

Chapter 46 Definitions

This chapter defines important terms used in this bylaw. It also presents a table of abbreviations and acronyms that are used in this bylaw.

46.1 Abbreviations. Abbreviations and acronyms used in this bylaw are defined in Table 46.A.

Table 46.A – Abbreviations & Acronyms

AICP	American Institute of Certified Planners
ARZD	Agricultural/Rural Residential Zoning District
BPZD	Business Park Zoning District
CO	Certificate of Occupancy
COA	Certificate of Appropriateness
TCO	Temporary Certificate of Occupancy
dbh	diameter, at breast height
DRB	Development Review Board
DPW	Department of Public Works
FBC	Form-Based Code
GZDN	Gateway Zoning District North
GZDS	Gateway Zoning District South
HDAC	Historic and Design Advisory Committee
IZDE	Industrial Zoning District East
IZDW	Industrial Zoning District West
MUCZD	Mixed Use Commercial Zoning District
MURZD	Mixed Use Residential Zoning District
NAICS	North American Industrial Classification System
RZD	Residential Zoning District
SF	square feet
SFHA	Special Flood Hazard Area
TCZD	Taft Corners Zoning District
VSA	<i>Vermont Statutes, Annotated</i>
VZD	Village Zoning District
WDB	<i>Williston Development Bylaw</i>

46.2 Use of the Definitions

46.2.1 Are there rules of construction for the terms used in this bylaw? Yes. Unless it is otherwise clearly indicated by the context, the singular of any term defined here includes the plural and vice versa.

46.2.2 What if I disagree with the Administrator’s use of a definition? Definitions may become controversial. Williston has, for example, had a dispute about what is “customarily accessory” to a golf course. The Administrator’s application of any of the definitions adopted here may be appealed to the DRB using the appeal procedure established in Chapter 5 of this bylaw.

46.3 Definitions A-D

46.3.1 Absorption. See ‘Visual Absorption’ at WDB 46.8.4.

46.3.2 Accepted Agricultural Practices are defined by the Vermont Agency of Agriculture Food and Markets as including, but not limited to: (a) the confinement, feeding, fencing, and watering of livestock; (b) the handling of livestock wastes and by-products; (c) the collection of maple sap and production of maple syrup; (d) the preparation, tilling, fertilization, planting, protection, irrigation and harvesting of crops; (e) the ditching and subsurface drainage of farm fields and the construction of farm ponds; (f) the stabilization of farm field streambanks constructed in accordance with the USDA-Natural Resources Conservation Service standards and specifications or other standards approved by the Commissioner; (g) the construction and maintenance of farm structures in accordance with Federal Flood Insurance Management Program standards, the construction and maintenance of farm ponds, farm roads, walls, fences, structures to control the grade and head cutting in natural or artificial channels, and an irrigation, drainage or other water management system that conveys water, controls the direction or rate of flow, or maintains a desired water surface elevation; (h) the on-site production of fuel or power from agricultural products produced on the farm; (i) the on-site storage, preparation and sale of agricultural products principally produced on the farm; and (j) the on-site storage of agricultural inputs including, but not limited to, lime, fertilizer and pesticides.

46.3.3 Accessory structures and uses are found in association with the principal use of a lot, which they support in some way. A detached garage is a typical example of an accessory structure. The incidental sale of local craft items at a bed-and-breakfast is a typical example of an accessory use. Chapter 17 of this bylaw provides standards that help define common nonresidential accessory structures and uses. Chapter 20 provides standards that help define common residential accessory structures and uses.

46.3.4 Accessory Dwelling. An ‘accessory dwelling’ is an independent efficiency or one- or two-bedroom dwelling that is located within or appurtenant to and on the same lot as an owner-occupied single-household dwelling and that complies with the standards of WDB 20.1.

46.3.5 Acre. One acre equals 43,560 square feet.

46.3.6 Addition. An ‘addition’ is new space added to an existing building. Making an addition may involve remodeling or repair, but these terms have different specific meanings.

46.3.7 Adjoining. An ‘adjoining’ property is one that is directly contiguous to a property on which development review is required, or one that is separated from that property only by a public or utility right-of-way, or by a stream.

46.3.8 Administrative Permit. An administrative permit is required for all development that is not specifically exempted by WDB 4.2.1. Applications for administrative permits are reviewed and approved or denied by the Administrator following the procedures of Chapter 5 of this bylaw. Approval of an administrative permit authorizes development to begin. **Approval of a discretionary permit may be required before an application for an administrative permit is submitted.**

46.3.9 Affordable Housing consists of dwellings that will be made available for rent or for sale at prices which allow them to be rented or acquired by households having incomes of no more than 100% of the median household income for The Burlington-South Burlington Metropolitan Statistical

Area (MSA), as defined by the United States Department of Housing and Urban Development, household without spending more than thirty (30) percent of their incomes on housing costs. Under the provisions of Chapter 11, an applicant may also commit to providing dwellings that to be rented or acquired by households having incomes of no more than 80% of the median household income for The Burlington-South Burlington Metropolitan Statistical Area (MSA), as defined by the United States Department of Housing and Urban Development without spending more than thirty (30) percent of their incomes on housing costs.

Housing costs for renters shall include rent and utilities (heat, hot water, trash removal, and electricity). For homeowners, housing costs include mortgage (interest and principal), property taxes, homeowner's association fees, and property insurance. To qualify as 'affordable,' the future rent or price of resell of a unit must be perpetually restricted to the same affordability standards discussed in this definition at the time of sale or rent. The enforcement of this price limitation must be established by agreement with a housing trust or a public housing agency, as authorized by 27 V.S.A. § 610.

46.3.10 Agriculture consists of the "accepted agricultural practices" listed by the State of Vermont. See WDB 46.3.2. Agriculture is NAICS Code 11.

46.3.11 Allocation. An 'allocation' is the right to build one or more dwellings within the residential growth target set by the *Town Plan* (see Chapter 5) and the growth management review system established by Chapter 11 of this bylaw.

46.3.12 Applicant. The applicant for a permit is, by definition, the owner or owners of the property on which the development is proposed. Owners need not appear in the proceedings required by this bylaw. They may appoint representatives, but the owner or owners must sign the required application form.

46.3.13 Arterial Road. The arterial roads in Williston are identified in Chapter 6 of the *Town Plan*.

46.3.14 At-Home Child Care as a Home Business. A family childcare home is a facility that provides childcare (see WDB 46.3.24) on a regular basis in the caregiver's own residence for not more than ten children at any one time. Of this number, no more than six children may be provided care on a full-time basis. The remainder must be school-age children who are cared for on a part-time basis only. These limits do not include children who reside in the residence of the caregiver. Also, the part-time school-age children may be cared for on a full-day basis on school closing days, snow days, vacation days during the school year, and during the school summer vacation. This limit is expanded to 12 children if at least six of them are of school age and a second staff person is present and on duty when the number of children in attendance exceeds six.

46.3.15 Banner. Banners are signs whose message is painted or printed on a flexible material. They are regulated as freestanding, suspended, or wall signs depending on how they are used.

46.3.16 Base Flood. For the purposes of Chapter 28 of this bylaw, the 'base flood' is the flood having a one percent chance of being equaled or exceeded in any given year. The **base flood elevation (BFE)** is the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

46.3.17 Basement. For the purposes of Chapter 28 of this bylaw, a ‘basement’ is any area of a building having its floor elevation subgrade (below ground level) on all sides.

46.3.18 Bedroom. A ‘bedroom’ is a room of 80 or more SF (excluding the closet), with minimum dimensions of eight (8) and 10 feet, a window, a closet, and a door, and that is not fitted out as a bathroom, laundry or mechanical room, or as a kitchen. A room does not have to be used as a bedroom to be considered a bedroom for the purposes of determining how much wastewater treatment capacity is needed.

46.3.19 Boundary Adjustment. A ‘boundary adjustment’ is any revision to property lines, including revisions to a plat that has been legally filed with the Town, which moves property lines, but creates no new separate lots or parcels and has no adverse impact on access, the provision of public services and utilities, or neighboring uses. A boundary adjustment may occur between two or more adjacent parcels. Because a boundary adjustment is not a subdivision, it may be approved by the Administrator.

46.3.20 Building. A ‘building’ is a structure that is permanently tied to the ground by footings or a foundation and that has a roof.

46.3.21 Building Bulk. See ‘Building Mass’ at WDB 46.3.23. These terms are synonymous for the purposes of this bylaw.

46.3.22 Building Envelope. A ‘building envelope’ is the space on a lot within which development may occur. All development, including land clearing, but with the exception of driveways and utility lines that serve development within the building envelope, is confined to the building envelope. Where they are required by this bylaw, building envelopes will be shown on approved plans and marked on the lot by permanent survey monuments.

46.3.23 Building Height is the vertical distance measured from the average elevation of the finished grade immediately adjacent to the building to the highest point of the roof. The height of antennae, wind turbines with blades less than 20 feet in diameter, and rooftop solar collectors that rise less than 10 feet above the roofline is not included in ‘building height.’ Those structures may be regulated by this bylaw, but they are not counted when calculating building height.

46.3.24 Building Mass is the perceived scale of a building or a group of buildings, considered in three dimensions (height, depth, and width), and as seen from a given perspective. Building mass includes the entire area within a building or group of buildings that is above grade. Building mass cannot be readily quantified, but it has important physical and visual impacts that can be mitigated using standards like those adopted wherever this bylaw addresses ‘building bulk’ (which is synonymous) or mass.

46.3.25 Cannabis. Cannabis and “Cannabis Products” are defined in 7 V.S.A. §863(2) and this bylaw uses the same definition.

46.3.26 Certificate of Conformity. A Certificate of Conformity is the permit required in the Taft Corners Form-Based Code Zoning District for all development that is not specifically exempted by WDB 4.2.1. Applications for Certificate of Conformity are reviewed and approved or denied by the Administrator following the procedures of Chapter 32, Section 8 of this bylaw.

46.3.27 Certificate of Occupancy. A certificate is required upon the completion, inspection, and acceptance of required improvements and/or when any new structure is connected to town utilities. The certificate usually correlates to an administrative permit or Certificate of Conformity for a development or phase of development. Formerly known as “Certificate of Compliance.” This document is issued by the Zoning Administrator at the completion of a development testifying to that development’s compliance with the permit upon which it was approved.

46.3.28 Change in Use. A ‘change of use’ for which a permit is required by this bylaw occurs when the use of a building, a space within a building, or a lot is changed, and the new use is not in the same four-digit NAICS category as the old use.

46.3.29 Child Care is occurring at any place operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is the protection, care, and supervision of children under sixteen years of age outside their homes for periods of less than twenty-four hours a day by a person other than the children’s own parents, guardians, or relatives. Child Care is NAICS Code 6244. This bylaw recognizes two types of child day care facilities: 1) at-home childcare business, which are further defined in WDB 46.4.1 and 2) all other childcare facilities. While childcare is permitted in most zoning districts in Williston, this distinction is important because at-home childcare is a statutory use-by-right wherever dwellings are permitted, while all other childcare facilities require a discretionary permit.

46.3.30 Clearing is the cutting and/or removal of vegetation by chemical, mechanical, or any other means that results in the exposure of bare rock or soil.

46.3.31 Cluster. A cluster is a group of lots in an open space development. If large enough, open space developments may include more than one cluster.

46.3.32 Collector Road. The collector roads in Williston are identified in Chapter 6 of the *Town Plan*.

46.3.33 Commercial is the generic term this bylaw uses to refer to the conduct of business, including, but not limited to, retail sales and the provision of services. By itself, however, this term tells one nothing about what uses either or are not permitted in a given zoning district. Please refer to the table of uses allowed in the relevant zoning district to determine whether a particular commercial use may be permitted.

46.3.34 Community Sewerage. A ‘community sewerage’ system is an on-site wastewater treatment system that is installed by the developer to serve a cluster of homes in an open space or “invisible” development permitted by Chapter 31 of this bylaw. Following its installation and the required warranty period, a community sewerage system is owned and operated by an owners’ association. Community sewerage systems must be sited, designed, constructed, and maintained in compliance with a permit issued by the Vermont Department of Environmental Conservation, as well as in compliance with this bylaw.

46.3.35 Complete Application. A ‘complete’ application is one that has been accepted as such by the Administrator, as provided by WDB 5.1.6 or 6.4.6.

46.3.36 Completed. A ‘completed’ development is one for which a certificate of occupancy (CC) has been issued, as provided by WDB 7.2, or where a CO is not required, one on which all work has been completed, as permitted.

46.3.37 Country parks are delineated in 2016-2024 Comprehensive Plan Chapter 9 – Recreation and Park Resources

46.3.38 Conservation areas are described in WDB Chapter 27 and include: 1) significant wildlife habitat areas; 2) areas containing uncommon, rare, threatened, or endangered species; 3) unique natural communities; 4) farmlands of local importance, 5) scenic viewsheds, 6) special flood hazard areas (see WDB Chapter 28), and 7) streams, wetlands, lakes, and ponds (see WDB Chapter 29).

46.3.39 Cumulative Substantial Improvement. This term means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure, during any five (5) year period, the cumulative cost of which equals or exceeds 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 any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the state or local code enforcement official and which are the minimum necessary to ensure safe conditions.

46.3.40 Customary. This adjective applies to accessory structures and uses that are typically or commonly found in association with or appurtenant to a principal use. Where there is some question about whether a proposed accessory use is ‘customary,’ the burden of proof rests with the applicant, who must provide documentation that the proposed accessory use is, in fact, found appurtenant to the principal use in multiple other locations in Vermont or, where the principal use is unique (or nearly so) in Vermont, in multiple other locations in New England.

46.3.41 Days. For the purposes of this bylaw, ‘days’ refers to calendar days unless it is preceded by ‘working,’ in which case it refers to the regular business days of the Town of Williston.

46.3.42 Degree of Nonconformity. The ‘degree of nonconformity’ is the extent to which a use is nonconforming. For example, the degree of nonconformity of a sign that is 20 feet high instead of the permitted 12 feet, is eight (8) feet.

46.3.43 Density is the general term used to describe how intensively a parcel of land is, or may be, used. See Chapter 19 of this bylaw for an explanation of how density is calculated and regulated.

46.3.44 Development. 24 V.S.A. § 4293(10) and WDB 4.1.2 define “land development” as “the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.” This bylaw uses the term ‘development’ rather than land development, but they are synonymous. For the purposes of Chapter 28 of this bylaw, the definition of ‘development’ is expanded to cover any man-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.

Still have a question about the definition of development? WDB 4.1.3-6 answer some specific ‘is _____ development?’ questions.

46.3.45 Dimensional Standard. A dimensional standard controls the location of a structure or use on a lot and/or the dimensions of a structure. These standards include, but are not limited to, buffers, setbacks, coverage, and clear vision triangles.

46.3.46 Directional Sign. Directional signs may be of any permitted type. They convey directions (RESTROOMS →), regulations (NO PARKING), and similar information.

46.3.47 Directory Sign. Directory signs are used when more than one business shares a site or structure. A directory sign may be of any of the sign types allowed in the zoning district in which it is located.

46.3.48 Discretionary Permit. Discretionary permits are required for the developments listed in WDB 4.3.3 and 4.3.4: basically, all developments that may have a significant impact on the environment, the Town's infrastructure, or neighboring uses. Applications for discretionary permits are reviewed and approved or denied by the DRB, following the procedures established in Chapter 6. Approval of a discretionary permit does NOT authorize development to begin but allows the developer to apply for one or more administrative permits.

46.3.49 Disturbance, or 'land disturbance,' includes all clearing, grading, and excavation. **Disturbed areas** include all staging areas, materials stockpiles, and other areas affected by construction and use of the site.

46.3.50 Dwelling. A 'dwelling' is a building (typically a single-household home) or a separate space within a larger building (typically an apartment, town home, or the like) that contains complete housekeeping facilities for one household. A dwelling shall contain at least 300 SF of usable space. Hallways and stairwells are not counted towards usable space. Living areas, excluding bathrooms, shall have no dimension smaller than 8 feet. Housekeeping facilities must be self-contained within the unit (for example, the kitchen or bathroom cannot be located across a common hallway or shared amongst units). Dwellings shall contain regular room shapes and floor plan layout (for example, demising walls should not render a window non-functional, or the primary entrance or bedroom entrance should not be through a bathroom or closet).

46.4 Definitions: E-H

46.4.1 Emergency Shelter is any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements.

46.4.2 Farming is the conduct of agriculture. See WDB 46.3.2.

46.4.3 Farm Structure. A 'farm structure' that is exempt from the requirements of this bylaw (see WDB 4.2.1.2) is any structure on a farm, including fences, which will be used to house livestock, to raise plants, or to carry out other accepted agricultural practices. Dwellings are not farm structures nor are commercial or industrial structures that are proposed on a farm.

46.4.4 Fiscal Year. July 1 through June 30.

46.4.5 Flood means (a) a general and temporary condition of partial or complete inundation of normally dry land from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding

and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; (b) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

46.4.6 Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to that community.

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

46.4.8 Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of “flood”).

46.4.9 Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

46.4.10 Floodway means 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.

46.4.11 Floor Area includes the entire building, all floors and all rooms. Different measures are used for different purposes by others involved in real estate, but for the purpose of this bylaw it is Gross Floor Area.

46.4.12 Footprint Lot. A lot created through the permit process that is generally designed to be contemporaneous with the footprint of a building or a portion of a building. A footprint lot is a form of ownership and conveyance but shall not be recognized for the purposes of zoning included but not limited to lot coverage maximums, setbacks, frontage, etc.

46.4.13 Forest. A ‘forest’ is a plant community dominated by trees, which has a canopy cover of $\geq 60\%$ at the peak of the growing season

46.4.14 Freestanding Sign. Freestanding signs are placed or posted on their own structures. They are not attached to a building or any other structure and may be portable. Different types of freestanding signs may be described in different ways, such as ground signs, monument signs, pole signs, portable signs, etc., but they are all subject to the same standards, except where this bylaw explicitly provides otherwise.

46.4.15 Garage. A garage is a building or a part of a building that houses, or at least is designed to house, one or more motor vehicles, watercraft, snow machines, farm implements, or other vehicles.

46.4.16 Growth Target. The ‘growth target is the total number of new dwellings that may be approved by the Town of Williston for construction in any given fiscal year. The growth target is established in Chapter 5 of the *Town Plan* and Chapter 11 of this bylaw.

46.4.17 Hazardous Tree refers to a tree that possesses a *structural defect* which poses an imminent risk if the tree or part of the tree would fall on a *target*.

- Structural defect means any structural weakness or deformity of a tree or its parts. A tree with a structural defect can be verified to be hazardous by the Administrator. A recommendation from the County Forester may be required at the Administrators discretion. If the tree has been determined to be hazardous, removal of the tree is permitted by WDB Chapter 29.9.5.1.
- A ‘target’ means a structure of an approved use. A tree may not be a hazard if a ‘target’ is absent within the falling distance of the tree or its parts (e.g., a substandard tree in an area away from approved structures may not be considered a hazard).

46.4.18 Historic Structure means 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.

46.4.19 Home Business. A ‘home business’ is an industrial or commercial activity that is conducted in a dwelling or in an accessory structure that is appurtenant to a dwelling, and that complies with the standards of Appendix G of this bylaw. See 46.4.1 for childcare as a home business.

46.4.20 Homestead. For the purposes of WDB 12.1.3.3, a homestead is an area that is part of, but distinguished from a larger parcel of land by the presence of a home and related improvements.

46.5 Definitions: I-L

46.5.1 Land Development. See definition under **46.3.41 Development.**

46.5.2 Licensed Designer. A ‘licensed designer’ is a person authorized by the Vermont Department of Environmental Conservation to design wastewater disposal systems.

46.5.3 Local. A ‘local’ product is one that is grown or crafted in Vermont or the adjoining portions of the Champlain Basin.

46.5.5 Lot Frontage is the length, given in feet, of that portion of a lot that is directly adjacent to a road (public or private).

46.5.6 Lowest Floor means the lowest floor of the lowest enclosed area, including basement. 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.

46.6 Definitions: M-P

46.6.1 *Manufactured Home* means 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".

46.6.2 *Marginally Suitable*. This term refers to soils that have been designated as marginally suitable for on-site wastewater disposal by the Natural Resources Conservation Service in the *2003 Ancillary Ratings for Residential On-Site Waste Disposal in Vermont*.

46.6.3 *Natural Function*. This bylaw uses this term to indicate the state to which a disturbed area must be restored or reclaimed. The 'natural function' of a disturbed area is not its pre-existing condition, which may be difficult or even undesirable (if noxious weeds are present, for example) to restore. Requiring the site to be restored to its 'natural function,' requires that a wetland be restored as a functional wetland, that a woodland be restored as a functional woodland, a field or meadow be restored as a field or meadow, etc.

46.6.4 *New Construction* means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

46.6.5 *Nonconforming Lots or Parcels* are lots or parcels that do not conform to the dimensional standards of the current bylaws, but were in conformance with all applicable regulations prior to the enactment of this bylaw, including a lot or parcel improperly authorized as a result of error by the administrator.

46.6.6 *Nonconforming Structures* are structures or parts of structures that do not conform to the current bylaws, but were in conformance with all applicable regulations prior to the enactment of this bylaw, including a structure improperly authorized as a result of error by the administrator.

46.6.7 *Nonconforming Uses* are uses of land that do not conform to the current bylaws, but did conform to all applicable regulations prior to the enactment of the current bylaws, including a use improperly authorized as a result of error by the administrator.

46.6.8 *Nonconformity*. This generic term includes nonconforming uses, structures and, lots.

46.6.9 *Official Map*. The legally adopted Official Map of the Town of Williston pursuant to subsection 3 of section 4401 Title 24 VSA Chapter 117, as amended.

46.6.10 *Outdoor Sales* includes the outdoor (not under a roof and within at least three walls) display of merchandise or any other item or service for sale. Typical 'outdoor sales' include automobiles and other vehicles and nursery plants and other landscaping materials.

46.6.11 Outdoor Storage is the outdoor (not under a roof and within at least three walls) placement, stacking, or stockpiling of materials. Outdoor storage ranges from firewood stacked on residential premises to the stockpiling of gravel, sand, and other quarry products.

46.6.12 Owners Association. An owners' association is a nonprofit organization established by a developer to fulfill certain functions that are specified in its articles of incorporation and a set of covenants, including functions required of such associations by the town. Where one is required, continuing membership in the homeowners association is mandatory upon purchase of a lot in the subdivision.

46.6.13 Owner-Occupied. To be 'owner-occupied,' a dwelling must be the principal residence of at least one of the owners listed on the current grand list.

46.6.14 Play Structure. A 'play structure' is designed for children's play. It is distinguished from play equipment by having footings or some other type of foundation. Play equipment is not a building or structure for which a permit is required this bylaw. A permit is required to install most play structures.

46.6.15 Portable Signs, such as sandwich board signs, are designed for easy placement, but given their usual use, they are considered permanent and included in the total sign number and area permitted by this bylaw.

46.6.16 Projecting Sign. A projecting sign extends outward from the wall of a building. It may be perpendicular to the building wall or at an angle, but its message is intended to be read primarily by people approaching from one or both sides.

46.6.17 Public Way. A 'public way' is any public road or trail.

46.6.18 Public Works Standards. This book of standards and specifications may be obtained from Williston's Department of Public Works.

46.7 Definitions: Q-T

46.7.1 Recreational vehicle means 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) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

46.7.2 Scoreboard. A scoreboard is a structure on the same lot as and appurtenant to an athletic field on which the score and other information regarding the progress of a game being played is electronically or manually displayed. A scoreboard that complies with the standards WDB 17.7 is not a sign.

46.7.3 Screening. This bylaw sometimes requires that development be effectively screened from view from public ways. This does not mean that the development has to be completely invisible: brief views of a part of a structure through the branches of screening vegetation or a break in screening terrain are acceptable.

46.7.4 Setback. Required setbacks are ordinarily measured at grade from the nearest point on the property or right-of-way line to the outside foundation wall of the structure or, where the setback is

to a parking area or similar surface, to the outer edge of that surface. This method of measurement will not be used for structures that have an above-grade projection (bay window, deck, eaves, etc.) that extends more than four (4) feet toward the property line.

46.7.5 Shed. This term includes all roofed accessory structures, including tool sheds, greenhouses, etc., except detached garages and accessory dwellings, which are separately defined.

46.7.6 Special Flood Hazard Area is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

46.7.7 Start of Construction includes substantial improvement, and means the date the administrative 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 dwellings 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 of whether that alteration affects the external dimensions of the building.

46.7.8 Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *Structure*, for insurance purposes, means: (a) a building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) a manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and bylaws. For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

46.7.9 Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

46.7.10 Subdivision. A ‘subdivision’ is land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, tracts, sites, plots, units, or interests for the purpose of conveyance, transfer, offer for sale, lease, or development.

46.7.11 Suspended Sign. A suspended sign is hung under the ceiling of an arcade or other overhanging structure, more or less perpendicular to the building. Its message is intended to be read primarily by people approaching along the arcade.

46.7.12 Swimming Pool. A ‘swimming pool’ is any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

46.7.13 Town. This term refers to the Town of Williston, Vermont unless the context clearly indicates otherwise.

46.7.14 Town Plan. This term refers to the *2016 Williston Comprehensive Plan*, as adopted on August 22, 2017.

46.7.15 Tree. A ‘tree; is any self-supporting perennial woody plant that is ordinarily characterized by a single main stem or trunk of at least 6” diameter at breast height (4.5 feet above ground level).

46.8 Definitions: U-X

46.8.1 Unsuitable. As used in this bylaw, this term refers to soils that have been designated as unsuitable for on-site wastewater disposal by the Natural Resources Conservation Service in the *2003 Ancillary Ratings for Residential On-Site Waste Disposal in Vermont*.

46.8.2 Vested Rights. A ‘vested right’ is the right for a development to be completed in compliance with the rules that were in effect on the date the application for a permit for that development was deemed complete.

46.8.3 Violation. A ‘violation’ is the failure of a development to comply with any provision of this bylaw. For the purposes of Chapter 28 of this bylaw, 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.

46.8.4 Visual Absorption. These regulations sometimes require visual “absorption.” This means that a structure, or structures, are sited and designed so that they blend into the background created by a slope or a stand of trees. No part of a structure that is “absorbed” is ever outlined against the sky, as seen from any public way. Further, there is low contrast, as measured by color and reflectivity, between the structure and the background provided by the vegetation and terrain.

46.8.5 Wall Sign. A wall sign is painted on or attached to a wall and runs parallel to that wall. Its message is intended to be read primarily by people facing the building.

46.8.6 Wastewater Treatment Capacity. For a two-bedroom dwelling, this is the capacity to treat 135 gallons of sewage per day. For a three-bedroom dwelling, this is the capacity to treat 230 gallons of sewage per day. For all other uses, ‘wastewater treatment capacity’ is determined by the DPW.

46.8.7 Window Sign. Window signs are posted within the glass area of a window.

46.8.8 Woodland. A ‘woodland’ is a plant community dominated by trees, but with an open canopy of 20-60% cover at the height of the growing season.

46.8.9 Working Days refers to the regular business days maintained by the Town of Williston. It excludes weekends and official holidays.

46.9 Definitions: Y-Z

46.9.1 Year. January 1 through December 31. Fiscal years as defined by 46.4.4 are always referred to as such.