

Table 2.11
Fluvial Erosion Hazard Area Overlay District (FEHO)

A. **Purpose.** The purposes of the Fluvial Erosion Hazard Area Overlay District (FEHO) are to: (1) implement adopted municipal and hazard mitigation plans; to (2) protect mapped fluvial erosion hazard areas that are highly sensitive to erosion due to naturally occurring stream channel migration and adjustment; to (3) limit new development within these areas to protect public health, safety welfare, and to minimize property losses and damage and extraordinary public expenditures resulting from fluvial erosion; and to (4) allow rivers and streams to re-establish and maintain their natural equilibrium, and thereby avoid the need for costly and environmentally degrading stream channelization and bank stabilization measures.

B. **Permitted Uses** – requiring only administrative review:

1. Agriculture (see Section 6.02)
2. Forestry (see Section 6.02)
3. Home Child Care*
4. Home Occupation*

** Only in association with an existing single family dwelling*

Permitted Uses – subject to state review and administrative approval; must meet applicable requirements of this district and Section 5.03 F prior to the issuance of a zoning permit; documentation of state permits required:

5. Accessory Use (to a permitted use)
6. Accessory Structure (max: 500 sq. ft.)
7. Addition to an existing structure (max: 500 sq. ft.)
8. Channel management activities
9. Flood and stormwater management activities
10. Public Utility/Facility (regulated by the state)
11. Recreational vehicle storage (see Section 5.03 F.10)
12. Water supply and wastewater systems
13. Minor grading outside the NFIP floodway (max: 1000 sq ft.; no fill, berming, or increase in elevation)

D. **Dimensional Standards:**

1. As required for the underlying zoning district; however:
 - a. No new accessory structure or addition to an existing principal structure in this district shall further reduce the minimum setback distance from the stream established by

C. **Conditional Uses** – The following development is allowed in association with uses listed in Subsections B and C of underlying zoning district tables, subject to state and conditional use review under Section 5.03 F as well as other applicable conditional use standards:

1. Accessory Structure (>500 sq. ft.)
2. Accessory Use (to a conditional use)
3. Addition to an existing structure (>500 sq. ft.)
4. Driveways (new, improved or relocated)
5. Fill (only as necessary to elevate structures)
6. Grading and excavation (incidental to allowed uses, activities)
7. Infrastructure improvements (incidental to allowed uses, activities)
8. Parking (at grade only, to serve allowed uses)
9. Public Facility (limited to facilities that are functionally dependent on river access)
10. Road improvements, relocations (existing roads only)
11. Stream Crossings (bridges, culverts)

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existing structures on the lot, as measured horizontally from the top of the stream bank (or slope) to the point of the structure nearest to the stream;

- b. An accessory structure in the FEHO shall be located no more than 50 feet from the principal structure, unless it can be located farther away from the stream than the principal structure as measured horizontally from the top of the stream bank (or slope) to the point of the structure nearest to the stream;
- c. The total combined, cumulative footprint of all accessory structures within the FEHO constructed on a property after May 18, 2010 shall not exceed 500 square feet or 50% of the existing footprint of the principal structure, whichever is greater.
- d. The total combined, cumulative footprint of all structural additions or improvements within the FEHO constructed on a property after May 18, 2010 shall not exceed 500 square feet or 50% of the existing footprint of principal structure, whichever is greater.

E. Additional Standards – see also Section 5.03 (F)

- 1. **Applicability.** District standards shall apply to all mapped Fluvial Erosion Hazard Areas in the Town of Waitsfield, as depicted on the most current Fluvial Erosion Hazard (FEH) maps accepted by the Vermont Agency of Natural Resources River Management Program and on file at the town office.
 - a. Development within the Fluvial Erosion Hazard Area Overlay District shall be subject to the provisions of Section 5.03 F, as well as any applicable requirements of the underlying zoning district. Where the standards of this overlay district differ from those of the underlying district, or from other applicable sections of these regulations – including flood hazard area regulations under Section 5.03 and stream setback and buffer requirements under Section 3.12 – the more restrictive shall apply.
- 2. **Allowed Uses & Activities.** Uses and activities allowed within the Fluvial Erosion Hazard Area Overlay District which are not subject to review under district standards include agricultural and forestry activities conducted in accordance with the requirements of Section 6.02, unimproved open space, the regular maintenance of existing roads, driveways, utilities, stormwater systems and other infrastructure, and those uses allowed by statute within existing single-family dwellings (e.g., home child care, group homes and home occupations). Other “permitted” uses listed under Subsection B must meet applicable provisions of Section 5.03 F, either through documentation that required state permits have been obtained, or through administrative review prior to the issuance of a zoning permit. All other uses, structures and activities, including but not limited to expanded single-family dwellings, shall be subject to conditional use review under the provisions of Section 5.03 F, as well as other applicable municipal and state regulations.
- 3. **Prohibited Uses & Activities.** The following development is specifically prohibited within this district: all new development, including new structures, buildings, dwellings, septic systems, roads, utilities and other infrastructure, except as allowed under Subsections B and C above; junk or salvage yards; the storage of chemicals, fertilizers, pesticides, explosives, and flammable, toxic, hazardous and floatable materials; and fill, except as specified under C to elevate existing structures also within the Flood Hazard Overlay District above the base flood elevation.