

ARTICLE 8. SUPPLEMENTAL MATERIAL

Chapter 8000. Definitions

8001 INTERPRETATION OF TERMS

8001.A The Zoning Administrator or Development Review Board, as applicable, will interpret the meaning of any term used in these regulations as follows:

- (1) The words used in these regulations have their normal dictionary meaning unless they are specifically defined in these regulations.
- (2) The terms defined in these regulations have the specified meaning stated unless the context clearly indicates that they have another meaning.
- (3) The definitions identified as being from state statute are intended to be consistent with that statute as most recently amended.
- (4) The terms with a specific meaning particular to the special flood hazard area are defined in [Paragraph 3504.V](#).

8001.B These regulations use:

- (1) ‘Must’ and ‘will’ to express that something is required;
- (2) ‘Must not’ and ‘will not’ to express that something is prohibited;
- (3) ‘May’ and ‘may not’ to express that a discretionary action can or cannot be taken; and
- (4) ‘Should’ and ‘should not’ to express that something is encouraged or discouraged.

8001.C These regulations use:

- (1) ‘Parcel’ and ‘lot’ interchangeably to refer to areas of land delineated in a recorded subdivision plat or, if no recorded plat, in a recorded deed;
- (2) ‘Site’ or ‘property’ to refer to an area of land subject to a development project, regardless of whether it is an entire parcel, a portion of a parcel, or multiple parcels;
- (3) ‘Property owner’, ‘landowner’, ‘applicant’, ‘subdivider’ or ‘developer’ to refer to the party responsible or authorized to act under these regulations and those terms may include any individual designated to act on behalf of the responsible party;
- (4) ‘Business’ to refer generally to any nonresidential land use, regardless of whether it is a for-profit or non-profit enterprise; and
- (5) ‘Home’, ‘residence’ or ‘dwelling’ to refer to a dwelling unit that is intended for occupancy by a single household regardless of structure type or tenure (owned or rented).

8002 CHARTS AND ILLUSTRATIONS

8002.A Any charts or illustrations in these regulations are intended to provide guidance to readers. In the case of a conflict between a chart or illustration (including any associated descriptive text) and a written provision of these regulations, the written provision will take precedence.

8003 TIME PERIODS

8003.A Unless specifically stated otherwise, the calculation of time periods defined in these regulations:

- (1) As a specific number of days will be based on calendar days, including weekends and holidays;
- (2) As a specific number of months will be based on calendar months (ex. January 1 to July 1 is 6 months);
- (3) As a specific number of years will be based on calendar years (ex. March 1 to March 1 is one year); and
- (4) Will not include the day of the event that triggers the period (ex. the day an application is submitted, a permit is issued or a hearing will be held).

8004 DIMENSIONAL STANDARDS AND USES

8004.A Dimensional standards and their method of measurement are defined in [Chapter 3100](#).

8004.B All principal uses allowed in one or more zoning districts are defined in [Chapter 3200](#).

8005 DEFINED TERMS

8005.A

- (1) **Access** means a defined area designed to allow vehicular access between a street and a lot. Also referred to as a curb cut.
- (2) **Adverse impact** means a substantial and material loss or degradation of the capacity of community infrastructure or services, character of the area, reasonable use of nearby property or environmental quality that can reasonably be anticipated to occur as a result of proposed development or that can be observed as a result of an existing land use activity.
- (3) **Adverse impact, undue** means an adverse effect or impact that can an applicant or property owner has not taken reasonable measures to avoid, minimize or mitigate (stated in order of preference).

- (4) **Alteration** means any addition or structural change to, or relocation of, a structure including, but not limited to, any change in the structure's dimensions or the number of units (residential or non-residential). This definition specifically excludes normal repair and maintenance.

8005.B

- (1) **Bedroom** means a room located within a dwelling that the residents use primarily as private sleeping quarters or that was designed for such use, and has at least one window, one closet, one interior door that allows the room to be closed off from the remainder of the dwelling, and a floor area of at least 80 square feet. Any room counted as a bedroom under a state wastewater permit will be considered a bedroom under these regulations.
- (2) **Building** means a structure with a roof that is supported by walls or columns, which is intended for the shelter, housing or enclosure of people, animals, vehicles, equipment, processes, goods or materials of any kind.
- (3) **Building, principal.** See definition of *STRUCTURE, PRINCIPAL.

8005.C

- (1) **Character of the area** means an area's distinctive 'personality' or sense of place, which is created through a combination of existing and/or planned (as described in the Shelburne Town Plan as most recently adopted and the zoning district purpose statements) elements including, but not limited to:
 - (a) The pattern, type, scale and intensity of land use;
 - (b) Traffic conditions, street design, streetscaping and walkability;
 - (c) The bulk, form, size, scale, placement and arrangement of buildings;
 - (d) The type, size, arrangement, use and accessibility of greenspace;
 - (e) Historic resources, landmarks, views and scenic resources; and
 - (f) Noise, light, odors, vibration and other impacts of land use perceptible off-site.
- (2) **Clearing** means the removal of existing, healthy woody vegetation from land to the extent that it creates or enlarges openings in the canopy for purposes other than farming or forestry in accordance with state regulations. This definition specifically excludes:
 - (a) The removal of diseased, hazard, invasive or nuisance vegetation;
 - (b) The removal of vegetation associated with routine right-of-way maintenance activities;
 - (c) The non-commercial harvesting of trees on a property for the owner's personal use (i.e., firewood or lumber).

- (3) **Common land** means greenspace or other improved land held in common by the property owners within a subdivision or development typically through a homeowners association.
- (4) **Conversion** means a change of use under [Section 3205](#).
- (5) **Curb cut**. See definition of [Access](#).

8005.D

- (1) **Damaged structure** means a structure or portion of a structure that has suffered a fire, flood or similar disaster provided that the cost of repairing the damage is less than 50 percent of the market value of the structure prior to the damage occurring.
- (2) **Deck** means an unroofed platform, either freestanding or attached to a building, that is raised above ground level and supported by pillars or posts.
- (3) **Degree of nonconformity** means the extent to which a structure or portion of a structure encroaches over a minimum setback or above a maximum height, exceeds a maximum footprint, or otherwise does not conform to a dimensional requirement of these regulations.
- (4) **Demolition** means the destruction and physical removal of a structure or portion of a structure from a lot.
- (5) **Destroyed structure** means a structure or portion of a structure that has suffered a fire, flood or similar disaster when the cost of repairing the damage equals or exceeds 50 percent of the market value of the structure prior to the damage occurring.
- (6) **Development**. See [Section 1101](#).
- (7) **Development approval** means an approval granted for a site plan, conditional use, subdivision or other application under [Chapter 2300](#) of these regulations.
- (8) **Disability** as defined in state statute means a physical or mental impairment that limits one or more major life activities. This definition specifically excludes a person who is an alcoholic or drug abuser and who constitutes a direct threat to property or the safety of others due to current alcohol or drug use.
- (9) **Driveway** means a vehicular travel way that provides access to not more than 4 dwelling units or 2 non-residential principal uses.
- (10) **Dwelling unit** means a building or part of a building intended for habitation by one household that:
 - (a) Provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation; and
 - (b) Is accessible from a private entry that does not require passing through another dwelling unit.

8005.E

- (1) **Enlargement** means any increase in the footprint or height of a structure.

8005.F

- (1) **Facade** means the front elevation of a building or any of side elevation that faces a street or other public space.
- (2) **Flat roof** means any roof with a slope of not more than 5% (or 0.6:12 pitch).
- (3) **Floor area** means the sum total horizontal area of all enclosed floors of a building as measured from the interior face of the exterior walls or a common wall between attached buildings including any heated space in a basement, attic, mezzanine or attached garage or other accessory building with a floor-to-ceiling height of 7 feet or more, and excluding stairwells and elevator shafts.
- (4) **Franchise or corporate design** means a standardized design that is trademarked or identified with a particular franchise or corporation and that is replicated in multiple locations with minimal variation.
- (5) **Franchise or corporate identification elements** means the visual elements that are trademarked or identified with a particular franchise or corporation and that are used in various applications to identify or promote that franchise or corporation including, but not limited to: logos, wordmarks, symbols, graphics, images, color palettes, typefaces, or typographic treatments.
- (6) **Frontline** means a line extending parallel from the exterior front wall of a building.

8005.G

- (1) **Glare** means light entering the eye directly from a light source or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
- (2) **Grade, finished** means the completed, post-construction surface elevation of land disturbed by development.
- (3) **Grade, natural** means the existing, pre-construction surface elevation of land proposed to be disturbed by development.
- (4) **Greenspace** means an area of land primarily covered in natural vegetation, grass or agricultural crops and used for outdoor recreation, conservation, farming or forestry purposes. Parks, open space and working lands are all types of greenspace.

8005.H

- (1) **Hard surface** means soil that has been compacted and covered with a material such as concrete, asphalt, stone, brick, gravel, stone dust or wood that allows it to be used for vehicular or pedestrian access, parking, storage or similar purposes without resulting in soil erosion or muddiness.

- (2) **Hazardous material** means any substance or material that by reason of its form, quantity, toxic, caustic, corrosive, abrasive or otherwise injurious properties may pose a risk to health, safety or property including, but not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, compressed gases, or any substance defined by the state or federal government as a hazardous material.
- (3) **Hazardous waste** as defined in state statute means any waste or combination of wastes of a solid, liquid, contained gaseous or semi-solid form, including, but not limited to, those which are toxic, corrosive, ignitable, reactive, strong sensitizers or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state.
- (4) **Heavy vehicle or equipment** means an on-highway vehicle with a gross vehicle weight rating of 10,000 pounds or more, or machinery such as excavators, loaders, bulldozers, backhoes, cranes or forklifts.
- (5) **Historic structure** means a structure listed, either individually or as a contributing structure within a historic district, in the National Register of Historic Places or the Vermont Register of Historic Places, or a structure that the State Historic Preservation Officer or the Vermont Advisory Council on Historic Preservation determines to be historically significant and eligible for such listing.
- (6) **Household** means one or more people who live together as a single housekeeping unit and share expenses and common use of the property. The residents of a residential care (group) home will be considered a household for the purposes of these regulations. A household may include not more than two boarders or roomers for the purposes of these regulations.

8005.I

- (1) **Impervious surface** means a surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, exposed ledge, constructed ponds and pools, buildings and other structures, parking lots, streets, driveways, sidewalks, walkways, patios and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel, compacted earth or similar materials. This definition excludes hard surfaces and materials used as a green stormwater infrastructure practice that are specifically designed, constructed and maintained to be pervious.
- (2) **Interested person.** See [Section 2401](#).

8005.J

- (1) **Junk** as defined in state statute means old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts.
- (2) **Junk motor vehicle** as defined in state statute means a discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or motor vehicle parts, or a motor vehicle, other than an on-premise utility vehicle, which is allowed to remain unregistered or uninspected for a period of 90 days.

8005.K

- (1) [reserved for future use]

8005.L

- (1) **Land development.** See [Section 1101](#).
- (2) **Lawn** means an area covered in turf grass that is regularly mowed.
- (3) **Light fixture** means a complete lighting assembly, including one or more lamps (bulbs), housing, reflectors, lenses and/or shields, that functions as a single unit and is connected to a single support assembly (ex. pole, standard or mounting bracket).
- (4) **Light fixture, full cut-off** means a light fixture that does not emit any light upward (at an angle of 90 degrees above nadir) and does not emit a light level that is greater than 10% of the rated initial lumen output at a vertical angle of 80 degrees above nadir in accordance with the standards of the Illuminating Engineering Society of North America (IESNA).
- (5) **Lot** means an area of land with identifiable boundaries and dimensions that is formally described and recorded in the town land records and that can be lawfully owned and conveyed separately from any other land. Land divided by town or state highways, the LaPlatte River or other surface waters with a drainage area of greater than 10 square miles will be considered separate lots for the purposes of these regulations.

8005.M

- (1) **Major renovation** means any structural alteration to the foundation, roof, floor, or exterior walls of a building.
- (2) **Manufactured home** means a building that is transportable in one or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation when attached to the required utilities, and conforms to the National Manufactured Home Construction and Safety Standards. This definition specifically excludes recreational vehicles.

- (3) **Material change** means a change in the planned use or development of land or a structure that may have affected the decision made or any conditions placed on the permit if it had been included in the plans as approved.
- (4) **Mixed-use building** means a building that includes at least one dwelling unit and one principal nonresidential use.
- (5) **Mixed-use development** means a single development site that includes at least one principal residential building and one principal nonresidential building, or one or more mixed-use buildings. The plan for the site must be unified and coordinated with the uses functionally integrated through shared pedestrian and vehicular access, parking and similar means.
- (6) **Motor vehicle** means any self-propelled conveyance used to transport people, animals, goods or materials that requires the vehicle to be registered and the operator to be licensed to lawfully operate on public roads under state law.

8005.N

- (1) **Noise** means an unwanted sound that may disturb or annoy the average person.
- (2) **Nonconformity** means a lot, structure or use that lawfully existed prior to the adoption or revision of these regulations, but now does not conform to one or more standards of these regulations.
- (3) **Normal maintenance and repair** means the regular upkeep of property to avoid deterioration, fix damage caused by normal wear and tear, and/or replace worn out components in kind, which does not result in a change in the use or dimension of any structure, or in a structural alteration.

8005.O

- (1) **Open space** means an area of land designated to remain in a primarily undeveloped state that:
 - (a) May only be used for conservation purposes and passive recreation; and
 - (b) Is protected from future development in perpetuity through legal means such as a conservation easement.
- (2) **Outdoor display** means the placement of merchandise, goods, materials, vehicles, or equipment for sale, rental, lease or advertising in an unenclosed area visible from the street or other public vantage point.
- (3) **Outdoor storage** means the keeping of any merchandise, goods, materials, vehicles, equipment, junk or waste in an unenclosed area and in the same place for more than 24 hours. This definition does not apply to personal storage on single-lots and two-unit residential lots.

8005.P

- (1) **Parcel.** See definition of [Lot](#).

- (2) **Park** means an area of land designated and improved for active or passive outdoor recreation use.
- (3) **Pave** means to cover the ground with asphalt, concrete, stones, gravel, stone dust, brick, tile, wood, or other impervious materials in order to make a firm, level surface suitable for vehicular or pedestrian use in all seasons without resulting in erosion or muddiness.
- (4) **Patio** means a level, hard-surfaced area not covered by a permanent roof and not more than 6 inches above or below grade intended to be used as an outdoor living or dining area or public gathering space.
- (5) **Permanent foundation** means a slab, walls and/or footings constructed of concrete, masonry or other materials and construction techniques used to form a secure, stable base to which a structure may be attached.
- (6) **Plant, herbaceous** means a vascular plant that has no persistent woody stems above ground.
- (7) **Plant, ornamental** means an herbaceous plant deliberately grown primarily for aesthetic purposes, but which may also be edible or provide ecosystem services, but does not include any variety of turf grass.
- (8) **Public art** means a fountain, monument, sculpture, painting, mural or similar art object that is:
 - (a) Visible from public vantage points;
 - (b) Intended for the enjoyment of the general public; and
 - (c) Not designed or located to identify or draw attention to a business and the type of products sold, manufactured or assembled, or the type of services or entertainment offered or available on the premises.

8005.Q

- (1) [reserved for future use]

8005.R

- (1) **Reasonable use** means a use that is allowed within the zoning district, provides a benefit to the owner, does not prevent or interfere with the reasonable use of other properties in the area, and does not result in adverse environmental or off-site impacts. Reasonable use does not mean the highest, best or most profitable use.
- (2) **Reconstruct** means to rebuild a structure that was damaged, destroyed or demolished in accordance with these regulations.
- (3) **Recreation, active** means a form of recreation that involves or requires one or more of the following:
 - (a) Specialized improvements including but not limited to fields, courts, courses, ranges and/or related structures;

- (b) Outdoor lighting or sound systems;
 - (c) Competitions, teams or spectators;
 - (d) Groups of animals;
 - (e) Motorized vehicles; and/or
 - (f) Shooting of firearms.
- (4) **Recreation, passive** means a form of recreation that:
- (a) Can be conducted in a minimally developed greenspace without specialized improvements;
 - (b) Can be conducted by individuals or informal, small groups; and
 - (c) Does not have undue adverse environmental or off-site impacts.
- (5) **Recreational vehicle** means a registered motor vehicle or trailer designed and used for recreational travel and camping that can be legally driven or towed without a commercial driver's license or a special permit for an oversize or overweight vehicle, and that is maintained in a condition that allows it to be legally and readily driven or towed off the site. This definition includes but is not limited to motor homes, converted buses, camper vans, truck campers, fifth wheels, pop-up campers and travel trailers.
- (6) **Redevelopment** means new development, including but not limited to new construction and additions to, or reconstruction of, existing structures, on a previously developed lot.

8005.5

- (1) **Significant wildlife habitat** means deer wintering areas, wetlands, habitat for rare or endangered species, and black bear habitat as mapped by the Vermont Agency of Natural Resources.
- (2) **Smart growth principles** as defined in state statute means growth that:
- (a) Maintains the historic development pattern of compact village and urban centers separated by rural countryside;
 - (b) Develops compact mixed-use centers at a scale appropriate for the community and the region;
 - (c) Enables choice in modes of transportation;
 - (d) Protects important environmental, natural, and historic features, including natural areas, water quality, scenic resources, and historic sites and districts;
 - (e) Serves to strengthen agricultural and forest industries and minimizes conflicts of development with these industries;
 - (f) Balances growth with the availability of economic and efficient public utilities and services;

- (g) Supports a diversity of viable businesses in downtowns and villages;
 - (h) Provides for housing that meets the needs of a diversity of social and income groups in each community; and
 - (i) Reflects a settlement pattern that, at full build-out, is not characterized by:
 - (j) Scattered development located outside compact urban and village centers that is excessively land consumptive;
 - (k) Development that limits transportation options, especially for pedestrians;
 - (l) The fragmentation of farmland and forestland;
 - (m) Development that is not serviced by municipal infrastructure or that requires the extension of municipal infrastructure across undeveloped lands in a manner that would extend service to lands located outside compact village and urban centers; and
 - (n) Linear development along well-traveled roads and highways that lacks depth, as measured from the highway.
- (3) **Stream.** See definition of [Surface water](#).
- (4) **Street** means a vehicular travel way that provides the principal means of access to more than 4 dwelling units or 2 non-residential principal uses.
- (5) **Street, maintained** means a street that is kept open and maintained so as to be safe and suitable for use by a passenger vehicle on a year-round basis. A Class 4 town highway will not be considered a maintained street.
- (6) **Street, private** means a street that is not owned by the state or town.
- (7) **Street, public** means a road that is owned by the state or town.
- (8) **Structure** as defined in state statute means an assembly of materials for occupancy or use, including but not limited to, a building, driveway, wall, or fence.
- (9) **Structure, accessory** means a structure that is clearly incidental and subordinate to the principal structure on the lot.
- (10) **Structure, principal** means the main or predominate structure associated with the principal use on the lot.
- (11) **Structure, temporary** means a structure that is not attached to a permanent foundation and that can be easily relocated after which there will be no evidence remaining of the structure.
- (12) **Substantially complete** means that construction activities have been completed in accordance with the approved plans to a point where the development may be fully and freely used for its intended purpose.
- (13) **Surface water** means a river, stream (whether perennial or intermittent), lake or pond mapped by the Vermont Agency of Natural Resources.

- (14) **Survey** means a map prepared and certified by a Vermont licensed land surveyor that locates or establishes property lines or boundaries, or that demarcates other legal rights or interests in any tract of land, road, right-of-way or easement.

8005.T

- (1) **Temporary** means a use or structure that will be occurring or located on a lot for a limited and fixed period after which there will be no evidence remaining of the use or structure.
- (2) **Trailer** means a conveyance used to transport people, animals, goods or materials that is not self-propelled and that is designed to be pulled or moved by a motor vehicle.

8005.U

- (1) **Use** means the purpose or activity that a lot or structure (or a portion of a lot or structure) is intended, designed or arranged to house, accommodate, support or facilitate.
- (2) **Use, accessory** means a use of a lot or structure (or a portion of a lot or structure) that is clearly incidental and subordinate to the principal use.
- (3) **Use, principal** means the main or predominate use of a lot or structure (or a portion of a lot or structure). The principal use of a lot with a single-unit or two-unit dwelling will be considered residential.

8005.V

- (1) [reserved for future use]

8005.W

- (1) **Wetland** as defined in state statute means an area that is inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depends on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include, but are not limited to, marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds.
- (2) **Working land** means an area actively used for agricultural or silvicultural production.

8005.X

- (1) [reserved for future use]

8005.Y

- (1) **Yard** means an at-grade, pervious open space on a developed lot that is unoccupied by any structure except for encroachments specifically authorized under these regulations.

- (2) **Yard, front** means the yard that is located between the street and the frontline of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have two front yards.
- (3) **Yard, rear** means the yard that is located between the rear lot line and the nearest line of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have no rear yard.
- (4) **Yard, side** means a yard that is located between the side lot line and the nearest line of the principal building on the lot and extends between the front and rear yards. A corner lot will be considered to have two side yards.

8005.Z

- (1) [reserved for future use]

Chapter 8100. Maps