

ARTICLE 8. DEFINITIONS

Section 8.1 Terms & Use

(A) Except where specifically defined here 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 here, the following shall apply:

- (1) the specific controls the general;
- (2) the present tense includes the future tense;
- (3) the singular includes the plural;
- (4) the word "shall" is mandatory; the word "may" is permissive;
- (5) the word "structure" includes "building; "
- (6) the word "road" includes "street" and "highway; "
- (7) the word "lot" includes "parcel; "
- (8) the word "person" includes an individual, partnership, association, corporation, company or organization; and
- (9) the word "occupied" or "used" shall be considered as though followed by "or intended, arranged or designed to be used or occupied. "

(C) For the purposes of flood hazard area regulation under Article 5, 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 commonly used terms are provided in Section 10.2.

(D) Any interpretation of words, phrases or terms by the Zoning Administrator may be appealed to the Board of Adjustment under Section 7.3. 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 8.2 Definitions

Abutting Property: Two or more parcels which share a common parcel boundary or point. For the purposes of these regulations, abutting property shall also include facing properties across road rights-of-way. See also Contiguous Land.

Accepted Agricultural Practices (AAPs): Accepted practices for agriculture, including farm structures other than dwellings, as currently defined by the Commissioner of Vermont Department of Agriculture, Food and Markets in accordance with the Act [§4413(d)]. Also see Agriculture.

Accepted Management Practices (AMPs): Accepted silvicultural (forestry) practices as currently defined by the Commissioner of the Vermont Department of Forests, Parks and Recreation in accordance with the Act [§4413(d)].

Accessory Dwelling: A secondary dwelling unit established in conjunction with and clearly subordinate to a single family dwelling which is retained in common ownership, is located on the same parcel as the

primary structure, and which otherwise meets applicable criteria of these regulations (see Section 4.2). This definition encompasses accessory apartments as required under the Act [§4412(1)]. See also Caretakers Apartment.

Accessory Structure: A structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, playhouses, and in-ground swimming pools which are incidental to the residential use of the premises and not operated for gain. For other than residential uses these are sheds and storage buildings which are incidental to the approved conditional use of the premises. See also Accessory Use.

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

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

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

Adaptive Reuse: The rehabilitation or renovation of an historic structure for another allowed use, as specified in these regulations (see Section 4.3).

Affordable Housing: In accordance with the Act [§4303(1)], housing that is either: (1) owned by its inhabitants, whose gross annual household income does not exceed 80 percent of the state 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, 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 65 percent of the state 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: In accordance with the Act [§4303(2)], a housing development of which at least 20 percent of the units or a minimum of 5 units, whichever is greater, are affordable housing units.

Agriculture: Land or structures primarily used for cultivating soils, producing crops, or raising livestock; orchards and maple sugar production; the storage, processing or sale of products raised on the premises; or as otherwise defined by the Commissioner of Agriculture, Food and Markets. Structures which are customarily accessory to agricultural uses and are located on the same parcel as an agricultural use, with the exception of residential dwellings, shall be included in this definition. See also Accepted Agricultural Practices, Farm Structure.

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.

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

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

Approval: A written decision issued by the Board of Adjustment or Planning Commission within the statutory time limit, or in the event of the Board's or Commission'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.

Bar: See Restaurant.

Bank: See Financial Institution.

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

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 six double occupancy 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. See also Hotel/Motel.

Board: The Hardwick Zoning Board of Adjustment, as established under the Act, unless otherwise specified.

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, chattel or equipment, which has a roof supported by columns or walls; (2) for development within the flood hazard

area overlay district, this definition also includes a gas or liquid storage tank that is principally above ground. See also Structure.

Building Envelope: A specific area delineated on a lot within which all structures are to be located, and outside of which no structures are to be located.

Building Height: The distance measured vertically from the average (of the highest and lowest) finished grade at the base or foundation to the highest point on top of the building (or structure), excluding any noted structural exemptions from height requirements under Section 3.7.

Building Line: The line parallel to the lot line transecting that point in the principal or accessory dwelling face which is closest to the lot line, including porches, whether enclosed or unenclosed, but excluding steps. See also Lot Line, Street Line.

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

Camp: See Seasonal Dwelling.

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

Campground: A parcel of land upon which two 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 (see Section 4.5).

Caretakers Apartment: A secondary dwelling unit established in conjunction with and clearly subordinate to a principal use other than a single family dwelling, which is retained in common ownership, is located on the same parcel as the primary structure, and which otherwise meets applicable criteria of these regulations. See Accessory Apartment. (see Section 4.2).

Cemetery: Land used or dedicated to the burial of the dead, which includes as accessory structures mausoleums, columbariums, and maintenance facilities, but specifically excludes crematoriums. An individual or family burial plot on private land, registered with the Hardwick Town Clerk in accordance with state law, is exempted from this definition.

Change of Use: Any use which differs substantially from an established use based on the type, intensity, or magnitude of use. For example, this may include a change from one type of use to another (e.g., from a residential to commercial use), or from an accessory to a principal use, or from seasonal to year-round use (see Section 3.4).

Church: See Place of Worship.

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

Common Land: Land within a development or subdivision that is not individually owned or dedicated for public use, but which is intended 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 Care Facility: A residential care facility licensed by the state which provides 24-hour supervision, personal care services, and limited medical services to seven or more individuals who are in need of care, protection and/or assistance to sustain the activities of daily living. See also Group Home.

Community Center: A building owned by a public or nonprofit entity, or a homeowners or similar community association, which is used for recreational and social activities and is intended primarily to serve the population of the community in which it is located.

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. Such systems shall include related collection, distribution and treatment facilities.

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

Contractor's Yard: A parcel of land with or without buildings thereon to be used for the storage of equipment, materials, and/or vehicles used in the operation of construction and related trades.

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, concert hall, botanical or zoological garden, or other establishment which offers programs, performances or exhibits of cultural, educational, historical, or scientific interest, and is not operated as a commercial use. See also Commercial Use, Recreation, Indoor.

Day Care Facility: All state registered or licensed day care facilities which do not meet the definition of "home child care," including nonresidential child and adult day care facilities, and home-based child care facilities that serve more than six children on a full-time basis. See also Home Child Care, Residential Care Facility.

Degree of Nonconformity: The extent which the nonconforming feature/element of a structure extends beyond that point which constitutes the greatest pre-existing encroachment.

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

Development: See Land Development.

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 vehicular access from an adjoining road to a parking space, garage or other structure. See also Road.

Dwelling Unit: A space consisting of one or more rooms designed, occupied or intended for occupancy as a separate living quarters, with cooking, sleeping, and sanitary facilities provided within that space for the exclusive use of a single family or individual maintaining a household. See also Family, Accessory Apartment, and Seasonal, Single Family, Two-Family, and Multi-Family Dwelling.

Easement: The legal authorization given by a property owner to another person or party for the use of any designated part of his or her property for a specified purpose.

Educational Facility: See School.

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 55 years of age or older. Such housing may include, as accessory structures or uses, congregate dining and recreational facilities, and assisted living services. See also Community Care Facility.

Erosion Control: Measures to prevent the detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice and gravity.

Extraction of Earth Resources: A use involving the on-site removal of surface and subsurface materials, including soil, sand, gravel, stone or organic substances other than vegetation, from land or water. Customary extraction operations include sand and gravel pits, and accessory operations such as the crushing, screening, and temporary storage of materials on-site (see Section 4.7). Specifically excluded from this definition are 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. See also Quarrying.

Family: A group of two or more persons living together as a household, or a single person maintaining a household.

Farm Structure: In accordance with the Act [§4495], a building for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming practices, as "farming" is defined in 10. V.S.A. §6001(22). This definition includes such farm structures as barns, silos, fences and manure pits, but specifically excludes a dwelling for human habitation. See also Accessory Dwelling, Agriculture, Accepted Agricultural Practices.

Farming: See Agriculture.

Final Plat: The final drawings on which the subdivision is presented to the Planning Commission for approval and which, if approved, shall be filed for record with the Town Clerk.

Financial Institution: A bank, savings and loan, finance, mortgage or investment company that is open to the public.

FIA: The Federal Flood Insurance Administration.

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 Hardwick, Vermont" and the Flood Hazard Boundary Map (FHBM) or subsequent Flood Insurance Rate Map (FIRM), published by the Flood Insurance Administration, and available at the Hardwick Town Office.

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

Flood Insurance Study: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

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

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Forestry: The use and management of woodlands for purposes of timber production, harvesting, and management for commercial, wildlife and/or conservation purposes. This definition specifically excludes permanent sawmills, lumber yards and other similar facilities used for the processing and/or manufacturing of wood and wood products; but may include, as accessory uses, portable sawmills and equipment used on-site in association with timber harvesting activities. See also Accepted Management Practices, Sawmill.

Frontage: The width of a lot abutting a road as measured at the street line.

Gasoline Station: An establishment principally used for the sale of automobile or motor vehicle fuels, lubricants, and related motor vehicles products, and/or which has facilities for fueling motor vehicles. This definition specifically excludes automobile and motor vehicle repair services and sales, and the sale of food and unrelated convenience or grocery items. See also Motor Vehicle Service, Mixed Use.

Greenhouse/Nursery: The use of land, buildings and/or structures for the purpose of selling lawn and garden equipment, furnishings and supplies. This definition specifically does not include nurseries and greenhouses that are defined by the state as "Agriculture" or "Accepted Agricultural Practices" and are therefore exempted from these regulations. See also Agriculture, Accepted Agricultural Practices.

Group Home: A residential care home to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. §4501, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home.

Health Clinic: A building or part thereof used for the medical, dental, surgical, or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his or her residence. See also Home Occupation, Office.

Height: see Building Height.

Home Child Care: In accordance with the Act [§4412(5)], a state registered or licensed child care home serving 6 or fewer children on a full-time basis, and up to 4 additional children on a part-time basis, which is conducted within a single family dwelling by a resident of that dwelling. A child care home as

defined shall be considered a permitted use of a single family dwelling. See also Day Care Facility, Home Occupation.

Home Industry: A home-based business other than a home occupation which is conducted by the resident(s) of a single family dwelling, which is carried on within the principal dwelling and/or an accessory structure, and which meets all applicable requirements of these regulations (see Section 4.8). See also Home Occupation.

Home Occupation: A use conducted entirely within a minor portion of a single family dwelling which is conducted by resident family members, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not have an undue adverse effect upon the residential character of the neighborhood, and which meets the requirements of these regulations (see Section 4.8). See also Bed & Breakfast, Home Child Care, Home Industry.

Hospital: An institution authorized by the state to provide primary and emergency health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, or other physical or mental conditions; and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, training facilities, medical offices, central service facilities, and staff residences. See also Health Clinic.

Hotel/Motel: A building containing bedrooms and other facilities rented out to provide overnight accommodations to transient travelers, and having a management entity operating the building(s) and providing such services as maid service, a central switchboard, or dining facilities to occupants of the lodging facility. See also Bed & Breakfast.

Industry, Light: A use providing for the manufacturing of goods predominately from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products or components, but excludes basic industrial processing; and meets the specific standards in Section 4.9. See Also Industry, Heavy.

Industry, Heavy: The processing, treatment and/or conversion of raw or semi-finished materials into a different form or state. This definition does not include the processing of agricultural goods raised on the premises, which falls under the definition of agriculture. See also Industry, Light.

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 a commercial use and/or which are not owned by the owner or occupant of the premises. See also Veterinary Clinic.

Land Development: In accordance with the Act [§4303(10)], the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or 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.

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.

Loading Space: An off-street space that is at least twelve feet wide, thirty-five feet long, and fourteen feet high, not including the access driveway, and has direct access onto a road, which is used for the temporary parking of one licensed motor vehicle.

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, width or depth required for a lot in the district in which such land is situated, and having frontage on a road, or other means of access as may be approved by the Board; (2) a portion of land in a subdivision or plat that is separated from other portions by a property line (see also Contiguous Land). A separate deed description for a parcel of land does not necessarily constitute a lot for zoning and development purposes.

Lot Area: The total land area within the property (boundary) lines of a lot, excluding any area within the boundaries of an existing or proposed road right-of-way.

Lot, Corner: Lot at the intersection of two roads (streets) which has an interior angle of less than 135 degrees. A lot abutting a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

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 Frontage: See Frontage.

Lot Line: Property line bounding a lot (parcel).

Lot Size: See Lot Area.

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

Lowest Floor: The lowest floor of the lowest enclosed area (including 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 Section 60.3) non-elevation design requirements.

Manufactured Home: A single family dwelling, transportable in one or more sections, which is built on a permanent foundation and is connected to required utilities. For floodplain management purposes only, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on the site for more than 180 consecutive days. See also Single Family Dwelling, Mobile Home.

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

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 4.10). See also Accessory Use, Principal Use.

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. In accordance with the Act [§4412(1)], a mobile home shall be considered a single family dwelling, and cannot be excluded from a zoning district except on the same terms and conditions as conventional housing is excluded. See also Single Family Dwelling.

Mobile 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.

Motor Vehicle Sales: A building, lot or portion thereof used for the sale and/or rental of automobiles, trucks, motorcycles, or other motor vehicles. This definition specifically excludes motor vehicle service, which may be allowed in designated zoning districts subject to review as a Mixed Use. See also Mixed Use, Motor Vehicle Service.

Motor Vehicle Service: An establishment whose principal purpose is the repair of motor vehicles, including body shops, general vehicle and engine repair shops, and rebuilding and/or reconditioning shops. Gasoline stations are specifically excluded from this definition. See also Gasoline Station, Motor Vehicle Sales.

Multi-Family Dwelling: A building housing three or more dwelling units, including apartments or attached town houses. See also Dwelling Unit.

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.

Nonconforming Structure: A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

Nonconforming Use: The use of land that does not conform to the present bylaws but did conform to all applicable laws ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.

Office: A room, suite of rooms or building principally used for conducting the affairs of a business, profession, or service industry. This definition specifically excludes office space which is associated with home occupations, or is clearly accessory to another allowed principal use. It also specifically excludes the on-premise retail sale of goods and services. See also Home Occupation.

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

Parking Space: An on- or off-street area, other than a loading or service area, which is to be used exclusively as a temporary storage space for one licensed private motor vehicle (see Section 3.10). A

parking space shall be at least nine feet wide, and eighteen feet long, not including associated access and maneuvering space, and shall have access onto a public or private road.

Parking Facility: A separate, off-street parking area, garage or similar structure that is the principal use of a lot.

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.

Phasing: Development undertaken in a logical time and geographical sequence, typically to ensure that development is coordinated with the provision of services and facilities and will not result in adverse environmental impacts (e.g., erosion).

Place of Worship: A building used solely for purposes of assembly and worship by a legally established and recognized religious institution. This definition also includes such customary accessory structures such as parish houses.

Planned Residential Development (PRD): 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, or required open space under these regulations except as a planned unit development. See also Subdivision, Major.

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

Plot Plan or 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.

Pre-existing: A use or structure that was legally in existence as of the effective date of these regulations.

Principal Structure: A building or structure within which the main or principal use of the lot on which the building is located is conducted. See also Accessory Structure, Structure.

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.

Public Property: Owned, leased, held, used, and/or controlled exclusively for public purposes by the Town of Hardwick, or any other department or branch of government, or publicly-regulated utility.

Public Assembly Use: See Cultural Facility, Public Facility.

Public Improvement: Any improvement which shall be owned and/or maintained by the Town of Hardwick or other department or branch of state or federal government..

Public Facility/Utility: A building, utility or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by a municipal, state or federal government, regulated utility or railroad. Such facilities include, but may not be limited to: municipal buildings and garages, water and wastewater facilities, power generation and transmission facilities, reservoirs, solid and hazardous waste management facilities, institutional facilities, and telephone, cable and electrical distribution lines. Public facilities and utilities, including distribution and service lines to individual uses, are allowed within all zoning districts unless otherwise specified, or specifically excluded, under district standards (see Section 4.13). See also Public Improvement, School, Telecommunications Facility.

Public Road: A road (street, highway) which is constructed within the boundaries of an officially deeded and municipally accepted public right-of-way (town highway), or a designated state road. See also Road.

Quarrying: The removal of rock by means of open excavation to supply material for construction, industrial or manufacturing purposes, and related operations such as blasting, crushing and the temporary storage of materials on site (see Section 4.7). See also Extraction of Earth Resources.

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

Recreation/Indoor: A building or structure designed, equipped and used for sports, leisure time, and other recreational activities, except for such facilities which are accessory to an approved educational facility or a residential use. This includes, but may not be limited to bowling alleys, movie theaters, pool halls, skating rinks, gymnasiums, and indoor swimming pools. See also Community Center, Cultural Facility.

Recreation/Outdoor: A facility for outdoor recreation, including but not limited to a stadium, 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 an approved educational facility or a residential use.

Recreation Vehicle: See Camper.

Residential 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, on a 24-hour a day basis. See also Day Care Facility, Group Home.

Residential Use: The use of a structure principally for dwelling purposes, and associated customary accessory uses such as a child care home or home occupation as defined under these regulations. For the purposes of these regulations, group homes shall also be considered a residential use of a single family dwelling.

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

Retail Store: Establishment where goods or merchandise are offered for retail sale or short term rental 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 motor vehicle sales, motor vehicle service and gasoline stations, and the retail sale of gasoline in association with other retail uses.

Retreat Center: A facility used for professional, education or religious conclaves, meetings, or seminars and which may provide meals, housing and recreation for program participants. Such facilities shall not be open to the general public for meals or lodging. Kitchen and dining facilities shall be located in a single, centrally located building.

Ridgeline: The uppermost points on a profile 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.

Road: A right-of-way that provides access to four or more parcels. The word "road" shall mean the entire right-of-way, unless otherwise specified under these regulations. See also Driveway, Public Road.

Road Grade: Officially established grade (slope) of the road upon which a lot fronts. If there is no officially established grade, the existing grade of the road shall be taken as the road grade.

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.

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

School: 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.

Screening: The use of planted vegetation, fencing, walls, natural topography or earthen berms to visually shield or obscure a structure or use from neighboring structures, properties, rights-of-way, and/or designated public vantage points.

Seasonal Camp: A detached dwelling unit which is not the primary residence of the owner or occupant and/or is occupied only on a part-time or seasonal basis, such as a hunting or summer camp. This definition shall include, but may not be limited to: a dwelling which lacks one or more of the basic amenities, services or utilities required for year-round or all weather occupancy, including but not limited to a winterized plumbing system, insulated walls and roof, heating source, or adequate water or wastewater disposal systems. In districts in which single family dwellings are an allowed use, a seasonal camp may be permitted as a single-family dwelling.

Service Area: An area designated on-site to accommodate customary accessory services to a principal use or structure, including but not limited to recycling and waste disposal facilities, snow storage, cart and bicycle storage, emergency service areas (e.g., fire lanes), and transit services.

Setback: The horizontal distance from a road, lot line, boundary or other delineated feature (e.g., a stream bank, shoreline, or wetland area), to the nearest structural element of a building, structure, or parking area on the premises. In the case of a road, the distance shall be measured starting 25 feet from the road centerline.

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, and is visible from any public highway or other public vantage point. This definition does not include the flag, pennant, or insignia of any nation, state, or municipality (see Section 3.13).

Silviculture: See Forestry.

Single (One) Family Dwelling: A building housing one principal dwelling unit designed and intended for year-round use. See also Accessory Dwelling, Dwelling Unit, Group Home, Mobile Home, Manufactured Home, Seasonal Dwelling.

Slope: The deviation of a surface from the horizontal, usually expressed in percent or degrees.

Storage Facility(enclosed): One or more structures used for the storage of goods and materials, and not as a primary location or outlet for business or retail uses.

Stormwater Management: The collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating or filtering of surface water and/or runoff, together with applicable non-structural management techniques.

Story: Part of a building which is between one floor level and the next higher floor level, or ceiling above it.

Stream: Any surface water course in the Town of Hardwick 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.

Street: See Road.

Street Line: The boundary of an existing or proposed road (street) right-of-way. Where the width of a public road is not established, the street line shall be considered to be twenty-five feet from the center of the road.

Structure: 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 7.2). See also Building.

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 immediate or future sale, conveyance, or development. The term "subdivision" includes resubdivisions, amended subdivisions, lot line (boundary) adjustments, and the division of land held in common among several owners. See also Parcel; Subdivision, Major; Subdivision, Minor.

Subdivision, Major: All subdivisions other than minor subdivisions, including but not limited to a subdivision and/or subsequent resubdivision of a parcel(s) to create four or more lots, and all planned residential and planned unit developments. See also Subdivision; Subdivision, Minor.

Subdivision, Minor: (1) Lot line or boundary adjustments between pre-existing lots which do not create additional or nonconforming lots, (2) the subdivision of land into three or fewer lots, each of which meets the frontage requirements for the zoning district in which it is located, within a five year period; or (3) amendments to an approved subdivision (including a the resubdivision of a subdivided parcel) which do not substantially alter the nature of the approved subdivision, result in the creation of a total of more than three lots, or violate the original conditions of approval. See also Subdivision; Subdivision, Major.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either: (a) before the improvement or repair is started, or (b) if the structure has been damaged and restored, before the damage occurred. For the purpose of administering flood hazard area regulations, this definition excludes the improvement of a structure to comply with existing municipal or state health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

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

Telecommunications Facility: A tower or other support structure, including antennae, that will extend 20 or more feet vertically, and related equipment, and base structures to be used primarily for communication or broadcast purposes to transmit or receive communication or broadcast signals.

Tourist Home: See Bed & Breakfast.

Tower: A vertical structure for antenna(s) and associated equipment that provide telecommunication services.

Town Plan: The *Hardwick Town Plan* as most recently adopted.

Town Highway: See Public Road.

Trailer: See Camper.

Two-Family Dwelling: A building housing two principal dwelling units. See also Accessory Dwelling, Dwelling Unit.

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

Variance: As set forth in the Act [§4469], permission to depart from the literal requirements of these regulations. Such permission is limited to departures from zoning requirements relating to frontage, setback, yard, coverage and height requirements (see Section 7.4). See also Degree of Noncompliance, Noncomplying Structure, and Nonconforming Use.

Veterinary Clinic: A building or premises used for the medical or surgical treatment and temporary boarding of domestic animals and pets. See also Kennel.

Warehouse: See Storage Facility (enclosed).

Wireless Telecommunication Service: Any commercial mobile service, wireless service, common carrier wireless exchange service, cellular service, personal communication service (PCS), specialized mobile radio service, paging service, wireless data service or public or private radio dispatch service.

Yard: The area on a lot, defined by front, side or rear setback distances, which is not occupied by a building or structure. See also Setback.

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.

Zoning Administrator: the Hardwick Administrative Officer.