

---

## APPENDIX 1 DEFINITIONS

---

### Section 1 Terms & Use

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

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

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

(C) For the purposes of flood hazard area regulation under Article 5, National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of commonly used terms are provided in Appendix 1, Section 2.

(D) Any interpretation of words, phrases or terms by the Zoning Administrator may be appealed to the Board of Adjustment under Section 4.5. In such cases, the Board shall base its decision upon the following definitions, state statute, and the need for reasonable and effective implementation of these regulations. The Board shall publish and update from time to time such written interpretation, to ensure consistent and uniform application of the provisions of these regulations.

### Section 2 Definitions

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

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

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

**Accessory Apartment:** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family dwelling which is retained in common ownership, is located on the same parcel as the primary structure, and which otherwise meets applicable criteria of these regulations (see Section 4.2). This definition encompasses accessory apartments as required under the Act [§4412(1)].

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

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

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

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

**Affordable Housing:** In accordance with the Act [§4303(1)], housing that is either: (1) owned by its inhabitants, whose gross annual household income does not exceed 80 percent of the Washington County median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than 30 percent of the household's gross annual income; or (2) rented by its inhabitants whose gross annual household income does not exceed 80 percent of the Washington County median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

**Affordable Housing Development:** A housing development of which at least 20 percent of the units, or a minimum of five units, are affordable housing and are subject to covenants or restrictions that preserve their affordability for a minimum of 15 years.

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

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

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

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

**Area of Shallow Flooding:** A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) having a one percent or greater annual chance of flooding to an average depth of one to three feet where a

clearly defined channel does not exist, where the path of flooding is unpredictable, and where the velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Bar:** See Restaurant.

**Bank:** See Financial Institution.

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

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

**Bed & Breakfast (B&B):** A single family dwelling occupied by the owner or operator, in which not more than six double occupancy rooms within the dwelling and/or in an accessory structure located on the same lot, are rented out to provide overnight accommodations to transient travelers. Individual cooking and eating facilities shall not be provided; breakfasts shall be the only meals served and shall be limited to overnight guests. The bed and breakfast shall function as a private home with house guests. See also Hotel/Motel.

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

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

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

**Bulk Fuel Storage:** A structure used for the safekeeping and containment of a mass or aggregate of fuel which is counted, weighed, or measured for subsequent sharing, parceling out, allotting, dispensing, or apportioning, excluding fuel storage of less than 1,050 gallons for use by the owner or occupant of the property on which the fuel is stored.

**Camp:** See Seasonal Dwelling.

**Camper:** Any vehicle used as temporary sleeping, camping or living quarters, which is mounted on wheels, a truck or a camper body, or is towed by a motor vehicle. This definition includes recreation vehicles and travel trailers, but specifically excludes mobile homes. See Mobile Home. *This definition does not apply to the terms "recreational vehicle" and "mobile home" as used in Section 5.6 and Table 2.7. "Recreational vehicle" and "mobile home" as used in Section 5.6 and Table 2.7 are defined in Section 5.6 (G).*

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

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

**Change of Use:** Any use which differs substantially from an established use based on the type, intensity, or magnitude of use. For example, this may include a change from one type of use to another (e.g., from a residential to commercial use), or from an accessory to a principal use, or from seasonal to year-round use (see Section 3.3).

**Church:** See Place of Worship.

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

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

**Community Care Facility:** A residential care facility licensed by the state which provides 24-hour supervision, personal care services, and limited medical services to seven or more individuals who are in need of care, protection and/or assistance to sustain the activities of daily living. See also Group Home.

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

**Community System:** Any water supply or wastewater disposal system other than a municipally-owned system which provides potable water to or disposes of wastewater from two or more domestic, commercial, industrial, or institutional uses. Such systems shall include related collection, distribution and treatment facilities.

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

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

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

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

**Degree of 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

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

**Development:** See Land Development. See Section 5.6 (G) for the definition of the term “development” as used in Section 5.6 and Table 2.7.

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

**Driveway:** A minor, private travel way, serving up to three adjoining parcels, which provides vehicular access from an adjoining road to a parking space, garage or other structure. See also Road.

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

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

**Educational Facility:** See School.

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

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

**Extraction of Earth Resources:** A use involving the on-site removal of surface and subsurface materials, including soil, sand, gravel, stone or organic substances other than vegetation, from land or water. Customary extraction operations include sand and gravel pits, and accessory operations such as the crushing, screening, and temporary storage of materials on-site (see Section 4.6). Specifically excluded from this definition are the grading and removal of dirt which is associated with and incidental to an approved site plan or subdivision, or an excavation associated with an accepted agricultural practice. See also Quarrying.

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

**Farm Structure:** In accordance with the Act [§4413(d)], a building for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming practices, as “farming” is defined in 10. V.S.A. '6001(22). This definition includes such farm structures as barns, silos, fences and manure pits, but specifically excludes a dwelling for human habitation. See also Accessory Dwelling, Agriculture, Accepted Agricultural Practices.

**Farming:** See Agriculture.

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

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

**FIA:** The Federal Flood Insurance Administration.

**Flood Hazard Area:** Those lands subject to flooding from the 100-year flood, as defined in the existing or subsequently revised “Flood Insurance Study for the Town of Middlesex, Vermont” and the Flood Hazard Boundary Map (FHBM) or subsequent Flood Insurance Rate Map (FIRM), published by the Flood Insurance Administration, and available at the Middlesex Town Office.

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

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

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

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

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

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

**Funeral Home:** A building or part thereof used for human funeral services. Such building may also contain space and facilities for preparation of the dead for internment or cremation; the performance of autopsies and associated surgical procedures; the storage and sale of caskets, funeral urns and related funeral supplies; and the storage of funeral vehicles, but shall not include facilities for cremation.

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

**Group Home:** A state licensed residential care home serving not more than 8 persons who are developmentally disabled or handicapped. In accordance with the Act [§4412(1)], a group home, as defined, shall be considered by right to constitute a permitted single family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another group home.

**Hazardous Waste Facility:** A facility that stores processes, neutralizes, reclaims, treats or disposes of hazardous waste for which a notice of intent to construct has been received under state law [10 V.S.A., §6606a].

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

**Height:** see Building Height.

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

**Home Industry:** A home-based business other than a home occupation which is conducted by the resident(s) of a single family dwelling, which is carried on within the principal dwelling and/or an accessory structure, and which meets all applicable requirements of these regulations (see Section 4.7). See also Home Occupation.

**Home Occupation:** A use conducted entirely within a minor portion of a single family dwelling which is conducted by resident family members, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the residential character of the neighborhood, and which meets the requirements of these regulations (see Section 7.7). See also Bed & Breakfast, Home Child Care, Home Industry.

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

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

**Junk Yard:** See Salvage Yard.

**Kennel:** The boarding, breeding, raising, grooming, or training of four or more dogs, cats, or other household pets of any age for a commercial use and/or which are not owned by the owner or occupant of the premises. See also Veterinary Clinic.

**Land Development:** In accordance with the Act [§4303(10)], the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation or landfill, or any changes in the use of any building or other structure or land or extension of use of land (unless specifically exempted under Section 4.3). See also Subdivision. *This definition does not apply to the term “development” as used in Section 5.6 and Table 2.7. “Development” as used in Section 5.6 and Table 2.7 is defined in Section 5.6 (G).*

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

**Light Industry:** A use providing for the manufacturing of goods predominately from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products or components. See also Manufacturing.

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

**Lot:** (1) Land occupied or to be occupied by a principal structure or use and its accessory structures and/or uses, together with required open spaces, having not less than the minimum area, width or depth required for a lot in the district in which such land is situated, and having frontage on a road, or other means of access as may be approved by the Board; (2) a portion of land in a subdivision or plat that is separated from other portions by a property line (see also Contiguous Land). A separate deed description for a parcel of land does not necessary constitute a lot for zoning and development purposes.

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

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

**Lot Depth:** The mean horizontal distance from the street line of the lot to its opposite rear line.

**Lot Frontage:** See Frontage.

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

**Lot Size:** See Lot Area.

**Lot Width:** The width of a lot as measured at right angles to lot depth.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished floor or flood resistant enclosure, used solely for parking vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of applicable federal (44 CFR Section 60.3) non-elevation design requirements.

**Lumberyard:** A building, structure or designated area for the storage and on-site sale of raw or finished lumber products and related building/construction supplies. See also Sawmill.

**Manufactured Home:** A single family dwelling, transportable in one or more sections, which is built on a permanent foundation and is connected to required utilities. For floodplain management purposes only, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on the site for more than 180 consecutive days. See also Single Family Dwelling, Mobile Home. *This definition does not apply to the terms "manufactured home" as used in Section 5.6 and Table 2.7. "Manufactured home" as used in Section 5.6 and Table 2.7 are defined in Section 5.6 (G).*



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

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

**Mixed Use:** A building or parcel containing two or more uses which are otherwise allowed as permitted or conditional uses within the district in which the building or parcel is located (see Section 7.9). See also Accessory Use, Principal Use.

**Mobile Home:** A prefabricated dwelling unit which is (1) designed for continuous residential occupancy; and (2) is designed to be moved on wheels, as a whole or in sections. In accordance with the Act [4406(4)], a mobile home shall be considered a single family dwelling, and cannot be excluded from a zoning district except on the same terms and conditions as conventional housing is excluded. See also Single Family Dwelling. *This definition does not apply to the terms “mobile home” as used in Section 5.6 and Table 2.7. “Mobile home” as used in Section 5.6 and Table 2.7 are defined in Section 5.6 (G).*

**Mobile Home Park:** A parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate three or more mobile homes.

**Motor Vehicle/Equipment Repair:** An establishment whose principal purpose is the repair of motor vehicles and/or heavy equipment, including body shops, general vehicle and engine repair shops, and rebuilding and/or reconditioning shops. The retail sale of gasoline is specifically excluded from this definition. See also Retail Store.

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

**Municipal Land Use Permit:** As defined in the Act [§4403(11)] to include, as issued by the municipality: (1) final zoning, subdivision, site plan or building permits or approvals relating to subdivision and land development; (2) septic or sewage system permits; (3) final official minutes of meetings which relate to permits or approvals, which serve as the sole evidence of such permits or approvals; (4) certificates of occupancy, compliance or similar certificates; and (5) any amendments to the previously listed permits, approvals and/or certificates.

**Noncomplying Structure:** A structure or part thereof lawfully in existence as of the effective date of these regulations, but not in compliance with the provisions of these regulations, including but not limited to building bulk, height setbacks, area, yards, density or off-street parking or loading requirements, where such structure conformed to all applicable laws, ordinances, and regulations prior to the enactment of these regulations.

**Nonconforming Use:** The use of land or a structure lawfully in existence as of the effective date of these regulations, which does not conform with these regulations (including but not limited to allowed uses within the district in which it is located), where such use conformed to all applicable laws, ordinances and regulations prior to the enactment of these regulations.

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

**Parcel:** See Lot.

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

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

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

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

**Planned Residential Development (PRD):** An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units; the plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage, or required open space under these regulations except as a planned unit development. See also Subdivision.

**Planned Unit Development (PUD)** An area of minimum contiguous size, as specified in this ordinance, to be planned, developed, operated and maintained according to plan as a single entity, the plan for which does not conform to the Zoning and Subdivision Regulations concerning lot size, bulk, type of dwelling, commercial or industrial use, density, lot coverage or required open space.

**Planning Commission:** The Middlesex Planning Commission, as created under the Act.

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

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

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

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

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

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

**Public Assembly Use:** See Cultural Facility, Public Facility.

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

**Public Facility/Utility:** A building, utility or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by a municipal, state or federal government, regulated utility or railroad. Such facilities include, but may not be limited to: municipal buildings and garages, water and wastewater facilities, power generation and transmission facilities, reservoirs, institutional facilities, and telephone, cable and electrical distribution lines. Public facilities and utilities, including distribution and service lines to individual uses, are allowed within all zoning districts unless otherwise specified, or specifically excluded, under district standards (see Section 7.1.1). See also Landfill, Transfer Station, Hazardous Waste Facility, School, Telecommunications Facility.

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

**Quarrying:** The removal of rock by means of open excavation to supply material for construction, industrial or manufacturing purposes, and related operations such as blasting, crushing and the temporary storage of materials on site (see Section 4.6). See also Extraction of Earth Resources.

**Rail Siding:** Land, a building or structure used for the loading and off-loading of rail freight and associated storage and distribution of off-loaded freight.

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

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

**Recreation/Outdoor:** A facility for outdoor recreation, including but not limited to a stadium, tennis courts, golf courses, athletic fields, swimming pools, and trails for hiking, horseback riding, bicycling, snowmobiling, and cross-country skiing; except for such facilities which are accessory to an approved educational facility or a residential use. See also Public Park.

**Recreation Vehicle:** See Camper.

**Residential Care Facility:** A facility licensed by the state which provides primarily non-medical residential care services to seven or more individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, on a 24-hour a day basis. See also Day Care Facility, Group Home.

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

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

**Retail Store:** Establishment where goods or merchandise are offered for retail sale or short term rental to the general public for personal, business or household consumption and services incidental to the sale of such goods are provided.

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

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

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

**Salvage Yard:** A facility or area for storing, keeping, selling, dismantling, shredding, or salvaging of discarded material or scrap metal. This definition includes, but is not limited to “junkyards” as defined by the state.

**Sanitary Landfill:** An engineered facility for the disposal of solid waste, identified in the Central Vermont Solid Waste Management District Implementation Plan and certified by the state [10 V.S.A Chapter 159], which is designed and operated to minimize public health and environmental impacts.

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

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

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

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

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

**Sign:** Any structure, display, device, or representation, which is designed or used to advertise, direct to, or call attention to any thing, person, business activity or place, and is visible from any public highway or other public vantage point. This definition does not include the flag, pennant, or insignia of any nation, state, or municipality.

**Significant Wildlife Habitat:** Significant wildlife habitats are those natural features that are essential for the survival and/or reproduction of the native wildlife of Middlesex. This shall include, but is not limited to, (1) deer winter habitat; (2) habitat for rare, threatened and endangered species; (3) concentrated black bear feeding habitat (bear-scarred beech and oak stands); and (4) wetlands that provide critical functions for sensitive or unusual wetland-dependent wildlife such as breeding/nesting habitat for wading birds (bitterns, herons), waterfowl (ducks, geese) and otter and vernal pools.

**Silviculture:** See Forestry.

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

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

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

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

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

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

**Street:** See Road.

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

**Structure:** An assembly of materials on the land for occupancy or use, including but not limited to a building, mobile home or trailer, sign, wall or fence which necessitates pilings, footings, or a foundation attached to the land (see Exemptions under Section 7.3). See also Building. This definition does not apply to the terms "structure" as used in Section 5.6 and Table 2.7. "Structure" as used in Section 5.6 and Table 2.7 are defined in Section 5.6 (G).

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

**Subdivision:** The division of any parcel of land into two or more parcels for the purposes of immediate or future sale, conveyance, or development. The term "subdivision" includes resubdivisions, amended

subdivisions, lot line (boundary) adjustments, and the division of land held in common among several owners. See also Parcel.

**Substantial Improvement:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either: (a) before the improvement or repair is started, or (b) if the structure has been damaged and restored, before the damage occurred. For the purpose of administering flood hazard area regulations, this definition excludes the improvement of a structure to comply with existing municipal or state health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions. *This definition does not apply to the terms "substantial improvement" as used in Section 5.6 and Table 2.7. "Substantial improvement" as used in Section 5.6 and Table 2.7 are defined in Section 5.6 (G).*

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

**Telecommunications Facility:** (1) A support structure which is primarily for communication or broadcast purposes and which will extend vertically 20 feet or more, in order to transmit or receive communication signals for commercial, industrial, municipal, county, state or other governmental purposes, and/or (2) associated telecommunications equipment and ancillary facilities that provide access and/or house equipment (see Appendix 2).

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

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

**Town Highway:** See Public Road.

**Transfer Station:** A facility certified by the state that functions as a collection point for solid waste that will subsequently be transported to a state-approved landfill or disposal facility, excluding facilities for the storage of hazardous wastes. The facility will include, at minimum, a receiving hopper and compacting equipment which are housed in an enclosed structure. See also Hazardous Waste Facility, Landfill.

**Transit/Transportation Facility:** A building, structure, or area designed and intended for use by persons changing transportation modes, including but not limited to bus and train stations, and park-and-ride facilities.

**Trucking Terminal:** A building or property used as relay station for the loading, unloading, and transfer of goods transported by truck, or which provides containerized freight handling facilities or rail truck services, and/or where the local pick-up, delivery and temporary storage of goods incidental to the primary function of the freight shipment operation is provided.

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

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

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

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

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

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

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

**Zoning Administrator:** the Middlesex Administrative Officer.