing and commercial activities to provide employment opportunities and broaden the tax base of Canaan without conflicting with other uses. The district has good access to transportation facilities.

Conditional Uses

All uses within this district are Conditional Uses and require Site Plan Review. Please refer to Sections 204, 207, 208 and 316.

Area and Dimensions

Minimum Lot Size		Minimum Yard Dimension (Ft)		
Area (Acres)	Width (ft)	Front	Each-side	Rear
1	100	20	20	20

TABLE 205.2 - "R-C" RESIDENTIAL-COMMERCIAL

Objectives and Characteristics

This district provides for a high density of residential use and commercial uses to serve the area.

Permitted Uses

1. Agriculture
2. Bank
3. Dwelling, single family
4. Dwelling, two family
- *5. Dwelling, multi-family
6. Essential service
7. Forestry
8. Home Occupation
9. Office
10. Personal service
11. Public assembly use
12. Public facility
13. Retail store
14. Accessory

All other uses within this district are Conditional Uses and require Site Plan Review. Please refer to Sections 204, 207, 208 and 316.

Area and Dimensions

Minimum Lot Size		Minimum Yard Dimension (ft)		
Area (Acres)	Width (ft)	Front	Each-side	Rear
½	100	30	15	20

*Multi-family dwellings also require a minimum of 5,000 sq. ft. of land per family.

Any lot bordering Wallace Pond shall have a minimum dimension measured along the shoreline of at least 75 feet.

TABLE 205.3 - "R-1/2" RESIDENTIAL ONE-HALF

Objectives and Characteristics

This district is intended to be primarily for single and two family dwellings at a higher density of development than in Residential one. Various other uses that complement the district may be allowed.

Permitted Uses

1. Dwelling, single family
2. Dwelling, two family
3. Home Occupation
4. Accessory

All other uses within this district are Conditional Uses and require Site Plan Review. Please refer to Sections 204, 207, 208 and 316.

Area and Dimensions

Minimum Lot Size		Minimum Yard Dimension (ft)		
Area (Acres)	Width (ft)	Front	Each-side	Rear
½	100	30	15	20

TABLE 205.4 - "R-1" RESIDENTIAL ONE

Objectives and Characteristics

The purpose of this district is to provide an area for residential use in a rural setting at a higher density than in the Residential Two district. Since public water and sewer services are generally not available, this district includes areas where limitations for on-site sewage disposal are slight or moderate. Developers of property in this district will be guided by State regulations. This district includes areas which are not remote from more densely developed areas and which are served by an adequate year-round road system

Permitted Uses

1. Agriculture
2. Dwelling, single family
3. Dwelling, two family
4. Forestry
5. Home Occupation
6. Accessory

All other uses within this district are Conditional Uses and require Site Plan Review. Please refer to Sections 204, 207, 208 and 316.

Area and Dimensions

Minimum Lot Size		Minimum Yard Dimension (ft)		
Area (Acres)	Width (ft)	Front	Each side	Rear
1	150	30	15	20

TABLE 205.5 - "R-2" RESIDENTIAL TWO

Objectives and Characteristics

The purpose of this district is to provide an area for residential use in a rural setting at a higher density than in the Rural Lands District. Since public water and sewer services are generally not available, this district includes areas where limitations for on-site sewage disposal are slight or moderate. Developers of property in this district will be guided by State regulations. This district includes areas which are not remote from more densely developed areas and which are served by an adequate year-round road system.

Permitted Uses

1. Agriculture
2. Dwelling, single family
3. Dwelling, two family
4. Forestry
5. Home Occupation
6. Accessory

All other uses within this district are Conditional Uses and require Site Plan Review. Please refer to Sections 204, 207, 208 and 316.

Area and Dimensions

Minimum Lot Size		Minimum Yard Dimension (ft)		
Area (Acres)	Width (ft)	Front	Each side	Rear
2	200	30	20	20

TABLE 205.6 - "AGR" AGRICULTURAL

Objectives and Characteristics

The purpose of this district is to protect major areas of prime agricultural land while allowing other uses that are secondary to agricultural use. The characteristics of this district are good agricultural soils, adequate accessibility, and slopes generally less than 8 percent, thus allowing the efficient use of farm equipment. Developers of property in this district will be guided by State regulations.

Permitted Uses

1. Agriculture
2. Dwelling, single family
3. Forestry
4. Home Occupation
5. Accessory

All other uses within this district are Conditional Uses and require Site Plan Review. Please refer to Sections 204, 207, 208 and 316.

Area and Dimensions

Minimum Lot Size		Minimum Yard Dimension (ft)		
Area (Acres)	Width (ft)	Front	Each side	Rear
10	400	30	35	50

One Time Exception

In this district, any lot legally in existence and on record as of June 12, 1979 that exceeds the minimum lot acreage requirement by at least two acres may be divided with one of the resulting lots having a minimum lot acreage of two acres. Any lot legally in existence and on record as of June 12, 1979 that exceeds the minimum lot acreage requirement by four acres may be divided with two of the resulting lots each having a minimum lot acreage of two acres.

TABLE 205.7 - "RL" RURAL LANDS

Objectives and Characteristic

This district includes areas of the community that should have a low density of development as they are generally mountainous, remote from more densely developed areas, are not served by an adequate year-round road system, and have, in many cases, shallow soils.

Permitted Uses

1. Agriculture
2. Dwelling, single family
3. Forestry
4. Home Occupation
5. Accessory

All other uses within this district are Conditional Uses and require Site Plan Review. Please refer to Sections 204, 207, 208 and 316.

Area and Dimensions

Minimum Lot Size		Minimum Yard Dimension (ft)		
Area (Acres)	Width (ft)	Front	Each side	Rear
10	400	30	50	50

TABLE 205.8 - "WP" WALLACE POND DISTRICT

Objectives and Characteristics

The purpose of this district is to allow for a combination of residential and commercial use of shorefront in traditionally developed shore areas along lakes where the natural vegetation has been removed and the shoreline has been artificially stabilized. Also to establish and maintain the appropriate physical and social settings for the recreational experiences desired on and around the lake.

Permitted Uses

1. Single family dwelling
2. Accessory Use
3. Home Occupation

Prohibited Uses

The following uses are prohibited within any shoreline district: landfills, junkyards, and any hazardous materials storage facility or processing facility, with the exception of properly installed fuel storage tanks, as defined by current Vermont regulations.

All other uses within this district are Conditional Uses and require Site Plan Review. Please refer to Sections 204, 207, 208 and 316.

Area and Dimensions

Minimum Lot Size		Minimum Yard Dimension (ft)		
Area (acres)	Width (ft)	Road front	Each side	Rear
2	200	20	10	20

Any lot bordering Wallace Pond shall have a minimum dimension measured along the shore of 75 feet.

Section 206 Permitted Uses

Permitted uses are those uses that are allowed upon issuance of a permit by the Administrative Officer provided the standards established by these regulations are met and no other special action by the Planning Commission or Zoning Board of Adjustment is required.

Section 207 Site Plan Approval

No zoning permit shall be issued by the Administrative Officer for a conditional use until the Planning Commission grants site plan approval in accordance with the following procedures:

207.1 Submission of Site Development Plan Map and Supporting Data. The owner shall submit the following information presented in drawn form:

- A. A sketch of the property showing existing features including large trees, streets, utility easements, rights-of-way, land use, and deed restrictions. Such sketch shall also include all features within a minimum of 100 feet beyond the property lines;
- B. Site plan should also show proposed structure locations and dimensions (length, width and height), proposed land use, streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks, site grading, landscape design and screening, and name and address of person preparing the map, scale of map, north point and date.

207.2 Site Plan Review Procedure. The Planning Commission shall act to approve or disapprove any such site plan with 60 days after the date upon which it receives the proposed plan, and failure to so act within such period shall be deemed approval. The Planning Commission shall review the site plan and supporting data on the basis of the following standards, before approval, approval with stated conditions, or disapproval is given:

- A. All access driveways shall be located at least 75 feet from a street line intersection. Also see Section 316.
- B. On a corner lot, within the triangular area formed by the intersection of two property lines and a third line joining them at points 25 feet away from their intersection, there shall be no obstruction to vision between the height of 2 feet and 12 feet above the grade of each street.
- C. All areas designated, used or intended to be used for the exterior storage of materials and/or equipment shall be screened from view with either a wall, a solid fence or a fence and evergreens at a height of at least 5 feet above grade level, on all sides where the adjacent land is in residential use.
- D. A strip of land at least 15 feet in width shall be maintained as a landscaped area on all sides where the adjacent land is in residential use. Landscaping shall take the form of well kept grassed areas. All such landscaping shall be maintained in a healthy growing condition.

207.3 Planning Commission Action. In considering its action, the Planning commission may waive or modify any of the standards set forth above. The Planning Commission may impose such additional conditions and safeguards with respect to adequacy of traffic access, circulation and parking, landscaping and screening, and protecting the utilization of renewable energy resources and other matters specified in the bylaws.

Section 208 Conditional Uses

208.1 Conditional uses are those uses that may be allowed by the Zoning Board of Adjustment, as provided for in Section 4407(2) of the Act, if the Board, after public notice and public hearing, determines that the proposed use:

- A. Conforms to the area and dimensional requirements for the district in which the proposed use is located.
- B. Conforms to the standards set forth in Section 207.2.
- C. Will not result in undue air or water pollution. No emission, shall be permitted which can cause any damage to health, animals, vegetation, or other forms of property which can cause any excessive soiling at any point on the property of others.
- D. Will not cause an unreasonable burden on a public water supply if one is to be utilized and does have sufficient water available for the reasonable foreseeable needs of the proposed use.
- E. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water.
- F. Will not cause unreasonable congestion or unsafe conditions with respect to the use of existing or proposed means of transportation.
- G. Will not place an unreasonable burden upon the ability of the municipality to provide governmental and educational services.
- H. Will not destroy or significantly imperil necessary wildlife habitat.
- I. Will not create noise which is excessive at the property line and represents a significant increase in noise levels in the vicinity of the proposed use. The sound pressure level should not exceed the following decibel levels at the property line:

LAND USE CATEGORY:

DECIBEL LEVEL:

- 1. Tracts of land in which serenity and quiet are of extraordinary significance and serve an important public need, and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose. Such areas could include amphitheatres, particular parks or portions of parks, or open spaces which are dedicated or recognized for activities requiring special qualities of serenity and quiet. 60 dB (A)
 - 2. Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, picnic areas, recreation areas, playgrounds, active sports areas, parks. 70 dB(A)
 - 3. Developed lands, properties or activities not included in categories A and B above. 75 dB(A)
- J. Will not result in the emission of objectionable odors beyond the property line of the proposed use.
 - K. Will not result in any noticeable, clearly apparent vibration of or on the property of another landowner.
 - L. Will not create glare or reflection which would create a nuisance to other property owners or tenants or which could impair the vision of a driver of any motor vehicle or which are detrimental to public health, safety and welfare.
 - M. No fire, explosive or safety hazard shall be permitted which significantly endangers other property owners or which results in a significantly increased burden on municipal facilities.

- N. The storage of any highly flammable liquid in tanks above ground with unit capacity greater than 550 gallons shall be prohibited unless such tanks, up to and including 10,000 gallon capacity, are placed not less than 80 feet from all property lines, and unless all such tanks of more than 10,000 gallon capacity are placed more than 200 feet from all property lines. CONTENT: All tanks having a capacity greater than 550 gallons shall be properly retained with dikes having a capacity not less than one and one-half times the capacity of the tanks surrounded.

Section 208.1 (Continued)

- O. Extraction of soil, sand or gravel: All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street or private property. All provisions to control natural drainage water shall meet with the approval of the Planning Commission.
 - 1. No power-activated sorting machinery or equipment shall be located within 300 feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
 - 2. The Planning Commission may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

208.2 In granting such conditional use, the Board of Adjustment may waive or modify any of the standards above and/or impose such conditions and safeguards as it may deem necessary to implement the purposes of these regulations. These conditions may include the following:

- A. Increasing the required lot size or yard dimensions in order to protect the adjacent properties.
- B. Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent properties.
- C. Controlling the location and number of vehicular access points to the property.
- D. Increasing the street width adjacent to the property.
- E. Increasing the number of on-site parking or loading spaces required.
- F. Limiting the number, location and size of signs on-site.
- G. Requiring suitable on-site landscaping and screening where necessary to reduce noise and glare and to maintain the property in character and keeping with the surrounding area.
- H. Specifying a time limit for construction, alteration, or enlargement.
- I. Providing for special layout of facilities on the property such as location of the building, parking areas, access to the building so as to minimize effect on adjoining property.
- J. Specifying standards for operation of the conditional use so that it will be no more objectionable to the neighborhood by reason of noise, odors, vibrations, flashing lights or hours of operation than would be the operation of a permitted use at that site.
- K. Specifying that in case of the remodeling of existing structures into two-family or lodging house use that the remodeling of the structure would be done in such a manner that it will not substantially change the exterior appearance of the structure.
- L. Requiring such additional, reasonable conditions and safeguards as the Board may deem necessary to implement the purposes of this ordinance and to protect the best interests of the surrounding property and the neighborhood.

Section 209 Prohibited Uses

Junkyards are a prohibited use in all districts.

ARTICLE III GENERAL PROVISIONS

Section 301 Existing Small Lots

In any district any lot in individual and separate and non-affiliated ownership from surrounding properties in existence and on record as of the effective date of these regulations, may be developed even though not conforming to minimum lot size or width requirements, if such lot is not less than one-eighth acre in size with a minimum width or depth dimension of 40 feet.

Section 302 Required Frontage on, or Access to, Public Roads

No land development may be permitted on lots which do not either have frontage on a public road or, with the approval of the Planning Commission, access to such a road by a permanent easement or right-of-way at least 50 feet in width.

Section 303 Lots in Two Zoning Districts

Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend for 100 feet into the more restricted part.

Section 304 Minimum Lot Size Requirements Per Use

If more than one use is proposed for a parcel of land, such parcel shall be of sufficient size so that each use individually meets the minimum lot size and yard dimension requirements for the district in which the parcel is located.

Section 305 Reduction of Lot Area

No lot shall be so reduced in area that the area, yards, lot width, frontage, or other requirements of these regulations shall be smaller than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose.

Section 306 Yard on Corner Lots

Any yard adjoining a road shall be considered a front yard for the purposes of these regulations.

Section 307 Projections Into Required Yards

All structures, except steps and landings, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front, side or rear yard.

Section 308 Temporary Non-Complying Structures and Non-Conforming Uses

Permits may be issued by the Administrative Officer for a period not exceeding one year for temporary non-complying structures or non-conforming uses incidental to any land development for which a zoning permit has been issued. Such permits shall be conditioned upon the agreement by the owner to remove the structure or discontinue the use upon expiration of the permits and may be renewed upon application for an additional period not exceeding one year.

Section 309 Excavations

If an excavation for a building has not been structurally covered over within 18 months after work on the excavation began, it shall be filled to normal grade.

Section 310 Demolished, Burned or Collapsed Structures

Within 18 months after any structure has been demolished, damaged by fire, or has collapsed, the owner shall repair, rebuild or replace the structure or shall remove all structural materials and fill any excavation remaining to normal grade.

Section 311 Fencing

Below ground swimming pools and liquid manure pits shall be enclosed on all sides by a suitable fence at least 4 feet in height.

Section 312 Porches

Porches, not including steps and landings, whether enclosed or not, shall be considered as part of the main building and shall not project onto a required yard.

Section 313 Travel Trailers

It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up-coach, and/or motor home on any public or private property, except in accordance with these regulations as follows:

313.1 In an approved travel trailer camp.

313.2 In an approved motor vehicle sales, service and repair facility.

313.3 A property owner may park or store his own travel trailer, or park that of a bona fide visitor, on his own property without special approval provided it is parked or stored no closer than 6 feet to any lot line.

313.4 Any person intending to park a travel trailer anywhere for a period of 12 months or more shall obtain a zoning permit from the Administrative Officer if 313.1, 313.2 or 313.3 do not apply. No zoning permit may be issued unless the travel trailer conforms to the regulations herein specified. In no event shall a travel trailer be utilized for year-round human occupancy.

Section 314 Planned Unit Development

In accordance with the provisions set forth in Section 4407(3) of the Act, the modification of district regulations by the Planning Commission is permitted simultaneously with site plan approval subject to the following conditions:

314.1 The purpose of the planned unit development provision is to encourage innovation in design and layout, and more efficient use of land; to preserve the natural and scenic qualities of open land; to provide for a mixture of compatible uses at different

densities; and to provide for the development of existing lots which because of physical, topographical or geological conditions could not otherwise be developed.

- 314.2 Proposals for planned unit development shall be submitted to the Planning Commission and shall include a site development plan and supporting data as required by Section 207.1 of this bylaw.
- 314.3 Uses shall be limited to those permitted and conditional uses within the district in which the planned unit development is proposed.
- 314.4 Density may vary within the development but the total number of dwelling units shall not exceed 25 percent more than the number which could be permitted if the land were subdivided into lots in conformance with the zoning regulations for the district in which it is located.
- 314.5 Lot size, width and front, rear and side yard requirement may be waived; however, these will be evaluated by the Planning Commission on their individual merit.
- 314.6 A planned unit development shall comply with the following standards:
- A. It shall be at least 4 contiguous acres.
 - B. Off-lot water and sewer may be required if for over 5 residential units.
 - C. At least 25 percent of the development shall be open space for public and/or common usage. Regulations for control and maintenance of this open space may be required by the Planning Commission.

Section 315 Flood Hazard Areas

Notwithstanding any district regulation, no land development, as such term is defined in 24 VSA 4303(3) may be commenced in those portions of the Town of Canaan designated and described and bounded as areas of special flood hazard on the Federal Insurance Administration (FIA) Rate Map "or" as a regulatory floodway on the FIA Flood Boundary and Floodway Map, without a conditional use permit issue by the Administrative Officer following approval by the Zoning Board of Adjustment.

- 315.1 Criteria for Approval. An application shall be approved if the Board of Adjustment finds that:
- A. The proposed land development is:
 - 1. designed and anchored to prevent flotation, collapse or lateral movement of the structures;
 - 2. constructed of materials and utility equipment that are resistant to flood damage;
 - 3. constructed using methods and practices that will minimize flood damage; and
 - 4. be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and ther service facilities that are designed and/or located so as to prevent water from accumulating within the components during conditions of flooding.
 - B. The proposed land development is:
 - 1. consistent with the need to minimize flood damage;
 - 2. designed so that all public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - 3. designed so that adequate drainage is provided so as to reduce exposure to flood hazards.
 - C. New or replacement water supply systems and/or sanitary sewage systems are designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters and that on-site waste disposal

systems are located so as to avoid impairment of them or contamination from them during flooding.

- D. Materials, including flammable or hazardous liquids will not be subject to damage by flood waters and will be firmly anchored to prevent flotation.

Section 315.1 (Continued)

- E. The elevation of the lowest floor (including basement) of any new or substantially improved residential building, is at or above the elevation of the 100-year flood. Within unnumbered "A" zones the Board of Adjustment shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source to make this determination.
- F. The elevation of the lowest floor (including basement) of any new or substantially improved non-residential structure is at or above the elevation of the 100-year flood or that the structure together with attendant utility and sanitary facilities are designed so that below the base flood level the structure is watertight and walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Within unnumbered "A" zones the Board of Adjustment shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source to make this determination.
- G. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - 1. A minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
 - 2. The bottom of all openings shall be no higher than 1 foot above grade.
 - 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
- H. Where floodproofing is used in lieu of elevation, a registered professional engineer or architect has certified that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood.
- I. Manufactured homes are anchored to resist flotation, collapse or lateral movement by:
 - 1. Over-the-top ties at each of the 4 corners of manufactured homes, with an additional tie per side for manufactured homes less than 50 feet long or 2 additional ties at intermediate locations for manufacture homes 50 feet or longer; and
 - 2. Frame ties at each corner with 4 additional ties per side for manufactured homes less than 50 feet long; 5 additional ties per side at intermediate points for manufactured homes 50 feet or longer.
 - 3. All components of the anchoring system shall be capable of carrying a force of 4800 pounds and any additions to a manufactured home shall be similarly anchored.
- J. Manufactured home stands or lots are:
 - 1. Elevated on compacted fill or pilings so that the lowest floor of the manufactured home will be at or above the elevation of the 100-year flood;
 - 2. Provided with adequate surface drainage and access for the hauler; and

3. In the instance of elevation on pilings, lots are large enough to permit steps, the piling foundations are placed in stable soil no more than 10 feet apart, and reinforcement is provided for piers more than 6 feet above ground level.
- K. No land development shall be located within the floodway. Within unnumbered "A" zones the Board of Zoning Adjustment shall obtain, review and reasonably utilize any floodway data available from a Federal, State, or other source to make this determination.
- L. Any proposal to alter or relocate a watercourse in a flood hazard area will not diminish flood carrying capacity of the watercourse.
- M. All necessary permits have been received from those governmental agencies from which approval is required by Federal and State law.

Section 315.1 (Continued)

- N. Recreational Vehicles placed on sites within Zones A1-30, AH and AE shall either:
 - 1. Be on the site for fewer than 180 consecutive days,
 - 2. Be fully licensed and ready for highway use, or
 - 3. Meet all standards of section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” of Section 60.3(c)(6).

- 315.2 Prohibited Uses. Mobile home parks (as defined in 24 VSA 2232), mobile home subdivisions, junkyards (as defined in 24 VSA 2068), and solid waste disposal sites shall not be permitted within the flood hazard area.

- 315.3 Submittal of applications. Applications shall be made to the Administrative Officer on forms provided for that purpose and shall be accompanied by plans in triplicate showing:
 - A. The location and dimensions of the lot and existing and proposed structures;
 - B. The distance between the stream channel and existing and proposed structures;
 - C. The elevation in relation to mean sea level of the lowest habitable floor, including basement, of all new or substantially improved structures;
 - D. The elevation in relation to mean sea level of the 100-year flood for the lot;
 - E. Where floodproofing is used in lieu of elevation, the elevation in relation to mean sea level to which the structure will be floodproofed.

- 315.4 Procedure. Upon receipt of a complete application and plans for a proposed structure in a flood hazard area, the Administrative Officer shall:
 - A. Warn a public hearing which shall be held within 30 days of receipt of a completed application.
 - B. Notify adjacent communities and the VT Dept. of Water Resources of any proposals to alter or relocate any watercourse in a flood hazard area and submit copies of such notification to the Federal Insurance Administration.
 - C. Give public notice of the hearing by the publication of the date, time, place and purpose of such hearing in a newspaper of general publication in the municipality and the posting of such notice in one or more public places within the municipality not less than 15 days prior to the date of the public hearing.
 - D. Mail to the applicant a copy of the public notice at least 15 days prior to the hearing.
 - E. Conduct the hearing in accordance with the procedures outlined in 24 VSA 4462.
 - F. Render a decision on the request for a conditional use permit within 60 days after completion of the hearing. Failure to act within 60 days shall be deemed approval.
 - G. Mail copies of the decision to the applicant and a copy thereof shall be filed with the Town Clerk.

- 315.5 Records. The Administrative Officer shall maintain a record of:
 - A. The elevation in relation to mean sea level of the lowest habitable floor, including basement, of all new or substantially improved structure, and whether or not such structures contain a basement;
 - B. The elevation in relation to mean sea level to which a structure has been floodproofed.

315.6 Burden of Proof. The burden of proof for meeting the requirements of this section shall be on the applicant.

315.7 Variances. Variances from these regulations shall be granted by the Board of Adjustment only:

- A. In accordance with the provisions of 24 VSA 4468;
- B. Upon a determination that the variance will not result in increased flood heights, threats to public safety, or extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances;
- C. Upon written notification to the applicant for a variance that:
 - 1. The issuance of a variance to construct a structure below the elevation of the 100-year flood will result in increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 - 2. Such construction below the elevation of the 100-year flood increases risks to life and property.

315.8 Effect on Other Regulations: It is not intended by these regulations to repeal, abrogate, or impair any existing laws, regulations, rules, easements, covenants or deed restrictions. However, where these regulations impose greater restrictions over other laws, regulations, ordinances, rules, easements, covenants or deed restrictions, the provisions of these regulations shall prevail.

315.9 Disclaimer of Liability: These regulations do not imply that areas outside the flood hazard areas or land uses within such areas will be free from flooding or flood damages. These regulations shall not create any liability on the part of the Town of Canaan or any officer or employee thereof or any administrative decision lawfully made thereunder.

Section 316 Off-Street Parking

Each off-street parking space may be estimated to be 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces (or a site plan showing each space, together with properly related access to a public street and maneuvering room including room for opening doors on both sides) meeting the requirements are provided and maintained in a manner appropriate to the circumstances of the case, and in accordance with all bylaws and regulations of the Town.

A. Off-Street Parking shall be provided in accordance with the following specifications:

<u>Use</u>	<u>Parking Spaces Required</u>
Dwelling, multi-family	1 per dwelling unit
Membership club	1 per 6 members
Lodging house	1 per lodging unit
Motel	1 per lodging unit
Church	1 per 4 seats
Public assembly use	1 per 4 seats
Restaurant	1 per 4 seats
Contractor's yard	1 per 1.5 employees
Industrial use	1 per 1.5 employees
Home occupation	1 per 1.5 employees
Warehouse (includes trucking terminal)	1 per 1.5 employees
Wholesale distribution	1 per 1.5 employees

Auto sales/repair	1 per 250 sq. ft.
Bank	1 per 250 sq. ft.
Clinic	1 per 250 sq. ft.
Public facility	1 per 250 sq. ft.
Office	1 per 250 sq. ft.
Personal service	1 per 250 sq. ft.

Section 316 (Continued)

Retail store	1 per 250 sq. ft.
Recreation, indoor	1 per 250 sq. ft. of building or 1 per 4 seats, whichever is greater
Recreation, outdoor	1 per 250 sq. ft. or 1 per 4 seats, whichever is greater

- B. Off-street loading, which is spaced logically, conveniently located, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when off-street parking spaces are filled, shall be provided for all uses involving the shipping or delivery of goods and products. Required off-street loading space is not to be included as off-street parking space. Each off-street loading space, used for the temporary location of one licensed motor vehicle, shall be at least 12 feet wide and 55 feet long and 14 feet high, not including access driveway, and having direct access to street or alley.

ARTICLE IV: NON-CONFORMING USES AND NON-COMPLYING STRUCTURES

Section 401 Construction Approved Prior to Adoption or Amendment to Regulations

Nothing contained in these regulations shall require any change in plans for the construction of a non-complying structure or the establishment of a non-conforming use for which a zoning permit has been issued prior to the effective date of these regulations or which is completed or suitable for occupancy or use within 2 years from the effective date of these regulations.

Section 402 Non-Conforming Uses

In accordance with 24 VSA 4408 (b), the following provisions shall apply to all non-conforming uses existing on the effective date of these regulations.

Any non-conforming use may be continued indefinitely but:

- 402.1 Shall not be changed to another non-conforming use without approval by the Board of Adjustment, and then only to a use which, in the judgement of the Board, is of a same or more restricted nature.
- 402.2 Shall not be re-established if such use has been discontinued for a period of 18 months or more for any reason, or has been changed to, or replaced by a conforming use. Intent to reestablish a non-conforming use shall not confer the right to do so.
- 402.3 Non-conforming use structures may be expanded up to 20 percent greater than their existing size on June 12, 1979 subject to approval by the Board of Adjustment after public notice and hearing, provided the expansion conforms to any other applicable requirements of these regulations.

Section 403 Non-complying Structures

In accordance with 24 VSA 4408 (c), the following provisions shall apply to all non-complying structures existing on the effective date of these regulations.

Any non-complying structure:

- 403.1 May be continued indefinitely and may be expanded subject to approval by the Board of Adjustment after public notice and public hearing, provided the expansion is in accordance with any applicable requirements of these regulations, does not increase the degree of non-compliance and meets the requirements of Section 402.3 if the expansion of a non-conforming use is involved.
- 403.2 Shall not be re-established if such structure has ceased to exist for a period of 18 months or more for any reason, or has been replaced by a complying structure. Intent to re-establish a non-complying structure will not confer the right to do so.
- 403.3 Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying structure provided that such action does not increase the degree of non-compliance.

ARTICLE V DEFINITIONS

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

Section 501 Word Definitions

The word person includes a firm, association, organization, relationship, trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed or arranged to be used or occupied.

The word lot includes the words plot or parcel.

Section 502 Term Definitions

Accessory - A use on the same lot with, and of a nature customarily incidental and subordinate to the permitted or conditional use.

Acre - An area of land containing 43,560 square feet.

Agriculture - Any area of land, including structures thereon, which is used for raising livestock or agricultural products and the storage and sale of agricultural products raised wholly or substantially on the property.

Area of Special Flood Hazard - The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard".

Bank - Any area of land, including structures thereon, that is used for financial transactions as licensed by the State of Vermont.

Base Flood - The flood having a 1 percent chance of being equaled or exceeded in any given year.

Basement - Any area of a building having its floor subgrade (below ground level) on all sides.

Building - For flood plain management purposes, is a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Building Front Line - Line parallel to the front lot line intersecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or not enclosed but does not include steps.

Clinic - An office building used by members of the medical professions for the diagnosis and out-patient treatment of human ailments.

Contractor's Yard - Any area of land, including structures thereon, that is used or designed to be used for the storage of materials, supplies and equipment of a plumbing, electrical, logging, roofing or construction contractor.

Development - See Land Development.

Dwelling, Farm - A dwelling unit occupied exclusively by a farm owner or farm laborer.

Dwelling, Single Family - A detached residential dwelling unit designed for and occupied by one family only. It also includes:

- A. In accordance with 24 VSA 4409(d), a state licensed or registered community care home or group home serving not more than 6 persons who are developmentally disabled or physically handicapped shall be considered a single family dwelling if not located within 1,000 feet of another such home.
- B. In accordance with 24 VSA 4406(4)(d), one dwelling unit may be constructed within or attached to a primary single family dwelling subject to the following restrictions:
 1. Occupancy is restricted to not more than two persons, one of whom is related by blood or marriage to the owner of the single family dwelling, is disabled as defined in 18 VSA 252 (2), or is at least 55 years of age.
 2. Floor space shall not exceed 30 percent of the floor space of the existing living area of the single family dwelling or 400 square feet, whichever is greater; and
 3. the primary single family dwelling is occupied by the owner.
- C. In accordance with 24 VSA 4409(f), a state registered or licensed day care facility serving six or fewer children shall be considered by right to constitute a permitted single-family residential use of property.

Dwelling, Two Family - A residential building designed for or occupied by two families living independently of each other in individual dwelling units.

Dwelling, Multi-family - A residential building designed for or occupied by three or more families living independently of each other in individual dwelling units.

Dwelling Unit - One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Enlargement - An increase in the size of a structure which affects the yard dimensions.

Essential Services - The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission, or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories in connection therewith, and including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Family - One or more persons occupying a single dwelling unit, provided that unless all members are legally related no such family shall contain over five persons, but further provided

that domestic servants and farm workers employed on the premises may be housed on the premises without being counted as family members.

Flood Elevation 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.

Floodproofing - Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Forestry - Any use directly related to the growing and harvesting of forest products.

Front - See Yard Dimension, Front.

Home Occupation - In accordance with 24 VSA 4406(3), the use of a minor portion of a dwelling, including accessory structures, for an occupation which is customary in residential areas and which does not change the character thereof.

Industrial - Activities including but not limited to the assembly, manufacture, compounding, processing, packing, treatment, research or testing of materials, goods and products.

Junk - Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

Junkyard - Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk.

Lake - Any permanent body of standing surface water, except artificial water bodies smaller than 2 acres.

Land Development - In accordance with 24 VSA 4303(3), the division of a parcel into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; or of any mining, excavation or landfill, and any change in the use of any building or other structure or land, or extension of use of land.

Loading Space, Truck - Off-street space, used for the temporary location of one licensed motor vehicle, which is at least 12 feet wide and 55 feet long and 14 feet high, not including access driveway, and having direct access to street or alley.

Lodging House - A building in which the rooms are rented with or without meals to 3 or more persons. A boarding house or a rooming house shall be deemed a lodging house.

Lot - A parcel of land occupied or to be occupied by only one use and the accessory uses customarily incidental to it. A lot shall be of sufficient size to meet minimum zoning requirements for use and area, and to provide such yards and other open spaces as are herein required. Such lot may consist of all, or a designated part of:

- A. A single lot of record;

- B. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;
- C. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirement of this bylaw.

Lot of Record - A lot which is part of a subdivision recorded in the office of the Town Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Width - The length of a line, perpendicular to the long axis of a lot, that intersects the long axis at a point one half the distance from the road sideline to the back of the lot.

Lowest Floor - 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 Sect 60.3 of the National Flood Insurance Program.

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

Mean Sea Level - 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 the Flood Insurance Rate Map for the Town of Canaan are referenced.

Mean Water Level - The water level of a lake as determined by the Vermont Water Resources Board (VWRB), or, in the event that the level has not been determined by the VWRB, by the State of Vermont, Department of Environmental Conservation.

Membership Club - Building or use catering exclusively to Club members and their guests for social and recreational purposes, and not operated primarily for profit.

Motel - Building containing rooms which are rented as a series of sleeping units for automobile transients, each sleeping unit consisting of at least a bedroom and bathroom. This shall include hotel.

Motor Vehicle Sales, Service and Repair Facility - Any area of land, including structures thereon, that is used or designed to be used for the sale of motor vehicles and/or the supply of gasoline, oil or other fuel for the propulsion of motor vehicles including facilities for repairing and servicing such motor vehicles.

New Construction - Means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date on an initial Flood Insurance Rate Map 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 a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Non-Conforming Use - Use of land or structure which does not comply with the zoning regulations for the district in which it is located where such use conformed to all applicable laws and regulations prior to enactment of these regulations.

Non-Complying Structure - Structure not complying with the zoning regulations for the district in which it is located, where such structure complied with all applicable laws and regulations prior to enactment of these regulations.

Office - Place where the business of a commercial, industrial, service or professional organization is transacted.

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

Planned Unit Development - An area of a minimum contiguous size, as specified in this bylaw, to be planned and developed as a single entity and containing one or more residential clusters; appropriate commercial, public or quasi-public uses may be included if such uses are primarily for the benefit of the development.

Printing, Publishing - A retail or wholesale service provided for the preparation of screen printed articles, letterhead, business forms, business cards, greeting cards, etc. and/or the production of literature, information, musical scores or sometimes recordings, or art for sale to the public.

Public Assembly - Includes auditorium, theater, public hall, school hall, meeting hall, church or temple.

Public Facility - Usage by agencies and departments of local, county, state and federal government.

Recreational Facility, Indoor - Includes a bowling alley, theater, pool hall, indoor swimming pool or skating rink and similar places of indoor recreation.

Recreational Facility, Outdoor - Includes a playground, park, golf course, swimming area, skating rink, tennis court or similar place of outdoor recreation.

Residential - Includes a farm dwelling, single family dwelling, two family dwelling, multi-family dwelling, and lodging house.

Restaurant - A place or premises used for the sale, dispensing or serving of food, refreshments or beverages.

Retail Store - Any area of land, including structures thereon, that is used or designed to be used for the display and sale of goods and merchandise.

Right-of-way - Lacking a specific deed description, this shall be a minimum width of 50 feet and shall be considered the same as a public road for purposes of this bylaw.

Road/street - A means of egress, minimum 50 foot width, by which vehicular traffic may travel.

Stream - Any body of flowing water identified as a perennial stream on a USGS topographic map.

Structure - Means an assembly of materials for occupancy or use including, but not limited to, a building, mobile home or trailer, billboard or sign.

Substantial Damage - Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition 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, the cost of which 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 specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- B. Any alteration of a historic structure, provide that the alteration will not preclude the structure's continued designation as a historic structure.

Travel Trailer or Trailer - Any vehicle which is used or so constructed as to permit its being used as a conveyance on public roads and highways, whether licensed or not, and constructed in such a manner as will permit temporary occupancy thereof as a dwelling or sleeping place for one or more persons. A trailer shall also include tent trailers, truck campers and vehicles converted to sleeping facilities other than a mobile home. This definition includes uses to which trailers might be put.

Travel Trailer Camp- A parcel of land on which two or more travel trailers, occupied for sleeping purposes, are located.

Warehouse - Any facility for the storage and/or shipment of materials, goods and products (includes trucking terminals).

Wholesale Distribution Service - Includes a wholesale establishment, discount house or sales outlet.

Yard - Space on a lot not occupied with a building or structure. Porches, whether enclosed or not, shall be considered as part of the main building and shall not project into a required yard.

Yard Dimension, Front - The distance from the center line of the road to the nearest point of any building minus 25 feet. For lots without frontage on a public road, the right-of-way to the lot shall be considered a road.

Yard Dimension, Rear - The shortest distance between the rear lot line, or shore line, and the nearest building.

Yard Dimension, Side - The shortest distance between either of the side lot lines and the nearest building.

ARTICLE VI ADMINISTRATION AND ENFORCEMENT

Section 601 Administrative Officer

The Administrative Officer shall be appointed to administer the zoning regulations pursuant to Section 4442 of the Act. Said officer shall literally enforce the provisions of these regulations and in so doing shall inspect developments, maintain records and perform all other necessary tasks to carry out the provisions of these regulations. Appeals from any decision or act taken by the Administrative Officer shall be made as provided for in Subchapter 8 of the Act. An acting Administrative Officer may be appointed pursuant to Section 4442 of the Act.

Section 602 Zoning Permits

- 602.1 No land development, as defined in Section 4303(3) of the Act, may be commenced without a permit therefore issued by the Administrative Officer. No zoning permit may be issued by the Administrative Officer except in accordance with these regulations.
- 602.2 Applications for zoning permits shall be made to the Administrative Officer on forms provided by him for that purpose.
- 602.3 Prior to the issuance of any zoning permit, the Administrative Officer shall first satisfy himself that the subject of the application is in conformance with these regulations. He may request from an applicant any information he deems necessary for this purpose. No such permit shall be issued unless an application, fee, plot plan and any other approvals of the Planning Commission or the Board of Adjustment required by these regulations have been properly obtained and are submitted in connection with the application. The Administrative Officer shall, within 30 days of submission of a completed application, data and approvals, either issue or deny a zoning permit. If denied, the Administrative Officer shall so notify the applicant in writing, stating his reasons therefor. If the zoning permit is approved, all activities authorized by its issuance shall be completed within two years of its date of issuance, or the zoning permit shall become null and void and re-application to complete any activities shall be required.
- 602.4 In the issuance of zoning permits, the Administrative Officer shall comply with all of the provisions of Section 4443 of the Act.
- 602.5 Fees for zoning permits shall be established by the Board of Selectmen. They may be on a sliding scale depending on the cost of the land development. Said fee shall accompany each application for a permit.
- 602.6 No zoning permit issued pursuant to Section 4443(a)(3) of the Act shall take effect until the time for Appeal in Section 4464 (a) of the Act has passed, or in the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.

Section 603 Penalties

Any violation of these regulations after the effective date thereof shall be punished as provided in Section 4444 and 4445 of the Act.

Section 604 Board of Adjustment

- 604.1 There is hereby established a Board of Adjustment whose members shall consist of the Planning Commission, until such time that the Board of Selectmen approve a separate zoning Board of Adjustment as provided in the Act.
- 604.2 Rules of procedure applicable to the Board of Adjustment, the nature of appeals to the Board from actions of the Administrative Officer, notice requirements, public notice, conditions for variance relief, and all other matters governing the action of said Board shall be as provided in subchapter 8 of the Act.

Section 605 Referral to State Agency

In accordance with Section 4409(c) of the Act, no zoning permit for the development of land in certain locations specified in said section shall be issued by the Administrative Officer without first submitting a report to the appropriate state agency, and compliance with the terms of Section 4409(c).

Section 606 Public Notice

When the Planning Commission or Board of Adjustment is required to hold a public hearing by either this bylaw or the Act, public notice shall be prepared and given as required by 24 VSA 4447.

ARTICLE VII AMENDMENTS, INTERPRETATION, EFFECTIVE DATE

Section 701 Amendments

These regulations may be amended according to the requirements and procedures established in Section 4403 and 4404 of the Act.

Section 702 Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

Except for Section 4409(b) of the Act and where, in these regulations, specifically provided to the contrary, it is not intended by these regulations to repeal, annul or in any way to impair any regulations or permits previously adopted or issued, provided, however, that where these regulations impose a greater restriction upon use of a structure or land than are required by any other statute, ordinance, rule, regulation, permit, easement, or agreement, the provision of these regulations shall control.

Section 703 Effective Date

This regulation shall take effect in accordance with the voting and other procedures contained in Section 4404 of the Act.

Section 704 Separability

The invalidity of any article or section of these regulations shall not invalidate any other article or section thereof.

Section 705 Repeal of Former Zoning Bylaw

Upon the date of adoption of this bylaw, the former Town of Canaan Zoning Bylaw, adopted December 6, 1993, is hereby declared repealed and shall have no further force or effect.