

ARTICLE VII. DEFINITIONS

Section 7.01 Terms & Usage

- 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 Board of Adjustment 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, 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 Board of Adjustment under Section 6.4. 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 7.02 Definitions

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.

ACCEPTED MANAGEMENT PRACTICES (AMPs): Accepted practices for silviculture (forestry) as currently defined by the Commissioner of the Vermont Department of Forests, Parks and Recreation.

ACCESSORY DWELLING: A separate, complete housekeeping unit that is contained within or attached to a single family dwelling, or within an accessory building, in which the title is inseparable from the primary dwelling or use. An accessory dwelling may be a mobile home only with the approval of the Board of Adjustment pursuant to Section 5.3. Only one accessory apartment may be created within or attached to a single-family structure or in an accessory structure.

ACCESSORY USE OR STRUCTURE A use or structure which is incidental to and subordinate to the primary use of a lot or parcel of land and is located on the same lot.

ADAPTIVE REUSE: The rehabilitation or renovation of an existing historic barn for another allowed use as specified under in this bylaw (Section 4.2). See also **HISTORIC BARN**.

ADMINISTRATIVE OFFICER: The Zoning Administrator appointed in accordance with Section 6.7.

ADMINISTRATOR: The Federal Insurance Administrator.

AFFORDABLE HOUSING: 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.

AGRICULTURE: The growing or harvesting of crops; raising of livestock; operation of orchards, including maple sugar orchards; the sale of farm produce on the premises where raised; processing or storage of products raised on the property. Customary farm structures, excluding dwelling units, accessory to agricultural uses and on the same lot or parcel as the use shall be included in this definition.

AIR LANDING STRIP: Any area of land or water designed and set aside for the take-off and landing of aircraft. See **AIRPORT**.

AIRPORT: A place where aircraft can land and takeoff, which may also include general aviation and commercial services, aircraft storage hangars, and administrative facilities. See **AIR LANDING STRIP**.

ALTERATION: Structural change, change of location, or addition to a building or structure, but excluding ordinary repairs to a building, or modification of building equipment.

APPENDAGE SIGN: A subsidiary sign attached to or hung from a principal sign.

AREA OF SHALLOW FLOODING: A designated AO or AH zone on a community's FIRM with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year. The area may be designated as Zone A on the FHBM, or Zones A, AO, AH, A1-30, AE or A99 on the FIRM for the town.

ARTIST STUDIO: Work space for artists or artisans, including individuals engaged in the application, teaching or performance of one of the fine or applied arts or crafts. See **GALLERY**.

AUTO REPAIR SERVICE: Establishments primarily engaged in furnishing automotive repair services to the general public; and including as an accessory use limited automobile sales providing that not more than 8 automobiles are displayed for sale at any given time, or such other number as determined under conditional use review criteria.

BANK: An establishment providing a variety of financial services to the public, which may include drive-through facilities. For the purposes of these regulations this definition also includes savings and loans, and similar financial institutions (e.g., Credit Union).

BAR/TAVERN: An establishment used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption, where the sale of prepared food is secondary to the consumption of such beverages.

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

BASEMENT: Any area of the building having 3 sides or 60% of its walls subgraded (below ground level), whichever is less. See also **STORY**.

BED & BREAKFAST: A single family dwelling occupied by the owner or operator, in which not more than eight (8) rooms within the dwelling and/or in an accessory structure located on the same lot, are rented out to provide overnight accommodations to transient guests. Individual cooking and eating facilities shall not be provided; breakfasts shall be the only meals served and shall be limited to overnight guests. Guest rooms may not occupy greater than 2 accessory structures.

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: A walled and roofed structure.

BUILDING COVERAGE: The perimeter limit of any floor space, including porches, balconies or roof overhangs greater than 30 inches projected vertically on to the ground plane.

BUILDING FRONT LINE: Line parallel to the front lot line transecting that point in the building face which is closest to the front line.

BUILDING HEIGHT: The height measured from the highest point on the top of a structure vertically to the lowest point of the finished grade at the foundation. 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 SUPPLY STORE: Lumberyards and/or building supply yard which offer goods utilized in construction or alteration or improvement of buildings.

CAMP: Land or structures thereon, such as cabins, camper-trailers, shelters or tents greater than 150 square feet and less than 1,000 square feet, occupied and/or used on a temporary basis for no more than 5 months per year. Such structures, consistent with their short-term occupancy, shall not be connected to public utility services.

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 Mobile Home).

CAR SALES: The use of any building, land area or other premise for the display and sale of new or used automobiles.

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 Waitsfield Town Clerk in accordance with state law, is exempted from this definition.

CHANGE OF USE: The transfer of use of land or building from one category of use as listed in zoning district regulations or defined in this section, to another category of use.

CHILD CARE FACILITY: Any place operated as a business or service on a regular or continuous basis, whether for compensation or not, which provides child care for periods of less than 24 hours, including family child care homes. See Section 4.3. See also HOME CHILD CARE.

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. Exempted from this definition will be water extraction and distribution systems designed to provide a primary water supply to no more than 10 off site dwelling units.

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, recreation areas, utility and road rights-of way.

COMMUNITY [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, excluding members of the resident family or persons employed by the facility, on a 24-hour a day basis.

COMMUNITY CENTER: A building used for recreational, social, educational and cultural activities, open to the general public, usually owned and operated by a public or nonprofit group or agency.

COMMUNITY SEWAGE TREATMENT FACILITY: A community sewage treatment facility is any community wastewater treatment system, including treatment plant and associated structures, collection lines, disposal fields, or expansion thereof, which meet either of the following criteria: (1) any treatment plant or collection system with a capacity greater than 6500 gallons per day; or (2) any treatment plant or collection system in which connections or capacity are sold.

COMMERCIAL BED: An overnight accommodation, offered on a nightly, weekly, seasonal or other short term basis, in units, whether singly or separately owned, which may have a management entity operating the structure and/or facilities and may provide such services as maid service, a central switchboard, or dining facilities. Where units in the facility are under separate ownership, a rental and management contract between the unit owner and a rental and management agent are required. For purposes of this definition, separate ownership includes, but is not limited to, timeshare or interval ownership in fee or leasehold, condominium ownership and cooperative ownership with proprietary lease. For purposes of calculating density, two commercial beds per bedroom shall be assumed.

CONDOMINIUM: Single or multi-unit dwelling or dwellings, including detached, semi-detached, or multi-story structures, or any combination thereof, each of whose residents (unit owners) enjoys exclusive ownership of his individual apartment or unit while retaining an undivided interest as a tenant in common in the common facilities and areas of the condominium property.

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

COOPERATIVE: Single or multi-unit dwelling or dwellings similar to a condominium, including detached, semi-detached or multi-story structures, or any combination thereof, in which each owner has a lease entitling him or his tenants to occupy a particular unit, and such owner owns stock in the cooperative organization owning the property.

CRISIS SHELTER: A facility providing temporary protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for individuals, such as victims of rape or

domestic violence.

CULTURAL FACILITY: A theater, concert hall, or other similar establishment offering programs, performances, or exhibits of cultural, educational, historic, of scientific interest including museums but excluding movie theaters.

DEGREE OF NONCOMPLIANCE: The extent to which a structure encroaches upon, or otherwise violates, one or more dimensional standard of these regulations. The extension of a structure which results in an additional encroachment of the noncomplying feature/element, including the expansion of the volume or area of a structure within a building setback, would increase the degree of noncompliance..

DEVELOPMENT: See LAND DEVELOPMENT.

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

DRIVE-THROUGH: A business establishment which includes a driveway approach or parking spaces for motor vehicles to serve patrons in their motor vehicles rather than within the building or structure.

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 maintaining a household. The term "dwelling unit" shall not include a hotel, motel, boarding house or similar structure. Each dwelling unit shall constitute a separate unit for purposes of calculating density.

DWELLING UNIT-ATTACHED: A one family dwelling unit attached to one or more one family dwelling units by common vertical walls.

DWELLING UNIT-MULTI FAMILY: A building containing two or more dwelling units, excluding ACCESSORY DWELLINGS..

DWELLING UNIT-SINGLE FAMILY: A building containing one dwelling unit.

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 OF EARTH RESOURCES: A use involving the on-site removal surface and/or 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.. 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 single person or group of two or more persons related by blood, marriage, adoption or civil union, or a group of not more than 5 persons, living together as a household.

FARM STRUCTURE: A building for housing livestock, raising horticultural or agronomic plant, or carrying out other practices associated with accepted agricultural or farming practices, as defined by the

Commissioner of Agriculture, Food and Markets, as exempt from these regulations. Dwellings are specifically excluded from this definition. See ACCEPTED AGRICULTURAL PRACTICES.

FIA: Federal Insurance Administration.

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of the town, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) and related erosion areas having special hazards have been designated as Zones A, H, and/or E.

FLOOD INSURANCE RATE MAP (FIRM): An official map of the town, issued by the Federal Insurance Administrator, on which both the areas of special flood hazard and the applicable risk premium zones have been delineated.

FLOOD INSURANCE STUDY: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

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.

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

FLOOR AREA: The sum of the gross square foot area of the floors. All dimensions shall be measured between interior faces of walls.

FORESTRY: The growing and harvesting of trees or timber under proper forest management for purposes other than their fruit. For the purposes of these regulations, the term "Forestry" shall also include the use temporary processing equipment such as chippers and portable sawmills, which are used in association with harvesting operations, not exceeding a maximum of one year, and are removed from the site once harvesting operations are complete. This definition specifically excludes permanent sawmills, lumber yards and other similar facilities used for the processing, manufacturing and/or storage of wood and wood products. See also SMALL SCALE PROCESSING.

FRONT FACADE: The wall of a building that most directly faces and parallels a road and/or contains the main entry.

FUNERAL ESTABLISHMENT: A place of business devoted to the care and preparation for burial, disposal, or transportation of dead human bodies, including the selling of funeral services or merchandise.

GALLERY: An establishment engaged in the display and sale of art and craft work, excluding cultural facilities (See ARTIST STUDIO, CULTURAL FACILITY).

GAS STATION: Any building, land area or other premises or portion thereof used or intended to be used for the retail dispensing or sales of vehicular fuels; which may include as an accessory use the sale or installation of lubricants, tires, batteries, and similar accessories.

GROUP HOME: A state licensed residential care home serving not more than 6 persons who are developmentally disabled or handicapped. For the purposes of these regulations, a group home shall constitute a single-family dwelling.

HALF STORY: A half story is a habitable portion of a building, which must have a ceiling a minimum of 7½ feet high above the floor, where the total floor area must be at least 40% of the total floor area directly beneath.

HEADWATER STREAM: Any permanent or intermittent stream channel located above an elevation of 1,500 feet mean sea level.

HISTORIC BARN: Any barn structure within the Town of Waitsfield that has been certified in writing by the Vermont Division for Historic Preservation, or the Mad River Valley Rural Resource Commission (certified local government) to meet the following conditions: (1) the barn shall be more than 50 years old; and (2) the barn is deemed a significant structure as a part of the town's historic fabric and a reflection of the town's rural and agricultural heritage.

HOME BUSINESS: A business conducted by the resident(s) of a single family dwelling, and not more than 4 non-resident employees, which is carried on within the principal dwelling and/or an accessory structure, and otherwise meets the requirements of these regulations (See Section 4.6). See also HOME OCCUPATION.

HOME CHILD CARE: A state registered or licensed family child care home, operated as an accessory to a single family dwelling, in which up to 6 full-time and 4 part-time children are provided day care. See also CHILD CARE FACILITY.

HOME OCCUPATION: Any use conducted entirely within a dwelling or accessory structure and carried on by the occupants thereof, or not more than two nonresidents, which is incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

HOTEL: A grouping of rooms which do not contain cooking facilities, offering overnight accommodations. The hotel may provide such services as maid service, a central switchboard or central dining facilities for the occupants. Each hotel room shall constitute a separate unit for purposes of calculating density. [Also includes LODGE and INN.]

KENNEL: The boarding, grooming, or training of four or more dogs, cats, or other household pets of any age.

LAND DEVELOPMENT: The construction, reconstruction, expansion, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land. The subdivision of land, including the division of a parcel into two or more parcels, is regulated under the Town of Waitsfield Subdivision Regulations, as most recently amended.

LEVEL OF SERVICE: 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.

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, but speed and maneuvering are more closely controlled by higher traffic volumes.

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 considerably affected by changes in operating conditions.

LIGHT INDUSTRY: The manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously manufactured materials, which activities are conducted wholly within an enclosed building.

LIVESTOCK EXHIBITION, BOARDING, TRAINING FACILITY: A structure or structures and associated facilities designed for the feeding, housing, exercising, training and exhibition of horses and other livestock.

LODGE: See HOTEL

LOFT: An area not to exceed one third of the area of the floor level below it, and open to that lower floor.

LOT: Land having not less than the minimum area, width and depth required in the district in which such land is situated, and having frontage on a street or other means of access as may be determined by the governing unit having jurisdiction to be adequate as a condition of the issuance of a permit.

LOT AREA: Total area within the property line, excluding any part thereof lying within the boundaries of a street line.

LOT COVERAGE: The total ground area covered by all structures, parking areas, walkways, driveways, and other impervious surfaces.

LOT FRONTAGE: Distance measured across the width of the lot along the edge of a street line.

MAJOR SUBDIVISION: See Waitsfield Subdivision Regulations.

MANUFACTURING: Any process whereby the nature, size or shape of articles or raw materials are changed, or articles are assembled and/or packaged. Processing of produce where raised shall not be considered "manufacturing."

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MEAN SEA LEVEL: The National Geodetic Vertical Datum (NGVD), or other datum to which base flood and other surface elevations are referenced.

MEDICAL CENTER: A building or portion of a building containing offices and facilities for providing medical, dental and/or psychiatric services for outpatients only.

MIXED USE BUILDING: A structure containing two or more use types which are otherwise allowed as permitted or conditional uses within the district in which the structure is located.

MOBILE HOME: A manufactured dwelling unit which is designed for long term and continuous residential occupancy; is designed to be moved on wheels as a whole or in sections; on arrival at the site, is complete and ready for occupancy except for incidental unpacking, assembly, connections to utilities

and placing on support or permanent foundation or installation as a unit in a prepared structure; and utilizes the same water supply and waste disposal as immovable housing.

MOBILE HOME LOT: A parcel of land within a mobile home park that is set aside for and designated for occupancy by one single family mobile home.

MOBILE HOME PARK: A parcel of land under single or common ownership or control which contains or is designed, laid out or adopted to accommodate three or more mobile homes.

MUNICIPAL FACILITY: A building or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by the Town of Waitsfield.

MUNICIPAL PERMIT: As defined in the Act [§4303(24)] 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.

MUSEUM: A building serving as a repository for collections of natural, scientific, or historic objects of interests, or works of art, which is designed for public viewing, and may include as accessory uses preservation, interpretive and educational services, and the retail sale of museum-related goods. See also **CULTURAL FACILITY**.

NEW CONSTRUCTION: Structures commenced on or after the effective date of this bylaw.

NONCONFORMING STRUCTURE: A structure or part thereof not in compliance with the provisions of this bylaw, relating to building height, area, yard, setback, or parking facilities, but which was in all respects lawful prior to the effective date of these regulations.

NONCONFORMING USE: A use of land, building or premises not permitted by this bylaw in the district in which said land, building or premises is located, but which use was in all respects lawful prior to enactment of this bylaw.

NURSERY: An enterprise which conducts the retail and/or wholesale distribution of plants, shrubs and trees and associated landscaping or gardening products. A nursery may be permitted as a retail establishment and/or agricultural operation in designated districts, providing it meets the definition of these respective uses (See **RETAIL, AGRICULTURE**).

OFFICE: A room, suite of rooms or building used for conducting a business, profession, service industry or government. The on-premise retail sale of goods is specifically excluded from this definition.

OPEN SPACE: The undeveloped portion of any development parcel which is not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard areas, and which is set aside, dedicated, or designated, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

PARKING FACILITY: An area or structure used for the short-term storage of registered motor-vehicles.

PARKING SPACE: Off-street space, not including access driveways, used for temporary location of one licensed motor vehicle, which space shall be at least 9 feet wide and ~~20~~ 18 feet long, and shall have direct access to a street or approved right of way.

PERSON: An individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

PERSONAL SERVICE: An establishment primarily engaged in providing services involving the care of a person or his or her apparel, including but not limited to laundry and dry cleaning, beauty shops, barber shops, shoe repair, funeral services, and photographic studios.

PLACE OF WORSHIP: A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

PLANNED RESIDENTIAL DEVELOPMENT (PRD): An area of land to be developed as a single entity for a number 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): A tract of land to be developed as a single entity for residential, educational, industrial or commercial uses. Other characteristics of the planned unit development include common open space for use of residents, unitary design of building arrangement, an harmonious pattern of street, density, lot size and building bulk, any or all of which may not correspond to the regulations established in any one or more districts created in this Bylaw.

POST OFFICE: A facility operated by the U.S. Postal Service and used for the collection and distribution of mail.

PRIVATE CLUB: A building and related facilities operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit and whose members meet certain prescribed qualifications for membership.

PRIVATE ROAD: Any road or street serving three or more lots, 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 FACILITY: A building or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by a municipal or state or government. Such facilities include, but are not limited to, municipal buildings, garages and water and wastewater facilities, . Post offices and schools are specifically excluded from this definition.

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

PUBLIC SCHOOL: A facility that provides a curriculum of elementary and/or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools principally supported by public taxation or tuition payments received from public funds.

RECONSTRUCT: To rebuild or replace a building or structure which has been destroyed, damaged or demolished from any cause.

RECREATION FACILITY, OUTDOOR OR INDOOR: Any facility used for recreation, including but not limited to tennis courts, golf courses, ski areas, skating rink, skateboard park, athletic fields, bowling

alleys, spas, and swimming pools, except those facilities which are accessory to dwelling units.

RECREATION VEHICLE SALES & SERVICE: An establishment for the sale and servicing of recreation vehicles, which may include the outdoor display of such vehicles. See also CAMPER, TRAVEL TRAILER.

RESTAURANT: An establishment where food and drink is prepared, served and consumed primarily within the principal building.

RETAIL STORE: Establishment engaged in selling goods or merchandise to the general public for personal, business, or household consumption exclusive of wholesale and rendering services incidental to the sale of such goods. For the purposes of this bylaw, the following uses are excluded from the definition of retail store: restaurant, gasoline sales and/or motor vehicle repair station, car sales and service, trailer and mobile home sales and service and building supplies.

SCHOOL: A public, private or parochial institution certified 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.

SILVICULTURE: See FORESTRY.

SETBACK: The distance from the street line or other lot boundary to the nearest part of a building or structure on the premises.

SIGN Any structure, display, device or representation which is designed or used to advertise or call attention to or direct a person to any business, association, profession, commodity, product, institution, service, entertainment, person, place, thing or activity of any kind, and is intended to be visible from a public or private road. In computing the area of a sign, not including the supporting structure, the area shall be the area of the smallest geometric shape with a level base line which can contain a sign, including the panel and frame, if any.

SMALL SCALE PROCESSING OF RAW AGRICULTURAL AND FOREST PRODUCTS: A facility for the processing of raw agricultural or forestry products involving a maximum of 2 on-site employees. This includes, but may not be limited to, sawmills and specialty food manufacturers.

SOCIAL SERVICE ORGANIZATION: Licenced organizations providing assistance to persons in such areas as child care, residential care and counseling for psychological problems, employment, learning disabilities, and physical disabilities.

STORY: A story is that portion of a building, other than a basement, included between the surface of any floor and the surface of the next floor or ceiling above it. For the purposes of these regulations, a basement shall be counted as a story if the front exterior wall of the basement is a minimum of 50% above the finished grade.

STREETLINE: Edge of right of way of a street, either public or private, as dedicated by a deed of record. Where width of street is not established, the street line shall be considered to be 25 feet from the centerline of the traveled way.

STRUCTURE: An assembly of materials for occupancy or use, including but not limited to a building, mobile home or trailer, sign, storage shelter, wall or fence, except a wall or fence on an operating farm,

and for flood hazard regulation purposes, a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (1) before the improvement or repair is started or (2) if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either (1) any project for improvement of the structure to comply with existing state or local health, sanitary, or safety code specifications which are necessary to assure safe living conditions; or (2) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

TELECOMMUNICATIONS FACILITY: A support structure which is primarily for communication or broadcast purposes 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 4.11).

TIMESHARE: One or more dwelling units in which the possession or occupancy of such dwelling unit(s) circulates among the various owners or lessees thereof in accordance with a fixed time schedule on a periodically recurring basis.

TRANSFER STATION: A facility serving as an intermediate destination for solid waste, which may include separation and recycling stations.

TRAVEL TRAILER OR RECREATION VEHICLE: Includes any vehicle used as sleeping or camping or living quarters mounted on wheels or a camper body, usually mounted on a truck or customarily towed by a motor vehicle. See CAMPER.

USE: The purpose or activity for which land or structures are designed, arranged, or intended for, or for which land or structures are occupied or maintained.

WAREHOUSE: A building used primarily for the storage of goods and materials.

WILDLIFE REFUGE: An area maintained in a natural state for the preservation of both animal and plant life.

WHOLESALE TRADE: Establishments engaged in selling merchandise and equipment to retailers or industrial, commercial, or professional business users, or which acts as agents in buying and selling merchandise to such companies. Wholesale trade establishments are not involved in the sale of merchandise directly to the general public.

YARD: Space on a lot not occupied by a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

YARD SALE: The temporary 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. This definition only includes sales operated in compliance with the Town of Waitsfield Garage Sale Ordinance.