

ARTICLE VIII: DEFINITIONS

8.0 Terms and Usage:

- (A) Unless otherwise defined herein, definitions of words and terms used in the Act [§ 4303] and in the Town of Essex Subdivision Regulations shall apply. All other words shall carry their customary meanings.
- (B) For the purposes of these Regulations, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural number include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

8.1 Definitions:

Abut: Refer to Adjacent Lot/Land.

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 exemptions under Table 1.1). See also Agriculture, Farm Structure.

Accepted Management Practices (AMPs): Accepted practices for silviculture (forestry operation) as currently defined by the Commissioner of the Vermont Department of Forests, Parks and Recreation (see exemptions under Table 1.1). See also Forestry Operation.

Accessory Dwelling Unit: An efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation (see Section 4.1). See also Caretaker Apartment.

Accessory Use: A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

Accessory Structure: A structure on the same lot with, and of a nature customarily incidental and subordinate to the principal structure, such as a garage, patio, tool shed, carport, satellite dish antenna, etc. Structures attached to the principal structure shall be considered as part of the principal structure. A structure used for dwelling purposes shall not be considered an accessory structure.

Act, the: The Vermont Planning and Development Act [24, V.S.A. Chapter 117]

Adjacent Lot/Land: A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land or is separated by a highway, street, right-of-way, railroad, river, stream or dedicated public easement. The terms adjoining and abut shall carry the same meaning as adjacent.

Adjoining: Refer to Adjacent Lot/Land.

Administrative Officer: For the purpose of these Regulations, the Administrative Officer shall include the Zoning Administrator and Administrative Officer appointed by the Town Manager.

Affordable Housing: As defined by 24 V.S.A §4303(1), (A) Housing that is owned by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30 percent of the household's gross annual income; or (B) Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, 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: As defined by 24 V.S.A §4303(2), a housing development in which at least twenty percent (20%) of the units, or a minimum of five (5) units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years, unless a longer period of time is specified by the Regulations.

Agriculture: As defined by the Vermont Secretary of Agriculture, Food and Markets to include the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; the raising, feeding or management of livestock, poultry, equines, fish or bees; the operation of greenhouses; the production of maple sap; the on-site storage, preparation and sale of agricultural products principally produced on the farm; and the on-site production of fuel or power from agricultural products or wastes produced on the farm. The term shall include commercial greenhouses and riding stables, but specifically excludes the slaughtering of animals or poultry for commercial purposes.

Alteration: A change or rearrangement to a structure or building which involves a change of the structural parts of the building or its entry or exit facilities, an enlargement of the building (either by extending on one or more sides or by increasing the height), or the moving of the building from one location to another.

Apartment: Any dwelling unit which is located in a structure which contains two or more dwelling units.

Applicant: Any person, firm, corporation, partnership, association, or their authorized agent, who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein.

Area of Special Flood Hazard: The land in the flood plain within the community subject to a one percent (1%) or greater chance of flooding in a given year. The area includes all "A" zone designations on the Flood Insurance Rate Maps (FIRM). It does not include the "B" and "C" zones.

Assisted Living Residence: A program or facility that combines housing, health and supportive services to support resident independence and aging in place. Assisted living residences shall offer a private bedroom, private bath, living space, kitchen capacity, and a lockable door. An Assisted Living facility is subject to the provisions of 33 V.S.A. Chapter 71. The Agency of Human Services has designated the Department of Aging and Disabilities, Division of Licensing and Protection, as the licensing and regulatory agency for assisted living residences as defined at 33 V.S.A. §7102(11). This use is classified as both commercial and residential and is subject to Recreation Impact Fees. (Also See Residential Care Facility).

Automobile Sales and Rental Establishment: Any lot or area of land, including the building or buildings thereon, which is used primarily for the sale or rental of motor vehicles, and including any ancillary service, repair or office facilities associated with the sale or rental of motor vehicles.

Automobile Service Station: Any lot or area of land, including the building or buildings thereon, which is used for the sale of any motor vehicle fuel or lubricant, or which has facilities for lubricating, washing, servicing or repairing motor vehicles by any means, but not including major body repairs.

Automobile Service Station, Existing: An automobile service station, not located in any of the B1, B3 or MXD Districts, which was in existence as of February 7, 1972, and has been in operation continuously since that time.

Automotive Repair Shop: Any lot or area of land, including the building or buildings thereon, which is used for the purpose of making major or minor repairs for hire to motor vehicles, including painting, body work, and the sale of automotive parts, and provided that all motor vehicles located on the premises are for repair or rebuilding and not for salvage.

Bank: An establishment which provides and/or administers the receipt or lending of money, either via walk-in tellers and offices, drive-through tellers or automated tellers. A bank shall include office space associated with banking activities if located in the same building as the tellers or offices used for receipt or lending of money.

Barns Used as Commercial Storage Establishments: An existing barn used for the storage of goods and/or materials in accordance with Section 4.3 of these Regulations.

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

Base Flood Elevation (BFE): The elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is 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, or the average depth of the base flood, usually in feet, above the ground surface.

Bed and Breakfast: Any establishment, including a tourist home, operated on a commercial or profit basis, where sleeping accommodations of no more than four bedrooms for hire are provided and where meals are provided incidental to the provision of accommodations.

Bedroom: A private room with a closet(s) planned and intended for sleeping, physically separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

Board, Board of Adjustment: The Board of Adjustment established by these Regulations, in accordance with the Act [24 V.S.A. Chapter 117] as amended.

Buffer: Unless otherwise defined elsewhere in these Regulations, the required minimum distance from the front, side or rear boundary lines inward toward the center of a property for the purpose of separating two or more abutting properties, inside of which buildings shall not be located. Subject to the appropriate approving board's discretion, a buffer may contain a variety of appearances. A buffer measured from a property line or right-of-way may include, or extend beyond, a required setback (yard) area; where a required buffer distance exceeds the required setback distance, the buffer distance shall define the setback distance. See also Setback.

Buffer, Riparian, Shoreland, Wetland: The width of land measured horizontally from the mean water level for lakes, from the top of bank or top of slope for streams, and from delineated wetland boundaries, to the edge of other land uses. Buffers that protect surface waters and wetlands are typically undisturbed areas, consisting of trees, shrubs, groundcover plants, duff layers, and naturally vegetated, uneven ground surface. See also Setback.

Building: Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, vehicles, machinery or materials, including shipping or storage containers, and trailers or other roofed structures on wheels. For the purpose of this definition "roof" shall not include an awning or other similar covering, whether or not permanent in nature. For purposes of flood hazard area regulation only, this definition also includes gas or liquid storage tanks that are principally above ground.

Building Coverage: The portion of the area of a lot (measured in square feet) which is covered by buildings and/or accessory structures.

Building Envelope: A three-dimensional volume within which all structures must be contained. A building envelope shall be defined by building lines on the ground and one or more maximum height limitations. Where building envelopes are prescribed for a site, all buildings on that site must be entirely contained within the prescribed envelope.

Building Footprint: A horizontal projection, on the ground, of the outer-most perimeter of a building, including all projections, overhangs, chimneys, porches, stoops, etc.

Bylaws: The duly adopted Zoning Regulations, Subdivision Regulations, and Official Map of the Town of Essex.

Camp: Land on which is located one or more noncommercial cabins, trailers, shelters, or other accommodations suitable for seasons or temporary living purposes, excluding mobile homes.

Campground: An area or place of business providing accommodations for tents, recreation or camping vehicles on a commercial basis, including travel trailer parks and the like.

Car Wash: A site with a building designed to allow washing of automobiles and trucks through automated or manual equipment.

Caretaker Apartment: A dwelling unit that is accessory to the principal use of a property that is intended as living or sleeping quarters for occupancy only by persons employed to take care of the property.

Cemetery: Land used for the burial of the dead, and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of a cemetery. Cemetery shall also include land used for and dedicated to the burial of animals.

Church: A building or structure, together with any accessory structures, used for the regular assembly for religious worship, and which is maintained and controlled by a religious body organized to sustain such worship.

Civic Organization: A general membership, social or fraternal organization, not organized for profit and operated to promote social welfare through benefit to the community.

Clinic: A facility for human ailments operated by a group of physicians, dentists, or other licensed practitioners for the treatment and examination of out – patients who have their offices in a common building. A clinic may include laboratory facilities in conjunction with normal services, but shall not include in – patient care.

Commission, Planning Commission: The Planning Commission of the Town of Essex appointed in accordance with the provisions of 24 V.S.A. Chapter 117, as amended.

Administrative Officer: The director of the Community Development Department as appointed by the Town Manager. See also Administrative Officer.

Condominium Ownership: A form of ownership of real property, applicable to structures containing one or more units, consistent with 27 V.S.A. §1301, in which individual owners have title to individual dwelling units to the center lines of boundary walls and/or the land under buildings (e.g., “footprint lots”), and where a condominium association consisting of all dwelling owners holds title to the balance of all buildings, land and other facilities for the common use of all owners. Condominium ownership may also apply to nonresidential properties.

Congregate Housing: A type of housing for seniors or persons with disabilities in which each individual or family has a private bedroom or living quarters but shares with other residents a common dining room, recreational room, or other facilities as regulated under Section 4.4, consistent with state and federal fair housing laws. This use is classified as both commercial and residential and is subject to Recreation Impact Fees. This definition does not include other types of residential care facilities (see Assisted Living and Residential Care Facility).

Contiguous: Land abutting other land which is not separated by streets.

Contractor’s Yard: A lot or parcel, or portion thereof, used by a contractor for storage of

material, equipment and vehicles used as part of the contractor's business.

Convenience Store: A retail store selling groceries and sundry necessary items, designed primarily to serve the immediate neighborhood. Such store may include the selling of gasoline, oil, and related products.

Convenience Store, Existing: A convenience store which was in existence as of February 7, 1972, and has been in operation continuously since that time.

Correctional Facilities: A state owned or contracted facility for the confinement of people who are awaiting trial or who have been convicted of a crime. Also includes jails, penitentiaries, reformatories, or any state or federally owned facility which provides living quarters under secure conditions.

Creative Design: An imaginative plan or conception that preserves or promotes the visual quality or maintains the integrity of the surrounding area, of a land development idea to be carried into effect subject to approval by the Planning Commission and/or Board of Adjustment, as applicable.

Cultural Facilities: Establishments such as libraries, museums, art galleries, interpretive centers, botanical or zoological gardens, etc. which are of historic, educational or cultural interest, and which are not operated for profit.

Day Care Facility, Adult: A State of Vermont certified facility which includes programs, services, and facilities designed to assist physically or mentally impaired adults to remain in their communities. Adult day care services also provide respite, support and education to family members, caregivers, and legal representatives.

Day Care Facility, Child: Any place operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care and supervision of more than ten (10) children (the ten (10) children include six (6) full-time pre-school and four (4) part-time school age children) under sixteen (16) years of age outside their homes for periods of less than twenty-four (24) hours a day by a person other than the child's own parent, guardian or relative.

Day Care Home: A State registered or licensed day care facility which provides for care on a regular basis, in the caregiver's own single family residence, for not more than six (6) children "full time pre-school and four (4) part time school age children" as per the State of Vermont Day Care Registration regulations at any one time, not including children who reside in the residence of the caregiver. No more than twelve (12) children including the caregiver's and staff's own children are allowed in a day care home. Notwithstanding the above, any day care facility defined by 24 V.S.A. § 4412(5), as it may be amended in the future, shall be defined as a "Day Care Home" for the purposes of these Regulations.

Dedication: An intentional donation of land or an easement for public use that is accepted by the Town of Essex or other proper public authority.

Density Bonus: An increase in the number of dwelling units authorized for a particular parcel of

land beyond the otherwise maximum allowable residential density allowed by these Regulations.

Development: The division of a parcel into two (2) or more parcels, the construction, reconstruction, 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. For purposes of these regulations, subdivisions of land shall be regulated only under the Town's Subdivision Regulations, except within a planned unit development.

Development, in the Flood Hazard Area: Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Dust: Any light particulate emission, created, generated or dispersed by any activity, which can cause any damage to health to humans or animals, vegetation or other forms of property, or which can accumulate or cause any excessive soiling at any point on the property of others.

Dwelling: Any structure designed or used as the living quarters for one (1) or more families.

Dwelling, Accessory: See Accessory Dwelling Unit.

Dwelling, Single-Family: A building, or portion thereof, used or designed to be used as a residence for one (1) family.

Dwelling, Two-Family: A building, or portion thereof, used or designed to be used as a residence for two (2) families, with each occupying a dwelling unit separate and independent of the other.

Dwelling, Multiple Family: A building, or portion thereof, used or designed to be used as a residence for three (3) or more families, with each occupying a dwelling unit separate and independent of the others.

Dwelling Size: A single-family dwelling shall contain a minimum of 500 square feet of usable floor area, and any two-family, multi-family, or mobile home shall contain a minimum of 350 square feet of usable floor area per dwelling unit. [See Section 3.3]

Dwelling Unit: A building, or entirely self-contained portion thereof, containing complete housekeeping facilities for a single family. A recreational vehicle, room in a boarding house, rooming house, convalescent home, fraternity or sorority house, hotel, inn, lodging or nursing home shall not be considered a dwelling unit.

Easement: Authorization by a property owner for the use of any designated part of his/her property by another for a specified purpose.

Electrical Disturbance: Any continuous or repetitive electrical emission which causes an abnormal degradation in performance of other electromagnetic radiators or receptors, of quality and proper design, in the vicinity.

Equipment Sales, Rental, or Repair: Any lot or area of land, including the building or buildings thereon, which is used primarily for the sale or rental of equipment, tools, etc., not including motor vehicles, and including any ancillary service, repair or office facilities associated with the sale or rental of equipment.

Essential Services: The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of “local consumer” underground or overhead gas, telephone, electric, steam, water or sewer collection, distribution or transmission systems, equipment and accessories in connection therewith, including buildings, reasonably necessary for the furnishing of adequate services, consistent with the public health, safety or general welfare of the community, and consistent with other applicable provisions of state law.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is *completed before the effective date of the initial floodplain management regulations* adopted by the Town.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extraction of Earth Resources: The removal of sod, loam, sand, gravel, or quarried stone except when incidental to or in connection with the construction of a building on the same lot.

Facade: The principal face of a building, generally facing the street and/or containing a public entrance. A building having more than one side fitting this definition, as determined by the Zoning Administrator, may be considered to have more than one facade. The area of a facade shall not include any projection of roof area.

Family: One or more persons occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel. Family may also include a group of not more than five (5) persons not related by blood, adoption, marriage or civil union living as a single housekeeping unit.

Farm Market: A market for selling farm produce and farm products.

Farm Produce Stand: A small stand used for the seasonal sales of farm produce and farm products.

Farm Structure: A structure used for or in association with agricultural uses, i.e., the cultivation of the soil, production of crops and/or the raising of livestock, but not including structures used for the slaughter of animals. A roadside stand used for the seasonal sale of agricultural produce grown on the premises shall be considered a farm structure. In accordance with the Act [§ 4413(d)], this definition includes farm buildings, silos, enclosures and fences, but specifically excludes dwellings for human habitation.

Fence: An assemblage, regardless of material used, designed and erected for the purpose of restricting visual or physical access to or from an area, not including terraces, steps or similar features of less than three feet (3') in height above grade or the floor level of the ground story of an associated structure.

Firewood Processing and Sales: Any activity including the storage, cutting, splitting or otherwise processing firewood for the purpose of sale and distribution to users other than the owner of the property on which the activity takes place.

FIRM, Flood Insurance Rate Map: 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, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

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 at any point.

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

Footprint Lot: A parcel of land which consists solely of the area directly under a structure.

Forestry Operation: Any activity involving the maintenance and/or management of an area of trees for any of the following purposes: to produce commercial timber and/or other forest products; to provide good forest cover for water shed protection; to protect and preserve open land; or to maintain wildlife habitat. This definition specifically excludes Firewood Processing and Sales, and Lumber Processing Operations, which are separately defined and regulated under these Regulations.

Funeral Home: A structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

Funeral Home, Existing: A funeral home which was in existence as of May 22, 1995, and has been in operation continuously since that time.

Garage, Private: A building or a portion thereof, accessory to a main building, whether attached or independent, providing for the storage of automobiles, in which no occupation or business for profit is carried on, and in which space for not more than one automobile is leased to a non-resident of the premises.

Garage, Public: Any building or area, or portion thereof, other than a private garage, used for the storage or servicing of vehicles for profit.

Garden Center: An establishment primarily engaged in the retail sale of plant materials such as trees, shrubs, flowering plants, seeds, bulbs, or sod that are primarily grown off site, and associated lawn and garden supplies such as bagged or bulk mulch, topsoil, fertilizer, or pots, landscaping materials, and gardening equipment. A garden center may include, as incidental or accessory to the principal use, both indoor and outdoor storage and display areas, including greenhouses, and the sale of a limited amount of product grown or prepared on-site

Glare: Illumination beyond property lines caused by direct rays from incandescent, fluorescent or arc lighting, or from such high temperature processes as welding or petroleum or metallurgical refining, or by diffuse reflection from a surface such as a wall or roof of a structure.

Greenhouse: A structure, frequently with a transparent or translucent roof, designed and used for the planting, breeding, growing, care and display of plants, flowers, and vegetables (of whatever type) for sale to others on a retail basis. See also Agriculture, Farm Structure.

Gross Leasable Area: The total floor area designed for the tenant's occupancy and exclusive use.

Halo Lighting/Reverse Channel Lighting: A sign lighting technique where the sign has individual cutoff letters and/or symbols and the light is located behind them. The light does not shine through the letters and/or symbols and the light sources are not visible.

Hazardous Materials: (1) Any material or combination of materials which may be explosive, flammable, toxic, acidic, corrosive, an etiologic agent, caustic, pathogenic, or radioactive, either when in fluid or solid form, or which may become so when acted upon by heat or radioactivity, and any material which, when present in sufficient quantity or combination, may be reasonably assumed to constitute a peril for health and safety of employees, nearby residents, firefighters and/or others who may be or become exposed to them, or (2) as otherwise defined by a state or federal agency.

Heat, Excessive: Heat which causes a temperature increase on any adjacent property, whether such change occurs in the air or on the ground, in a natural stream or lake, or in any structure on such adjacent property.

Height: The vertical dimension measured from the average elevation of the finished lot grade at the base of the structure, to the highest point of the structure.

Historic Structure: Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

Home Occupation: An occupation carried on within a residential property by residents, which is incidental and secondary to the residential use of the property, which is customary in residential areas, and which does not change the character thereof (see Section 4.9). See also Home Business.

Home Business: An expanded home-based business conducted by one or more residents of a single family dwelling which is carried on within the principal dwelling and/or an accessory structure, and meets all applicable requirements of these regulations (see Section 4.9). See also Home Occupation.

Hospital: An institution for the medical or surgical care of sick or injured persons, or for the care of contagious or infectious diseases. A hospital may provide care on both an out - patient basis and on an in-patient basis where patients are admitted overnight.

Hotel, Motel: Any building other than a boarding house or tourist home where sleeping accommodations are provided for compensation. Included are motels, cabins, tourist courts, motor lodges and similar uses.

Junk: Any worn-out, cast-off, or discarded article or material, including motor vehicles, which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

Junkyard: Any place of outdoor storage or deposit, which is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or as a scrap metal processing facility. "Junkyard" also means any place of outdoor storage or deposit, not in connection with a business, which is maintained or used for storing or keeping one or more non-operative, non-inspected, or non-registered vehicles, or junk as defined herein, all of which are visible from any portion of a public highway or within 300 feet of lands of others, public or private. However, the term does not include a private garbage dump or a sanitary landfill which is in compliance with 24 V.S.A. § 2202 and the regulations of the state secretary of human services. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than ninety (90) days for inspection or repairs.

Kennel: Any premises in which caring, breeding, housing, or keeping of four (4) or more dogs, cats, or other domestic animals is done for monetary purposes. Kennel may include doggie daycare and/or schooling.

Lake: A body of standing water, including bodies named lake, pond, and reservoir, that may have natural or artificial water level control. For purposes of this regulation, off-stream reservoirs specifically constructed for the following purposes are not considered lakes: snowmaking water storage; golf course irrigation; stormwater management; and, fire suppression.

Landfill, Sanitary: A land disposal site employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste in thin layers, compacting the solid waste to the smallest practical volume, and applying and compacting cover material at the end of each operating day [10 V.S.A. § 6602(11)].

Licensed Amateur Radio Station Operator: Any individual defined and licensed by the Federal Communications Commission (FCC) to operate any apparatus capable of performing the transmission and reception of voice via radio signals.

Light Manufacturing: The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light Manufacturing includes the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographical plates, type composition, machine tools, dies and gages; ceramics; apparel; lightweight non-ferrous metal products; plastic goods; pharmaceutical goods; and food products, but not animal slaughtering, curing, nor rendering of fats.

Lot: A definable parcel of land occupied or capable of being occupied by one or more structures or uses.

Lot Area: The area within the property lines of a lot, calculated from dimensions derived by horizontal projection of the boundaries of the lot, exclusive of any portion of the lot contained within the boundaries of a street, proposed street, right-of-way or public thoroughfare.

Lot, Corner: A lot at the point of intersection of or abutting on two (2) or more intersecting streets, the angle of intersection being not more than 135 degrees.

Lot Coverage: The portion of the area of a lot (measured in square feet) which is covered by buildings, accessory structures, parking areas, walkways, trails/paths, loading areas, access drives, outside service areas and outside storage areas, divided by the total lot area and expressed as a percent.

Lot Depth: The mean distance between the front and rear lot lines, measured at right angles to the front lot lines.

Lot, Frontage: The horizontal distance measured along the property line which separates the lot from a public or private street. No newly created lot(s) shall be permitted unless the minimum lot frontage is contiguous along a public highway.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot of Record: Any lot which individually, or as part of a subdivision, has been recorded in the office of the Clerk of the Town of Essex.

Lot, Width: The mean distance between the side lines of a lot, measured at right angles to its depth.

Lot Width to Depth Ratio: The mathematical ratio of lot width to lot depth, including consideration of any calculated average to determine lot depth and lot width.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement, except an

unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Lumber Processing Operation: A business involving ten (10) or more contiguous acres of land within the Town of Essex and engaged in one or more of the following uses: preparation of timber and related by-product processing for the market including lumber mills and lumberyards; establishments primarily engaged in the gathering of forest products; tree nurseries; outside storage of materials, products, by-products, machinery, and apparatus related to any of the uses described herein; and, maintenance, repair shop, and business and sales office facilities related to any of the uses described herein.

Machinery Repair Shop, Major: Any lot or area of land, including the building or buildings thereon, which is used for the primary purpose of making major or minor repairs to machinery, such as tractors, power mowers, snowmobiles, etc. and including the sale of parts.

Machinery Repair Shop, Minor: Any lot of land, including the building or buildings thereon, which is used for the primary purpose of making major or minor repairs to small machinery (such as bicycles, clocks, electric motors) and household appliances, and where the amount of noise generated will be minimal.

Manufactured Home (or Mobile Home): A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing: The process whereby the nature, size or shape of articles or raw materials are changed, or where articles are assembled and packaged.

Massage Therapy: The scientific manipulation of the soft tissues of the body for the purpose of normalizing those tissues. Consists of manual techniques that include applying fixed or moveable pressure, holding, and/or causing movement of, or to, the body to enhance health and healing when undertaken by a Massage Therapist who is certified or registered through the National Certification Board for Therapeutic Massage and Bodywork's certification program, or an approved alternative certification body, for example AMA-VT.

Mean Water Level: The normal summer (June 1 –September 15) water level, measured in feet above sea level, of lakes as determined by an average of water level readings available over time or as established by the Vermont natural Resources Board.

Mobile Home: A residential structure, constructed at a separate manufacturing facility, designed to be transported on its own permanent chassis, designed to be used with or without a permanent foundation, and which, when connected to appropriate water supply and sewage disposal systems, contains all necessary elements for a dwelling unit.

Mobile Home Park: A parcel of land under single or common ownership or control, which is used, or is designed to be used, to accommodate two or more mobile homes.

Motel: A hotel, for purposes of these Regulations.

Multiple-Family Dwelling: See “Dwelling, Multiple Family”.

Municipal Land Use Permit: As defined in the Act [§ 4303] 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.

Municipal Facilities: The erection, construction, alteration, or maintenance of municipal services or facilities such as governmental offices, a library, building for fire, police or rescue, water supply or sewage treatment facilities, garage, recreation facilities, and power generating facilities primarily for “local consumers”.

Necessary Wildlife Habitat: Concentrated habitat that is identifiable and is demonstrated as being decisive to the survival of a species of wildlife at any period in its life.

Neighborhood Shopping Center: A shopping center containing several convenience retail establishments (e.g., supermarkets, hardware stores, pharmacies, gift shops, etc.), personal service facilities (e.g., barbershops or beauty parlors, and food service establishments), and which is designed and sized to serve primarily the residential development surrounding it.

New Construction: For regulation under this bylaw, means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by the Town and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the Town.

Nonconforming Lots or Parcels: Lots or parcels that do not conform to these Zoning Regulations covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of these Zoning Regulations, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator.

Nonconforming Structure: A structure or part thereof not in conformance with the provisions of these Zoning Regulations but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of these Zoning Regulations, including a structure improperly authorized as a result of error by the Zoning Administrator.

Nonconforming Use: A use of land that does not comply with all the provisions of these Zoning

Regulations but did conform to all applicable laws, ordinances and regulations prior to the enactment of these Regulations including a use improperly authorized as a result of error by the Zoning Administrator.

Nonconformity: A nonconforming use, structure, lot, or parcel.

Office: Facilities occupied by consulting firms, clerical services, real estate or insurance agencies, doctors, lawyers, architects, engineers, accountants, government offices, travel agencies, financial institutions (excluding banks and drive-up window establishments), and establishments providing similar services, but not including manufacturing, repairing, processing, or fabrication of any article, substance or commodity, or the retail sale of goods.

Office, Major: Establishments not requiring regular and frequent access by non-employees including corporate offices, laboratories, industrial support offices, consulting firms, clerical services, government offices, financial institutions (excluding banks and drive-up window establishments) and establishments providing similar services but not including manufacturing, repairing, processing, or fabrication of any article, substance or commodity, or the retail sale of goods. Any establishment included in this definition must be at least fifteen thousand gross leasable area (15,000 GLA) in size.

Off-Site: Not located on the lot on which the principal use or structure being served is located. This is particularly relevant to sewage disposal and water supply systems, and signs.

On-Site: Located on the same lot as the principal use or structure being served. This is particularly relevant to sewage disposal and water supply systems, and signs.

Outstanding Built Landscape: Traditional features constructed in the local vernacular – such as barns, farmhouses, silos, and town greens – that contribute significantly to the overall quality of a view. The Scenic Resources Protection Overlay map identifies documented instances of the Outstanding Built Landscape.

Parking Facility: A lot or garage or portion thereof, used for the temporary storage of motor vehicles in association with uses or activities which may or may not be located on the same lot. A parking facility may be the principal use of a lot.

Parking Space: An off-street area, other than a loading space, of not less than nine feet (9') by eighteen feet (18') in size, exclusive of access or maneuvering area, ramps, columns, etc., to be used exclusively as a temporary storage space for a single motor vehicle.

Personal Services Establishment: An establishment for the provision of direct services to other individuals or businesses. Such establishments include barbershops, hairdressing shops, beauty parlors, shoe repair shops, shoe shine stands or shops, laundries, laundromats, dry cleaners, photographic studios, and businesses providing similar services of a personal nature on a commercial or profit basis.

Planned Residential Development (PUD-R): A residential development, approved by the Planning Commission in accordance with Article VI of these Regulations, designed and planned as an integral unit which may contain various types of residential structures and which may

consist of individual lots which do not satisfy all of the requirements otherwise contained in these Regulations. A planned residential development is a type of Planned Unit Development.

Planned Unit Development (PUD): A planned development, approved by the Planning Commission in accordance with Article VI of these Regulations, designed and planned as an integral unit which may contain various commercial, industrial and residential uses and which may consist of individual lots which do not satisfy all of the requirements otherwise contained in these Regulations.

Principal Building: A building or structure in which is conducted the main or principal use of the lot on which said building is located.

Private Club: A building and related facilities owned and/or operated by a corporation, association or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members.

Public Facilities: Pursuant to the Act [24 V.S.A. § 4413], state or community owned and operated institutions and facilities; public and private schools and other educational institutions certified by the Vermont Department of Education; churches and other places of worship, covenants and parish houses; public and private hospitals; regional solid waste management facilities certified under 10 V.S.A Chapter 159; and hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

Public Hearing: The duly warned hearing as required by these Regulations, held by the Planning Commission or Board of Adjustment after public notice in accordance with the Act [24 V.S.A. § 4464] and Section 7.7.

Public Improvements: Capital improvements necessary for the safety, health and welfare of the public and which will subsequently be owned and maintained by the public. Examples include, but are not limited to, streets, sidewalks, sewers, storm drains, and water lines.

Public Works Specifications: Town of Essex Standard Specification for Construction, May 1989, as may be from time to time amended, and any successor or replacement which are incorporated herein by reference.

Recreation, Indoor: Recreation facilities and activities made available on a commercial profit or non-profit basis, which are located inside of a structure or building. Indoor recreation facilities include indoor bowling alleys, theaters, table tennis and pool halls, skating rinks, gymnasias, swimming pools, hobby workshops, and similar places of indoor recreation.

Recreation, Private Outdoor: Outdoor recreation facilities which are privately owned and which may be made available on a members only basis or to paying customers. Outdoor recreation facilities include but are not necessarily limited to golf courses, golf driving ranges, trap, skeet, and archery ranges, swimming pools, skating rinks, riding stables, parks, beaches, tennis courts, recreation stadia, skiing areas and similar facilities.

Recreation, Public Outdoor: Outdoor recreation facilities which are publicly owned and operated, such as playgrounds, playfields, parks, open spaces, swimming pools and similar

facilities.

Recreational Vehicle: A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designated primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling Establishment: An establishment which provides for the collection, storage, and processing of secondary materials in preparation for their sale for ultimate reprocessing into new materials. A secondary material is a material which has served its initial purpose, or waste or scrap from a manufacturing process. Examples of such secondary materials are paper, metals, plastics, textiles, and glass. Processing may include sorting, shredding, crushing and bailing.

Regional Solid Waste Disposal Facility: A lot or parcel of land or portion thereof used in accordance with State and Federal regulations, for the disposal of trash, refuse, junk discarded machinery, vehicles or parts thereof, or waste material of any kind. A Regional Solid Waste Disposal Facility may also include a recycling transfer station.

Religious Institution: Church, for the purposes of these Regulations.

Renewable Energy Resources: Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels, including wood and agricultural sources, waste heat and geothermal sources.

Research and Testing Laboratory: A private commercial enterprise engaged exclusively in the pursuit of scientific research and development, including research related to and development of manufactured, processed or compounded products.

Residence: See Dwelling.

Residential Care Home:

A State licensed facility that provides care to persons in a home-like environment to individuals unable to live wholly independently but not in need of the level of care and services provided in a nursing home. Residential care homes are licensed as either Level IV or Level III. Both levels must provide room and board, assistance with personal care, general supervision and/or medication management. Level III homes also must provide the additional service of nursing overview. This use is classified as both commercial and residential and is subject to Recreation Impact Fees.

Restaurant: An establishment whose primary operation accommodates food and drink preparation, service, and consumption primarily in designated locations on premises. A deli in a grocery store, convenience store, supermarket, or free-standing structure serving food and sandwiches for off premise consumption only, shall not be considered a restaurant. Restaurants shall be allowed in designated zoning districts under Article II, however, restaurants including any of the following additional facilities shall be considered a conditional use (in only those districts allowing restaurants) subject to Board of Adjustment approval: take out service, catering, drive-through window, live entertainment, outside seating, or other additional facilities deemed by the Zoning Administrator necessary to warrant approval by the Board of Adjustment.

Retail Store: An establishment consisting of an enclosed shop or store for the sale of retail goods or personal services, including a department store but excluding any free-standing retail stands, gasoline services, motor vehicle repair services, new and used car sales and service establishments, and trailer and mobile home sales and service establishments.

Reverse Channel Lighting/Halo Lighting: A sign lighting technique where the sign has individual cutoff letters and/or symbols and the light is located behind them. The light does not shine through the letters and/or symbols and the light sources are not visible.

Revetment: A facing or veneer of stone (riprap), concrete, or other materials used to support a sloping embankment or dike to protect it against erosion caused by waves or current.

Roadside Stand: An outside structure or structures (temporary or permanent) used for the display and retail sale of agricultural produce, and such locally produced products as honey, cider, maple syrup or plants. See also Farm Produce Stand.

School, Certified: Any establishment certified by the Vermont Department of Education, including: parochial; private; public and nursery schools; colleges; universities and accessory uses and excluding Technical/Vocational Schools. A school serving one certified classroom, serving a maximum of 20 pupils, can be considered an Instructional Classroom and categorized as an 'Office'.

School, Non-Certified: A commercially operated establishment for the teaching of professional trades and occupations not certified by the Vermont Department of Education such as schools of beauty culture, business, dancing, driving, music, culinary arts and other similar establishments. A school serving one non-certified classroom, serving a maximum of 20 pupils, can be considered an Instructional Classroom and categorized as an 'Office'.

Self Service Machine: A stand alone machine at which customers can transact various types of business without assistance from any staff, including but not limited to automatic bank teller machines, postal or shipping drop off machines, or other similar units.

Setback: The required minimum horizontal distance from a road right-of-way, property line, or other delineated feature (e.g., a stream bank, shoreline, or wetland) to the nearest point of a building or structure. A setback (yard) area can incorporate a required buffer area or, where a required buffer distance exceeds the required setback distance, the buffer distance shall define the setback distance. See also Buffer.

Setback Line: A line, parallel to a property line, road right-of-way, or other delineated feature (e.g., a stream bank, shoreline, or wetland area), which defines the required minimum setback where buildings shall not be located. For purposes of these Regulations, the setback line also defines yard areas.

Sign: Any device affixed to, painted, or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business, but excluding any flag or insignia of a government, government agency, school or religious group, and any official traffic control device.

Significant Features Reference Map(s): One or more maps incorporated by reference or appended to the Essex Town Plan which depicts important features in the Town.

Small Production and Sales Establishments: Small establishments such as woodworking shops, craft shops, print shops, etc., which include space for retail sales of the goods produced, and which do not sell goods not produced on the premises. Establishments with more than 1,000 square feet of floor space devoted to production shall be deemed manufacturing uses.

Special Flood Hazard Area: The floodplain within the Town subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area”. This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

Start of Construction: For purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The “start of construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of 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 home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Storage, Warehouse and Distribution Establishments: Establishments used primarily for storing, warehousing and distribution of goods, wares and merchandise, and which do not involve retail sale of such goods, wares or merchandise on the premises.

Street: Any road, highway, thoroughfare, avenue, land or right-of-way, whether public or private, used for vehicular circulation and/or to provide access to individual properties.

Stream: The full length and width, including the bed and banks, or any watercourse, including rivers, creeks, brooks, and branches. Streams include intermittent streams that have a defined channel and evidence of sediment transport, even if such streams do not have surface water flow throughout the year or throughout the channel. For purposes of these Regulations, constructed

drainage ways including water bars, swales, and roadside ditches, are not considered streams.

Stream Section: A portion of a stream with similar features such as the same relative geometry of cross section, similar side slopes and soils.

Structure: Any assembly of materials for display, use or occupancy, that has a value of \$1,000.00 or more, including but not limited to buildings, mobile homes, shipping and storage containers, carports, porches, swimming pools, or walls and other building features but not including sidewalks, driveways, patios, or recreational vehicles, trailers or other vehicles on wheels if regularly used for their manufactured purpose and not for housing or storing animals or materials. For purposes of flood hazard area regulation only, this definition also includes gas or liquid storage tanks that are principally above ground.

Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into lots, parcels, sites, plots, units, or interests for the purpose of sale, lease or development, including amended subdivisions and re-subdivisions. The term “subdivision” shall mean the act of dividing a parcel of land as described above, and shall also include a footprint lot, the development of a parcel as a mixed-use development that includes housing, multiple family housing project, congregate housing project, or planned development.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three (3) years, or over the period of a common plan of development, cumulatively equals or exceeds fifty percent (50%) 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 performed. The term does not, however, include either: (a) 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 or (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure

Swimming Pool: Any pool or structure used primarily for swimming, whether installed above or below the ground, which contains two (2) or more feet of water, at its deepest, and whether for public, private, or commercial use.

Technical/Vocational School: An establishment certified by the Vermont Department of Education for teaching of technical and vocational courses for secondary education and above. These courses include but are not limited to auto mechanics, building trades, electronics and culinary arts.

Tiny House: See “Dwelling Size” definition.

Top of bank: The point along a streambank where an abrupt change in slope is evident, and

where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage.

Top of slope: A break in slopes adjacent to steep-banked streams that have little or not floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut channel meet floodplains that have been abandoned or are undergoing abandonment.

Town: Town of Essex, Vermont, outside the Village of Essex Junction.

Town Plan: The duly adopted plan for development of the Town prepared by the Planning Commission, as it may be amended from time to time, pursuant to the Act [24 V.S.A. § 4385].

Townhouse: A type of dwelling unit, located in a structure containing at least two (2) dwelling units, arranged so as to include rooms on two or more contiguous floors.

Trucking Terminal: A site including buildings where the primary use is storage and housing of trucks and related equipment. A business office and minor repair facilities are allowed.

Trailer: A mobile vehicle, with wheels, capable of being towed by a motor vehicle, and having an overall length of less than twenty-five feet (25') and an overall width of less than eight feet (8'). This shall include trailers designed for overnight living or camping purposes.

Truck Farm: A farm devoted to the raising of vegetables and other small food crops for sale.

Undue Adverse Effect (Impact): An adverse effect or impact which either (1) violates a clear, written community standard, including a provision of these Regulations, or a specific policy of the Essex Town Plan; or (2) which cannot be avoided through mitigation, design modifications, or conditions or approval.

Use: The specific activity or function for which land or a structure is arranged, designed or intended, or for which either land or a building is or may be occupied or intended.

Veterinary Clinic: An establishment which provides veterinary care of animals, including surgery, examination, treatment, medication, etc., and also including any facilities for caring, breeding, housing or keeping animals in conjunction with the provision of veterinary care.

Violation, In the Flood Hazard Area: The failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

Wall: An assemblage of material which is solid and opaque, and which is designed and erected for the purpose of restricting visual or physical access to or from an area.

Waterbody: A lake or stream.

Wetlands: Lands that are inundated or saturated by surface water or groundwater with a frequency sufficient to support significant vegetation or aquatic life that depend on saturated or

seasonally saturated soil conditions for growth and reproduction. Such areas include but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities. For purposes of these Regulations, these include wetlands that meet state requirements for Class I and Class II wetlands.

Wholesale Establishments: Establishments primarily engaged in selling merchandise to retailers, or industrial, commercial, or professional business uses, or which acts as agents in buying and selling merchandise to such companies. Wholesale establishments are not structures used primarily for storage of goods, wares, and merchandise although wholesale functions may include the maintainable of substantial inventories.

Yard: An open space on a lot, defined by a setback line, that is unoccupied and unobstructed from the ground upward, except as otherwise provided in these Regulations.

Yard, Front: A yard on the same lot with a principal building, extending the full width of the lot and situated between the street line and the front setback line extended to the side lines of the lot. Corner lots shall have front yards facing both streets.

Yard, Rear: A yard on the same lot with a principal building between the rear setback line and the rear line of the lot extending the full width of the lot.

Yard, Side: A yard on the same lot with a principal building between a side setback line of the lot, and extending from the front yard to the rear yard.

Zoning Administrator: An official appointed by the Town to carry out the duties set forth in these Regulations. See also Administrative Officer.

Zoning Permit: A permit issued under these Regulations in accordance with the provisions of the Act [24 V.S.A. § 4449].