ARTICLE 10. DEFINITIONS

As Amended & Adopted by the Warren Select Board March 25, 2008

Section 10.1 Terms and Uses

(A) Except where specifically defined herein or in the Act, or unless otherwise clearly required by the context, all words, phrases and terms in these regulations shall have their usual, customary meanings.

(B) In the interpretation of words and terms used, defined, or further described herein, the following shall apply:

(1) the particular controls the general;
(2) the present tense includes the future tense;
(3) the word "shall" is mandatory; the word "may" is permissive; the term "generally shall" indicates that it is mandatory unless the Development Review Board or other applicable body deems otherwise in accordance with these regulations.
(4) the word "structure" includes "building;" and
(5) the word "lot" includes "parcel."

(C) For the purposes of flood hazard area regulation under Article 2, National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of some commonly used terms are provided herein.

(D) Any interpretation of words, phrases or terms by the Administrative Officer may be appealed to the Development Review Board under Section 9.5. In such cases, the Board shall base its decision upon the following definitions, state statute, and the need for reasonable and effective implementation of these regulations. The Board shall publish and update from time to time such written interpretation, to ensure consistent and uniform application of the provisions of these regulations.

Section 10.2 Definitions

Act: 24 V.S.A., Chapter 117, the Vermont Municipal and Regional Planning and Development Act as most recently amended.

Accepted Agricultural Practices (AAPs): Accepted practices for agriculture, including farm structures other than dwellings, as currently defined by the Secretary of the Vermont Agency of Agriculture, Food and Markets (see Section 9.2).

Accepted Management Practices (AMPs): Accepted practices for silviculture (forestry) as currently defined by the Commissioner of the Vermont Department of Forests, Parks and Recreation (see Section 9.2).

Accessory Dwelling: A secondary dwelling unit established in conjunction with and clearly subordinate to a primary single family dwelling unit which is retained in common ownership, is located within, attached to or on the same lot as the primary dwelling unit, and which otherwise meets applicable criteria of this bylaw (see Section 4.1). The accessory dwelling unit shall have facilities and provisions for independent living, including sleeping, food preparation, and sanitation facilities.

Accessory Structure: A structure which is customarily incidental and subordinate to the primary use or structure of a lot or parcel of land, is located on the same lot as the primary structure or use, and is clearly related to the primary use.

Accessory Use: A use which is customarily incidental and subordinate to the primary use of a lot or parcel of land, is located on the same lot as the primary use and is clearly related to the primary use.

Acre: For determining the maximum density on any one acre, the acre used for this determination shall measure 43,560 square feet (208.7 ft x 208.7 ft).

Adaptive Reuse: The rehabilitation or renovation of an existing historic building, as listed on, or determined to have become eligible for listing on, the Vermont Historic Sites and Structures Survey for the Town of Warren, or the National Register of Historic Places, for another use as specified in this bylaw (see Section 4.2).

Administrator: The Federal Insurance Administrator.

Administrative Officer: The Warren Zoning Administrator.

Affordable Housing: Housing that is either (1) owned by its inhabitants, whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, and condominium association fees is not more than 30 percent of the household's gross annual income; or (2) rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

Affordable Housing Development: A housing development of which at least 20 percent of the units or a minimum of five (5) units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants, deed restrictions, or other legal instruments that ensure the long-term affordability of such units for a minimum of fifteen years or longer.

Agriculture: The growing and harvesting of crops; raising of livestock, raising of horses, operation of orchards, including maple orchards or sugar bushes; and the sale of farm produce on the premises where it is produced (see also Accepted Agricultural Practices).

Aircraft: Any contrivance now known or hereafter invented for use in or designed for navigation of or flight in air.

Aircraft Runway (Landing Strip): Any area of land or water designed and set aside for the take-off and landing of aircraft.

Aircraft Storage & Maintenance: Any facility specifically designed, intended and/or used for the housing and maintenance of aircraft.

Aircraft Sales, Rental & Instruction: Any facility specifically designed, intended and/or used for the sale, rental or chartering of aircraft, or for flight instruction.

Airport Operations Facility: A facility used for the administration and/or operation of an airport.

Alteration: Structural change, change of location, or addition to a building or structure, excluding normal maintenance and repair. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure in terms of its height, length, width, footprint, or gross floor area (see also Improvement, Substantial Improvement).

Applicant: The owner of land or property proposed to be subdivided and/or developed in accordance with these regulations and/or his or her duly authorized representative. Any party with a legal interest in land subdivision and/or development may apply in cooperation with the owner of the property.

Approval: A written decision issued by the Development Review Board within the statutory time limit, or in the event of the Board's failure to act within the specified time limit, a certification of such failure to act issued by the Town Clerk, as attached to the permit application and recorded in the land records of the Town.

Area of Shallow Flooding: A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) having 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 the velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: Land in the floodplain which is subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making is completed in preparation for the Flood Insurance Rate Map, Zone A is refined into Zones A, AO, AH, A1-30, AE, or A99. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrases "area of special flood hazard" or "flood hazard area" as included within the Flood Hazard Overlay District. See also Flood Hazard Area.

Artist Studio: Work space for artists or artisans, including individuals engaged in the application, teaching or performance of one of the fine arts or an applied art or craft (see also Gallery).

Bar: See Restaurant.

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study Report, of average depth of the base flood, usually in feet, above the ground surface.

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

Bed & Breakfast (B&B): A single family dwelling occupied by the owner or operator, in which not more than five (5) rooms within the dwelling and/or in an accessory structure located on the same lot, are rented out to provide overnight accommodations to transient travelers. Individual cooking and eating facilities shall not be provided; breakfasts shall be the only meals served and shall be limited to

overnight guests. The bed and breakfast shall function as a private home with house guests. (For establishments with greater than five lodging rooms see Inn.)

Bedroom: Any room that, in the judgement of the Development Review Board, may be used principally for sleeping, including but not limited to so-called lofts, dens, or libraries.

Board: The Warren Development Review Board, as established under the Act, unless otherwise specified.

Boarding House: A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three, but not more than eight, boarders as their primary residence, and in which individual cooking and eating facilities are not provided for boarders.

Buffer: Any space between adjoining land uses or between a land use and a natural feature, which is intended and designed to reduce the impact of one use on the other use or feature. Buffers may include open space, woodland, landscaped areas, undisturbed vegetated areas, or other types of physical, visual or sound barriers.

Building: (1) A structure used for the shelter or accommodation of persons, animals, goods, goods, chattels or equipment, which has a roof supported by columns or walls; (2) for flood hazard area regulation only, this definition also includes a gas or liquid storage tank that is principally above ground.

Building Bulk: The visual and physical mass of a building or structure; including the size, height, shape, location and relationship of a building or structure to adjoining structures, open areas, and building, street, and lot lines.

Building Envelope: The designated area on a site plan that identifies and limits the location of principal and accessory structures, parking areas and associated site development, excluding road and utility rights-of-way or easements, on one or more portions of a lot.

Building Facade: The exterior walls of a building. The "principal facade" shall include all exterior walls which are adjacent to or front on a public road, street, right-of-way, park or plaza.

Building Height: The height of a building or structure as measured vertically from the highest point on top of the building or structure (excluding any noted exemptions under Section 3.6), to the average (of the highest and lowest) finished grade at the foundation or base.

Building Massing: See Building Bulk.

Building Orientation: The location on a lot of the principal facade of a building or other structure in relation to roads, rights-of-way, parks, and building or street lines.

Camper: Any vehicle used as temporary sleeping, camping or living quarters, which is mounted on wheels, a truck or a camper body, or towed by a motor vehicle. This definition includes recreation vehicles and travel trailers, but specifically excludes mobile homes. See also Mobile Home, Recreational Vehicle.

Campground: A parcel of land upon which three or more campsites are located for occupancy by a tent, cabin, lean-to, or similar structure as temporary living quarters for recreation, education, or vacation purposes. "Primitive" campgrounds are further characterized as campgrounds which are limited to substantially unimproved camp sites intended for tenting use only.

Cemetery: Land used or dedicated to the burial of the dead, including as accessory structures mausoleums, columbariums, or maintenance facilities, but excluding crematoriums. An individual burial site on private land, registered with the Warren Town Clerk in accordance with state law, is exempted from this definition.

Clearing: The removal of vegetation as part of site preparation, including the installation of driveways, septic systems, building sites and construction or yard areas.

Commercial Use: An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Commercial Water Extraction: The extraction, collection, storage and transport of groundwater from one or more wells or springs by means of pipelines, channels, trucking or other similar mechanisms, for the bulk wholesale or retail sale of potable drinking water.

Commission: The Warren Planning Commission, as created under the Act.

Commercial Sewage Treatment Facility: Any wastewater treatment system, including treatment plant, collection lines, disposal fields, or expansion of facilities with a capacity greater than 30,000 gallons per day. This definition does not include other types of community wastewater treatment systems associated with individual developments (see Community System).

Common Land: Land within a development or subdivision that is not individually owned or dedicated for public use, but which is designed to be held in common, for use, enjoyment, management and maintenance by the residents of the development or subdivision. Such land may include but not be limited to open space areas, parking lots, pedestrian walkways, utility and road rights-of way.

Community Center: A building used for recreational, social, and cultural activities which is not operated for profit and is intended primarily to serve the population of the community or neighborhood in which it is located.

Community Care Facility: A facility licensed by the state which provides primarily non-medical residential care services to seven or more individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, excluding members of the resident family or persons employed by the facility, on a 24-hour a day basis.

Community System: Any water or wastewater disposal system other than a municipally-owned system which provides potable water to or disposes of wastewater from two or more domestic, commercial, industrial, or institutional uses, with the exception of a commercial wastewater treatment facility as defined separately (see Commercial Wastewater Treatment Facility). Such systems shall include related collection, distribution and treatment facilities.

Composting Facility: A facility where organic matter derived off-site, excluding septage and sludge, is processed and microbiologically degraded under aerobic conditions in a controlled manner to produce a

stable product. Related activities may include management, collection, transportation, staging, curing, and storage facilities.

Conditional Use: A land use allowed in a specific district(s) with the approval of the Development Review Board in accordance with the requirements of Article 5.

Conformance with the Town Plan: A proposed application conforms to the Warren Town Plan in effect if (1) it makes progress toward attaining, or at least does not interfere with, the goals, and policies contained in the municipal plan; (2) it provides for proposed future land uses, densities, and intensities of development contained in the town plan; and (3) it carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the town plan.

Conservation Easement: A legal interest in real property imposing limitations on future use and development for the purpose of protecting natural, scenic or open space values of said property, and/or maintaining its availability for agricultural, forest, recreational or open space uses.

Contiguous Land: (1) A parcel of land contained within a single, unbroken parcel boundary (a division of land by a right-of-way, including a town road, shall not render such land non-contiguous); or (2) two or more parcels which share a common parcel boundary or point.

Cottage Industry: An expanded home-based business conducted by the resident of a single family dwelling, which is carried on within the principal dwelling and/or an accessory structure, and has no more than 6 nonresident employees on-site at any one time (see Section 4.8; and Home Occupation).

Cumulative Substantial Improvement: Any reconstruction, rehabilitation, addition or other improvement of a structure, during any 5 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work preformed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Cul de Sac: A road intersecting another road at one end, and terminated at the other end by some form of vehicular turnaround.

Cultural Facility: A museum, theater, or concert hall, or other establishment offering programs, performances or exhibits of cultural, educational, historical, or scientific interest, excluding movie theaters (see Indoor Recreation) and galleries (see Artist Studio, Gallery).

Curb Cut: A defined area of vehicular ingress and/or egress between property and an abutting road right-of-way.

Day Care Facility: A state registered or licensed nonresidential child care facility that serves more than ten children on site at the same time . (see Section 4.5 (B)).

Degree of Nonconformance: The extension of a structure which results in an additional encroachment of the nonconforming feature/element beyond that point which constitutes the greatest pre-existing encroachment. The expansion of the volume or area of a structure that does not conform with a

building setback does not constitute an increase in the degree of nonconformance unless the expansion results in an encroachment upon the setback which is greater than the existing nonconforming encroachment.

Density: The number of dwelling units, principal uses or structures permitted per area of land, excluding land area within road rights-of-way.

Development: See Land Development.

Development Right: (1)The right to build or develop on a specific parcel of land in accordance with the zoning regulations for the district in which the parcel is located; (2) for purposes of the transfer of development rights under Section 3.16; development rights shall also at minimum include any rights held by conservation easement for a specified period of not less than 30 years, granted to the municipality in accordance with state statute [10 V.S.A. Chapter 155] limiting the land uses in the sending area solely to specified purposes, but including at minimum agriculture and forestry.

Development Road: A private road that provides access to four or more parcels (see also Driveway, Private Road).

Drive-through: A business establishment which includes a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle rather than within a building or structure.

Driveway: A minor, private travel way serving up to three adjoining parcels, which provides access for vehicles to a parking space, garage, dwelling or other structure.

Duplex Dwelling: A building containing 2 dwelling units intended for use as two self-contained domiciles. A duplex dwelling shall count as two units for density purposes. Either dwelling is not considered a single family dwelling for the purposes of these regulations.

Dwelling Unit: One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family or individual maintaining a household.

Educational Facility: A public, private or parochial institution licensed by the State of Vermont to provide educational instruction to students. Such facilities may also include accessory recreational and dining facilities, and be used as officially designated, temporary emergency shelters.

Elderly Housing: A multiple dwelling in one or more buildings, each unit of which is specifically designed and intended for occupancy by at least one person who is retired and 55 years of age or older. Such housing may include, as accessories, congregate dining and recreational facilities, and assisted living services.

Extraction: A use involving the on-site removal of surface and subsurface materials, including soil, sand, gravel, stone, rock, minerals or similar materials. Typical uses include sand and gravel pits and quarries, and related operations such as the crushing, screening, and temporary storage of materials on-site (see Section 4.6). Specifically excluded from this definition is the grading and removal of dirt which is associated with and incidental to an approved site plan or subdivision, or an excavation associated with an accepted agricultural practice.

Family: A group of two or more persons related by blood, marriage, adoption or civil union (as recognized by the State of Vermont), or a group of not more than five persons unrelated by blood, marriage, adoption or civil union, living together as a household, or a single person maintaining a household.

Farm Structure: A building, enclosure or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in state law [10 V.S.A. §6001(22)], but excludes a dwelling for human habitation. See also Accepted Agricultural Practices.

FIA: The Federal Flood Insurance Administration.

Flood: (1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, the unusual and rapid accumulation or runoff of surface waters from any source, and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surface of normally dry land area, as when earth is carried by a current of water and deposited along the path of the current. (2) The collapse or subsidence of land along a body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Hazard Area: Those lands subject to flooding from the 100-year flood, as defined in the existing or subsequently revised "Flood Insurance Study for the Town of Warren, Vermont" dated September 1, 1977 and the Flood Hazard Boundary Map (FHBM) or subsequent Flood Insurance Rate Map (FIRM), published by the Flood Insurance Administration, and available at the Warren Town Clerk's Office. See also Area of Special Flood Hazard.

Flood Hazard Boundary Map (FHBM): An official map of Warren, issued by the Flood Insurance Administration, where the boundaries of flood and mudslide (i.e., mud flow) related erosion areas having special hazards are designated as Zone A, M, and/or E.

Flood Insurance Rate Map (FIRM): An official map of the community on which the Federal Insurance Administrator has delineated both areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

Floodplain or Flood-Prone Area: Any land area susceptible to being inundated by water from any source. See also Flood.

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

Flood-way: (Regulatory) 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 one foot at any point.

Forestry: The use and management of timber land for purposes of conservation and/or wood production and timber harvesting. This definition specifically excludes sawmills, lumber yards and other similar facilities used for the processing and/or manufacturing of wood and wood products, with the exception of portable sawmills and other equipment used on-site in association with timber harvesting activities (see Sawmill).

Frontage: The distance of the portion of a lot line abutting a road right-of-way.

Gallery: An establishment engaged in the display, sale, or loan, of art and craft work, excluding noncommercial museums and art galleries (see also Artist Studio, Cultural Facility).

General Service: A service used for the operation of businesses and trades whose primary function is the management or maintenance of real property, including associated offices and storage of equipment and materials. A general service may also be operated as a Cottage Industry in designated districts in accordance with Section 4.8.

Group Home: A state licensed residential care home serving not more than eight (8) persons who are developmentally disabled or handicapped (see Section 4.7).

Historic Structure: Any structure that is (1) listed, or preliminarily determined by the U.S. Secretary of the Interior to meet the requirements for listing in the National Register of Historic Places maintained by the U.S. Department of the Interior, either individually or as a contributing structure within a registered historic district; (2) listed on the Vermont Historic Sites and Structures survey; or (3) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by the state, under a program approved by the Secretary of the Interior, or directly by the Secretary of the Interior.

Home Child Care: A state registered or licensed childcare facility that is operated by the owner or resident of a single-family dwelling that serves no more than ten children on site at the same time.(See section 4.5 (A)).

Home Occupation: A use conducted entirely within a minor portion of a single family dwelling or accessory structure which is conducted by resident family members, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and which does not change the character thereof (see Section 4.8; Cottage Industry).

Hotel: A building or group of buildings containing more than 15 guest rooms for occupancy and use by transients on a short-term basis less than an average of one month, and having a management entity operating the building(s) and providing such services as maid service, a central switchboard, or dining facilities. Where rooms in the building(s) are under separate ownership, rental and management contracts between the owner and a rental and management agent or agents is required. For purposes of this definition, separate ownership includes, but is not limited to, interval ownership in fee or leasehold, condominium ownership and cooperative ownership with a proprietary lease.

Improvement: Any physical addition to real property, or any part of such addition, including but not limited to any building, structure, parking facility, wall, fencing, or landscaping (see also Substantial Improvement).

Indoor Recreation Facility: A building or structure designed, equipped and used for sports, leisure time, and other recreational activities.

Industry: The manufacture, processing, fabrication or storage of products, except where ancillary or accessory to a use permitted under these regulations. The processing of agricultural products produced on the premises shall not be deemed to be industry (see Section 4.9).

Inn: A building or group of buildings on a single parcel which contain up to fifteen guest rooms which are rented out to provide overnight accommodations to transient travelers on a short-term basis of less than one month average, and which may offer dining facilities.

Interested Person: In accordance with the Act [§4465(b)], an "interested person" includes the following: (1) A person owning title to a property, or a municipality or solid waste district empowered to condemn it or an interest in it, affected by these regulations, who alleges that the regulations impose on the property unreasonable or inappropriate restrictions off present or potential use under the particular circumstances of the case; (2) the Town of Warren or an adjoining municipality; (3) a person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or regulations of the Town (4) Any ten registered voters and/ or real property owners within the Town who, by signed petition to the Development Review Board, allege that any relief requested by a person under this section, if granted, will not be in accord with the policies, purposes or terms of the plan or regulations of the Town. The petition must designate one person to serve as the representative of the petitioners regarding all matters relating to the appeal; and (5) any department and administrative subdivision of the State owning property or any interest in property within the Town or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

Junk Yard: See Salvage Yard.

Kennel: The boarding, breeding, raising, grooming, or training of four or more dogs, cats, or other household pets of any age for commercial purposes.

Land Development: The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation or landfill, or any changes in the use of any building or other structure or land or extension of use of land. For purposes of flood hazard area regulation under these regulations, "Development" shall also mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials (see also Subdivision).

Level of Service: (1) A measure of the relationship between public service and facility capacity and the demand for public services and facilities; (2) for traffic, the operating conditions that a driver will experience while traveling on a particular street or highway, including frequency of stops, operating speed, travel time, traffic density and vehicle operating costs.

Level of Service C: An operating condition that a driver will experience while traveling on a particular street or highway in which there is stable flow, with tolerable operating speeds being maintained though considerably affected by changes in operating conditions.

Level of Service D: An operating condition that a driver will experience while traveling on a particular street or highway which approaches unstable flow, with tolerable operating speeds being maintained though considerable affected by changes in operating conditions.

Lodge: A building or group of buildings on a single parcel, owned or leased and operated by a private club, which has up to fifteen guest rooms for occupancy by club members and their invited guests on a short-term basis of less than one month average, and in which central dining facilities may be provided for overnight guests only.

Lot: (1) Land occupied or to be occupied by a principal structure or use and its accessory structures and/or uses, together with required open spaces, having not less than the minimum area required for a lot in the district in which such land is situated, having frontage on a street, or other means of access as may be approved by the Development Review Board, and having a lot depth not more than four times the lot width; (2) a portion of land in a subdivision or plat that is separated from other portions by a property line (see also Contiguous Land).

Lot Area: The total land area within the boundaries (lot lines) of a lot, exclusive of any land area designated for a public road as measured to the boundary of such right-of-way or easement.

Lot Coverage: That portion (percentage) of a lot area which is covered by buildings, structures and other man-made improvements, including parking and loading areas, access roads, service areas, and other impermeable surfaces, which prevent the infiltration of storm water.

Lot Depth: The mean horizontal distance from the street line of the lot to its opposite rear line measured at right angles to the building front line.

Lot Size: See Lot Area.

Lot Width: The width of a lot measured at right angles to lot depth, at the required building front line.

Lowest Floor: The lowest floor of the lowest enclosed area (including any basement). An unfinished floor or flood resistant enclosure, used solely for parking 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 applicable federal (44 CFR 60.3) non-elevation design requirements.

Major Subdivision: All subdivisions other than minor subdivisions, including all planned residential and planned unit developments (see also Minor Subdivision, Subdivision).

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis or foundation and is connected to required utilities. For floodplain management purposes, the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on the site for more than 180 consecutive days. For flood insurance purposes, and the other provisions of

these regulations, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. See also Mobile Home, Recreation Vehicle.

Manufactured Home Park: See Mobile Home Park, Subdivision

Meadowland: Land, including pasture land, hay land, and crop land, identified as "meadowland" on the Official Zoning Map and depicted on the meadowland map, the original of which shall be posted in the Town Clerk's office along with the official zoning map.

Mean Sea Level: The standard datum to which base flood elevations shown on the Flood Insurance Rate Map, and typical contour elevations, are referenced.

Minor Subdivision: Lot line or boundary adjustments; amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval; any subdivision containing 2 or more but less than 6 lots and which does not require any new (public or private) road greater than 800 feet in length.

Mixed Use: A building or parcel containing two or more uses which are otherwise allowed as permitted or conditional uses within the district in which the building or parcel is located (see Section 4.11).

Mobile Home: A prefabricated dwelling unit which is (1) designed for continuous residential occupancy; and (2) is designed to be moved on wheels, as a whole or in sections (see Section 3.3). See also Manufactured Home.

Mobile Home (or Manufactured Home) Park: A parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate three or more mobile homes (see Section 4.12). See also Subdivision. For flood plain management purposes:

(1) **"Existing manufactured home park (or subdivision)"** means a park for which the construction of facilities for servicing the lots on which mobile homes are to be affixed (including at minimum the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads) is completed before the effective date of flood plain management regulations adopted by the Town of Warren as part of these Land Use and Development Regulations(March 25, 2008).

(2) **"Expansion to an existing manufactured home park (or subdivision)"** means the preparation of additional sites by the construction of facilities for serving the lots on which the mobile homes are to be affixed (including at minimum the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads).

(3) **"New manufactured home park (or subdivision)"** means a mobile home park (or subdivision) for which the construction of facilities for serving lots on which the mobile homes are to be affixed (including at minimum the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads) is completed on or after the effective date of flood plain management regulations adopted by the Town of Warren as part of these Land Use and Development Regulations(March 25, 2008).

Multi-Family Dwelling: A building containing three (3) or more dwelling units.

Municipal Land Use Permit: As defined in the Act [§4303 (11)] to include, as issued by the municipality: (1) final zoning, subdivision, site plan or building permits or approvals relating to subdivision and land development; (2) septic or sewage system permits; (3) final official minutes of meetings which relate to permits or approvals, which serve as the sole evidence of such permits or approvals; (4) certificates of occupancy, compliance or similar certificates; and (5) any amendments to the previously listed, permits, approvals and/or certificates.

New Construction: For purposes of determining flood insurance rates, structures for which the "start of construction" commenced on or after the effective date of the initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, structures for which the start of construction commenced on or after the effective date of flood plain regulations adopted by the Town of Warren as part of these Land Use and Development Regulations(March 25, 2008).

Nonconforming Lot (or Parcel): A lot or parcel that does not conform to the dimensional or coverage requirements of these regulations, but did conform to all applicable laws, ordinances and bylaws before the enactment of these regulations, including a lot or parcel improperly authorized as a result of error by the Administrative Officer, Development Review Board or predecessor body.

Nonconforming Structure: A structure or part thereof that does not conform with the provisions of these regulations, including but not limited to building bulk, height setbacks, 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 these regulations. This includes a structure or part thereof that was improperly authorized as a result of error by the Administrative Officer , Development Review Board or predecessor body.

Nonconforming Use: The use of a land or structure that does not conform with these regulations, including but not limited to allowed uses within the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to the enactment of these regulations. This includes a use that was improperly authorized as a result of error by the Administrative Officer , Development Review Board or predecessor body.

Office: A room, suite of rooms or building used for conducting the affairs of a business, profession or government, or as used as an accessory to personal services, industry and other uses. The on-premise retail sale of goods is specifically excluded from this definition.

Open Space: Land not occupied by structures, buildings, roads, rights-of-way, recreational facilities, and parking lots. Open space may or may not be held in common.

Outdoor Recreation Facility: Any facility for outdoor recreation, including but not limited to: tennis courts, golf courses, athletic fields, swimming pools, and trails for hiking, horseback riding, bicycling, snowmobiling, and cross-country skiing; except for such facilities which are accessory to a single family dwelling unit, and ski lifts and ski lift facilities which are defined separately for the purposes of these regulations (see Ski Lift, Ski Facility/Service).

Permitted Use: A land use allowed in a specific district(s) upon the issuance of a zoning permit by the Administrative Officer in accordance with Section 9.3, unless such use is specifically exempted in accordance with Section 9.2.

Person: Any individual, partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or affiliated ownership which owns or controls land or other property to be subdivided and/or developed under the provisions of these regulations. The word "person" shall also include any municipality or other government agency.

Personal Service: A business which provides services of a personal nature, including but not limited to: laundry and dry cleaning, beauty and barber shops, shoe repair, funeral services, and photographic studios.

Place of Worship: A facility used for conducting organized religious services on a regular basis, including accessory uses customarily associated with such a primary use. Includes church, synagogue, temple, mosque or other such place for worship and religious practice (also see Section 4.14).

Planned Residential Development (PRD): A type of planned unit development that includes an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units; the plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage, and required opens space under these regulations except as a planned unit development (see also Planned Unit Development).

Planned Unit Development (PUD): An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units and commercial and industrial uses, if any; the plan for which does not correspond in lot size, bulk, or type of dwelling, commercial or industrial use, density, lot coverage, and required opens space under these regulations except as a planned unit development.

Plat: A map or representation on paper, Mylar or other accepted material, of a piece of land subdivided into lots and roads, drawn to scale.

Power Generating Facility: The use of land, structures or other facilities for the generation of electric power through the conversion of thermal, steam, wind, solar and/or hydro energy. Generating facilities regulated by the Vermont Public Service Board, including wind generators and solar collectors which are connected to the power grid (net metered) are exempted from these regulations in accordance with the Act [§4413(b)] (see Section 4.14). Other power generating facilities which provide electricity for on-site use by a principal use or structure may be allowed as an accessory use or structure.

Primitive Shelter: A small (less than 500 square feet) partially enclosed or enclosed building used on an infrequent basis for overnight lodging in association with hiking, skiing, snow-mobiling and related outdoor recreation pursuits. A primitive shelter shall not be served by public utilities, including electricity, or kitchen or toilet facilities.

Private Club: A corporation, organization, or association or group of individuals existing for fraternal, social, recreational, or educational purposes, for cultural enrichment or to further the purposes of agriculture, which owns, occupies, or uses certain specified premises, which is not organized or operated for profit, and the benefits of which are available primarily to members only.

Private Road: Any road or street, and associated right-of-way, which is not publicly owned and maintained. The word "road" shall mean the entire right-of-way (see also Driveway).

Public Improvement: Any improvement which shall be owned or maintained by the Town of Warren.

Public Facility: A building or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by the Town of Warren, or any other department or branch of government. Such a facility may be further characterized as **"open"** to the general public (e.g., town office, meeting hall, post office) or **"closed"** to the general public (e.g., highway maintenance facility, utility substation, solid waste facility). (See Section 4.14)

Public Road: A road or street which is constructed within the boundaries of an officially deeded or dedicated and accepted public right-of-way. The word "road" shall mean the entire right-of-way.

Reasonable Use: A use of real property which is allowed within the district in which the property is located, which provides some (but not necessarily all) potential benefit to the owner, and which does not lead to unreasonable interference with another's use of property, or with the natural flow of water. Reasonable use does not mean highest and best use; nor does it include accessory uses, structures, or additions which may be customary, but are not necessary, to the existing or intended principal use (e.g., garages, swimming pools).

Receiving Area: An area designated in these regulations in which development rights transferred from sending areas may be used, subject to transfer of development rights provisions under Section 3.16 (see also Development Right, Sending Area).

Reconstruct: To replace or rebuild a building or structure which has been substantially destroyed or demolished without regard to cause.

Recreation Vehicle: For floodplain management purposes, a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towed by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping travel, or seasonal use.

Restaurant: Premises where food and drink are prepared, served and consumed primarily within the principal building.

Retail: Premises where goods or merchandise are offered for retail sale to the general public for personal, business, or household consumption and services incidental to the sale of such goods are provided. This definition specifically excludes the retail sale of gasoline and automobiles.

Ridgeline: The uppermost point of a ridge, hill, cliff, slope or face. It may coincide with the top (highest elevation) of a rock cliff or, where the bedrock is not exposed, the most obvious break in slope associated with the underlying bedrock. The term does not include intermediate terraces, steps, or elevations along the face of a slope.

Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, or salvaging of discarded material or scrap metal. This definition includes, but is not limited to "junkyards" as defined by the state (see Section 4.15).

Sawmill: A facility, including a building or structure, where logs are temporarily stored, and sawn, split, shaved, stripped, chipped or otherwise processed to produce wood products. Portable chippers, sawmills or other equipment used on a temporary basis to process wood on the site of a logging operation are excluded from this definition.

Sending Area: An area designated in these regulations from which development rights may be acquired for transfer to receiving areas, subject to transfer of development rights provisions under Section 3.16 (see also Development Right, Receiving Area).

Setback: The horizontal distance from a road, lot line, boundary or other delineated feature (e.g., a stream bank or channel, shoreline, or wetland area), to the nearest part of a building, structure, or parking area on the premises. In the case of a public highway, the distance shall be measured from the nearest limit of the highway right-of-way or twenty-five feet from the centerline of the highway, whichever is greater. In the case of a private road, other than a driveway, the distance shall be measured from the edge of the right-of-way.

Sign: Any structure, display, device, or representation, which is designed or used to advertise, direct to, or call attention to any thing, person, business activity or place.

Silviculture: See Forestry.

Single Family Dwelling: A building or structure containing one dwelling unit.

Site Disturbance: Removal of vegetation, grading, excavation (cut) or fill or any combination thereof, including the conditions resulting from any removal of vegetation, grading, excavation or fill.

Ski Facility/Service: Any facility or service that is incidental and subordinate to the use and operation of ski lifts, including but not limited to ticket sales, ski rentals and sales, ski instruction, maintenance and administrative facilities, snowmaking equipment and structures, and eating facilities, which are located on the same lot as the primary use and are clearly related to the primary use. This definition specifically excludes lodging facilities (e.g., hotels and inns) and residential uses, which are defined separately for the purposes of these regulations.

Ski Lift: Facility for the transport of people from the base to the top of a ski area, including tows, chair lifts, gondolas, cable cars and similar facilities, and on-mountain accessory facilities such as warming huts and snack bars.

Slope: The topographical gradient of any area of land, whether or not located on a single lot, as determined by the ratio of the vertical distance (rise) to horizontal distance (run) which, for purposes of these regulations, is expressed as a percentage. A **steep slope** is a slope with a topographical gradient equal to or greater than fifteen percent (15%) but less than twenty-five percent (25%). A **very steep slope** is a slope with a topographical gradient equal to or greater than twenty-five percent (25%).

Start of Construction: For floodplain management purposes only, the date a zoning permit was issued, for new construction or cumulative substantial improvements, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement occurred within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured or mobile home on a foundation. For these purposes, permanent construction does not include land preparation (e.g., clearing, grading, filling); nor does it include the installation of streets and/or walkways; nor does it include excavation of a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation of accessory buildings, such as garages

or sheds that are not occupied as dwelling units and are not part of the principal structure. For a cumulative substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless of whether that alteration affects the external dimensions of the building.

Stream: Any surface water course in the Town of Warren as depicted by the U.S. Geological Survey on topographic maps or as identified through site investigation; excluding artificially created irrigation and drainage channels (see also Stream Channel).

Stream Channel: A defined area that demonstrates clear evidence of the permanent or intermittent passage of water and includes, but may not be limited to bedrock channels, gravel beds, sand and silt beds, and swales. A **stream bank** may define the usual boundaries, but not the flood boundaries, of a stream channel. Artificially created water courses such as irrigation and drainage ditches are specifically excluded from this definition (see also Stream).

Streetscape: (1) An area that may either abut or be contained within a public or private street right-or-way or access way that may contain sidewalks, street furniture, landscaping or trees and similar features; (2) the street edge, or vertical face, formed by building facades, street trees and screening walls or fences, that is aligned along a street and forms a pedestrian-scaled space.

Structure: (1) An assembly of materials on the land for occupancy or use, including but not limited to a building, mobile home or trailer, sign, wall or fence, which necessitates pilings, footings, or a foundation attached to the land (see Exemptions under Section 9.2). (2) For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured or mobile home. (3) For flood insurance purposes, a building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site, a manufactured or mobile home, or a travel trailer without wheels, built on a chassis and affixed to a permanent foundation For the latter purposes, "structure" does not include a recreational vehicle or similar vehicle, except as described for travel trailers under this definition.

Subdivider: Any person who shall lay out for the purpose of transfer of ownership or right to use any subdivision or part thereof. The term shall include an applicant for subdivision approval.

Subdivision: The division of any parcel of land into two or more parcels for the purposes of sale, conveyance, lease, or development. The term "subdivision" includes resubdivision involving the adjustment of boundaries between two or more existing parcels. For floodplain management purposes, a **"manufactured home subdivision,"** divided into two or more contiguous lots for mobile homes, is considered a type of mobile (manufactured) home park, and is subject to the same requirements under the Flood Hazard Overlay District. See also Mobile Home (or Manufactured Home) Park.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoration to its pre-damage condition equals or exceeds 50% of the pre-damage market value of the structure.

Substantial Improvement: (see "Cumulative" substantial improvement above.)

Substantially Completed: The completion of a permitted building or structure to the extent that it may be safely used or occupied for its intended use.

Telecommunications Facility: A support structure which is primarily for communication or broadcast purposes and which will extend vertically 20 feet, or more, in order to transmit or receive communication signals for commercial, industrial, municipal, county, state or other governmental purposes, and associated ancillary facilities that provide access and/or house equipment (see Section 4.17).

Undue Adverse Effect (or Impact): An unnecessary or excessive effect or impact that (1) violates a clearly stated community standard, to include applicable provisions of these regulations, other municipal bylaws and ordinances in effect, or clearly defined standards and policies of the Warren Town Plan and (2) which cannot be avoided through site or design modifications, on- or off-site mitigation, or other conditions of approval.

Use: The purpose for which a building, structure, or parcel of land is designed, intended, occupied or used.

Violation: The failure of a land development or subdivision to be fully compliant with the requirements of these regulations. For floodplain management purposes, a structure or other development without an elevation certificate, other certifications, or other evidence of compliance with flood hazard overlay district provisions and National Flood Insurance Program requirements (44 CFR 60.3) is presumed to be in violation until such time as documentation is provided.

Warehouse/Storage: A building used for the storage of goods and materials, and not as a primary location or outlet for business or retail uses.

Wastewater Treatment/Collection Facility: A community wastewater collection, treatment and/or disposal system (see "Community System") owned and/or operated by the Town of Warren or its agent, or any"Commercial Sewage Treatment Facility," as defined in these regulations.

Yard Sale: The casual sale of personal property open to the general public and generally denoted by the terms "garage sale," "attic sale," "lawn sale," "flea market," "barn sale" or similar phrase.