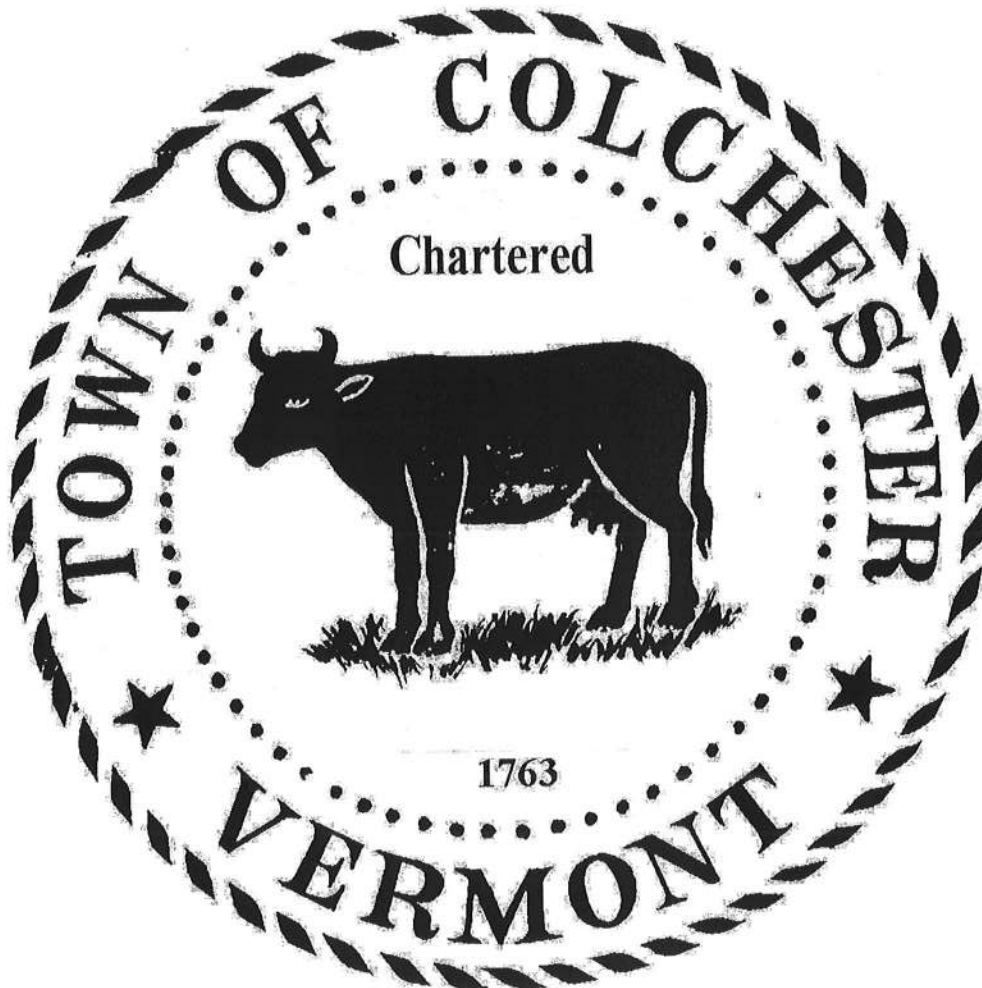


TOWN OF COLCHESTER, VERMONT
ZONING REGULATIONS



FIRST ADOPTED 1955
LAST AMENDED XXX 2012

D. Rooftop Apparatus, Chimneys, Communications Towers, Silos, etc. Rooftop apparatus, such as solar collectors, television antennas, satellite dishes, chimneys, and air conditioning equipment shall be included in the height measurement. Chimneys for residential structures shall be exempt from the height limitations. Farm silos, light poles, and steeples for places of worship that are taller than normal height limitations established in Table A-2 may be approved by the Development Review Board as a conditional use subject to the provisions of Article 8, Conditional Uses. Such structures do not need to comply with the provisions of Section 2.06(C) above.

E. Height Waiver for Accessory Structures. The Zoning Administrator may approve an accessory structure with a height in excess of the limitations set forth in Table A-2 up to twenty (20) feet in height or the height of the primary structure whichever is less if the accessory structure includes an accessory dwelling unit as defined in Section 2.09 herein.

2.07 Temporary Structures and Uses

A. General Provisions. Any temporary use of a lot, not approved in connection with the primary use of that property, shall be restricted according to the provisions of this section.

B. Location of Temporary Uses and Structures. Temporary uses and structures exceeding ten (10) days in duration shall be considered permanent except as provided in subsection E below. Temporary uses or structures on a lot shall not be placed or conducted in such manner as to obstruct or interfere with vehicle circulation and parking, pedestrian movement, block sidewalks, obstruct crosswalks or damage landscaped areas.

C. Temporary Construction Structures. Temporary structures used in conjunction with duly permitted construction work shall be permitted only during the period that the construction is in progress.

D. Temporary Outside Storage. Temporary outside storage used in conjunction with the principal use or uses on that property shall be subject to approval by the Development Review Board unless specifically excluded from the use by definition or district.

E. Temporary Uses Exempt from Review. The following uses are permitted without requiring review under this section provided such uses do not exceed the stated limits. Uses which exceed the stated limits shall be considered to be permanent uses and, as such, are restricted by other portions of these regulations.

1. Auctions lasting no longer than two (2) days per calendar year.
2. Garage sales totaling no more than two (2), seven (7) consecutive day sales or two (2) three (3) consecutive weekend sales shall be conducted at one (1)

residence per year. All sales shall be conducted between the hours of 8:00 a.m. and 8:00 p.m. only.

3. Commercial use tents erected on a property for less than ten (10) days in one calendar year.
4. Outdoor sales events held by a business on the same lot for no more than four (4) consecutive days, two (2) times per calendar year.
5. Other mobile home dwelling unit type trailers such as office trailers, office/storage trailers and semi-van trailers may be allowed as temporary facilities for construction projects when approved with a building permit from the Zoning Administrator. No other non-dwelling uses of trailers shall be allowed except as a temporary emergency facility when approved by the Development Review Board as a conditional use.
6. Portable Toilets erected on a property for less than fifteen (15) days in one calendar year. Portable toilets located in public parks, in association with agricultural operations, or in association with construction projects when approved with a building permit from the Zoning Administrator or a wastewater permit from the Wastewater Official shall not be subject to this time limitation.
7. Play structures such as but not limited to swings, slides, tree-houses, sand boxes, and trampolines.
- 8. Piers, docks, and other structures attached to the shore and extending beyond the mean water mark provided that such piers, docks, and other structures comply with all state and federal regulations pertaining to such encroachments and are not integrated with other structures herein regulated.**

2.08 Multiple Structures

A. General Provisions. Except as otherwise provided specifically within these Zoning Regulations, there shall be only one principal building or structure on a lot. Multiple structures on a lot shall be subject to the requirements of Planned Unit Development in Article Nine.

2.09 Accessory Structures and Uses

A. Accessory Structures. Accessory buildings, except as otherwise permitted in the Regulation, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a principal building, it shall be subject to and must conform to all requirements of this Regulation applicable to principal buildings.
2. The total square footage of all accessory structures shall not exceed fifty percent (50%) of the first or ground floor of the principal structures **except where the parcel is greater than five acres in size this limitation may be**

removed with approval by the DRB through the conditional use process herein defined in Article 8.

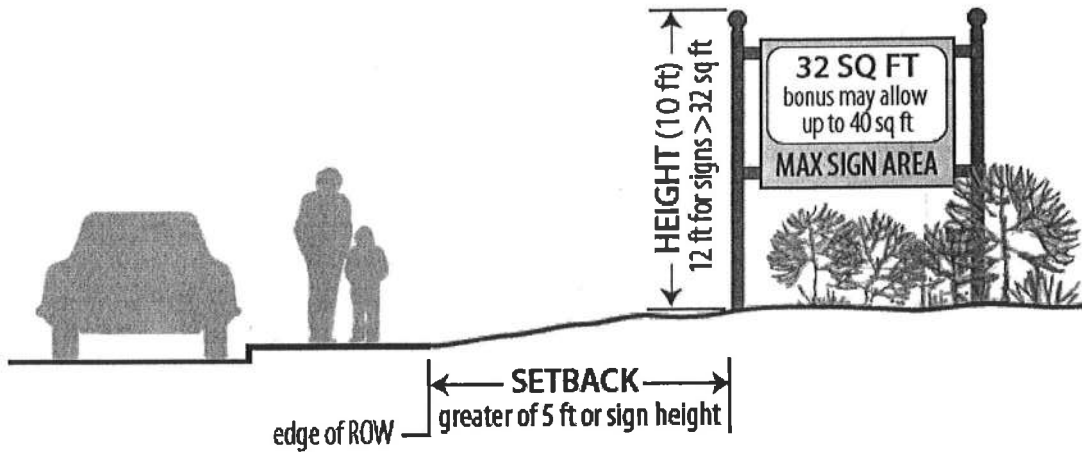
3. The square footage of the first (ground) floor of the accessory structure(s) shall be included in the computation of lot coverage.
4. No detached accessory building shall be located closer than ten (10) ft. to any principal building.
5. No detached accessory building in any District shall exceed the heights specified in Table A-2.
6. Any accessory structure designed as a poolhouse shall be located no farther than fifteen (15) feet from the swimming pool to which it shall be accessory.
7. Where the accessory building is not structurally attached to a principal building, it shall be located in the side or rear yard except as provided below:
 - (a) The applicant shall demonstrate that the accessory building can not be reasonably located within the side or rear yard.
 - (b) The accessory building shall meet all setback requirements for the lot.
 - (c) The accessory building is accessory to a residential use. The appearance of the accessory building shall be residential in nature. Exterior building details – including scale, fenestration, roof and siding materials, color and design – shall be compatible with the principal structure. The Zoning Administrator may further require appropriate screening and landscaping around the accessory building to ensure compatibility with abutting residential properties.
 - (d) It is best if the accessory building is not located within a principal front yard, which shall be that yard in front of the face of the principal building and extending the full width of the lot.
 - (e) The placement of more than one accessory structure within a front yard shall require approval by the DRB through the conditional use process herein defined in Article 8.
8. Portable Toilets are not permissible except as stated in Section 2.07E6 herein.

B. Accessory Uses.

1. Accessory Residential Units. An accessory apartment may be approved that is accessory to a conforming residential use in accordance with Title 24 VSA Section 4412 (1) (E) as amended from time to time. The following criteria shall be used when reviewing an application for a zoning permit:

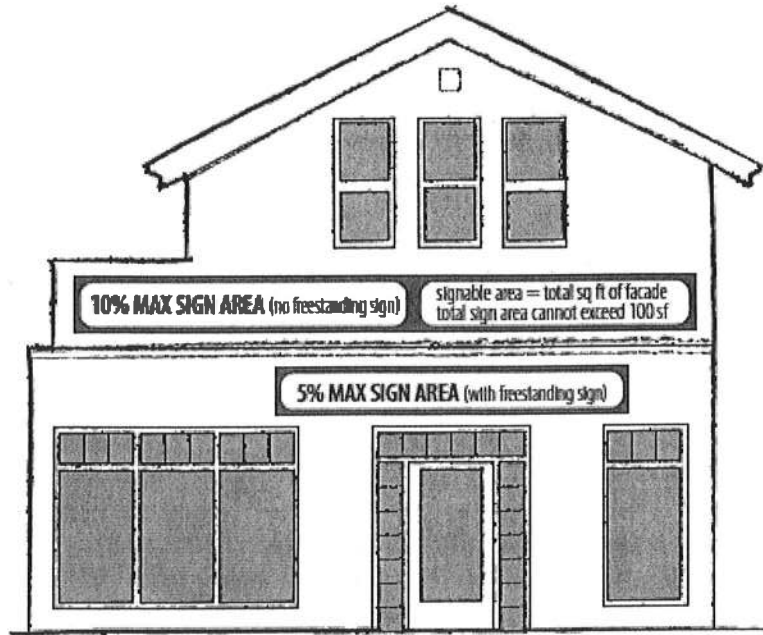
- (a) The owner shall occupy either the principal dwelling or the accessory apartment.
- (b) Only one accessory apartment may be permitted per parcel.
- (c) The accessory unit, whether located in the principal or an accessory structure, shall have the external appearance of a single-family residence. Exterior building details – including scale, fenestration, roof and siding materials, color and design – shall be compatible with the principal

- opening or that projects beyond the ends or top of the wall to which they are attached.
3. Signs located on a tree, upon a rock or other natural feature.
 4. ~~Banners or pennants.~~ Exempt from this prohibition are up to three of the following properly displayed flags per business: town, state or country, Prisoners of War flag, open flag, corporate or seasonal flag. No lettering shall be permitted on a seasonal or corporate flag.
 5. Billboards.
 6. Animated or action signs as defined in these regulations.
 7. Signs illuminated by or containing flashing, intermittent, rotating or moving lights. Electronic or changeable message signs, not to exceed 10 square feet in area, may be allowed to the extent that their display is static and the duration of each message is not less than five (5) minutes. Scrolling text, animation, video or other forms of continuously changing messages shall be prohibited. Not more than one (1) electronic or changeable message sign shall be located on a lot.
 8. Signs consisting of or employing string lighting.
 9. Signs intended to be primarily readable from a limited access roadway such as Interstate 89 or the Circumferential Highway.
 10. Signs constructed of paper, cardboard or similar material or signs that are temporary or non-permanent.
 11. Signs that contain obscene, indecent or lewd content as defined within 13 V.S.A. §2801.
 12. Pennants and balloons.
- D. Signs in Residential Districts. Signs within Residential Districts and the Mobile Home Park District shall be limited to the following:
1. One (1) sign, not in excess of eight (8) square feet in area, located on a lot on which a lawful non-residential use exists.
 2. One (1) sign, not in excess of four (4) square feet in area, located on a lot on which a valid home occupation or business exists.
 3. One (1) free-standing or monument sign at each entrance of an approved subdivision or multi-family dwelling provided that the sign is non-illuminated, less than 20 square feet in area, and less than six (6) feet in height above the ground.
- E. Hazards. No sign shall be designed or located to impair public safety, traffic flow or road visibility, specifically:
1. Any sign or advertising structure as defined in these regulations shall be designed and constructed to withstand wind pressures and receive dead loads as required by recognized engineering and construction practices in the Town of Colchester.
 2. All signs, and any structure such as standards and posts supporting them, shall be of substantial and sturdy construction. Break-away standards and posts are permitted if of substantial and sturdy construction.
 3. No sign shall prevent free ingress to or egress from, any door, window or fire escape. No sign shall be attached to a stand pipe or fire escape.
 4. No sign may be erected that imitates or resembles any official traffic control sign,



J. Wall Signs. The following shall apply to wall signs:

	<i>Single-Use Lots</i>		<i>Multiple-Use Lots</i>	
	Freestanding Sign	No Freestanding Sign	Freestanding Sign	No Freestanding Sign
<i>Numeric and Dimensional Standards</i>				
a. Number of Signs	2		2 + 1 per additional principal business building	
b. Total Sign Area	Lesser of 100 sf or		Lesser of 100 sf or	
	5% of signable wall area	10% of signable wall area	5% of signable wall area	10% of signable wall area
<i>Placement and Design Standards</i>				
c. Wall signs shall be placed in a manner that complements the architecture of buildings. A wall sign shall not extend above the eaves, nor block access to any window or door.				
d. Wall signs shall not be placed in locations where architectural details (e.g., window frames, cornices or other trim) will be obscured. Signs should be logically located on the building facades, such as within or just above storefront windows.				
e. No wall sign shall project more than two (2) feet from the wall of any building.				



K. Hanging or Projecting Signs. Hanging or projecting signs shall only be allowed in the GD-3 and GD-4 districts in accordance with the following:

<i>Numeric and Dimensional Standards</i>	
a. Number of Signs	One (1) per customer entrance
b. Total Sign Area	Eight (8) sf or 32 sf, if property dimensions create circumstances that do not allow for a freestanding or wall sign
<i>Placement and Design Standards</i>	
c. The lowest portion of a hanging or projecting sign, or its support structure, shall be at least eight (8) feet above the sidewalk or six (6) above grade directly beneath it no pedestrian access is feasible .	
d. No hanging sign or its support structure shall project more than six (6) feet from the wall of any building or beyond one (1) foot from the edge of the sidewalk, whichever is less.	
e. No portion of a hanging or projecting sign shall exceed the top of the building wall or parapet in height.	
f. Hanging and projecting signs shall be securely mounted on the supporting building in a safe and appropriate fashion relative to the architecture of the building.	

2. Structures within the GD4OS District shall be limited to ten feet in height. The Development Review Board may increase the height of a building up to the height for the GD4 District designated in if 50% or more of the GD4OS on a property is designated as restricted open space with covenants to keep said space open in perpetuity in Section 4.04 and Table A-2.

3. The Development Review Board may approve use of the GD4OS for septic systems and stormwater treatment/detention systems, provided all GD4OS area on a property is designated as restricted open space with covenants to keep said space open in perpetuity.

7.03 Shoreland District SD

A. Purpose. To preserve the natural growth and cover of the shorelines, to preserve water quality, to prevent pollution, to regulate development and appearance of the shorelines, to prevent erosion, to prevent nuisance, and to preserve the property rights of the shoreline property owners. The boundaries of the Shoreland District shall include all lands within 500 feet from the mean watermark of Colchester Pond, Winooski River, Lamoille River, and Lake Champlain. This district overlays all other districts along the shoreline.

B. Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.

C. Permitted Uses. The following uses are permitted in the Shoreland District in accordance with the provisions of this Section 7.03 and Table A-2, Dimensional Standards.

1. Those uses which are permitted in the underlying zoning district.
2. Piers, docks and other structures attached to the shore **and extending beyond the mean water mark are exempt from these Regulations, provided that such piers, docks and other structures comply with all state and federal regulations pertaining to such encroachments and are not integrated with other structures regulated herein not to exceed 800 sq. ft. or extend more than 150 ft. into the water body from mean water level.**
3. Pumphouses designed and of a size for ordinary residential or seasonal camp use.
4. Repair and reconstruction of existing residential structures including the installation of full basements that complies with the setbacks required in Chapter Eight of the Colchester Code of Ordinances.
5. Enlargement of residential structures that does not increase the degree of encroachment within 100 feet from the mean water mark.
6. Shore based facilities for pumping and/or disposing of wastes from boats (subject to applicable Town and State Health Regulations).

7. Recreational uses such as picnic ground, parks, playgrounds, ~~boat launching ramps, swimming areas (beaches), natural areas and hunting and fishing.~~
8. Seawalls, retaining walls and similar structures detached from and not an integral part of a building.
9. ~~Seasonal temporary type private residential or camp use docks are exempt provided they do not extending more than 150 ft. from mean water level into the water body.~~
10. Stairs and associated landings detached from and not an integral part of a building.
- 10. Boat launching ramps.**
- 11. Fences.**

D. Conditional Uses. The following uses are allowed in the Shoreland District as conditional uses subject to approval by the Development Review Board in accordance with the provisions of this Section 7.03 and Table A-2, Dimensional Standards.

- (1) ~~Piers, docks or floats larger than, or extending more than 150 ft. from mean water level into the water body.~~
- (2) Enlargement of residential structures that increases the degree of encroachment within the 100 feet from the mean water mark. Such portion of the structure encroaching shall not exceed 10% of the building as **measured from the exterior face of exterior walls excluding appurtenances such as decks, porches, overhangs, and stairs footprint** in existence at the time of application within a 10 year period.

E. Area, Density, and Dimensional Requirements. In the Shoreland District structures shall be subject to the following area, density and dimensional requirements:

- (1) Except for those uses specified in Section 7.03C & D all buildings and structures shall be setback 100 feet from the mean water mark.
- (2) All buildings, structures, and lots shall comply with the minimum lot, dimensional, coverage, and height requirements of the underlying district.

F. Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the Shoreland District shall also be subject to the following standards:

1. ~~Temporary, seasonal type, private, residential or camp use docks are exempt from these Regulations provided such docks do not exceed the dimensional requirements of Section 7.03(E) as measured from the mean water mark.~~ **If piers, docks and other structures under Section 7.03C(2) are integrated with structures requiring approval hereunder, including but not limited to seawalls, retaining walls, stairs or landings, such integrated portions of the pier, dock or other structure under 7.03C(2) located landward of the mean water mark are subject to this Section 7.03F.**

2. Existing natural shoreline vegetation should be incorporated into the project when reasonably possible. Native plants and wildlife habitat should be considered and preserved to the greatest extent possible. No more than 25% of existing trees one inch caliper or greater shall be removed along the shoreline for a distance of 100 ft from the mean water mark within a ten year period. The Development Review Board may permit up to 40% of existing trees of one inch caliper or greater to be removed if it is determined that the removal of the trees will not have adverse impact on shoreline stability and the character of the area. Removal of dead trees or trees of immediate threat to human safety as well as reasonable pruning of existing trees is permitted. Removal of more than 40% of existing trees may be approved by the Development Review Board in conjunction with a permitted or conditional use as stated herein.
3. The proposal for filling, grading or erection of any structure within 100 ft. inland of the mean water mark shall require site plan review and approval by the Development Review Board per Article Eight and Section 2.13. Specifically exempt from this requirement shall be those uses listed in Section 7.03C (4), (5), (9), and (110).
4. Requests for seawalls and similar structures under Section 7.03C(8) shall require site plan approval by the DRB as specified in Article Eight. In addition to the requirements of Section 7.03F, the DRB shall apply the following standards to the construction of seawalls and similar structures permitted under Section 7.03C (8):
 - (a) The applicant shall prove the required need of said seawall or similar structure. Required needs include threat to personal property, excessive erosion, or imminent threat to water quality. Expansion of usable property shall not constitute need. All seawalls shall be constructed in a structurally sound manner fully complying with building codes in effect.
 - (b) The seawall or similar structure shall be designed by a Professional Engineer or Landscape Architect. Exceptions may be made by the Board where Bio-Engineered solutions are proposed.
 - (c) The seawall or similar structure shall, to the extent structurally feasible, follow the existing contour of the shoreline and be located along the toe of the slope minimizing backfill and land disturbance. The structure shall be scaled to meet the need and not larger than structurally required. The Shoreline Stabilization Handbook, as amended from time to time, shall be consulted for project design. Full design plans including a site plan with property boundary lines, contours including the 95 foot, 98 foot, and 102 foot elevations shall be submitted with the application including a scaled cross-section of the wall, descriptions of material to be used, a drainage plan, a construction access plan, and soil erosion / site stabilization plan. Existing conditions shall be documented through site plans as well as photographs of the site from the waterbody.

- (d) Visually massive structures are discouraged. The project design should mitigate the visual impact of the structure as viewed from the water. To this end, terracing, landscape plantings, and other aesthetic measures should be integrated into the structural solution.
- (e) Whenever feasible, a coordinated solution to localized erosion problems should be taken amongst effected property owners.
5. The review of any proposed construction of shore-based facilities ~~or any facility which projects outward from the mean water mark~~ shall consider the following:
- (a) ~~Will not create a hazard to navigation.~~
 - (b) Will not adversely affect water quality or be a source of nuisance by reason of noise or fumes.
 - (c) Will not interfere with or prevent use of adjacent shoreland property or its access to and from the water.
 - (d) Will be compatible with adjacent land uses.
 - (e) That necessary and adequate sanitary public utilities and parking facilities are available or will be made available.
 - (f) Will not create an adverse vehicle traffic condition.
6. Stairs shall be no more than 44 inches in width with associated platforms being no more than 44 inches in width and 48 inches in length. All stairs shall have a handrail on at least one side. Flexibility will be exercised with regard to the rise and run of stairs permitted under this section to accommodate pedestrian access yet minimize visibility from the lake and preservation of natural features.
7. All stairs shall minimally disturb existing contours on the site and where possible follow existing contour lines. Stairs shall make use of the natural vegetation and topography to blend with the shoreline. All stairs shall be screened from the water body through the use of landscaping.
8. The Department of Water Resources and the U.S. Army Corps of Engineers may be requested to review, comment on, or approve all applications for construction below the 98 foot elevation prior to issuance of a building permit for said construction. The Development Review Board and the Department of Planning and Zoning may utilize the recommendations of the Department of Water Resources and the U.S. Army Corps of Engineers in its decision whether or not to issue a building permit for said construction.
9. Enlargement of a residential structure that increases encroachment within the 100 feet from the mean water mark shall demonstrate that said enlargement can not reasonably be accomplished without further encroachment due to topography, shape of the lot, or interior floor plan layout. Enlargement that results in additional encroachment shall be adequately screened from the water body, shall make use of existing topography, shall utilize earth-tone colors, and shall make use of the natural vegetation and topography to blend with the shoreline.

10. Legal encroachments per Section 7.03 shall not be subject to the time limits established under Section 2.12B(2).

11. Requests for boat launching ramps under Section 7.03C(10) shall require site plan approval by the DRB as specified in Article Eight. In addition to the requirements of Section 7.03F(1), (2), and (3), the DRB shall apply the standards of 7.03F(4)(b)-(d) to the construction of ramps.

7.04 Water Protection District WPD

A. Purpose. It is the purpose of this Section to provide for the protection and improvement of the surface waters and wetland within the Town of Colchester. These regulations and standards are intended to lead to the establishment and protection of natural areas along the Town's surface waters and wetlands to provide improved protection for water quality and the provision of open space areas and wildlife habitat. It is the further purpose of this Section to provide for the retention of preexisting residential neighborhoods located along surface waters and streams in a manner consistent with the resource protection goals of this Section and the Municipal Plan.

B. Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.

C. Surface Water Buffer Standards ("Stream Buffers")

1. Applicability. The requirements of this Section shall apply to all lands not developed with a single-family dwelling or duplex dwelling as of December 21, 2004, and not under the jurisdiction of the Development Review Board, and described as follows:

(a) All land within eight-five (85) feet horizontal distance of the center of the main channel of Allen Brook, Indian Brook, Malletts Creek, Pond Brook and Sunderland Brook and from the center of all tributaries of the above named streams and all other minor streams which shall be subject to the provisions of (b) below.

(b) Initial assessment of a stream location can be made by consulting the Overlay District Map. In the case of a conflict with the map, final assessment will be made by a wetland/aquatic biologist. The origin of a stream or tributary is defined as the point where an intermittent stream forms a distinct channel, as indicated by the presence of a streambed and/or high water marks.

2. General standards. It is the objective of these standards to promote the establishment of heavily vegetated areas of native vegetation and trees in order to reduce the impact of stormwater runoff, reduce sedimentation, and increase infiltration and base flows in the Town's watercourses. Therefore, except as specifically permitted below and in Section 7.04C3 & 4, all lands within a

ARTICLE 9: PLANNED UNIT DEVELOPMENT

9.01 Planned Unit Development

A. Purpose. In accordance with the provisions of 24 V.S.A., Sec. 4417 Planned Unit Developments are designated by these Regulations to enable and encourage flexibility of design and development of land as a single entity for a variety of uses; the plan of which does not correspond to minimum dimensional requirements of the zoning district being considered. Development shall be designed in such a manner as to promote the most appropriate use of land, to preserve and maintain agricultural and forestry lands, to facilitate the adequate and economical provisions of streets and utilities, to encourage efficient construction, and to preserve the natural and scenic qualities of the open lands of the Town.

B. Review and Approvals. All Planned Unit Development proposals shall be reviewed and evaluated as major subdivisions under the Colchester Subdivision Regulations. In addition, any dimensional modifications of the applicable Zoning Regulations under consideration as Planned Unit Developments shall be evaluated in accordance with the following general and specific standards herein.

C. General Standards.

1. A Planned Unit Development (PUD) may include commercial and industrial uses, or residential and commercial uses, but shall not combine residential and non-compatible uses such as industrial uses. A Planned Unit Development may include a Planned Residential Development component.
2. A Planned Residential Development is a PUD exclusively for residential development.
3. Minimum total area of development shall be one and one-half acres.
4. The overall density allowable for the proposal shall be the same as for the land in the underlying district. Additional residential units achieved through density bonuses and transfer of development rights shall be exempt from this provision.
5. The proposal shall be an effective and unified treatment of the development possibilities on the project site, and the proposed development plan shall make appropriate provision for the preservation of streams and stream banks, steep slopes, Class II and III wetlands, floodplains, forested areas, agricultural land, and unique, natural and man made features.
6. The proposal shall be consistent with the Town Municipal Plan and all applicable Bylaws, Regulations, and Ordinances.
7. The proposal shall be consistent with all evaluation standards set forth in the existing Colchester Subdivision Regulations.
8. The proposal shall provide for the preservation of open space and/or agricultural, forestry, natural resource, or habitat lands.
9. Buffer strip - The DRB shall require provision of a buffer zone of up to fifty feet in depth, at the perimeter of the Planned Unit Development within Residential Districts. The buffer zone must be kept free of buildings and

11.03 Zoning Permits, Sign Permits, and Water & Wastewater Permits.

A. Zoning Permit Required. No land development, accessory apartment, daycare facility, nursing care home, home business or occupation may be commenced without a zoning permit issued by the Zoning Administrator. No zoning permit may be issued by the Zoning Administrator except in conformance with these regulations and the provisions of the Vermont Planning and Development Act. Any applicant for a zoning permit shall provide the Zoning Administrator with any and all information the Zoning Administrator deems necessary to ascertain compliance with these zoning regulations. Such permit shall not be effective until the time for appeal has expired, or such appeal has been adjudicated, in accordance with the with 24 V.S.A. Section 4465.

B. Water & Wastewater Permit Required. No construction of a potable water supply or drilling may be commenced without a water & wastewater permit issued by the Zoning Administrator. No water & wastewater permit may be issued by the Zoning Administrator except in conformance with these regulations and the provisions of the Vermont Environmental Protection rules, otherwise known as the "Vermont Water Supply Rules" as amended from time to time. Any applicant for a water & wastewater permit shall provide the Zoning Administrator with any and all information the Zoning Administrator deems necessary to ascertain compliance with these regulations. Such permit shall not be effective until the time for appeal has expired, or such appeal has been adjudicated, in accordance with 24 V.S.A. Section 4465.

C. Sign Permit Required. It shall be unlawful for any person to erect, alter or relocate within the Town of Colchester any sign as defined in this Ordinance, without first obtaining a sign permit from the Sign Administrator. Any sign not expressly permitted by, or exempted from, the provisions of this Ordinance is prohibited. **Permanent sign permits shall not be effective until the time for appeal has expired, or such appeal has been adjudicated, in accordance with the with 24 V.S.A. Section 4465.**

11.04 Certificates of Occupancy / Compliance.

It shall be unlawful to use, occupy or permit the use or occupancy of any land or structure or part thereof created, erected, changed, converted, or wholly or partly altered or enlarged in its use until the Zoning Administrator or designee issues a certificate of occupancy or compliance stating that such structure or land development conforms to all approved plans and specifications and the requirements of these regulations.

11.05 Expiration of Permits and Approvals.

Unless substantial construction has commenced and is continuing, a zoning permit, sign permits, or water & wastewater permit shall expire twelve (12) months from the date of issuance **unless fifty (50) percent of the work to be done under it shall have been completed during such period.** ~~In any case, all work shall be completed within two (2) years from the date of issue of the permit.~~ Provided, however, if construction has not commenced or continued, the Zoning Administrator may extend the permit for a specified period (not to exceed 6 months) upon finding of objective evidence of the intent and effort to pursue the project for which the permit was issued.

B. Other Approvals.

Unless substantial construction has commenced and is continuing, an approval for conditional use, variance, or site plan shall expire one year from the date of issuance of final approval in accordance with Article Eight.

11.06 Fees.

The Select Board shall establish, and may revise, by ordinance or resolution, reasonable fees to be charged with respect to the administration of this Regulation.

11.07 Violations; Prosecution; Penalties.

A violation of these regulations shall constitute a civil ordinance violation. Each day that a violation continues shall constitute a separate offense. Offenses may be prosecuted through the issuance of a municipal civil complaint ticket or the commencement of an enforcement action as described below.

A. Municipal Civil Complaint Ticket.

Pursuant to 24 V.S.A. Chapter 59 and 24 V.S.A. Chapter 29, any designated enforcement officer, as referenced in section 11.02 above, may commence prosecution for any zoning violation by serving two copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense

Side Lot Line: Any lot lines other than the front lot lines or rear lot lines.

LOT, INTERIOR: Any lot other than a corner lot with frontage only on one street, public road, or public way.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a duly recorded plat on file with the Town Clerk.

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 44 CFR 60.3.

LUMBER YARD: See contractor's yard.

LUMINESCENT: shall mean any lighting of a sign, produced by the action of electricity in an enclosed gas, such as neon and argon.

LUMINOUS MATERIAL: shall mean a material that stores light and glows in the dark. The glow can be described as a weak soft light.

MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. This definition shall only pertain to Section 6.03, Flood Plain District, herein. This definition does not include Recreational Vehicle as herein defined. This definition shall also include Dwelling, Mobile Home; and Dwelling, Modular.

MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. This definition shall only pertain to Section 6.03, Flood Plain District, herein. This definition shall also include Mobile Home Park as defined herein.

MANUFACTURING: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacture of products, and the blending of materials. Storage inside a fully enclosed building and shipment processes related to the manufacturing use are customary.

MARINA: Any shoreline property used to provide one (1) or more of the following:

- a) Access to public waters for docking or mooring of five (5) or more boats with or without other services; or,
- b) A small-craft harbor complex providing access to public water characterized by such activities as boat manufacture, construction or repairs, sales, rentals, chartering, derricks, docks, wharves, moorings, marine railways,

boat storage and other marine-type facilities and commercial services which may include the sale of food or other services clearly incidental to the operation of the marine based activities.

A Marina shall require 150 feet of shoreline frontage. Any Marina that accommodates boats with sleeping facilities shall also provide for on-shore based facilities for pumping and / or disposal of wastes. A Marina shall not ~~create a hazard to navigation or~~ interfere with or prevent use of adjacent shoreland property or its access to and from the water. A Marina shall be compatible with adjacent land uses and shall not be a source of nuisance by reason of noise or fumes.

MARINE ASSOCIATION, RESIDENTIAL: Any commonly held shoreline property which is a common element of or an appurtenance to a residential development on the same or adjacent property that:

- (a) provides access to public water for docking or mooring of five (5) or more boats; and
- (b) is strictly limited to use by the owner of residences in the associated residential development and the immediate family of the owners according to and limited by recorded covenants in the land records; and
- (c) which does not provide or allow such services incidental to the operation of commercial marinas as characterized by such activities as boat manufacture, construction or repairs, sales, rentals, chartering, derricks, marine railways, and other marine-type facilities and commercial services which may include the sale of food or other services clearly incidental to the operation of the marine based activities.

A Residential Marine Association shall require 150 feet of shoreline frontage ~~plus and additional 30 for every boat beyond the fifth boat belonging to the association.~~ Any association that accommodates boats with sleeping facilities shall also provide for on or off-shore based facilities for pumping and / or disposal of wastes. A Residential Marine Association shall not ~~create a hazard to navigation or~~ interfere with or prevent use of adjacent shoreland property or its access to and from the water. A Residential Marine Association shall be compatible with adjacent land uses and shall not be a source of nuisance by reason of noise or fumes.

MARINE SALES: An establishment engaged in selling, renting or leasing of boats and watercraft. Boats and watercraft may be stored on the site that is for sale, rent, or lease. This use customarily has outside storage but does not include the winter storage of boats and watercraft that are not for sale, rent, or lease. This use includes accessory retail sales of marine equipment.

MEAN WATERMARK: The terms “mean water mark”, “mean water level”, and “normal mean water mark” is considered to be one and the same. For Lake Champlain the mean watermark has been established as 95.5 ft above mean sea level. For Colchester Pond the mean watermark has been established as the elevation of the spillway for a mean water level of 383.0 ft. above mean sea level. For the Winooski River and Lamoille River the mean water mark shall be as determined by the property owner and the Town

prepared foods intended primarily to be prepared and consumed off the premises. A short-order restaurant with up to eight (8) seats may be an accessory use.

ROAD-SIDE STAND: A retail establishment accessory to an agricultural or horticultural operation for the sale of produce grown on the premise.

ROOF SIGN: shall mean any sign or portion thereof, erected in any way upon a structure which extends above any portion of the roof of the structure.

SALVAGE YARDS: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "Salvage Yard" includes automobile wrecking yards and includes any area of more than 200-sq. ft. for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. Salvage yards include junkyards and automobile graveyards. This is a use that customarily requires periphery screening.

SEASONAL MOBILE FOOD UNIT: A short-order restaurant establishment that is open for business between April 1st and October 31st. Food is customarily consumed off premise. Outdoor seating, when permitted in accordance with the regulations herein, may consist of benches and chairs that are not permanently affixed to the ground. Seasonal mobile food units are customarily operated between 10AM and 9PM and are removed from the premise **between November 1st and March 31st when not in operation**. Restrooms are not customarily provided in conjunction with the seasonal mobile food unit use. All accessory items, such as dumpsters, are customarily removed from the premise **between November 1st and March 31st when the unit is not in operation**.

SEMI-CUTOFF FIXTURE: An exterior light fixtures with an intensity at 80 degrees from nadir that does not exceed 200 candela per 1000 lamp lumens, nor at 90 degrees from nadir does intensity exceed 50 candela per 1000 lamp lumens.

SETBACK: The distance required to meet the front, side or rear yard open space provisions of this Regulation.

SEWAGE DISPOSAL SYSTEMS, CROSS-DISTRICT: A sewage disposal system located in a zoning district, which serves a use, located in a different zoning district.

SCHOOL, COLLEGE: An establishment for college or university education or instruction in a branch of knowledge. The school may be public, private, or parochial. A college is a school that meets the state standards and requirements for colleges and universities. A college customarily has dormitories and associated athletic fields.

SCHOOL, ELEMENTARY & SECONDARY: An establishment for elementary or secondary education or instruction in a branch of knowledge. The school may be public, private, or parochial. Elementary schools are any schools that meet state standards and

does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building. This definition shall only pertain to Section 6.03, Flood Plain District, herein.

STORY: That part of any building, exclusive of cellars but inclusive of basements, comprised between the level of one (1) finished floor and the level of the next higher finished floor, or; if there be no higher finished floor, then the part of the building comprised between the level of the highest finished floor and the top of the roof beams. (See Appendix B Diagram).

STORY HALF: Any space partially within the roof framing where the clear height of not more than 50% of such space between the top of the floor beams and the structural ceiling level is seven (7) ft. six (6) inches or more. (See Appendix B Diagram).

STREET: Any road, highway, avenue, street, parkway, lane or other way between right of way lines, commonly used by the public for vehicular traffic.

STREET, MINOR: Those private and public streets not included as Arterial or Collector Highways.

STRUCTURE: Any construction, erection, assemblage or other combination of materials upon the land, including but not limited to, buildings, mobile homes, swimming pools, tennis courts, antennas, satellite dishes not exceeding 3 feet in diameter, gas/liquid storage tanks, utility sheds, trailers, billboards, signs, walls or fences over four feet in height, or fences and walls opaque in nature. A structure may be erected for use, occupancy, or ornamentation, and the use of which requires permanent or temporary location on, above, or below the surface of the ground ~~or water~~. By definition, all buildings are structures, but not all structures are buildings. All patios, driveways, sidewalks, and parking lots shall be considered structures and require permits.

STRUCTURE, TEMPORARY: A structure without any foundations or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Tents larger than 150 square feet are specifically included within this definition. All temporary structures to remain over ten (10) consecutive days shall require a building permit as well as any other applicable permits.

STUDIO, RADIO & TELEVISION: A broadcasting facility for radio and / or television with accessory office space. A studio does not include towers, antennas, and dishes associated with transmitting station signals.

APPENDIX E: ZONING REGULATION AMENDMENTS

SUPPLEMENT #31

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
<ol style="list-style-type: none"> 1. Amend Section 2.07 of the Zoning Regulations to exempt piers, docks, and similar structures from permits. 2. Amend Section 2.18 to clarify multi-tenant building signage and projecting signage height requirements 3. Amend Section 2.09A(2) to conditionally allow larger accessory structures on larger parcels. 4. Amend Section 7.03 to exempt piers, docks, and similar structures from permits. Clarify enlargement of residential structures requirements, and fence and boat launching ramp permitting requirements. 5. Amend Section 9.01C(9) to clarify buffer requirements. 6. Amend Section 11.03C to include sign permit effective dates. 7. Amend Section 11.05A align with 				

<p>Building Permit requirements of Chapter 4 of the Colchester Code of Ordinances.</p> <p>8. Amend Section 12.02 definitions of Marina and Residential Marine Association to remove hazard to navigation requirements and additional frontage for additional boat requirements. Amend definition of Structure to remove "water".</p> <p>9. Amend Section 12.02 definitions to clarify Seasonal Mobile Food Unit time of operation.</p>				
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SUPPLEMENT #30

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
<ol style="list-style-type: none"> 1. Delete the Sign Regulations in its entirety; 2. Move all sign regulations to Section 2.18 of the Zoning Regulations 3. Amend Article XI and Section 2.12 of the Zoning Regulations to reference signs. 	3/15/11	3/31/11	4/26/11	5/18/11

APPENDIX F: ZONING MAP AMENDMENTS

For a complete list of zoning map designation by parcel identification number, please see Appendix F(1) (detached).

EFFECTIVE XXXXX
49-001022 COM to GD1

EFFECTIVE May 18, 2011

06-023002 A 109.99 ft. by 315.91 ft., 0.77 of an acre portion of the northwest corner IND
to COM

EFFECTIVE July 14, 2010

03-017013 IND to BD
03-022013 IND to BD
03-021003 IND to BD
03-019003 IND to BD
03-020003 IND to BD
01-020323 IND to BD
01-020263 IND to BD
01-020243 IND to BD
01-020233 IND to BD
01-020063 IND to BD
01-020073 IND to BD
01-020083 IND to BD
01-020093 IND to BD
01-020103 IND to BD
01-020153 IND to BD
01-020163 IND to BD
01-020173 IND to BD
01-020183 IND to BD
01-020193 IND to BD
01-020203 IND to BD
01-020213 IND to BD
01-020223 IND to BD
03-022043 IND to BD
03-018003 IND to BD
03-018013 IND to BD

