

TOWN OF BRUNSWICK, VERMONT

ZONING BYLAW

Adopted March 07, 1989

TOWN OF BRUNSWICK, VERMONT
ZONING BYLAW
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ART 1: ENACTMENT AND INTENT**Sec 101: Enactment**

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

Sec 102: Intent

It is the intent of this zoning bylaw to provide for orderly community growth, to further the purposes established in Section 4302 of the Act and to implement the "Brunswick Municipal Development Plan".

ART 2: ESTABLISHMENT OF DISTRICTS & DISTRICT REGULATIONS**Sec 201: Zoning Districts**

The Town of Brunswick is hereby divided into three zoning districts, as follows:

201.1 "R" Low Density Rural Residential District. This district shall be defined as a strip of land along both sides of the Vermont State Highways 102 and 105, bounded by the rear lot lines of those lots that front on 102 and 105 as those rear lots lines existed on the date of adoption of this bylaw.

201.2 "S" Shoreland District. This district shall be defined as a strip of land 100 feet wide along all lakeshores and streambanks of all waters of the State of Vermont. This includes by definition all ponds, lakes and streams which are natural and permanent in nature.

201.3 "F" Forest Conservation District. This district includes all the balance of the Town which is not included in the "R" or "S" districts.

Sec 202: Interpretation of District Boundaries

When the Administrative officer cannot definitely determine the location of a district boundary, as defined in Sec 201, he shall refuse action, and the Planning Commission shall interpret the location of the district boundary with reference to Sec 201 and the purposes set forth in all relevant provisions of this bylaw.

Sec 203: District objectives and Land Use Control

The following tables establish the objectives of each of the districts hereby established and the provisions of this bylaw that apply respectively in each district. Any use designated as a

"Permitted Use" in the table relating to a particular district may be commenced in such district pursuant to Sec 204 of this bylaw. Any use designated as a "Conditional Use" may be commenced pursuant to Sec 205 of this bylaw. Any use not permitted by this bylaw shall be deemed prohibited.

Sec 204: Permitted Uses

Permitted uses are those uses allowed, providing 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 205: Conditional Uses

205.1 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:

1. The capacity of existing or planned community facilities;
2. The character of the area affected;
3. Traffic on roads and highways in the vicinity;
4. Bylaws then in effect, and;
5. The utilization of renewable energy resources.

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

205.3 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 this zoning bylaw.

Sec 206: Application of Regulations

The application of this bylaw is subject to sections 14405 and 4409 of the Act.

Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof, shall be occupied or used unless in conformity with the regulations herein specified for the district in which it is located.

Tab 206.1: "R" Low Density Rural Residential DistrictObjective

To provide for or residential and other compatible uses at appropriate densities while protecting the natural resource value of lands which are essentially undeveloped, lack direct access to public roads, are important for wildlife and wildlife habitat, have high potential for commercial forestry use or include significant natural, recreational or scenic resources.

Permitted Uses

- | | |
|-------------------------|-----------------------------|
| 1. Accessory use | 4. Dwelling, two family |
| 2. Agriculture | 5. Forestry |
| 3. Dwelling, one family | 6. Seasonal recreation camp |

Conditional Uses

- | | |
|--------------------|---------------------------|
| 1. Commercial uses | 2. Earth resource removal |
|--------------------|---------------------------|

Area and Dimensional Requirements

Minimum lot area (acres):	2
Minimum lot frontage * (feet):	350
Minimum lot depth (feet):	200
Front yard setback (feet):	25
Side yard setback (feet):	25
Rear yard setback (feet):	25

* Lots must have frontage on AND direct access to Rt. 102 or 105.

Tab 206.2: "S" Shoreland DistrictObjective

To provide management policies consistent with existing development and use, to provide for the beneficial use of public waters by the general public and to protect areas unsuitable for residential and commercial use. It shall include lands within 100 feet of major streams and bodies of water.

Permitted Uses

- | | |
|------------------|-------------|
| 1. Accessory use | 3. Forestry |
| 2. Agriculture | |

Area and Dimensional Requirements

Minimum lot area in acres:	1.5
Minimum lot frontage in feet:	200
Front yard setback in feet:	100
Setback from normal mean water mark in feet:	100

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Tab 206.3: "F" Forest Conservation District

Objective

This district includes land generally characterized by poor access, poor soil, steep topographic conditions and remoteness from existing settlement on Routes 102 and 105, which, if developed, would cause excessive expense in providing public utilities and services.

Permitted Uses

- | | |
|------------------|-----------------------------|
| 1. Accessory use | 3. Forestry |
| 2. Agriculture | 4. Seasonal recreation camp |

Conditional Uses

1. Earth resource removal

Area and Dimensional Requirements

Seasonal recreation camps shall be located at least 350 feet apart in order to preserve the natural undeveloped character of this district.

=====

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

Sec 303: Protection of Home Occupations

No regulation may 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 not more than thirty feet into the more restricted part, provided the lot has frontage on the street in the less restricted district.

Sec 305: Primary Uses

There shall be only one primary use or structure per minimum lot area for the district in which a property is located.

Sec 306: Reduction of Lot Area

No lot shall be so reduced in area 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 307: 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 308: Abandonment of Structures

Within one year after work on an excavation for a building has been abandoned, or within one year after a permanent or temporary building or structure has been abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to normal grade by the owner.

Sec 309: Temporary Uses and 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, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon the expiration of the permit. Such permits may be renewed upon application for an additional period not to exceed one year.

Sec 310: Signs

The following signs are permitted when located on the immediate property:

310.1 One professional or home occupation sign, not exceeding four square feet.

310.2 Up to four our temporary real estate signs, not exceeding ten square feet in total area.

310.3 Signs identifying any permitted non-residential use, not exceeding a total of twenty square feet.

310.4 Signs necessary for the public welfare.

Sec 311: Landfill

In any district, dumping of refuse and waste material for landfill is prohibited.

Sec 312: Mobile Homes

A mobile home shall be considered as a single family dwelling as long as it is mounted upon a masonry foundation with the wheels removed and otherwise meets all requirements for such dwelling.

Sec 313: Camping Trailers

It shall be unlawful for any person to park a camping trailer on any public or private property, except in accordance with this bylaw as follows:

313.1 The owner of a camping trailer may park or store such camping trailer on his own land, or any other land, with the permission of the land owner, providing it is parked in the side or rear yards and not in the required front yard.

313.2 Any camping trailer, parked on any land, may be occupied on a temporary basis only.

Sec 314: Flood Hazard Area Regulations

314.1 Lands to Which These Regulations Apply. These regulations shall apply for development in all areas in the Town of Brunswick 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.

314.2 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 Brunswick 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 24 VSA 4409. A permit may be issued only following receipt of comments from the Department of 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 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.

D. 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.

314.3 Base Flood Elevations and Floodway Limits

A. Where available, i.e. ; Zones A1-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.

314.4 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 buildings 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.

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 Section 314.5 are met or exceeded.

314.5 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 314.5(G).

2. Non-residential purposes shall either:

- a. Meet the requirements of subsection 314.5(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.

314.6 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.

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

- A. In accordance with the provisions of 24 VSA section 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.

314.8 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 Brunswick or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

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

Sec 401: Permits Issued Before Adoption/Amendment

Nothing contained in this bylaw shall require any change in plans or construction of a non-complying structure for which a building permit has been issued, and which has been completed within one year from the effective date of this bylaw.

Sec 402: Non-Conforming Uses

In accordance with Title 24 V.S.A. Sec 4408(b) the following provisions shall apply to all uses existing on the effective date of this bylaw which do not conform to the requirements of this bylaw.

Any non-conforming use may be continued indefinitely but:

402.1 The Board of Adjustment may, after public notice and hearing, allow expansion of any non-conforming use.

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 such non-conforming use is carried on without interruption in the undamaged part of the building.

Sec 403: Non-Complying Structures

In accordance with Title 24 V.S.A. Sec 4408(c) the following provisions shall apply to all structures existing on the effective date of this bylaw which do not conform to the requirements of this bylaw.

403.1 A non-complying structure may be continued indefinitely but shall not be moved, enlarged, altered, extended or reconstructed except in accordance with the requirements of this bylaw.

403.2 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 words or terms herein shall be interpreted as follows:

Sec 501: Word Definitions

The word person includes a firm, association, organization, partnership, 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

Sec 502: Term Definitions

ACCESSORY USE: A use or structure customarily incidental and subordinate to the principal use or building and located on the same lot or any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

AGRICULTURE: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables, nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

AREA OF SHALLOW FLOODING: Means 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: Is the 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, A1-A30, AE, or A99.

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

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

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

COMMERCIAL USES: Establishments which provide either retail merchandise, services, or entertainment to the general public. Such establishments may include, but are not limited to, food

stores, clothing stores, restaurants, motels, medical offices, social services, dance halls, movie theaters or service stations.

DEVELOPMENT: Means 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, ONE FAMILY: Detached building used as living quarters by one family as the principal residence.

DWELLING, TWO FAMILY: Building used as living quarters by two families living independently of each other as principal residences.

EARTH RESOURCE REMOVAL: Removal activities which total more than 5,000 cubic yards per year from existing pit developments or more than 1,000 cubic yards per year from new pit locations. Lesser levels of activity shall be considered as an accessory use in all instances.

FAMILY: One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, provided that unless all members are related by blood, marriage or adoption, no such single housekeeping unit shall contain more than six non-related members and 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 HAZARD BOUNDARY MAP (FHBM): Means 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): Means 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: Means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

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

FORESTRY: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

LOT: Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated, and having frontage on a public road, or other means of access as may

be determined by the Planning Commission to be adequate as a condition of issuance of a zoning permit.

LOT AREA: Total area within the property lines excluding any part thereof lying within the boundaries of a public street, or proposed public road.

LOT DEPTH: Length of a straight line connecting the midpoints of the front and rear lot lines.

LOT FRONTAGE: Length of front lot line.

LOWEST FLOOR: Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Sec 60.3.

MANUFACTURED HOME: Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when 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: Means, 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.

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

NON-CONFORMING USE: A use of land or a structure existing at the time of enactment of this bylaw which does not conform to all zoning regulations for the district in which it is located.

OUTDOOR RECREATION: Includes parks, playgrounds, swimming pools, tennis courts, skating rinks, riding stables, hunting or fishing reserves, and similar places of public or private outdoor recreation.

PUBLIC ROAD: Publicly owned and maintained right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

RECREATIONAL VEHICLE: A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

SEASONAL RECREATION CAMP: A structure designed and used for seasonal or temporary living purposes. Such structures shall not be used as a principal residence.

SIGN: Any structure, display, device or representation which is designed or used to advertise or call attention or directs a person to any business, association, profession, commodity, product, institution, service, entertainment, person, place, thing or activity of any kind whatsoever, and is intended to be visible from a public road. Whenever dimensions or areas of signs are specified, they shall include panels, frames and supporting structures excluding the building to which a sign may be attached.

STRUCTURE: Means 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: Means 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.

YARD: Space on a lot not occupied by 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 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 lot line, and extending through from the front yard to the rear yard.

ART 6: ADMINISTRATION AND ENFORCEMENT

Sec 601: Administrative officer

The Administrative officer shall be appointed to administer this zoning bylaw 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 this bylaw. Appeals from any decision or Act taken by the Administrative officer shall be made as provided in Subchapter 8 of the Act. An

acting Administrative officer may be appointed pursuant to Sec 4442(b) 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 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 bylaw 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 therefore. 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 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 costs 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.

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 The Board of Selectman shall appointment a Board of Adjustment whose members shall serve without remuneration

and act on all matters within its jurisdiction under these regulations in the manner prescribed in the Act provided however, that the members of the Board of Adjustment incumbent on the effective date of this bylaw shall continue in office for the duration of the terms to which they were respectively appointed.

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 hearing, conditions of 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 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 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 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

702.1 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.

702.2 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 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

is required by any other statute, ordinance, rule, bylaw, permit, easement, or agreement, the provisions of this bylaw shall control.

Sec 703: Effective Date

This bylaw shall take effect according to 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

Upon the date of adoption of this zoning bylaw, the former Town of Brunswick Zoning Bylaw, adopted March 2, 1976 and amended August 29, 1983 and October 20, 1987, is hereby declared repealed and shall have no further force or effect.