

**TOWN OF TROY, VERMONT
ZONING BYLAW**

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TOWN OF TROY, VERMONT
ZONING BYLAW
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ART 1: ENACTMENT & INTENT

Sec 101: Enactment

In accordance with the Vermont Planning and Development Act hereinafter referred to as the "Act", 24 VSA, Sec 4401, there is hereby established a zoning bylaw for the Town of Troy which is set forth in the text and map that constitute this bylaw. This bylaw shall be known and cited as the "Town of Troy Zoning Bylaw".

Sec 102: Intent

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

ART 2: ESTABLISHMENT OF DISTRICTS & DISTRICT REGULATIONS

Sec 201: Zoning Map & Districts

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

| | |
|---------------------------------|---------------------|
| Rural District | Village District |
| Commercial-Residential District | Industrial District |

Sec 202: Copies of Zoning Maps

Regardless of the existence of other printed copies of the zoning map which, from time to time may be made or 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 status of the land, and water areas, buildings, and other structures in the town.

Sec 203: Interpretation of District Boundaries

District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the center lines. 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 Board of Adjustment shall interpret the location 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.

Sec 204: Lot Classification

Table 205.2 sets forth minimum area and dimensional requirements for two classes of lots. This classification is based upon the proposed supply of water and method of sewage disposal and is hereby established as follows:

| <u>Lot Classification</u> | <u>Provision For Water and Sewage Disposal</u> |
|---------------------------|--|
| Class 1 | Municipal water and sewer |
| Class 2 | Municipal water or sewer |
| Class 3 | On lot water and sewer |

Sec 205: District Objectives & Land Use Control

Tables 205.1 to 205.4 set forth the objectives and provisions that apply respectively in each district established in this bylaw. Any use designated as a "Permitted Use" may be commenced pursuant to Sec 206 of this bylaw. Any use designated as a "Conditional Use" may be commenced pursuant to Sec 207 of this bylaw. Any use not designated by this bylaw as a "Permitted Use" or a "Conditional Use" shall be deemed to be prohibited. Regulations establishing a classification of lots in certain districts for the purpose of establishing the minimum area per family and the minimum lot size of such lots are set forth in Sec 204 of this bylaw.

Except as hereinafter provided, no division of a parcel into two or more parcels, nor any construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, of any mining, excavation or landfill, nor any change in the use of land shall commence unless in conformity with the regulations herein specified for the district in which such land or structure is located.

The application of this bylaw is subject to Sec's 4405 to 4409 of the Act.

Tab 205.1: Rural District

Objective: To provide for medium density development of various types while maintaining the natural qualities and rural character of the Town.

Permitted Uses

- | | |
|-------------------------------|--------------------------|
| 1. Accessory use or structure | 6. Forestry |
| 2. Agriculture | 7. Home occupation |
| 3. Cemetery | 8. Health care facility |
| 4. Dwelling, single family | 9. Religious institution |
| 5. Dwelling, two family | 10. School |

Conditional Uses

- | | |
|------------------------------|---------------------------|
| 1. Airport | 7. Personal Services |
| 2. Dwelling, multi-family | 8. Private club |
| 3. Essential service | 9. Public facility |
| 4. Lodging facility | 10. Quarry |
| 5. Neighborhood retail store | 11. Recreational facility |
| 6. Office | 12. Warehouse |

Lot Area And Dimensions

| | |
|---------------------------|-----|
| Minimum lot area (acres): | 1 |
| Frontage (ft): | 125 |
| Front yard (ft): | 40 |
| Side yard (ft): | 25 |
| Rear yard (ft): | 25 |

Tab 205.2: Village District

Objective: To maintain the village areas of Troy as the centers for commercial and social activities.

Permitted Uses

- | | |
|-------------------------------|-------------------------|
| 1. Accessory use or structure | 3. Dwelling, two family |
| 2. Dwelling, single family | 4. Home Occupation |

Conditional Uses

- | | |
|---------------------------|-----------------------------|
| 1. Auto service station | 8. Office |
| 2. Bank | 9. Personal service |
| 3. Dwelling, multi-family | 10. Public facility |
| 4. Essential service | 11. Recreational facility |
| 5. Health care facility | 12. Restaurant |
| 6. Lodging facility | 13. Retail sales & services |
| 7. Mortuary | 14. School |

Lot Area And Dimensions

| Lot classification: | 1 | 2 | 3 |
|--------------------------|--------|--------|--------|
| Minimum lot area (sqft): | 12,500 | 20,000 | 40,000 |
| Frontage (ft): | 100 | 100 | 100 |
| Front yard (ft): | 30 | 30 | 30 |
| Side yard (ft): | 20 | 20 | 20 |
| Rear yard (ft.): | 20 | 20 | 20 |

Tab 205.3: Commercial — Residential District

Objective: To provide, areas for residential and commercial development outside of and adjacent to present village areas.

Permitted Uses

- | | |
|-------------------------------|-------------------------|
| 1. Accessory use or structure | 4. Dwelling, two family |
| 2. Dwelling, multi-family | 5. Home occupation |
| 3. Dwelling, single family | |

Conditional Uses

- | | |
|-------------------------|----------------------------|
| 1. Animal hospital | 13. Private club |
| 2. Auto sales & service | 14. Public facility |
| 3. Bank | 15. Religious institution |
| 4. Contractor's yard | 16. Recreation facility |
| 5. Essential service | 17. Retail sales & service |
| 6. Health care facility | 18. Retail fuel oil |
| 7. Lodging facility | 19. Research/testing lab |
| 8. Manufacturing | 20. Restaurant |
| 9. Mobile home park | 21. School |
| 10. Mortuary | 22. Trucking terminal |
| 11. Office | 23. Warehouse |
| 12. Personal service | 24. Wholesale sales |

Lot Area And Dimensions

| | |
|---------------------------|-----|
| Minimum lot area (acres): | 1 |
| Frontage (ft.): | 150 |
| Front yard (ft.): | 50 |
| Side yard (ft.): | 25 |
| Rear yard (ft.): | 25 |

Tab 205.4: Industrial District

Objective: To increase the Town's tax and employment base by providing areas for the development of industrial uses.

Permitted Uses

- | | |
|-------------------------------|---------------------------|
| 1. Accessory use or structure | 3. Auto sales and service |
| 2. Animal hospital | 4. Essential service |

Conditional Uses

- | | |
|----------------------|----------------------------|
| 1. Contractor's yard | 4. Truck sales and service |
| 2. Manufacturing | 5. Trucking terminal |
| 3. Public facility | 6. Warehouse |

Lot Area And Dimensions

| | |
|---------------------------|-----|
| Minimum lot area (acres): | 5 |
| Frontage (ft.): | 150 |
| Front yard (ft.): | 50 |
| Side yard (ft.): | 25 |
| Rear yard (ft.): | 25 |

Sec 206: Permitted Uses

Permitted uses are uses that are allowed, provided the standards established by this bylaw are met. Unless a variance or other special action by the Board of Adjustment or Planning Commission is required the necessary permit may be issued by the Administrative Officer.

Sec .207: Conditional Uses

207.1 Conditional uses are those uses that may be allowed by the Board of Adjustment as provided for in Sec 4407(2) of the Act after public notice and hearing. In order for the permit to be granted the proposed use shall not adversely affect:

- A. The capacity of existing or planned community facilities;
- B. The character of the area affected;
- C. Traffic on roads and highways in the vicinity;
- D. Bylaws then in effect, and;
- E. The utilization of renewal energy resources.

207.2 In addition, the proposed use must be found to be in conformance with the specific standards for the district in which it is located.

207.3 As a condition of approval, the Board of Adjustment may attach such additional reasonable conditions and

safeguards as it deems necessary to implement the purposes of the Act and these zoning regulations.

Sec 208: Site Plan Review

No zoning permit shall be issued by the Administrative Officer for any use or structure except for one-family and two-family dwellings, accessory uses or structures, and agricultural uses, until the Planning Commission grants site plan approval. The Commission shall conform to requirements of Sec 4407(5) of the Act before acting upon any application, and may impose appropriate conditions and safeguards.

The owner shall submit two sets of maps and supporting data to the Commission which shall include the following:

208.1 Site plan drawn to scale showing:

- A. Existing features, contours, structures, easements, and proposed structure locations and land use areas.
- B. Streets, driveways, circulation, parking and loading spaces, and pedestrian walks.
- C. Landscaping, including site grading and screening.
- D. Structures utilizing renewable energy resources.

208.2 The Planning Commission shall review the site plan map and supporting data before approval, approval with stated conditions, or disapproval, is given, and taking into consideration the following objectives:

- A. Adequacy of traffic access.
- B. Adequacy of circulation and parking.
- C. Adequacy of landscaping and screening.
- D. The protection of the utilization of renewable energy resources.

ART 3: GENERAL PROVISIONS

Sec 301: Existing Small Lots

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of this bylaw may be developed for the purposes permitted in the district in which it is located even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet.

Sec 302: Frontage on, or Access to Public Roads or Waters

No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the approval of the planning commission, access to such a road or

waters by a permanent. easement or right-of-way at least twenty feet in width.

Sec 303: Protection of Home Occupations

No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof.

Sec 304: 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 no more than thirty feet into the more restricted part, provided the lot has frontage on, or approved access to a public road in the less restricted district.

Sec 305: Reduction of Lot Area

No lot shall be so reduced in area such that the area, yards, lot width, frontage, coverage or other requirements of this bylaw 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.

Sec 306: Required Area or Yards

Space required under this bylaw to satisfy area, yard or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.

Sec 307: Projections Into Required Yards

All structures, 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.

Sec 308: Lots Abutting More Than One Public Road

Lots which abut on more than one public road shall provide the required frontage along each public road and any yard abutting a public road shall be considered a front yard for the purposes of this bylaw.

Sec 309: Location of Driveways

All driveways are be located at least one hundred feet from a road line intersection for all uses.

Sec 310: Temporary Uses & Structures

Temporary permits may be issued by the Administrative Officer for a period not exceeding one year, for non-conforming uses incidental to construction projects and for temporary roadside stands for the sale of agricultural products raised on the property, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

Sec 311: Collapsed or Burned Buildings & Structures

No owner or occupant of land in any district shall permit a demolished, collapsed or burned building to remain as such, but within one year shall remove the building or structure and clear the site to ground level, or shall repair, rebuild or replace the building or structure. The Board of Adjustment may grant an extension of one year to meet this requirement.

Sec 312: Off Street Parking

312.1 Parking spaces for any number of separate uses may be combined in one parking lot, but the required space assigned to one use may not be assigned to another at the same time.

312.2 Where any non-residential district or use abuts a residential district or use, the parking space shall be no closer, than fifteen feet to the property line abutting the residential district, and the spaces shall be suitably screened and landscaped.

312.3 With the approval of the Planning Commission, parking spaces may be provided by the applicant on other property, provided such land lies within three hundred feet of an entrance to the principal building.

312.4 Parking shall be provided as indicated in the table below. The Planning Commission shall determine the required number of parking spaces in situations which are not covered by the following table.

- A. 2 / dwelling unit
- B. 1 / 300 sqft of floor area
- C. 1 / guest room
- D. 1 / two beds
- E. 1 / 5 seats in assembly room

- F. 1 / 200 sqft of floor area
- G. 1 / 500 sqft of floor area
- H. 1 / 100 sqft of floor area
- I. None required

| | |
|----------------------------|---|
| Accessory use or structure | I |
| Agriculture | I |
| Airport | G |
| Animal hospital | F |
| Auto sales and service | G |
| Auto service station | G |
| Bank | F |
| Cemetery | I |
| Contractor's yard | G |
| Dwelling, multi-family | A |
| Dwelling, single family | A |
| Dwelling, two family | A |
| Essential service | I |
| Forestry | I |
| Health, care facility | D |
| Home occupation | B |
| Lodging facility | C |
| Manufacturing | G |
| Mobile home park | A |
| Mortuary | H |
| Neighborhood retail store | H |
| Office | F |
| Personal service | F |
| Private club | E |
| Public facility | E |
| Quarry | I |
| Recreational facility | E |
| Religious institution | E |
| Research / testing lab | G |
| Restaurant | E |
| Retail fuel oil | G |
| Retail sales and service | H |
| School | E |
| Truck sales and service | G |
| Trucking terminal | G |
| Warehouse | G |
| Wholesale sales | G |

Sec 313: Signs

No signs shall be permitted in any district specifically permitted herein, except as specifically permitted herein.

313.1 The following signs are permitted in residential districts when located on the immediate property:

- A. One sign not exceeding four square feet, identifying professional at-home occupations.
- B. One temporary real estate sign flat exceeding six square feet.
- C. Signs, not exceeding a total of twenty square feet, identifying any permitted non-residential use.
- D. Signs necessary for public welfare.

313.2 All signs permitted under Sec's. 313.4 to 313.7 are permitted in all other districts when located on the immediate property.

313.3 The following signs shall not to be permitted in any district:

- A. Advertising billboards.
- B. Flashing, oscillating or revolving signs (unless necessary for public safety or welfare).
- C. Roof signs.
- D. Free standing signs in excess of twenty feet in height.
- E. Signs which impair public safety

313.4 Sign dimension and placement requirements.

- A. Every wall sign shall:
 - 1. Not exceed the highest point of the building's roof
- B. Every projecting sign shall:
 - 1. Not extend into the street line.
 - 2. Not extend more than two feet from the building wall.
 - 3. Not be less than ten feet above the surface of a public walkway area.
 - 4. Not exceed fifty square feet in area.
- C. Every free standing sign shall:
 - 1. Not exceed twenty feet in height above the finished grade.
 - 2. Be set back at least twenty feet from any street line and at least ten feet from any other lot line.
 - 3. Not exceed fifty square feet in area.

313.5 When computing the total permissible sign area for any use:

- A. Existing signs shall be included.
- B. The total area of all signs shall not exceed the requirements as set forth in this bylaw.

- C. Signs consisting of free standing letters, numerals or other devices shall include any intervening space between them.
- D. Only the larger face area of a double-faced or “Y” type sign shall be used.
- E. Back to back signs may be counted as one sign.

313.6 Every sign shall be designed and located in such a manner as to:

- A. Not impair public safety.
- B. Not restrict clear vision between a sidewalk and street.
- C. Not be confused with any traffic sign or signal.
- D. Not prevent free access to any door, window or fire escape.
- E. Withstand a wind pressure load of at least thirty pounds per square foot.

313.7 Signs may be illuminated by a steady light provided that such lighting will not illuminate or reflect onto other properties.

Sec 314: Auto Service Stations

In addition to the district regulations, all auto service stations and repair facilities shall comply with the following requirements:

314.1 Pumps, lubricating and other service devices shall be located at least 50 feet from the front lot line and 35 feet from side and rear lot lines.

314.2 There, shall be no more than two access driveways from the road. The maximum width of each access driveway shall be 40 feet.

314.3 A suitably curbed and landscaped area shall be maintained at least 5 feet in depth along all road frontage not used as driveway.

314.4 An auto service station lot shall not be located within three hundred feet of any lot occupied by a school, hospital, library or religious institution.

314.5 All fuel and oil shall be stored at least thirty-five feet from any property line.

314.6 All automobile parts and dismantled vehicles are to be stored within a building, and no repair work is to be performed outside a building.

Sec 315: Extraction of Soil, Sand, or Gravel

The removal of soil, sand, or gravel for sale, except when incidental to construction of a building on the same premises, shall be considered a conditional use and permitted only upon

approval by the Board of Adjustment after a public hearing. The following provisions shall apply:

- 315.1 Before approval of any new sand or gravel operation, the applicant shall agree to leave the site in a safe, attractive and useful condition upon completion of the extraction operations. The Board of Adjustment may require a performance bond to ensure rehabilitation of the site.
- 315.2 Cut slopes, spoil banks, and deep pits created by extraction operations shall not be allowed to remain but shall be graded smooth and left in a neat condition.
- 315.3 No excavation, blasting, or stock piling of materials shall be located within two hundred (200) feet of any public road or neighboring property line.
- 315.4 No power-activated sorting machinery or equipment shall be located within three hundred (300) feet of any public road or neighboring property line.
- 315.5 Steep slopes created by excavating which constitutes a safety hazard shall be fenced and appropriately screened as determined by the Board of Adjustment.
- 315.6 The Board of Adjustment may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

Sec 316: Flood Hazard Area Regulations

316.1 Lands to Which These Regulations Apply. These regulations shall apply for development in all areas in the Town of Troy identified as areas of special flood hazard on the (current National Flood Insurance Program maps) which are hereby adopted by reference and declared to be part of these regulations.

316.2 Conditional Use Permit Required

A. All development including fill, excavation, grading, erection or placement of structures, substantial improvement of existing structures and storage of equipment and material prescribed by the Town of Troy zoning ordinance are permitted within an area of special flood hazard only upon the granting of a conditional use permit by the Board of Adjustment.

B. Prior to issuing a permit for the construction of new buildings, the substantial improvement of existing buildings, or for development in the floodway, a copy of the application shall be submitted to the Vermont Department of Water Resources and Environmental Engineering in accordance, with 24VSA 4409. A permit may be issued only following receipt of comments from the Department or the expiration of 30 days from the date the application was mailed to the Department, whichever is sooner.

C. Adjacent communities and the Vermont Department of Water Resources and Environmental Engineering shall be

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notified at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.

B. Proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.

316.3 Base Flood Elevations and Floodway Limits

A. Where available, i.e.; Zones AI-A30, AE, and AH, the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer the provisions of these regulations.

B. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program, i.e.; Zone A, base flood elevation and floodway information available from State or Federal agencies or other sources, shall be obtained and reasonably utilized to administer the provisions of these regulations.

316.4 Conditional Use Review Procedures

A. Upon receiving an application for a conditional use permit under these regulations, the Board of Adjustment shall, prior to rendering a decision thereon:

1. Obtain from the applicant:

- a. The elevation (in relation to mean sea level) of the lowest floor, including basement, of new building or buildings to be substantially improved;
- b. Where flood proofing is proposed, the elevation (in relation to mean sea level) to which the building will be floodproofed;
- c. Plans drawn to scale showing the existing and proposed land contours, buildings, structures, streams, roads and other pertinent physical features;
- d. Base flood elevation data for subdivisions and other proposed development which contain at least 50 lots or 5 acres (whichever is the smaller)
- e. Such other information deemed necessary by the Board of Adjustment for determining the suitability of the site for, the proposed development.

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2. Obtain from the Vermont Department of Water Resources or other state or federal agencies any available base flood elevation data.

B. In reviewing each application, the Board of Adjustment shall consider:

1. The evaluation of the Vermont Department of Water Resources.
2. The availability of alternative locations not subject to flooding for the proposed use.
3. The susceptibility of the proposed improvement to flood damages.
4. The safety of access to the property in times of flood of ordinary and emergency vehicles.
5. The potential for damage to the property caused by erosion.
6. The danger that materials may be swept onto other lands and cause damage to others.
7. Such other factors as are relevant to the purposes of this ordinance.

C. The Board of Adjustment may grant a conditional use permit for development provided:

1. All necessary permits are obtained from those governmental agencies from which approval is required by Federal or State law.
2. The development standards of Sec 316.5 are met or exceeded.

316.5 Development Standards Within Areas of Special Flood Hazard

A. All development and structures shall be:

1. Designed to minimize flood damage to the proposed development and to public, facilities and utilities, and;
2. Designed to provide adequate drainage to reduce exposure to flood hazards.
3. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;
4. Constructed with materials resistant to flood damage;
5. Constructed by methods and practices that minimize flood damage, and;
6. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or

accumulating within the components during conditions of flooding.

- B. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
- C. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- D. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- E. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
- F. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.
- G. The lowest floor, including basement, of all new buildings shall be at or above the base flood elevation.
- H. Existing buildings to be substantially improved for:
 - 1. Residential purposes shall be modified or elevated to meet the requirements of subsection 316.5(G).
 - 2. Non-residential purposes shall either:
 - a. Meet the requirements of subsection 316.5(G) or;
 - b. Be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- I. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway. These facilities may be permitted outside of the floodway, provided the area is filled to at least one foot above the base flood elevation.

316.6 Duties and Responsibilities of the Administrative Officer. The Administrative Officer shall maintain a record of:

- A. All permits issued for development in areas of special flood hazard.
- B. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings.
- C. The elevation, in relation to mean sea level, to which buildings have been flood proofed.
- D. All floodproofing certifications required under this regulation.
- E. All variance actions, including justification for their issuance.

316.7 Variances. Variances shall be granted by the Board of Adjustment only:

- A. In accordance with the provisions of 24 VSA sec 4468;
- B. Upon a determination that during the base flood discharge the variance will not result in increased flood levels.
- C. Upon a determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

316.8 Warning of Disclaimer of Liability. These regulations do not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Troy or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec 317: Accessory Uses or Structure

All accessory uses or structures shall be established, or built behind the principal use or structure, and shall not exceed in area fifty percent of the principal use or structure.

Sec 318: Planned Unit Development

In accordance with the provisions set forth in Sec 4407(12) of the Act, the modification of district regulations is permitted subject to the requirements of this section. No zoning permit shall be issued by the Administrative Officer for a planned unit development until the Planning Commission grants such approval, in accordance with the following procedures:

- 318.1 The purpose of the planned unit development provision is to encourage new communities, innovation in design and layout, and more efficient use of land.
- 318.2 Proposals for planned unit developments shall be submitted to the Planning Commission in duplicate and shall include a site plan map and supporting data as required by this section
- 318.3 Supporting Data Required. The following data is required and must be submitted in a written text:
- A. Name and address of the owner of record of the land in question.
 - B. Names and addresses of the owners of all abutting properties.
 - C. Name and address of the person or firm preparing the site plan map.
 - D. Construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.
 - E. Any land use and/or deed restrictions.
- 318.4 Site Plan Map Required. A site plan map is required and must show the following features:
- A. Existing features, including contours, structures, large trees, streets, utility easements, and rights-of-way.
 - B. Proposed structure locations and land use areas, streets, driveways, traffic circulation, parking and loading spaces, pedestrian walks, landscaping plans, including site grading, landscape design and screening.
- 318.5 Uses shall be limited to those permitted and conditional uses within the district in which the planned unit development is proposed.
- 318.6 Density may vary within the development but the total number of dwelling units shall not exceed 25% more than the number which would be permitted in the Planning Commission's judgment, if the land were subdivided into lots in conformance with the zoning regulations for the district in which it is located.
- 318.7 Lot size, width, and depth and front, rear and side yard requirements may be waived; however these will be evaluated by the Planning Commission on their individual merit.
- 318.8 A planned unit development shall comply with the following standards:
- A. It shall be at least ten contiguous acres.
 - B. Off-lot water and sewer may be required if for over six residential units.
 - C. At least 25% of the development shall be open space for public and/or common usage. The regulations for control

and maintenance of this open space shall be approved by the Planning Commission.

318.9 The Planning Commission may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in these zoning regulations for planned unit development provided the rules and regulations are consistent with the zoning regulations.

The Planning Commission shall hold a public hearing after public notice, as required by Sec 4447 of the Act, prior to the establishment of any supplementary rules and regulations for planned unit development.

Sec 319: Travel Trailers & Travel Trailer Camps

319.1 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 the regulations as follows:

- A. In an approved travel trailer camp.
- B. In an approved travel trailer sales lot.
- C. Any property owner may park his travel trailer, or that of a visitor, on his own property, provided the trailer is parked no closer than six feet to any lot line. A trailer so parked shall not be used as living quarters for more than four weeks in any calendar year.

319.4 Travel Trailer Camps. It shall be unlawful for any person or firm to construct, maintain or operate any trailer camp unless such person or firm holds a valid permit issued by the Administrative Officer. The issuance of a permit shall require conditional use approval by the Board of Adjustment where applicable, and proof of compliance or intent to comply with applicable state regulations. In addition to any applicable state regulations the following standards shall apply with respect to all travel trailer camps:

- A. All access driveways within a trailer camp must be at least thirty feet in width and have a compacted gravel surface at least twenty feet in width.
- B. A strip of land at least twenty five feet in width shall be maintained as a landscaped area abutting all trailer camp property lines except when the camp boundary is adjacent to residential uses when the landscaped area shall be at least fifty feet in width.
- C. All trailer camps must comply with the sanitation and health laws of the State of Vermont and Town of Troy.

319.5 Other Provisions. Travel trailers which are a part of traveling circuses, fairs, carnivals, etc., may secure a

temporary permit not to exceed 21 days, provided that all health and sanitary laws and regulations of the State of Vermont and Town of Troy are met.

Sec 320: Lots

If two or more adjacent lots are in single or affiliated ownership on the effective date of this bylaw, and if all or part of the lots do not meet the requirements for lot frontage and area as established by this bylaw, the lots involved shall be considered to be an individual lot for the purpose of this regulation and no portion of said lot shall be used or sold which does not meet lot frontage and area requirements established by this bylaw, nor shall any division of the lot be made which leaves remaining any lot which is not in conformity with the requirements stated in this bylaw.

Sec 321: Calculation of Required Lot Area

When calculating the required lot area, lot width, and yards, existing rights-of-way or proposed rights-of-way shown on the official map shall not be considered.

Sec 322: Fences to Excavation

Excavations with slopes exceeding a grade of 50% shall be protected from encroachment by a fence at least five feet in height.

Sec 323: Obstruction of Vision

In all districts on a corner lot, within the triangular area formed by the intersection of two street property lines and a third line joining them at points twenty-five feet away from their intersection, there shall be no obstruction to vision between the heights of one foot and ten feet above the average grade of each street.

Sec 324: Open Storage in Residential Areas

In any residential district, vans and trucks of more than one ton carrying capacity, unlicensed motor vehicles, and cars used for drag or stock car racing must be stored in an enclosed garage and shall not be parked in the front, side or rear yards.

Sec 325: Private Swimming Pool

A private swimming pool shall be installed and maintained in a manner sufficient to meet the standards established by the provisions of the State Health Code. Within the Village district, as a safety precaution, a fence to prevent children from entering the pool area shall be constructed completely around the pool.

Sec 326: Public Utility Substations

Public utility substations and similar utility structures, where permitted, shall comply with the following:

326.1 The facility shall be surrounded by a fence setback from the property lines in conformance with the district regulations for front, side and rear yards.

326.2 A landscaped area at least twenty-five feet wide shall be maintained in front, side and rear yards.

Sec 327: Off-Street Loading Space Requirements

For every building hereafter erected, altered, extended or changed in use for the purpose of business, trade or industry, there shall be provided paved off-street space for loading and unloading of vehicles as set forth below.

327.1 For commercial, business, service and industrial establishments there shall be at least one off-street loading space for every ten thousand square feet of floor area.

327.2 For wholesale, warehouse, freight and trucking uses there shall be at least one off-street loading space for every seven thousand five hundred square feet of floor area.

327.3 Where any non-residential district or use abuts a residential district or use, the loading space shall be no closer than fifteen feet to the property line abutting the residential district, and the spaces shall be suitably screened and landscaped.

Sec 328: Performance Standards

In accordance with Sec 4407(7) of the Act, in all districts the following performance standards together with all applicable State standards must be met. The Planning Commission shall decide whether proposed uses meet these standards.

In all districts uses are not permitted which exceed any of the following standards measured at the property line:

328.1 Emit noise in excess of 70 decibels.

328.2 Emit any smoke, in excess of Ringlemann Chart No. 2.

328.3 Emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause injury or damage to property, business or vegetation.

328.4 Cause, as a result of normal operations, a vibration which creates displacement of 0.002 of one inch.

328.5 Lighting or signs which create glare, which could impair the vision of a driver of any motor vehicle.

328.6 Cause a fire, explosion or safety hazard.

328.7 Cause harmful wastes to be discharged into the sewer system, streams or other bodies of water. Effluent disposal shall comply with the local and State sewer health standards.

Sec 329: Storage of Flammable Liquids

The storage of any highly flammable liquid in tanks above ground with a capacity greater than five hundred and fifty gallons shall be prohibited, unless such tanks up to and including ten thousand gallon capacity are placed not less than eighty feet from all property lines, and unless all such tanks of more than ten thousand gallon capacity are placed not less than two hundred feet from all property lines.

All tanks having a capacity greater than five hundred and fifty gallons shall be properly retained with dikes having a capacity not less than one and one-half times the capacity of the tanks surrounded.

Sec 330: Landscaping & Screening Requirements

Landscaping is encouraged in all districts to be installed and maintained in yards and shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas and ground cover.

It is recommended that shade trees, at least ten feet in height and two inches in diameter, or deciduous shrubs or evergreens, be planted no nearer than five feet to any lot line. All such landscaping shall be maintained in a healthy growing condition, with ground cover or grassed areas.

Sec 331: Mobile Home Parks

The following requirements shall apply with respect to mobile home parks:

331.1 Area and dimensional requirements.

- A. A mobile home park shall have an area of not less than 10 acres.
- B. A mobile home shall be located on the mobile home space so that it is at least twenty feet from the right-of-way of the access driveway and ten feet from any other lot line of the mobile home space.
- C. Mobile le home park offices and/or service buildings shall be located at least fifty feet from all public street right-of-way lines and property lines.

331.2 Mobile le home parks shall provide for individual mobile home spaces, access driveways, parking and recreation open space as follows:

- A. Each mobile home space shall be at least 8,000 square feet in area, and at least sixty feet wide by at least one hundred and twenty feet in depth, and shall front on an access driveway.
- B. A suitable non-porous pad shall be provided on each mobile home space.
- C. All access driveways within a mobile home park shall have a right-of-way at least fifty feet in width and have a surface of treated, compacted gravel at least twenty-four feet in width and and twelve inches in depth. All weather walkways shall be provided.
- D. Two parking spaces with a compacted gravel surface twelve inches in depth, each ten feet wide by twenty-two feet long, shall be provided for each mobile home space.
- E. Mobile le home parks shall provide at least ten percent of the total area for recreation and other open space purposes.

331.3 Utilities

- A. Each mobile home space shall have an attachment for water supply which is adequate, safe and potable.
- B. Each mobile home space shall have an attachment for sewage disposal. The sewage disposal system shall not be located on the mobile home space unless the mobile home space is at least one acre in size.
- C. Provisions for disposal of household garbage and rubbish shall be made.
- D. An electrical source supplying at least 60 amps, 220 volts shall be provided for each mobile home space. Such electrical outlets shall be weatherproof. The use of underground utility installation shall be required unless waived by the Planning Commission.

331.4 A strip of land at least twenty-five feet in width shall be maintained as a landscaped area abutting all mobile home park property lines except when the park boundary is adjacent to residential uses where the landscaped area shall be at least fifty feet in width.

ART 4: NON-CONFORMING USES & NON-COMPLYING STRUCTURES

Sec 401: Construction Approved Prior to Amendment of Bylaw

Nothing contained in this bylaw 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 this bylaw or which is completed, or suitable for occupancy or use within one (1) year from the effective date of this bylaw.

Sec 402: Non-Conforming Uses

In accordance with Title 24 VSA Sec 4408, the following provisions shall apply to all non-conforming uses existing on the effective date of this bylaw.

- 402.1 Shall not be expanded, enlarged, or extended (except as specifically provided), nor shall any external evidence of such use be increased by any means whatsoever.
- 402.2 Shall not be changed to another non-conforming use.
- 402.3 Shall not be re-established if such use has been discontinued for a period of six months, or has been changed to, or replaced by a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
- 402.4 Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage. If the restoration of such building is not completed within one year, the non-conforming use of such building shall be deemed to have been discontinued, unless carried on without interruption in the undamaged part of the building.

Sec 403: Expansion of a Non-conforming Use

The Board of Adjustment may, after public notice and hearing, allow expansion of any non-conforming use up to 20 percent greater than its existing size at the time of adoption of this bylaw provided it conforms to any other applicable requirements of this bylaw.

Sec 404: Non-Complying Structures

In accordance with Title 24 VSA Sec 4408, the following provisions shall apply to all non-complying structures:

- 404.1 A non-complying structure may be continued indefinitely and may be expanded, subject to approval by the Board of Adjustment, provided the expansion is in accordance with any applicable requirements of this bylaw, does not increase the degree of non-compliance and meets the requirements of Sec 403 regarding expansion of a non-conforming use.
- 404.2 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.

ART 5: DEFINITIONS

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

Sec 501: Word Definitions

The word PERSON includes firms, associations, organizations, partnerships, trusts, companies, corporations and individuals.

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.

Sec 502: Term Definitions

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

AGRICULTURE: Land which is used for raising livestock or crops, including structures located thereon used for the storage or sale of agricultural products raised wholly or substantially on the property.

AIRPORT: A place where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair and various accommodations for passengers.

ANIMAL HOSPITAL: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

AREA OF SHALLOW FLOODING: A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: That land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, AI-A30, AE, or A99.

AUTO SALES & SERVICE: The use of any building, land area or other premise for the display and sale of new or used automobiles, trucks or vans, trailers, or recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.

AUTO SERVICE STATION: Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, cleaning, or

servicing such motor vehicles. A service station is not a sales, or major repair agency for autos, trucks, or trailers.

BANK: An establishment concerned especially with the custody, loan exchange, or issue of money, the extension of credit, and the transmission of funds.

BASE FLOOD: That flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgrade (below ground level on all sides).

BUILDING: A walled and roofed building including a gas or liquid storage tank that is principally above ground.

BUILDING FRONT LINE: Line parallel to the front lot line transacting that point in the building face which is closest to the front lot line. This face includes porches, whether enclosed or unenclosed, but does not include steps.

CEMETERY: Property used for the interring of the dead.

CONTRACTOR'S YARD: An area of land, including buildings, used by a contractor for the storage of tools, equipment and/or materials.

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

DWELLING, MULTI-FAMILY: A residential building designed for or occupied by three or more families living independently of each other in individual dwelling units with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE FAMILY: A detached residential dwelling unit, including a mobile home or a modular home, designed for and occupied by only one family.

DWELLING, TWO FAMILY: A residential building designed for or occupied by two 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. It shall include prefabricated, modular units and mobile homes, but shall not include motels, hotels, or similar structures.

ESSENTIAL SERVICE: 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, 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 a family or families.

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium applicable to the community.

FLOOD INSURANCE STUDY: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD PROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to 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: The harvesting of timber and the erection of temporary structures and the construction of logging roads for the purpose of harvesting timber.

FRONTAGE: The distance along which a lot line abuts a street line.

HEALTH CARE FACILITY: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or other home for sheltered care, and bioanalytical laboratory or central services facility serving one or more such institutions but excluding institutions that provide healing solely by prayer.

HOME OCCUPATION: Accessory use of a service character conducted within a dwelling by the residents thereof, which is clearly secondary to the dwelling used for living purposes and does not change the character thereof.

LODGING FACILITY: A building in which the rooms are rented with or without meals to three (3) or more persons. A boarding

house, rooming house or a furnished room shall be deemed a lodging house.

LOT: A lot is a parcel of land occupied or to be occupied by only one main building and the accessory buildings or uses customarily incidental to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or other means of access approved by the Planning Commission and may consist of: (a) a single lot of record; (b) a portion of a lot of record; (c) 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; or (d) 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 requirements of this bylaw.

LOT LINE, FRONT: That lot line separating a lot from a public right-of-way.

LOT LINE, REAR: That lot line most nearly parallel to and most distant from the front lot line.

LOT LINE, SIDE: Any lot line which is not a front or rear lot line.

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: Shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot measured across the front lot line.

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 Sec 60.3.

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 connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MEAN SEA LEVEL: For purposes of the the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a communities Flood Insurance Rate Map are referenced.

MOBILE HOME PARK: A site with required improvements and utilities for the long-term parking of two or more mobile homes which may include services and facilities for the residents.

MORTUARY: A place for the storage of human bodies prior to their burial or cremation.

NEIGHBORHOOD RETAIL STORE: Any commercial facility such as a grocery general, newspaper or drug store or retail service establishment intended principally to serve the area in which it is located.

NEW CONSTRUCTION: Structures commenced on or after the effective date of this ordinance.

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 this bylaw.

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 this bylaw.

OFFICE: Place where the business of a commercial, industrial, service, professional or governmental organization is transacted.

OFF-LOT WATER & SEWER: The providing of water from a source and the disposal of sewage not located on the lot on which is located the building for which these utilities are provided. Further provided that each of these systems shall be designed so as to provide service to ten or more independent users.

ON-LOT WATER & SEWER: The providing of water from a source such as a drilled well and the disposal of the sewage by such means as septic and drainage field located on the same or adjacent lot as the building for which these utilities are provided.

PARKING SPACE, OFF-STREET: For the purposes of this bylaw, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

PERSONAL SERVICE: Includes barber, hairdresser, beauty parlor, shoe repair, shoe shine, laundry, laundromat, dry cleaner, photographic studio, and businesses providing similar services of a personal nature.

PRIVATE CLUB: A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

PUBLIC FACILITY: Usage by agencies and departments of local, county, state and federal government. Includes auditorium, theater, public hall, school hall, meeting hall, church or temple.

PUBLIC WATER, PUBLIC SEWER: Water supply and/or sewage disposal systems approved by the town for municipal operation.

QUARRY: A place where rock, ore, stone and similar materials are excavated for sale or off-tract use.

RECREATIONAL FACILITY: Includes any indoor or outdoor recreational facility.

RELIGIOUS INSTITUTION: A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

RESEARCH / TESTING LAB: An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

RESTAURANT: An establishment where food and drink is prepared, served, and consumed primarily within the principal building.

RETAIL FUEL OIL: Establishments engaged in selling automotive and heating fuels and other petroleum products to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAIL SALES & SERVICE: Shops and stores for the sale and servicing of retail goods and products, including restaurants, personal service shops and department stores.

SCHOOL: Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

SIGN: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however, that the following shall not be included in the application of the regulations herein: (a) Flags and insignia of any government except when displayed in connection with commercial promotion; (b) Legal notices, identification, informational, or directional signs erected as required by governmental bodies; (c) Integral decorative or architectural features of buildings, except letters, trademarks moving parts or moving lights; (d) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SIGNS, NUMBERS & SURFACE AREA: For the purpose of determining number of signs a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign. The surface of a sign shall be computed as including the entire area within a regular geometric form, or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

SIGN, ON-SITE: A sign relating in its subject matter to the premises on which it is located, or to a product, accommodations, services, or activities on the premises. on-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

STREET: Public way for vehicular traffic which affords the principal means of access to abutting properties.

STREET LINE: Right-of-way line of a street as dedicated by a deed of record. Where the width of the street right-of-way has

not been established, the street line shall be considered to be twenty-five feet from the center line of the traveled portion of the right-of-way.

STRUCTURE: An assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, billboard, sign, wall or fence, except a wall or fence on an operating farm.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.

TRAVEL TRAILER CAMP: A plot of ground on which two or more trailers are located and occupied for sleeping purposes for a fee.

TRAVEL TRAILER OR TRAILER: Trailer shall mean any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways, whether licensed or not, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

A trailer under this bylaw shall also mean tent trailers, truck campers, vehicles converted to sleeping facilities, other than a mobile le home and/or what normally constitutes a permanent dwelling unit. This definition includes uses to which trailers might be put.

TRUCK SALES & SERVICE: (See definition of AUTO SALES & SERVICE.)

TRUCKING TERMINAL: An area and building where cargo is stored and where trucks load and unload cargo on a regular basis.

USE, PERMITTED: Use specifically allowed in the district, excluding prohibited uses and non-conforming uses.

WAREHOUSE: Includes warehouse, wholesale establishment, discount house, bulk storage and bulk sales outlet.

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

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

YARD, FRONT: Yard between the front lot line and the front line of a building extended to the side lot lines of the lot. The

depth of the front yard shall be measured from the street line to the front line of the building.

YARD, REAR: Yard between the rear lot line and rear line of a building extended to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the rear line of the building.

YARD, SIDE: Yard between the principal building or accessory building and a side lot line, extending through from the front yard to the rear yard.

ART 6: ADMINISTRATION & ENFORCEMENT

Sec 601: Administrative officer

The Administrative officer shall be appointed to administer the zoning regulations pursuant to Sec 4442 of the Act. Said officer shall literally enforce the provisions of this bylaw 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.

Sec 602: Zoning Permits

602.1 No land development, as defined in Sec 4303(3) of the Act, may be commenced without a permit therefor issued by the Administrative officer. No zoning permit may be issued by the Administrative officer except in conformance with this bylaw.

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 this bylaw. 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 this regulation have been properly obtained and are submitted in connection with the application. The Administrative officer shall, within 30 days of submission of the 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 issue, or the zoning permit shall become null and void and reapplication 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 Sec 4443 of the Act.

602.5 The fee for a zoning permit shall be established by the Legislative Body. It may be 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 Sec 4443 of the Act shall take effect until the time for Appeal in Sec 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.

602.7 Appeals of the actions of the Administrative Officer must be submitted to the Board of Adjustment within 15 days of the Administrative Officer's action.

Sec 603: Penalties

Any violation of this bylaw after the effective date thereof shall be punished as provided in Sec's 4444 and 4445 of the Act.

Sec 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 appoints 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.

Sec 605: Referral to State Agency

In accordance with Sec 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 Sec 4409(c).

Sec 606: Public Notice

Any requirements of public notice required by this bylaw, whether or not required by any provision of the Act, and whether applicable to the Board of Adjustment or the Planning Commission, shall be given by the publication of the date, place and purpose of such hearing in a newspaper of general circulation in Troy and the posting of such notice in one or more public places within the municipality not less than fifteen days prior to the date of the public hearing. In every case in which public notice is

required, such public notice shall include a brief summary of the purpose of the hearing.

ART 7: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE

Sec 701: Amendments

This bylaw may be amended according to the requirements and procedures established in Sec's 4403 and 4404 of the Act.

Sec 702: Interpretation

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

Except for Sec 4409(b) of the Act and where, in this bylaw, specifically provided to the contrary, it is not intended by this bylaw to repeal, annul or in any way to impair any regulations or permits previously adopted or issued, provided, however, that where this bylaw imposes 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 provisions of this bylaw shall control.

Sec 703: Effective Date

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

Sec 704: Separability

The invalidity of any article or section of this bylaw shall not invalidate any other article or section thereof.

Sec 705: Repeal

The existing ordinance relating to zoning regulations together with all changes and amendments thereto is repealed as of the effective date of this bylaw.