2016

Bylaws for the Regulation of Land Use in the Town of Northfield, Vermont

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Article I. Enactment and Intent

Enactment

In accordance with the Vermont Planning and Development Act, Title 24 VSA Chapter 117, there is hereby established a Zoning Regulation for Northfield which is set forth in the text and maps that constitute this Regulation. This Regulation shall be known and cited as the "Northfield Zoning Regulation" or "Northfield Zoning Bylaws."

Intent

It is the intent and purpose of these bylaws

- to encourage the appropriate development of all lands in Northfield with the aid and assistance of the state, in a manner which will promote the public health, safety against fire, floods, explosions, and other dangers;
- to promote prosperity, comfort, access to adequate light and air, convenience, efficiency, economy, and general welfare;
- to enable the mitigation of the burden of property taxes on agricultural, forest, and other open lands;
- to encourage where designated by regulation appropriate architectural design;
- to encourage the development of renewable resources;
- to protect residential, agricultural and other areas from undue concentrations of population and overcrowding of land and buildings, from traffic congestion, from inadequate parking, and the invasion of through-traffic, and from the loss of peace, quiet, and privacy;
- to facilitate the growth of villages, towns, and cities, and of their communities and neighborhoods, so as to create an optimum environment, with good civic design;
- to encourage development of a rich cultural environment and to foster the arts; and
- to provide means and methods for Northfield to plan for the prevention, minimization, and future elimination of such land development problems as may presently exist, or which may be foreseen, and to implement those plans when and where appropriate.

In implementing any regulatory power under this chapter, Northfield shall take care to

protect the constitutional right of the people to acquire, possess, and protect property.

Article II. Adoption of Bylaws, Amendments, Interpretation and Effective Date

Establishment of Zoning Districts

The districts enumerated below are hereby established for the Town of Northfield.

Section 6.01 Agricultural District
Section 6.02 Recreation District
Section 6.03 Conservation and Forestry District
Section 6.04 Rural Industrial District
Section 6.05 Urban Residential District
Section 6.06 Rural Residential District
Section 6.07 Low Density Residential District
Section 6.08 Residential A District
Section 6.09 Residential B District
Section 6.10 Commercial District
Section 6.11 Village Industrial District

Zoning Map & Interpretation of Boundaries

The location and boundaries of said districts are established as shown on the Zoning Map located in the Municipal Offices. The Zoning Map is hereby made a part of this Regulation. If uncertainty exists as to the boundary of any district shown on the Zoning Map, the Planning Commission shall determine the location of such boundary.

Section II.01 Application of Regulations

Except as hereinafter provided, the following shall also apply:

A. No building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used, nor shall any structure be demolished for any purpose or in any manner except in conformity with all regulations, requirements and restrictions specified in this Regulation for the district in which such building or land is located.

B. Nothing contained in this Regulation shall require any change in the plans, construction or designated use of a building complying with local laws in force prior to this Regulation, if a prior zoning permit shall have been duly issued and the entire building shall have been completed in accordance with such plans within one year from the effective date of this Regulation.

C. Any use not allowed by this regulation shall be deemed to be prohibited. Any list of prohibited uses contained in any section of this Regulation shall not be deemed to be an exhaustive list, but has been included for the purpose of clarity and emphasis, and to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible and are thus prohibited.

Section II.02 Administrative Officer/Zoning Administrator

An Administrative Officer, who shall hereinafter be referred to as the Zoning Administrator, is hereby appointed as authorized in Title 24 VSA Chapter 117 §4448 to administer the Zoning Regulations and bylaws. Said Officer shall be appointed for a term not to exceed three years, following nomination by the Planning Commission and appointment by the Selectboard.

The compensation of the Zoning Administrator shall be fixed by the Selectboard. The Zoning Administrator is an employee of the municipality reporting in all respects to the Town Manager, except that the Town Manager may seek input from both the Planning Commission and Development Review Board as to related duties performed in support of the Planning Commission and Development Review Board by the Zoning Administrator for purposes of performance evaluation. The Zoning Administrator shall be subject to the personnel rules of the municipality.

The Zoning Administrator shall administer the bylaws literally and shall not have the power to permit any ***land development*** that is not in conformance with these bylaws. The Zoning Administrator may be removed for cause at any time by the Selectboard after consultation with the Town Manager, and the Planning Commission. The Zoning Administrator shall inspect ***land developments***, maintain records of his/her actions, report periodically to the public, the Planning Commission and Development Review Board and the Legislative Bodies and perform all other necessary tasks to carry out the provision of this Regulation and the duties of his/her office.

The Planning Commission may nominate and the Selectboard may appoint an Acting Zoning Administrator who shall have the same duties and responsibilities as the Zoning Administrator but only during an extended absence, which shall include annual vacation in excess of one week concurrently.

Section II.03 Zoning Permits

A. After the effective date of this Regulation, no ***land development*** may commence, nor shall any land or structure be used, extended in any way, or be occupied unless a zoning permit shall have been duly issued by the Zoning Administrator. The fee for such permit shall be determined from time to time by regulation of the ***Legislative Body***.

B. The Zoning Administrator shall not issue a zoning permit unless a complete application,

including all required fees and plans, has been submitted in accordance with these bylaws, and, where required, prior approval is granted by either the Planning Commission or the Development Review Board.

C. The Zoning Administrator may on his or her authority only issue zoning permits for the following types of ***permitted uses***: ***single-family or two-family dwellings***, ***accessory structures***, signs as described in §4.14 of these bylaws, and agricultural uses.

D. It shall be the responsibility of the Zoning Administrator to provide all applicants with forms required to obtain any permit or other municipal authorization as required in these bylaws. The Zoning Administrator shall also advise the applicant to contact the regional permit specialist employed by the Agency of Natural Resources in order to assure timely action on any related state permits, but the applicant will retain the responsibility to properly identify, apply for, and obtain all relevant state permits. The Zoning Administrator shall also advise the applicant of the order in which the applicant should proceed in obtaining such permits, if applicable, as follows:
    1. Site Plan Approval
    2. Conditional Use
    3. ***Variance***, except 2 and 3 may be done concurrently
    4. Agency of Natural Resources (ANR) and other state agency permits
    5. Act 250 Permit, except 4 and 5 may be done concurrently

E. If the Zoning Administrator fails to act with regard to a complete application for a permit within 30 days, whether by issuing a decision or making a referral to either the Planning Commission, Development Review Board or both, a permit shall be deemed issued on the 31st day.

F. If the zoning permit is approved, all activities authorized by its issuance shall be completed within two years of its date of issue, or the zoning permit shall become null and void.

G. Application for a one-year extension of a permit may be submitted prior to the expiration of the original permit, and will be approved by the Zoning Administrator provided that there is no change in either the proposed ***development*** or the regulations of the zoning district in which it is proposed.

H. A zoning permit is required prior to the commencement of construction of any structure on a foundation, regardless of size, and any structure of 100 square feet or more not on a foundation.

I. Structures of fewer than 100 square feet, not on foundations, do not require permits. The Zoning Administrator should be notified, in writing, of intent to construct an exempt structure. Exempt structures must meet setbacks for the zoning district in which they are located. There shall be no more than one exempt structure per ***lot*** in high density and

village center zones, and no more than one such structure per acre in rural zones.

J. Construction that constitutes maintenance, such as replacement of deteriorated porches, decks, etc, including replacement of minor portions of conforming structures damaged by fire, snow, or other accident, does not require a permit. Conforming structures to be largely reconstructed following accidental damage must submit a permit application; the application fee will be waived if the replacement structure is the same size as or smaller than the damaged structure, in the same location as the damaged structure, and if the reconstruction will be completed within two years of the date that the damage was incurred.

K. No permit shall be issued if the project or use is inconsistent with the duly adopted Town Plan.

L. No permit shall take effect until the time for appeal has passed, or in the event that a notice of appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the Development Review Board is complete and the time for taking an appeal to the Environmental Court has passed without an appeal being taken. If an appeal is taken to the Environmental Court, the permit shall not take effect until the Environmental Court rules in accordance with 10 VSA sec. 8504 on whether to issue a stay, or until the expiration of 15 days, whichever comes first.

M. Each permit issued under this section shall contain a statement of the period of time within which an appeal may be taken and shall require posting of a notice of permit on a form prescribed by the municipality within view from the public right of way most nearly adjacent to the subject property until the time for appeal has passed. Within three days following the issuance of a permit, the Zoning Administrator shall:

    1. deliver a copy of the permit to the Listers of the municipality;
    2. post a copy of the permit in at least one public place in the municipality until the expiration of 15 days from the date of issuance of the permit;
    3. within 30 days after a municipal land use permit has been issued or within 30 days of the issuance of any notice of violation, the Zoning Administrator shall:
        a. deliver the original or a legible copy of the permit or notice of violation to the town clerk for recording; and
        b. file a copy of the permit in the municipal office where all such permits shall be kept.
    4. The Zoning Administrator shall charge the applicant for any cost of the recording fees that may be applicable.

Section II.04 Planning Commission

A. There is hereby established a Planning Commission for the Town of Northfield.

B. In order to provide flexibility to the municipality and help ensure a quorum, the Planning Commission may have up to nine members, with no fewer than five members appointed by the Selectboard.

C. The length of term shall be four years, with vacancies staggered so that not more than two seats are up for appointment at any one time.

D. All members of the Planning Commission shall be residents of the Town of Northfield.

E. Any member may be removed at any time by unanimous vote of the Selectboard.

F. Any appointment to fill a vacancy shall be for the unexpired term.

Section II.05 Development Review Board

A. There is hereby established a Development Review Board for the Town of Northfield.

B. Planning Commission members may serve on the Development Review Board.

C. The Development Review Board shall consist of five members, appointed by the Selectboard.

D. The length of term shall be four years, with vacancies staggered so that not more than two seats are up for appointment at any one time.

E. All members of the Development Review Board shall be residents of the Town.

F. Alternates may be appointed for a term to be determined by the Selectboard to serve on the Development Review Board in situations when one or more members of the board are disqualified or are otherwise unable to serve

G. Vacancies shall be filled by the ***legislative body*** for the unexpired terms and upon the expiration of such terms.

H. Each member of the Development Review Board may be removed for cause by the ***legislative body*** upon written charges and after public hearing.

I. The Development Review Board shall conduct all land development hearings.

Section II.06 Planning Commission and Development Review Board Operating Procedures

A. Both the Planning Commission and Development Review Board shall elect their own officers and adopt rules of procedure, subject to applicable state statutes, and shall

adopt rules of ethics with respect to conflicts of interest, and other such rules as they may deem necessary. Meetings of the Planning Commission and Development Review Board shall be held at the call of the chairperson and on a regular basis as outlined in the adopted Rules of Procedure. The officers of the respective Commission or Board may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under review. All meetings, except for deliberative and executive sessions, shall be open to the public. The Planning Commission and Development Review Board shall keep minutes of their proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating this, and shall keep records of their examinations and other official actions, all of which shall be filed immediately in the office of the clerk of the municipality as a public record. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of the members of the panel, and any action of the panel shall be taken by the concurrence of a majority of the panel.

B. The Development Review Board in connection with any proceeding under these bylaws may examine or cause to be examined any property, maps, books, or records bearing upon the matters concerned in that proceeding, may require the attendance of any ***person*** having knowledge in the premises, may take testimony and require proof material for their information, and may administer oaths or take acknowledgment in respect of those matters. Any of the powers granted this subsection may be delegated by it to a specifically authorized agent or representative, except in situations where the municipal administrative procedure act applies. In any hearing, there shall be an opportunity for each ***person*** wishing to achieve status as an interested ***person*** under subsection 4465(b) VSA Title 24 to demonstrate that the criteria set forth in that subsection are met, and the panel shall keep a written record of the name, address, and participation of each of these ***persons***.

C. The Planning Commission and Development Review Board may, with concurrence of the ***legislative body,*** employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. All members of the Planning Commission and Development Review Board may be reimbursed for necessary and reasonable expenses, including appropriate training offered by various entities within this state related to the work of the respective Commission or Board.

Section II.07 Hearing and Notice Requirements

A. All development review applications before either the Development Review Board under procedures set forth in these bylaws shall require notice as described in this Section.

B. A warned public hearing shall be required for conditional use review, ***variances***, Zoning Administrator appeals, and final plat review for ***subdivisions***. Any ***public notice*** for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all the following:

1. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected.

2. Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 VSA § 312(c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made.

3. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

C. ***Public notice*** for hearings on all other types of development review, including site plan review, shall be given not less than seven days prior to the date of the public hearing, and shall include at a minimum all the following:

1. Posting of the date, place, and purpose of the hearing in three or more public places within the municipality in conformance with the time and location requirements of 1 VSA § 312(c)(2).

2. Written notification to the applicant and to the owners of all properties adjoining the property subject to development, without regard to right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

D. The applicant shall be required to bear the cost of the public warning and the cost and responsibility of notification of adjoining landowners and those costs will be built into the fee structure. The Zoning Administrator shall keep records to demonstrate proof of delivery to adjoining landowners by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.

E. No defect in the form or substance of any requirements in Sections B or C of this Section shall invalidate the action of the Development Review Board where reasonable efforts are made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Environmental Court or by the applicable municipal panel itself, the action shall be remanded to the applicable municipal panel to provide new

posting and notice, hold a new hearing, and take a new action.

Section II.08 Decisions and Conditions

A. The Development Review Board may recess the proceedings on any application pending submission of additional information. The panel shall close the evidence promptly after all parties have submitted the requested information. The panel shall adjourn the hearing and issue a decision within 45 days after the adjournment of the hearing, and failure of the panel to issue a decision within this period shall be deemed approval and shall be effective on the 46th day. Deliberations will be conducted as outlined in the adopted Rules of Procedure. Decisions shall be issued in writing and shall include a statement of the factual bases on which the Development Review Board has made its conclusions and a statement of the conclusions. The minutes of the meeting may suffice, provided the factual bases and conclusions relating to the review standards are provided in conformance with this subsection.

B. In rendering a decision in favor of the applicant, the Development Review Board may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of these bylaws and the municipal plan then in effect. A permit may be conditioned on the submission of a bond, escrow account, or other surety in a form acceptable to the ***legislative body*** of the municipality to assure one or more of the following: the completion of the project, adequate stabilization, or protection of public facilities that may be affected by a project.

C. Any decision shall be sent by certified mail within the period set forth in section (1) of this subsection to the applicant and the appellant in matters on appeal. Copies of the decision shall also be mailed to every ***person*** or body appearing and having been heard at the hearing and a copy of the decision shall be filed with the Zoning Administrator and the clerk of the municipality as a part of the public records of the municipality.

D. Conditions may require that no zoning permit, except for any permits that may be required for infrastructure construction, may be issued for an approved development unless the streets and other required public improvements have been satisfactorily installed in accordance with the approval decision and pertinent bylaws. In lieu of the completion of the required public improvements, the Development Review Board may require from the owner for the benefit of the municipality a performance bond issued either by a bonding or surety company approved by the ***legislative body*** or by the owner with security acceptable to the ***legislative body*** in an amount sufficient to cover the full cost of those new streets and required improvements on or in those streets or highways and their maintenance for a period of two years after completion as is estimated by the Development Review Board or such municipal departments or officials as the panel may designate. This bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within the period fixed in the subdivision bylaws for that completion and for the maintenance of those improvements

for a period of two years after completion.

E. The ***Legislative Body*** may enter into an agreement governing any combination of the timing, financing, and coordination of private or public facilities and improvements in accordance with the terms and conditions of a municipal land use permit, provided that agreement is in compliance with all applicable bylaws in effect.

F. The performance bond required by this subsection shall run for a term to be fixed by the Development Review Board, but in no case for a longer term than three years. However, with the consent of the owner, the term of that bond may be extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided within the term of the performance bond, the bond shall be forfeited to the municipality and upon receipt of the proceeds of the bond, the municipality shall install or maintain such improvements as are covered by the performance bond.

Section II.09 Administrative Review.

In addition to the delegation of powers authorized under this chapter, bylaws may be adopted to establish procedures under which the Zoning Administrator may review and approve new ***development*** and amendments to previously approved ***development*** that would otherwise require review by the Development Review Board. If administrative review is authorized, the bylaws shall clearly specify the thresholds and conditions under which the Zoning Administrator classifies an application as eligible for administrative review. The thresholds and conditions shall be structured such that no new ***development*** shall be approved that results in a substantial impact under any of the standards set forth in the bylaws. No amendment issued as an administrative review shall have the effect of substantively altering any of the findings of fact of the most recent approval. Any decision by the Zoning Administrator under this Section may be appealed as provided in Section 2.18 of these regulations.

Section II.10 Conditional Uses

A. No zoning permit may be issued by the Zoning Administrator for any use or structure which requires conditional use authorization or approval in this Regulation unless and until the Development Review Board approves the proposed use or structure after ***public notice*** and hearing as prescribed in these bylaws, as conforming to the following standards.

B. A conditional use application may be approved or denied, and if approved, may carry conditions in accordance with these bylaws.

C. The proposed conditional use shall not result in an undue adverse effect on any of the following:

1. The capacity of existing or planned community facilities.

2. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.

3. Traffic on roads and highways in the vicinity.

4. Bylaws and ordinances then in effect.

5. Utilization of ***renewable energy resources***.

D. Minor Alterations

1. Alterations to an existing conditional use shall not require the review of the DRB when, in the opinion of the Zoning Administrator, the alteration has no potential to create an undue adverse effect under the review criteria of Section C. In such cases, the Zoning Administrator may review the application as a ***Permitted Use*** and may, using his/her sole discretion, issue a Zoning Permit.

2. Examples of Minor Alterations to existing conditional uses may include, but are not limited to, minor expansions to ***lot*** coverage through renovation or reconstruction (e.g., the replacement of a porch, deck, or roof), additions of up to 400 square feet to existing structures, ***accessory structures*** up to 400 square feet for the storage of maintenance equipment, and minor additions or alterations necessary for compliance with fire safety or building code requirements. The Zoning Administrator may also approve changes of use where no additional parking is required.

3. Any alteration that has the potential to increase the volume of business, expands the services offered by the conditional use, or otherwise has the potential to increase the intensity of use on the property shall not be considered minor, and shall require the review of the DRB.

Section II.11 Waivers

A. Exceptions to Setback and Density Requirements for all Existing ***Lots***. This provision is intended per 24 V.S.A. Section 4414(8) to provide relief to ***lots*** unduly burdened by zoning requirements adopted after the creation of said ***lots***. Requests for waivers are to be reviewed under Section 2.12: Conditional Use review standards in addition to the requirements below. The Development Review Board may grant a request for a waiver of the dimensional requirements if all of the following conditions are met.

1. The waiver is necessary to allow for a reasonable expansion of an existing or

proposed residential structure because of the existing configuration of ***development*** on the parcel, irregular lot configuration, or constraints arising from topography, flood hazards, or other natural conditions.

2. The ***principal use*** of the ***lot*** is a ***single-*** or ***two-family dwelling***.

3. There is no undue adverse impact on the use of the adjacent properties.

B. Setbacks: A structure may encroach into the required setback up to a distance equal to 50% of the setback requirement of the district. The applicant shall prove that the proposed structure cannot be reasonably constructed elsewhere on the ***lot*** so as not to encroach upon the setback requirements.

C. Density: A structure may exceed the density requirements for the district in which a waiver is requested provided that the request does not exceed 20% of the allowed density under the regulations.

D. Processing of a Request: Any request under this section may require the submission of survey data prepared by a licensed surveyor showing the location of affected property lines, existing and/or proposed structures, and any other information deemed necessary by the DRB.

Section II.12 Site Plan Approval

A. No permit shall be issued by the Zoning Administrator for any use or structure which requires site plan review and approval until the Development Review Board (DRB) grants that approval. In considering its action, the Board shall make findings on the specific standards contained herein, hold hearings and attach conditions as provided for in 24 V.S.A. §4416.

B. Site Plan Review Submittal Requirements

A site plan review application shall include the following information.

1. All property lines, dimensions, easements, right-of-ways located on the property
2. Setback distances to ***lot*** lines of all existing and proposed buildings
3. Location of any watercourses, wetlands, or other existing natural features on or adjacent to the property.
4. Identification of the scale of the drawing and an indicator showing North
5. A dimensional drawing(s) of the proposed project, drawn to scale, which shows all relevant features of the site or property, including grade and other physical features and points of ingress and egress to the site.
6. Proposed exterior lighting for all non-residential uses

7. Any and all other materials or information deemed necessary by the Development Review Board (DRB) and/or Zoning Administrator to determine approval or denial of a site plan.

C. Site Plan Review Standards

The Development Review Board (DRB) may approve or deny an application for site plan review and shall at a minimum consider and may impose conditions related to the following items. If any one or more of the items listed below are not relevant to an application, it shall be so stated by the Development Review Board (DRB) along with the reason(s) therefore in the record of the decision.

1. **Conformance with the Municipal Plan, policies, and regulations.** The proposed ***land development*** complies with or complements the policies, regulations, standards and goals of this zoning bylaw and the most recently adopted Municipal Plan.
2. **Parking.** The adequacy of parking and loading facilities, including their impacts on surrounding traffic patterns, shall conform to the following:
   a. Visibility of parking areas from off-site shall be minimized through the location, landscaping, and screening of such areas.
   b. Parking facilities for people with disabilities shall be adequate.
   c. Areas to accommodate refuse storage and disposal, snow removal and emergency access shall be provided.
3. **Traffic management, including ingress and egress of vehicles**
   a. The convenience and safety of vehicular movement within and adjacent to the site
   b. Consideration of access management in regards to entrances and exits for the site
4. **Pedestrian Access and Circulation.** Facilities designed to accommodate pedestrians shall meet all applicable safety standards.
5. **Exterior Lighting**
6. **Landscaping and Screening**
   a. Landscaping shall enhance the features and conditions unique to the each site and should include a combination of shade and street trees, shrubs, planting beds, and ground covers. Landscaping may be required in front and side yards and adjacent to parking areas for screening purposes.
7. **Nuisances:** Noise or other public nuisance stemming from the operation of the proposed ***development*** shall not interfere with adjacent uses.
8. **Stormwater & Drainage.** There shall be adequate consideration of stormwater runoff and drainage issues in order to minimize the impacts of any development on the adjacent property, environment and the Town. In instances involving the large-scale disturbance of the site, the creation of large expanses of impervious surfaces, ***development*** on slopes in excess of 15% and/or proximity to surface waters, the Development Review Board (DRB) may require a stormwater

management and erosion control plan prepared by a professional engineer licensed by the State of Vermont.

9. **Utilization of *renewable energy resources.*** Proposed ***development*** shall not interfere with the sustainable use of renewable energy resources by diminishing the future availability of such resources or by eliminating nearby property owners' access to such resources
10. **Municipal Services Impact Evaluation**. The Development Review Board (DRB) may require the applicant to provide statements from emergency services, utilities, or highway departments addressing potential effects of the proposed development on municipal services or conditions. Such statements shall be advisory.

D. Review Process

1. Conceptual Discussion.
   An applicant may schedule a preliminary conceptual discussion with the Planning Commission prior to developing and submitting a formal application for site plan review under Section 2.14.
   The purpose of such a discussion is to explore possible concepts for developing a site without requiring detailed surveying or engineering data. This is intended to be an informal exchange of ideas. It is not binding and is not intended to result in approvals or denials of development plans, nor does it imply approval or denial when formal application is made.
   Materials provided for the conceptual discussion should include a site plan showing major features of the site, north arrow, general location of the site within the municipality, and sketches of possible development approaches.
2. Final Site Plan Review
   Notice and decision procedures for final site plan review will be as described in 24 VSA 4464.

Section II.13 Subdivision

A. Purpose
It is the purpose of these provisions for subdivision review to assure the orderly growth and coordinated development in Northfield and to assure the comfort, convenience, safety, health and welfare of its citizens.

B. Authority
Pursuant to 24 V.S.A. section 4418, as amended, the Development Review Board (DRB) shall have the authority to review and approve, approve with conditions or deny an application for the subdivision of land pursuant to the standards in these Regulations.

C. Application Requirements
An applicant for a subdivision of land shall file an application for the approval of a final plat with the Zoning Administrator. The application shall consist of one or more maps or drawings, that conform with the requirements of 27 V.S.A. section 1403 with all

dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one hundred (100) feet to the inch, or not more than sixty (60) feet to the inch where lots have less than one hundred feet of frontage, showing or accompanied by the following information:

1. Name and address of the owner of record and applicant.
2. Name of owners of record of contiguous properties.
3. Date, true north arrow and scale (numerical and graphic).
4. Location map, showing relation of proposed subdivision to adjacent property and surrounding area.
5. Boundaries and area of:
   a. All contiguous land belonging to owner of record,
   b. The proposed subdivision, and
   c. Existing zoning districts (boundaries only).
6. Existing and proposed layout of property lines: type and location of existing and proposed restrictions on land, such as easements and covenants.
7. Location and size of existing and proposed streets and utilities.
8. A complete survey of the subdivision, prepared by a licensed land surveyor, showing the location, bearing and length of every street line, lot line and boundary line, and existing and proposed restrictions on the land, including but not limited to access ways and utility easements.

D. Review

1. Public hearing. A public hearing shall be held by the Development Review Board (DRB) after submission of the final plat and all required information to the Zoning Administrator. Said hearing shall be advertised and warned in accordance with the public notice provisions of the Vermont Planning and Development Act, Title 24 VSA Chapter 117. A copy of the notice shall be sent to the clerk of an adjacent municipality, in the case of a plat located within 500 feet of a municipal boundary, at least 15 days prior to the public hearing.
2. Attendance at public hearing required. The applicant, developer, or his duly authorized representative shall attend all required meetings and hearings held under the Northfield Zoning Regulation to review the applicant's or developer's application, including any public meetings or hearings which are continued to a specific time and date. The Development Review Board (DRB) may disapprove the applicant's or developer's application if he or his duly authorized representative fail to attend any such public meetings or hearings.
3. Subdivision layout. Lots shall be laid out in such a way that they can be developed in full compliance with this Northfield Zoning Regulation.
4. Action on Final Plat. The Development Review Board (DRB) shall, within forty-five (45) days after the close of the public hearing, approve, modify and approve, approve with conditions, or deny such plat. Failure to act within said forty-five (45) days shall be deemed approval. Copies of the Development Review Board (DRB) decision, along with findings of fact, shall be sent to the applicant. The Development

Review Board (DRB) may require certain streets and other improvements to be completed prior to or during specific phases of construction.

E. Final Plat Recording
   1. Recording Required. The approval of the Development Review Board (DRB), or the certification by the Clerk that the Development Review Board (DRB) failed to act within forty-five (45) days of the close of the public hearing held under the Northfield Zoning Regulations, shall expire 180 days from the approval or certification unless, within that 180-day period, that plat shall have been duly filed or recorded in the office of the Town Clerk.
   2. Endorsement. Every approved subdivision plat shall carry an endorsement on the copy to be filed with the Town Clerk stating that the plat has been approved by Decision of the Development Review Board (DRB), and specifying the date of such approval, subject to the requirements of said conditions of said Decision, and signed and dated by the Chair or Clerk of the Development Review Board (DRB).
   3. Plat Void if Revised After Approval. No changes, erasures, modifications, or revisions shall be made on any subdivision plat after approval has been given by the Planning Commission and endorsed in writing on the plat, unless said plat is first resubmitted to the Development Review Board (DRB) and the Development Review Board (DRB) approves any modification. In the event that such subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void and the Zoning Administrator shall issue a notice of violation.

Section II.14 Planned Unit Development

A. Where permitted in the zoning districts, modification of the district regulations by the Development Review Board (DRB) is permitted simultaneously with site plan approval under the procedures described in this Section.

B. The purpose of the Planned Unit Development (PUD) provision is to encourage innovation in design and layout and more efficient use of land; to facilitate the adequate and economic provision of streets and utilities; to preserve the natural and scenic qualities of open land; to provide for a mixture of compatible uses; to promote an improved level of amenities, appropriate and harmonious variety, creative design and a better environment; and to provide for the development of existing ***lots*** which, because of physical, topographical or geological conditions could not otherwise be developed.

C. Possible purposes, as presented in 24 VSA 4417:

   D. (1) To encourage compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential uses or nonresidential uses, or both, especially in downtowns, village centers, new town centers, and associated neighborhoods.

E. (2) To implement the policies of the municipal plan, such as the provision of affordable housing.

F. (3) To encourage any development in the countryside to be compatible with the use and character of surrounding rural lands.

G. (4) To provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals for the area as articulated in the municipal plan and bylaws within the particular character of the site and its surroundings.

H. (5) To provide for the conservation of open space features recognized as worthy of conservation in the municipal plan and bylaws, such as the preservation of agricultural land, forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.

I. (6) To provide for efficient use of public facilities and infrastructure.

J. (7) To encourage and preserve opportunities for energy-efficient development and redevelopment.

K. Allowed uses in a PUD shall be limited to combinations of two or more of the following; clustered ***single- or two-family dwelling units, multi-family dwelling units***, hotels, motels or other transient lodging facilities, shops related solely to on-premise recreational facilities, downhill or cross country ski facilities, restaurant or other dining facilities, and facilities necessary for the operation of the development by the developer or homeowners' association.

L. The following specific standards shall be met in order for the Development Review Board (DRB) to approve the application.
   1. The area occupied by buildings and structures shall not exceed thirty percent (30%) of the total acreage of the PUD.
   2. Residential density is established by subtracting from the total acreage the amount of land for streets, and determining the number of ***dwelling units*** that could be built under the zoning district regulations (one ***dwelling unit*** per five acres).
   3. Not less than fifty percent (50%) of the area of the property shall be open space devoted to planting, patios, walkways and recreational areas which are accessible and available for the collective use and benefit of the occupants of the development. . A maximum of one-half of the open space may be areas covered by water.

4. All common open space in a PUD must be conveyed to a funded trust or homeowners' association. The terms of the conveyance must include provisions for guaranteeing:
    a. The continued use of the land for the intended purposes;
    b. Continuance of proper maintenance of the open space;
    c. The availability of funds for proper open space maintenance.
5. Every ***dwelling unit*** shall have access to a public street, walkway or other area dedicated to common use.
6. ***Dwelling units*** shall be assured reasonable visual and aural privacy;
7. Two ***parking spaces*** per ***dwelling unit,*** convenient to those units, shall be provided. For any uses other than residential, parking spaces shall be provided at a level set by the Development Review Board (DRB) in consultation with the developer. Screening of parking and service areas from adjacent structures may be required by the Development Review Board (DRB).
8. All off street parking shall be adequately lighted. All lighting shall be arranged so as to direct light away from adjoining residences.
9. Structures located on the perimeter of the development shall be setback in accordance with the provisions of the zoning district requirements within which the PUD is situated and screened in a manner approved by the Development Review Board (DRB).
10. A homeowners' association must be formed before any ***dwelling units*** are sold. Provisions governing the association shall include, but not be limited to, the following:
    a. Membership must be mandatory for each home buyer and any succeeding buyer.
    b. If the common open space is deeded to the association, the open space restrictions must be permanent.
    c. The association must be responsible for liability insurance, municipal taxes and the maintenance of recreational and other facilities.
    d. Homeowners must pay their pro rata share of the cost. Assessments levied by the association can become liens on the property.
    e. The association must be able to adjust the assessment to meet changed needs.
11. Energy conservation measures are encouraged. The use of electricity for heating is strongly discouraged. If electricity is used for heating, it should be used off peak.
12. Pursuant to Act 115 24 VSA Sec. 4412(1)(A), in accordance with Item 7 of Policies within Section 4.7 of the Northfield Town Plan and consistent with ***"Affordable Housing Development"*** as explained in Article VII: Definitions; any future Planned unit Development in the Town of Northfield shall include an ***Affordable Housing*** component.

M. Application Procedure

1. Pre-application Conference

    a. One or more pre-application conferences shall be held with the applicant, Development Review Board (DRB), and interested municipal officials to exchange information and reach an understanding of the nature and scope of the proposal, municipal requirements and quantitative data necessary for a preliminary application.

    b. At least one week prior to the first pre-application conference, the applicant shall submit to the Development Review Board (DRB) sketch plans and basic site information with respect to proposed land uses, adjacent land uses, proposed density and the treatment of open space.

    c. The Development Review Board (DRB) shall furnish the applicant with written comments and appropriate recommendations with respect to the pre-application conference to inform and assist the applicant in the preparation of the preliminary PUD application.

2. Preliminary Development Plan Application and Review

    a. All PUD applications shall be submitted to the Development Review Board (DRB) in the form prescribed by the Development Review Board (DRB). The Development Review Board (DRB) shall charge for the processing of applications a fee established by the selectmen, payable with the submission of the preliminary development plan.

    b. The PUD application shall include the following information.

        i. A statement by the applicant describing the character of the development and the reasons for the particular approach proposed;

        ii. A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed;

        iii. Quantitative data indicating the total number and type of ***dwelling units*** and other uses, parcel size, proposed ***lot*** coverage of buildings and structures, residential density, amount of ***usable open space*** and total amount of non-residential and institutional construction;

        iv. Maps of existing site conditions, including contours at five foot intervals, water courses, flood plains, unique and natural features and forest cover;

        v. The location, ground coverage, ***floor area*** size and maximum heights of all

existing and proposed structures, types of ***dwelling units*** and nonresidential structures and density per type;

vi. The location and size of all land areas to be conveyed, dedicated, or reserved as common open space, parks, recreational areas, etc.;

vii. The existing and proposed pedestrian and vehicular circulation systems, including off street parking areas, service areas, loading areas and points of access to public rights of way;

viii. Existing and proposed utility systems;

ix. General landscaping and grading plans;

x. Unique natural features;

xi. The proposed treatment of the perimeter of the PUD, including materials and techniques used for buffers and scenery; and

xii. Any additional information required by the Development Review Board (DRB) to enable it to evaluate the character and impact of the proposed PUD.

c. After reviewing the preliminary development plan application, the Development Review Board (DRB) shall advise the applicant of any specific changes or additions it will require as a condition of approval of the PUD proposal. Preliminary approval shall constitute authorization to prepare and submit a final development plan application, and shall be valid for a period of one year.

3. Final Development Plan Application and Review

a. Following approval of the preliminary development plan, the applicant shall file with the Development Review Board (DRB) an application for final approval. The application shall include specific information on all changes in, or modifications of, the approved preliminary application.

b. In order to ensure completion of a PUD as approved by the Development Review Board (DRB), the Board shall require the posting of a performance bond in an amount to be determined by the Board.

4. Public Hearing

Within 30 days of receipt of a final development plan application, the Development Review Board (DRB) shall hold the first of one or more public hearings, after ***public notice***.

5. Determination

   Within 45 days after the final public hearing held under Section 4.D. above, the Development Review Board (DRB) shall approve, modify and approve, or disapprove the PUD by resolution, which shall specify any conditions to which the approval is subject, or reasons for disapproval. The applicant shall be notified by certified mail.

6. Within 90 days of the Development Review Board's (DRB) approval, the PUD shall be filed or recorded by the developer in the office of the Town Clerk.

N. Phasing: Open space and recreational facilities shall be provided in each stage of the project in proportion to the number of ***dwelling units*** to be developed for the stage of construction approved by the Development Review Board (DRB).

Section II.15 Appeals

A. Appeals of decisions of the Zoning Administrator

1. An interested ***person*** may appeal any decision or act taken by the Zoning Administrator by filing a notice of appeal with the secretary of the Development Review Board or with the clerk of the Town of Northfield if no such secretary has been elected. This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the Zoning Administrator.

2. For the purposes of this regulation, an interested ***person*** means any one of the following.

   a. A ***person*** owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

   b. The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.

   c. A ***person*** owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if

confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.

d. Any ten ***persons*** who may be any combination of voters or real property owners within a municipality listed in section (b) of this subsection who, by signed petition to the Zoning Administrator of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a ***person*** under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the Zoning Administrator must designate one ***person*** to serve as the representative of the petitioners regarding all matters related to the appeal.

e. Any department and administrative division of this state owning property or any interest in property within a municipality listed in section (b) of this subsection, and the Agency of Commerce and Community Development of this state.

3. In the exercise of its functions under this section, the Development Review Board shall have the following powers, in addition to those specifically provided for elsewhere in these regulations:

   a. To hear and decide appeals taken under this section, including, without limitation, where it is alleged that an error has been committed in any order, requirement, decision, or determination made by the Zoning Administrator under this chapter in connection with the administration or enforcement of a bylaw.

   b. To hear and grant or deny a request for a ***variance*** under section 2.18 (E) of these bylaws.

B. Notice of appeal: A notice of appeal shall be in writing and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant, and the alleged grounds why the requested relief is believed proper under the circumstances.

C. Stay of enforcement: If a notice of appeal includes a request for a stay of enforcement, and states the grounds for such request with a statement under oath by the appellant that irremediable damage will directly result if such stay is not granted, the Development Review Board may grant a stay of enforcement of the regulatory provisions referred to in the notice of appeal, under such terms and conditions, including, without limitation, a bond to be furnished by the appellant, as the Development Review Board deems in its judgment and discretion appropriate under the circumstances. Any stay of enforcement granted under this section shall expire upon the expiration of the time to appeal to the Superior Court. The grant or denial of a request for a stay shall be given in

writing by the Development Review Board, and shall be sent by registered or certified mail, or delivered, to the appellant within fifteen days of the filing of the notice of appeal with the Development Review Board. Whenever practicable, the Development Review Board shall conduct a hearing before deciding on a request for a stay. Any hearing under this section shall be held after publication of notice thereof in a newspaper of general daily or weekly circulation in the municipality, in two public places within the municipality, and by mail to the appellant, at least five days prior to the hearing date. However, the Development Review Board may give abbreviated notice where in its judgment circumstances require prompt action.

D. Hearing on appeal: The Development Review Board shall set a date and place for a public hearing of an appeal under this chapter that shall be within 60 days of the filing of the notice of appeal under section 24 VSA 4465 . The Zoning Administrator shall give ***public notice*** of the hearing and shall mail to the appellant a copy of that notice at least 15 days prior to the hearing date. Any ***person*** or body empowered by 24 VSA 4465 of to take an appeal with respect to that property at issue may appear and be heard in person or be represented by an agent or attorney at the hearing. Any hearing held under this section may be adjourned by the Development Review Board from time to time; provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All hearings under this section shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 VSA 810.

E. Appeal; ***variances***

1. On an appeal under 24 VSA 4465 or 4471 in which a ***variance*** from the provisions of a bylaw or interim bylaw is requested for a structure that is not primarily a ***renewable energy resource*** structure, the Development Review Board shall grant ***variances*** and render a decision in favor of the appellant, if all the following facts are found, and the finding is specified in its decision:

    a. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of ***lot*** size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.

    b. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a ***variance*** is therefore necessary to enable the reasonable use of the property.

c. Unnecessary hardship has not been created by the appellant.

d. The ***variance***, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or ***development*** of adjacent property, reduce access to ***renewable energy resources***, or be detrimental to the public welfare.

e. The ***variance***, if authorized, will represent the minimum ***variance*** that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

2. On an appeal under section 4465 or 4471 VSA Title 24 in which a ***variance*** from the provisions of a bylaw or interim bylaw is requested for a structure that is primarily a ***renewable energy resource*** structure, the Development Review Board or the Environmental Court may grant that ***variance*** and render a decision in favor of the appellant if all the following facts are found, and the finding is specified in its decision:

   a. It is unusually difficult or unduly expensive for the appellant to build a suitable ***renewable energy resource*** structure in conformance with the bylaws.

   b. The hardship was not created by the appellant.

   c. The ***variance***, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or ***development*** of adjacent property, reduce access to ***renewable energy resources***, or be detrimental to the public welfare.

   d. The ***variance***, if authorized, will represent the minimum ***variance*** that will afford relief and will represent the least deviation possible from the bylaws and from the plan.

3. In rendering a decision in favor of an appellant under this section, the Development Review Board or the Environmental Court may attach such conditions to ***variances*** as it may consider necessary and appropriate under the circumstances to implement the purposes of this chapter and the plan of the municipality then in effect.

F. Decisions on appeal

1. The Development Review Board shall render its decision, which shall include findings of fact, within forty-five days after completing the hearing, and shall within that

period send to the appellant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every ***person*** or body appearing and having been heard at the hearing and a copy thereof shall be filed with the Zoning Administrator and the clerk of the municipality as a part of the public records thereof. If the Development Review Board does not render its decision within the period prescribed by this chapter, the board shall be deemed to have rendered a decision in favor of the appellant and granted the relief requested by the applicant on the last day of such period.

2. The Development Review Board may reject an appeal without hearing and render a decision, which shall include findings of fact within ten days of the date of filing of the notice of appeal, if the Development Review Board considers the issues raised by the appellant in his or her appeal have been decided in an earlier appeal or the same in substantially or materially the same facts by or on behalf of that appellant, such decision shall be rendered, on notice given, as in the case of a decision under subsection (1) of this section, and shall constitute a decision of the Development Review Board for the purpose of 24 VSA 4471.
3. The municipality shall enforce all decisions of the Development Review Board, and further, the Environmental Court shall enforce such decisions upon petition, complaint or appeal or other means in accordance with the laws of this state by such municipality or any interested ***person*** by means of mandamus, injunction, process of contempt, or otherwise.

G. Appeal to Environmental Court

1. An interested ***person*** who has participated in a municipal regulatory proceeding authorized within this bylaw may appeal a decision rendered in that proceeding by the Appropriate Municipal Panel to the Environmental Court. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. An appeal from a decision of the Appropriate Municipal Panel, or from a decision of the municipal ***Legislative Body*** under 24 VSA 4415(d), shall be taken in such manner as the Supreme Court may by rule provide for appeals from state agencies governed by 3 VSA 801-816.
2. Notice of the appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the municipal clerk or the Zoning Administrator, if so designated, who shall supply a list of interested ***persons*** to the appellant within five working days. Upon receipt of the list of interested ***persons***, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested ***person***, and, if any one or more of those ***persons*** are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

Section II.16 Enforcement and Penalties

A. Enforcement; penalties

1. Any ***person*** who violates this bylaw or who violates a comparable ordinance or regulation adopted under prior enabling laws shall be fined not more than $100.00 for each offense. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of bylaws shall be paid over to the municipality. No action may be brought under this section unless the alleged offender has had at least seven days' warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation of the bylaw or ordinance after the seven-day notice period and within the next succeeding 12 months. The seven-day warning notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violation within the seven days; and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. In default of payment of the fine, the ***person***, the members of any partnership, or the principal officers of the corporation shall each pay double the amount of the fine.
2. Any ***person*** who, being the owner or agent of the owner of any ***lot***, tract, or parcel of land, lays out, constructs, opens, or dedicates any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or sells, transfers, or agrees or enters into an agreement to sell any land in a ***subdivision*** or ***land development*** whether by reference to or by other use of a ***plat*** of that ***subdivision*** or ***land development*** or otherwise, or erects any ***structure*** on that land, unless a final ***plat*** has been prepared in full compliance with this chapter and the bylaws adopted under this chapter and has been recorded as provided in this chapter, shall be fined not more than $100.00, and each ***lot*** or parcel so transferred or sold or agreed or included in a contract to be sold shall be deemed a separate violation. All fines collected for these violations shall be paid over to the municipality. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from these penalties or from the remedies provided in 24 VSA 117.

B. Enforcement; remedies

If any street, building, structure, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of any bylaw adopted under this chapter, the Zoning Administrator shall institute in the name of the municipality any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate that construction or use, or to prevent, in or about those premises, any act, conduct, business, or use constituting a violation. A court action under this section may be initiated in Environmental Court, or as appropriate, before the judicial bureau, as

provided under 24 VSA 1974a.

C. Enforcement; limitations

1. An action, injunction, or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required municipal land use permit may be instituted under sections 24 VSA 1974a, 4451, or 4452 against the alleged offender if the action, injunction, or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred and not thereafter. The burden of proving the date the alleged violation first occurred shall be on the ***person*** against whom the enforcement action is instituted.
2. No action, injunction, or other enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit that received final approval from the applicable board, commissioner, or officer of the municipality after July 1, 1998, unless the municipal land use permit or a notice of the permit generally in the form provided for in subsection 24 VSA 1154(c) was recorded in the land records of the municipality as required by subsection 24 VSA 4449(c).
3. Nothing in this section shall prevent any action, injunction, or other enforcement proceeding by a municipality under any other authority it may have, including a municipality's authority under 18 VSA, relating to the authority to abate or remove public health risks or hazards.
4. a. As used in this section, "***person***" means any of the following:

    i. An individual, partnership, corporation, association, unincorporated organization, trust, or other legal or commercial entity, including a joint venture or affiliated ownership.

    ii. A municipality or state agency.

    iii. Individuals and entities affiliated with each other for profit, consideration, or any other beneficial interest derived from real estate.

   b. The following individuals and entities shall be presumed not to be affiliated with a ***person*** for the purpose of profit, consideration, or other beneficial interest within the meaning of this section, unless there is substantial evidence of an intent to evade the purposes of this section:

    i. A stockholder in a corporation shall be presumed not to be affiliated with a ***person*** solely on the basis of being a stockholder if the stockholder owns, controls, or has a beneficial interest in less than five percent of the outstanding shares in the corporation.

    ii. An individual shall be presumed not to be affiliated with a ***person*** solely for actions taken as an agent of another within the normal scope of duties of a

court-appointed guardian, licensed attorney, real estate broker or salesperson, engineer, or land surveyor, unless the compensation received or beneficial interest obtained as a result of these duties indicates more than an agency relationship.

iii. (C) A seller or chartered lending institution shall be presumed not to be affiliated with a ***person*** solely for financing all or a portion of the purchase price at rates not substantially higher than prevailing lending rates in the community.

Article III. Adoption of Bylaws, Amendments, Interpretation and Effective Date

Section III.01 Preparation and Adoption of Bylaws and Regulatory Tools; Amendment or Repeal

A. Any bylaw shall be prepared by or at the direction of the Planning Commission and shall have the purpose of implementing the plan. An amendment or repeal of a bylaw may be prepared by the Planning Commission or by any other ***person*** or body.

B. A proposed amendment or repeal prepared by a ***person*** or body other than the Planning Commission shall be submitted in writing along with any supporting documents to the Planning Commission. The Planning Commission may then proceed under this section as if the amendment or repeal had been prepared by the Commission. However, if the proposed amendment or repeal of a bylaw is supported by a petition signed by not less than five percent of the voters of the municipality, the Commission shall correct any ***technical deficiency*** and shall, without otherwise changing the amendment or repeal, promptly proceed in accordance with subsections (c) through (g) of this section, as if it had been prepared by the Commission.

C. When considering an amendment to a bylaw, the Planning Commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and 24 VSA 4384(c) concerning plan amendments. The Department of Housing and Community Affairs shall provide all municipalities with a form for this report. The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under 24 VSA 4444, and shall include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and ***affordable housing***.

2. Is compatible with the proposed future land uses and densities of the municipal plan.

3. Carries out, as applicable, any specific proposals for any planned community facilities.

D. The Planning Commission shall hold at least one public hearing within the municipality after ***public notice*** on any proposed bylaw, amendment, or repeal.

E. At least 15 days prior to the first hearing, a copy of the proposed bylaw, amendment, or repeal and the written report shall be delivered with proof of receipt, or mailed by certified mail, return receipt requested, to each of the following:

1. The chairperson of the Planning Commission of each abutting municipality, or in the absence of any Planning Commission in a municipality, the clerk of that abutting municipality.

2. The executive director of the Central Vermont Regional Planning Commission.

3. The Department of Housing and Community Affairs within the Agency of Commerce and Community Development.

F. Any of the bodies identified in subsection E of this section, or their representatives, may submit comments on the proposed bylaw, amendment, or repeal to the Planning Commission, or may appear and be heard in any proceeding with respect to the adoption of the proposed bylaw, amendment, or repeal.

G. The Planning Commission may make revisions to a proposed bylaw, amendment, or repeal and to the written report, and shall then submit the proposed bylaw, amendment, or repeal and the written report to the ***legislative body*** of the municipality. However, if requested by the ***legislative body*** or if a proposed amendment was supported by a petition signed by not less than five percent of the voters of the municipality, the Planning Commission shall promptly submit the amendment, with changes only to correct technical deficiencies, to the ***legislative body*** of the municipality, together with any recommendation or opinion it considers appropriate. Simultaneously with the submission, the Planning Commission shall file with the clerk of the municipality a copy of the proposed bylaw, amendment, or repeal, and the written report for public review.

H. If a ***public notice*** for a first public hearing pursuant to the proposal of or amendment to

any portion of these bylaws is posted by the Selectboard, the Zoning Administrator, the Planning Commission and the Development Review Board, for a period of 150 days following such notice shall review any new application filed after the date of the notice under the proposed bylaw or amendment and applicable existing bylaws and ordinances. If the new bylaw or amendment has not been adopted by the conclusion of the 150 day period or if the proposed bylaw or amendment is rejected, the permit shall be reviewed under existing bylaws and ordinances. An application that has been denied under a proposed bylaw or amendment that has been rejected or that has not been adopted within the 150 day period shall be reviewed again, at no cost to the applicant, under the existing bylaws and ordinances, upon request of the applicant. Any determination by the Zoning Administrator, the Planning Commission and the Development Review Board under this section shall be subject to appeal as provided in these bylaws.

Section III.02 Adoption of Bylaws and Related Regulatory Tools; Amendment or Repeal

A. **Public hearings**. Not less than 15 nor more than 120 days after a proposed bylaw, amendment, or repeal is submitted to the ***Legislative Body*** of a municipality under section 4441 VSA Title 24, the ***Legislative Body*** shall hold the first of one or more public hearings, after ***public notice***, on the proposed bylaw, amendment, or repeal, and shall make copies of the proposal and the written report of the Planning Commission available to the public upon request. Failure to hold a hearing within the 120 days shall not invalidate the adoption of the bylaw or amendment or the validity of any repeal.

B. **Amendment of proposal**. The ***Legislative Body*** may make minor changes to the proposed bylaw, amendment, or repeal, but shall not do so less than 14 days prior to the final public hearing. If the ***Legislative Body*** at any time makes substantial changes in the concept, meaning, or extent of the proposed bylaw, amendment, or repeal, it shall warn a new public hearing or hearings under subsection (a) of this section. If any part of the proposal is changed, the ***Legislative Body*** at least 10 days prior to the hearing shall file a copy of the changed proposal with the clerk of the municipality and with the Planning Commission. The Planning Commission shall amend the report prepared pursuant to subsection 4441(c) VSA Title 24 to reflect the changes made by the ***Legislative Body*** and shall submit that amended report to the ***Legislative Body*** at or prior to the public hearing.

C. **Routine adoption**. A bylaw, amendment, or repeal shall be adopted by a majority of the members of the ***Legislative Body*** at a meeting that is held after the final public hearing, and shall be effective 21 days after adoption.

D. **Petition for popular vote**. Notwithstanding subsection (c) of this section, a vote by the Legislative Body on a bylaw, amendment, or repeal shall not take effect if five percent of

the voters of the municipality petition for a meeting of the municipality to consider the bylaw, amendment, or repeal, and the petition is filed within 20 days of the vote. In that case, a meeting of the municipality shall be duly warned for the purpose of acting by Australian ballot upon the bylaw, amendment, or repeal.

E. **Multipurpose hearings**. Nothing contained in this bylaw shall be construed to prohibit any public hearing held under this section to be held for more than one purpose under this bylaw. A municipality may prepare and adopt a plan, one or more bylaws, and a capital budget and program in the same proceedings. However, all the provisions of this chapter applicable to each purpose of the hearing shall be complied with.

F. **Time for action**. If the proposed bylaw, amendment, or repeal is not approved or rejected under subsection (c) of this section within one year of the date of the final hearing of the Planning Commission, it shall be considered disapproved unless five percent of the voters of the municipality petition for a meeting of the municipality to consider the bylaw, amendment, or repeal, and the petition is filed within 60 days of the end of that year. In that case, a meeting of the municipality shall be duly warned for the purpose of acting upon the bylaw, amendment, or repeal by Australian ballot.

Section III.03 Public Hearing Notice for Adoption, Amendment, or Repeal of Bylaw

A. Any ***public notice*** required for public hearing under this subchapter shall be given not less than 15 days prior to the date of the public hearing by:

1. the publication of the date, place, and purpose of the hearing in a newspaper of general circulation in Northfield;

2. the posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 VSA § 312(c)(2); and

3. compliance with Subsections B or C of this section.

B. The municipality may complete public notice commenced under Subsection A of this section by publishing and posting the full text of the proposed material or by publishing and posting the following:

1. A statement of purpose.

2. A map or description of the geographic areas affected.

3. A table of contents or list of section headings.

4. A description of a place within the municipality where the full text may be examined.

C. As an alternative to the publication and posting provisions established under subsection B of this section, the municipality may make reasonable effort to mail or deliver copies of the full text or the material specified in subsections B.1 through B.4, together with the public hearing notice of the proposed material and the public hearing notice to each voter, as evidenced by the voter checklist of the municipality, and to each owner of land within the municipality, as evidenced by the grand list of the municipality.

D. No defect in the form or substance of any public hearing notice under this chapter shall invalidate the adoption, amendment, or repeal of any plan, bylaw, or capital budget and program. However, the action shall be invalidated if the notice is materially misleading in content or fails to include one of the elements required by subsection B of this section or if the defect was the result of a deliberate or intentional act.

Section III.04 Interpretation

In their interpretation and application, the provisions of this regulation shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this Regulation to repeal, abrogate, annul, or in any way to impair or interfere with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelter or premises; nor is it intended by this Regulation to interfere with or abrogate or annul any easements, covenants or other agreements between parties. Provided that, in accordance with Section 404(c) of these bylaws, any ***land development*** that is subject to regulation under state statutes, the more stringent or restrictive regulation shall apply.

Section III.05 Severability

Should any section or provision of this regulation be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Regulation as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Article IV. General Regulations

Section IV.01 Principal Uses and Structures

There shall be only one principal building or structure on a lot and only one principal use per lot, except in districts where mixed uses are allowed (Village Center and Mixed Use) or through PUD approval by AMP.

Section IV.02 Exemptions

A. The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

   1. State- or community-owned and operated institutions and facilities.

   2. Public and private schools and other educational institutions certified by the state department of education.

   3. Churches and other places of worship, convents, and parish houses.

   4. Public and private hospitals.

   5. Regional solid waste management facilities certified under 10 VSA Chapter 159.

   6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 VSA §6606a.

B. These bylaws shall not regulate public utility power generating plants and transmission facilities regulated under 30 VSA §248.

C. No dimensional ***lot*** requirement of a zoning ordinance or by-law, including but not limited to, set back, front yard, side yard, rear yard, and open space shall apply to structures to be used solely for the purpose of facilitating ingress or egress of a physically handicapped person, as defined in 9 VSA 4501(2), when such structure is being added to an existing residence or facility (this exemption does not apply to new ***principal structures***).

D. Except as otherwise provided by this section and by 10 VSA §1976, if any bylaw is enacted with respect to any ***land development*** that is subject to regulation under state statutes, the more stringent or restrictive regulation applicable shall apply.

E. These bylaws shall not regulate accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation, respectively, under 10 VSA §1021(f) and §1259(f) and 6 VSA §4810.

   1. For purposes of this section, "farm structure" means a building, enclosure, or ***fence*** for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in 10 VSA §6001(22), but excludes a ***dwelling*** for human

habitation.

2. A ***person*** shall notify the municipality in writing of the intent to build a farm structure and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets. No permit for a farm structure shall be required.

F. Any bylaw enacted in this regulation shall be subject to the restrictions created under 24 VSA §2295, with respect to the limits on municipal power to regulate hunting, fishing, trapping, and other activities specified under that section.

Section IV.03 Home Occupations

A. A home occupation is a use of an ***accessory structure*** or minor portion of a ***dwelling*** for an occupation which is customary in residential areas, and which does not change the character thereof, including but not limited to: dressmaking, home cooking, teaching (limited to not more than four pupils at any one time), tourist or rooming house (no more than two tourists or roomers at any one time), photo studio, attorney, architect, accountant, real estate broker, insurance agent, psychologist, furniture making, repair or refinishing, cabinet making, bicycle repair, barber shop, beauty parlor, fix-it shop, print shop, shoe making or repair, and any and all other home occupation uses which are customary in residential areas and which do not change the character thereof.

The following do not qualify as home occupations: the sale of property at retail, unless as a minor or subordinate part of a permitted home occupation use; commercial stable or kennel; restaurant; tea room; musical or dance instruction to groups; medical office or clinic; garage or shop for the repair of motor vehicles; machine shop; mortuary; antique shop, gift shop; or uses similar to the foregoing.

B. Home occupations are subject to the following conditions.

1. The home occupation shall be operated by a member or members of the ***family*** residing in the ***principal structure*** .

2. Not more than one person who is not a ***family*** member residing in the ***principal structure*** shall be employed or conduct business from the premises.

3. The home occupation shall be operated wholly within the ***principal structure*** or an ***accessory structure*** and no goods, materials, or products shall be publicly displayed on the premises.

4. The home occupation shall not change the character of the neighborhood as detailed in subsection (F) below.

5. There shall be no exterior storage of materials, and no other exterior indication of the home occupation.

6. The home occupation shall not generate noise that is a nuisance to abutting property owners.

7. The home occupation shall not generate traffic beyond the level and type normally generated by a residence in the neighborhood.

8. Home occupations located in the residential, recreational, agricultural or conservation and forestry district shall require conditional use approval under section 2.12 of this bylaw. The owner of a home occupation located in any other district shall be required to obtain a home occupation permit that may be issued by the Zoning Administrator.

C. ***Sign*** - There shall be allowed for each home occupation, including a ***single-family dwelling*** pre-existing in non-residential zones, one ***sign***, which must be authorized by the Development Review Board (DRB) under Section 4.12 of these regulations, and which is constrained by the limits outlined below.

1. A flat ***sign*** flush-mounted to the structure's façade, not to exceed four square feet in ***sign*** area; or
2. An overhanging ***sign*** projecting from the structure, not to exceed four square feet in sign area; or
3. A freestanding ***sign*** not to exceed four square feet in ***sign*** area.
4. No ***sign*** shall be illuminated.
5. No ***sign*** shall be located within ten feet of a front ***lot line***.

D. **Parking:** A ***person*** using a ***dwelling*** for a home occupation shall provide, in addition to the ***parking spaces*** required for the ***dwelling***, two off-street ***parking spaces*** on the same ***lot*** or on a ***lot*** adjacent thereto under the same ownership or under a permanent easement.

E. The above regulations shall not, however, be construed to infringe upon the right of any ***person*** to use a minor portion of their ***dwelling*** for an occupation which is customary in residential areas and which does not change the character thereof, as provided in 24 VSA § 4406. In cases where use as a home occupation is denied because it does not comply with Subsections A-D above, the applicant may appeal to the Development Review Board. The appeal shall include consideration of the requirements of 24 V.S.A. § 4406(3), the provisions of Subsections A-D above, and application of the criteria in Subsection F of this Section.

F. **Character of the Area or Neighborhood:** When considering the character of the area affected, the neighborhood impact shall be considered. "Neighborhood" means in the same area; nearby; the state or quality of being neighbors; including but not limited to

the area within sight and/or sound. "Character of a neighborhood" refers to the distinctive traits, qualities or attributes; its appearance and essential nature, pattern of uses, and sense of community; the factors which give it identity. A goal of the Town Plan is to allow for appropriate mixed uses to generally encourage balanced diversity, while protecting the essential character of neighborhoods. The existence of one conditional use in a residential neighborhood will not necessarily be interpreted as justification for another similar conditional use to be located there.

When considering the "character of the area or neighborhood", the Development Review Board should consider the following criteria.

1. Existing neighborhood uses, types of buildings, noise, and traffic

2. Town Plan objectives: planned future neighborhoods, and neighborhood character enhancement

3. Historic buildings & features, uniformity or mix of uses & buildings, mass and spacing of buildings, scenic views, aesthetics, open space

4. Privacy, security, identity, sense of community and cohesion.

G. Pre-existing Business or Service Uses in Homes

Home occupations in existence prior to the adoption of this bylaw shall be deemed ***non-conforming*** uses and shall be subject to the provisions of section 4.05 below.

H. A home occupation permit shall not follow the land. Therefore, the permit expires when the individual to whom the permit was granted no longer resides on the premises. If another individual wishes to continue a particular home occupation, he or she shall apply to the Zoning Administrator for a permit.

Section IV.04 Existing Small Lots

A. Except as provided in subsection B, any ***lot*** in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of said Regulation may be developed for purposes permitted in the district in which it is located, even though not conforming to minimum ***lot*** size requirements, if such ***lot*** is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet.

B. If an existing small ***lot*** subsequently comes under common ownership with one or more contiguous ***lots*** after the effective date of said Regulations, the ***nonconforming lot*** shall be deemed merged with the contiguous ***lot***. However, a ***nonconforming lot*** shall not be deemed merged and may be separately conveyed if all the following apply:
   1. The ***lots*** are conveyed in their preexisting***, nonconforming*** configuration.
   2. On the effective date of any bylaw, each ***lot*** was developed with a water supply and

wastewater disposal system.

3. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.
4. The deeds of conveyance create appropriate easements on both ***lots*** for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 VSA Chapter 64.

Section IV.05 Lot Line Adjustments

A. Purpose. The regulations for ***lot line*** adjustments provide for an abbreviated review and approval process for the realignment or relocation of lot boundary lines between existing adjacent lots.

B. Requirements. The realignment or relocation of ***lot lines*** between existing adjacent ***lots*** may be approved by the Zoning Administrator without Development Review Board (DRB) review if the following criteria are met.
   1. The sale or exchange of parcels of land is between adjacent property owners;
   2. No new ***lots*** are created by the re-subdivision;
   3. The relocation of the ***lot*** line does not result in the creation of a ***non-conforming lot,*** structure or use; and
   4. The proposed change does not violate any conditions imposed by the DRB from prior approvals.

   If criteria 1-4 above are not met, then the application shall be reviewed by the Development Review Board (DRB) with notice and decision procedures as for site plan review.

C. Application Submission Requirements. An applicant must submit a complete application, a new survey of the lands subject to the boundary adjustment and associated fee .

D. Filing Requirements for ***Lot Line*** Adjustments. Within 180 days of approval by the Zoning Administrator or Development Review Board (DRB), the applicant shall submit a survey plat to the Zoning Administrator with the required filing fee for recording in the Town's Land Records. The following language shall be printed on the plat:

   "Approval of this lot line adjustment does not constitute creation of a separate parcel or lot. It simply adjusts the physical location of the common boundary of the adjoining parcels or lots. Any future subdivision of these parcels or lots must be approved by the Development Review Board (DRB). This lot line adjustment has been approved pursuant to Section 4.05 of the Town of Northfield Zoning Regulations."

   The plat shall meet all of the requirements of 27 VSA 4413, clearly indicating the metes, bounds and ties of each of the affected ***lots***.

Section IV.06 Nonconforming Structures and Nonconforming Uses

A. General

1. The purposes of this Section are to ensure the rights of uses or structures that do not legally conform to the present regulations to continue to exist unchanged; to phase out ***nonconforming structures*** and ***nonconforming uses*** over time as changes do occur; and to establish acceptable parameters for alterations of ***nonconforming structures*** and ***nonconforming uses***.

2. The provisions of this section shall apply to all structures or uses that are
   a) legally existing on the effective date of these regulations,
   b) do not conform to the requirements set forth in these regulations, and
   c) did conform to the laws, ordinances, and regulations prior to the enactment of these regulations.

3. The following provision also shall apply to structures and uses that in the future do not conform by reasons of any subsequent amendment of these regulations. A building or structure that is occupied by a nonconforming use shall not by extension be considered a nonconforming structure. Conversely, a nonconforming structure shall not by itself be considered a nonconforming use.

B. Nonconforming Uses: Any nonconforming use may be continued indefinitely but:

1. Shall not, under any circumstances, be re-established if such use has been discontinued for a period of 12 months.

2. Shall not be changed to another ***nonconforming use*** without the approval of the Development Review Board as a Conditional Use in accordance with Section 2.12. The Board may only grant such approval upon finding that the change to another ***nonconforming use*** is in compliance with the standards set forth in this Section, and that the proposed use is of the same or a more restricted nature than the existing use with regard to the scale, intensity of operation and impact on adjacent properties.

3. Shall not be enlarged or expanded unless approved by the Development Review Board as a Conditional Use in accordance with Section 2.12

4. In rendering a decision in favor of an applicant under this subsection, the Development Review Board may attach such conditions as it may consider necessary and appropriate under the circumstances to implement the purposes of this bylaw and the municipal plan.

C. Nonconforming Structures:

1. May be restored to a safe condition if the structure or portions thereof are declared unsafe by a proper authority.

2. Shall not be enlarged, altered, or replaced unless approved by the Development Review Board as a Conditional Use in accordance with this Section, except such structures requiring repair or rebuilding if damaged by fire or other accident, provided that reconstruction is started within one year and substantially completed within two years.

   The one-year time period is calculated from the date of damage. To gain the rights described in this paragraph, it is the property owner's responsibility to take timely action to ensure that all needed permits are granted within one year of the date of damage. One extension of up to six months may be granted by the Development Review Board where hardship or extraordinary circumstances are demonstrated. Where unanticipated delay has been caused by litigation, the Development Review Board may grant an extension which is no longer than that time that can be demonstrated as having been lost to the litigation.

3. Enlargements. In any district, ***nonconforming structures*** may be enlarged only if the enlargement does not increase the degree, aspect, or extent of nonconformance with regard to any of the dimensional requirements of these regulations including density, lot coverage, side and rear yards and height.

4. The Zoning Administrator may grant a permit for the enlargement of a nonconforming structure which is used solely for residential purposes, provided that the proposed enlargement meets all of the requirements for the district in which it is located.

5. Nothing in this Section shall be deemed to prevent normal maintenance and repair of ***non-conforming structures***, provided that such action does not increase the degree of nonconformance.

Section IV.07 Required Frontage on, or Access to, Public Roads

Land development may be permitted on ***lots*** that do not have frontage on a public highway, provided:

A. Along with other conditions that may be imposed as part of site plan review by the Development Review Board (DRB), there is access to such highway by a permanent easement or right of way at least twenty feet in width, except that this shall be at least fifty feet in width if access to three or more ***principal structures*** is planned or contemplated, or if it is planned or contemplated that the access road will ever become a Town Highway.

B. Such access shall be designed and constructed so as not to create any undue safety concerns.

Section IV.08 Setbacks

The minimum building setback as defined in each section shall be used when the right of way is fifty feet. That distance may be increased or decreased by the Development Review Board depending upon whether the right of way is more or less than fifty feet, or to provide conformity with existing structures.

Section IV.09 Height Limitations

Where a lot has a frontage on two or more highways or other public rights of way, the height limitation shall apply only as measured from the ***curb level*** along the highway with a higher elevation above sea level.

Section IV.10 Health Facilities

All ***land development*** shall have and provide for permanent sewage treatment and disposal facilities sufficient for the use and prospective use of any ***structure*** and for the protection of the water resources and health, safety and welfare of the citizens and property owners of the Town. All land development shall comply with municipal water and sewer ordinances.

Section IV.11 Residential Care and Group Homes

A residential care home or group home to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 VSA § 4501, shall constitute a permitted ***single-family dwelling*** use of property, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home.

Section IV.12 Child Care Home or Facility

A family child care home serving six or fewer children shall be considered to constitute a permitted ***single-family dwelling*** use of property. A family child care home serving no more than six full-time children and four part-time children, as defined in 33 VSA § 4902(3)(A), shall be considered to constitute a ***permitted use*** of property but may require site plan approval in certain zoning districts. A family child care facility serving more than six full-time and four part-time children may, at the discretion of the municipality, be subject to all applicable municipal bylaws.

Current Child Care section of statute:

A "family child care home or facility" as used in this subdivision means a home or facility where the owner or operator is to be licensed or registered by the State for child care. A family child care home serving six or fewer children shall be considered to constitute a

permitted single-family residential use of property. A family child care home serving no more than six full-time children and four part-time children, as defined in 33 V.S.A. § 3511(7), shall be considered to constitute a permitted use of property but may require site plan approval based on local zoning requirements. A family child care facility serving more than six full-time and four part-time children may, at the discretion of the municipality, be subject to all applicable municipal bylaws.

Section IV.13 Mobile Home Parks

Single ***mobile homes*** on individual ***lots*** shall be subject to the same requirements as ***single-family dwelling units*** on individual ***lots***. Any existing ***mobile home park*** may be enlarged only if new units meet the density requirements for the district in which the park is located. A proposal to create a new ***mobile home park*** or expand an existing park must be in conformance with the goals of the Town Plan and include and provide for any required expansion of the infrastructure provided by the Town which is necessary for its support.

A. No person shall develop or expand a mobile home park without site plan and conditional use approval following the process and applying the standards for the subdivision of land except that the following standards shall apply instead:

   1. Each mobile home lot shall be at least seven thousand five hundred (7,500) square feet in area, and be at least sixty (60) feet wide and at least one hundred twenty (120) feet deep, and shall front on an access road.

   2. Each lot within the mobile home park may be served from a privately owned access road rather than from a publicly dedicated street.

   3. At least one all-weather walkway at least five (5) feet wide shall be provided along and within the right-of-way of each access road.

   4. Two (2) parking spaces for each mobile home lot shall be provided, at least nine (9) feet wide by twenty two (22) feet long. Adequate parking shall also be provided for all amenities such as recreation areas and laundry facilities located within the mobile home park.

   5. No recreation area shall be less than three thousand (3,000) square feet.

   6. A suitable nonporous pad shall be provided for each mobile home.

   7. Each mobile home lot shall have attachments for water supply and for sewage disposal.

8. All structures within the mobile home park shall comply with setbacks from the public road and property boundaries, per the district standards.

9. A strip of land up to twenty-five (25) feet in width may be required, abutting all mobile home park property lines, depending on the number of lots within the park and the impact on the character of the area. This land may be required to be landscaped.

10. At least one hundred (100) square feet area will be identified for conveniently located accessory storage for each individual mobile home lot.

11. An individual outdoor faucet with hose hook-up shall be provided for each mobile home lot.

12. If a centralized refuse and trash storage area is provided, then it shall be readily accessible to all mobile home lots. Trash storage areas shall be concealed from any public and private street and enclosed by a six (6) foot tall solid wall or fence.

13. Accessory uses that serve park residents and which shall not be available for use by the general public, including coin operated machines for laundry and food and beverage vending machines, shall be permitted on condition that such uses shall be located in the interior of the park and shall not occupy more than five hundred (500) square feet of area for each fifty (50) mobile homes or fraction thereof.

B. Maintenance. The owner of the mobile home park shall be responsible for maintaining the park including snow removal, road maintenance and regular mowing and compliance with all conditions of its zoning permit and all sections of state and other pertinent laws and regulations pertaining to the use, operation, and maintenance of such mobile home park. Nothing contained in this section shall be construed to abrogate, void or minimize such other pertinent regulations.

Section IV.14 Signs

A. Purpose

The purposes of these sign regulations are to encourage the effective use of signs as a means of communication in the Town of Northfield; to maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the

fair and consistent enforcement of these sign restrictions. Signs shall be regulated as hereinafter noted. This Regulation is applicable to all districts.

B. General Information

Permits are required for all signs not exempt under either 10 VSA Section 494 or this bylaw (see section E, below). Applications shall be submitted to the Planning Commission,

1. Total Signage: No premises shall contain a total of more than 150 square feet of signs. This applies to one individual ***sign*** or the total of multiple ***signs***.

2. Fees: When an individual or business submits a permit request for sign approval, each occurrence of such a request shall have a single fee, regardless of the number of signs proposed in the request. When an individual or business, over time, submits multiple permit requests for ***sign*** approval, such requests shall **each** be charged a fee.

3. Changes to existing approved signs:

   b. When there is a need to change the existing product information identified in the wording on a ***sign***, such as the price or related detail, these changes are allowed without an additional permit application or review.

   c. When the nature of the business changes or there is a major addition to the initial product line described on the ***sign***, a permit requesting the approval to the change on the ***sign*** shall be submitted to the Development Review Board (DRB). A fee shall be charged for these changes.

4. Conveyance of property: When a business at a particular address is sold or leased to a different entity and the nature of the business does not change, (the content of the sign remains constant), then a new sign permit is not required. If, however, the content of the sign changes, in any way, a new sign permit shall be required.

5. Approval of sign permit requests: If the Planning Commission fails to act with regard to a permit request for a sign within 45 days of submission of the permit request, whether by issuing a decision or making a referral to more completely describe a sign, a permit shall be deemed issued on the 46th day.

6. Termination of approval: If a permit request for a sign has been approved by the Planning Commission and the sign(s) have not been erected within 90 days, the approval shall be considered disapproved and the permit process shall be reinitiated as though the original request had never been made.

7. Lapse of a sign permit: Once the sign has been erected, adhering to the original

specifications and within the required timeframe, the approval of the sign continues unless the business activity on the premises is discontinued for a period of 180 days or more, and is not renewed within 30 days of a notice from the Town of Northfield zoning administrator to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

C. Signs That Are Allowed That Require A Permit

1. General Conditions
   i. No premises shall contain more than 150 square feet of exterior signs. When more than one side of a ***sign*** is used, the area of all sides shall be included in the total allowable area.
   ii. An on-premise ***sign*** shall not be located more than fifteen hundred feet from a main entrance from that highway to the activity or premises advertised.
   iii. No portion of a separately mounted ***sign*** may be located within the street line where there is no ***sidewalk***, or closer than 6 feet horizontally from the nearest ***sidewalk*** where there is a ***sidewalk*** present.
   iv. On-premise signs shall not extend more than 25 feet above ground level.
   v. If a ***sign*** is attached to a wall of a building, it shall not extend above the eaves or the lowest part of the roof line, nor shall letters used thereon be more than two feet high.
   vi. Signs located in residential zoning districts (601, 603, 605, 606, 607, 608, 609) shall not be illuminated.
2. Conditions applicable to all ***signs*** erected or maintained along a highway or municipally maintained thoroughfare:
   i. ***Signs*** identifying commercial and industrial establishments including ***dwellings*** housing customary home occupations may be illuminated only during hours in which business is open to patrons. Specific conditions with regard to illumination may be attached to the permit.
   ii. Trees, rocks or other natural features, or any objects not primarily intended for such purpose, may not bear or be used for signs.
   iii. No ***signs*** may be displayed or continued in use which advertise or call attention to a business or other activity, or a profession, commodity, product, service or entertainment not carried on, produced, sold or offered in this town or to an activity of any kind which has already occurred or has otherwise terminated.
   iv. No ***signs***, except a ***sign*** as described in 5 below, shall be permitted or continued in use or erected or displayed which are not properly maintained or affixed to a substantial structure, or which are illegal under any State or Federal law applicable at the location of the ***sign***, or are not consistent with the standards of this section.
3. Flags, ***Banners*** and ***Pennants***, On Premise
   i. Flags, ***banners***, and ***pennants*** may be used only as temporary signs for the

promotion of an event by a civic group, organization, or arts group, provided they are displayed for no longer than two weeks.

4. Off-Premise Signs
   i. Temporary portable signs (not to exceed 12 square feet) or ***banners*** (not to exceed 150 square feet) to be maintained for not more than two weeks announcing a campaign, drive or event of a civic, philanthropic, education or religious organization.
   ii. If the campaign, drive, or event recurs annually, the permit issued by the Development Review Board (DRB) may be renewed each year by the Zoning Administrator upon timely request by the permitted organization.
5. Portable signs
   i. Signs consistent with the definition within these regulations are allowed.
   ii. Must be placed next to the building wall or adjacent to the curb in a manner which is safe for and does not interfere with normal pedestrian or automobile traffic movement.
   iii. Shall be constructed to be free-standing and weighted so that the ***sign*** is stable and windproof.
   iv. Are restricted to no more than one per customer entrance regardless of the number of tenants on the premises.
   v. Must be removed each day and stored inside upon close of the business.
   vi. Portable signs may not be illuminated or embellished with devices such as balloons, ***pennants***, strings of lights, etc.
   vii. Portable signs are limited to 12 square feet per side, not to exceed 24 square feet.
   viii. The area of a portable ***sign*** will not be included in the total allowable square footage limit of permanent signs on the premises.

D. Prohibited Signs
1. Off-Premise Signs, Flags, ***Banners*** and ***Pennants***:
   Off-premises signs, flags, ***banners*** and ***pennants*** are prohibited in all districts with the following exceptions.
   a. State of Vermont Agency of Transportation official business directional signs.
   b. Signs described in C(4) above.
   c. Official flags of governing bodies or institutions.
2. Signs on vehicles, including trailers, if those vehicles are regularly or continually located at a site primarily for the purpose of display. This standard is not intended to prevent a business owner from parking their vehicle in front of their business or their home;
3. Signs mounted on wheels or trailers;
4. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving lights, or which have any animated or moving parts, except that this restriction shall not apply to traffic control signs or barber poles.
5. All other use of flags, ***banners*** and ***pennants*** as signs is prohibited in all districts;

provided that nothing in the Ordinance shall prohibit the flying of national, state, or municipal flags, or the official flag of any institution.

E. Exempt Signs (Signs That Are Allowed and That Do Not Require a Permit)
   1. Small signs identifying ***posted areas*** with a total area not exceeding four square feet.
   2. Signs announcing an auction, garage, barn, attic or similar sale wherein only the personal property of the occupants of the residential premises is for sale shall not be maintained for more than two weeks.
   3. Signs advertising the sale of real estate by the owners or their agents shall not have an area of more than six square feet including the panel and frame. "Sold by" signs shall not be permitted.
   4. Election campaign signs that are maintained for not more than two weeks.

F. Enforcement
   1. A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. §1974a and as described below:

   2. A penalty of $100 shall be imposed for the initial violation of any provision of this Ordinance. The penalty for the second offense within a one year period shall be $250, and the penalty for each subsequent violation within a one year period shall be $500. As per statute, in cases where a violation is not contested, a "waiver fee" shall be paid in the amounts of: $50 for the first offense, $125 for the second offense within a one year period, and $250 for each subsequent offense within a one year period. Each day that a violation continues will constitute a separate violation of this Ordinance.

   3. If the above enforcement strategy is not sufficient to deter violations, enforcement proceedings may also be initiated pursuant to 24 V.S.A. §4451 and/or §4452. These additional penalties may be up to $100 per day (with each day constituting a separate violation), and issuance of injunctions.

   4. Issuing officials authorized to enforce this Ordinance include the Zoning Administrator.

Section IV.15 Fences

A. General Requirements. In this section, ***fence*** and wall shall be interchangeable terms.

B. Specific Requirements. All ***fences*** are subject to the following provisions.

   1. A ***fence*** shall be erected within the boundaries of the applicant's property and shall be placed wholly within but not on the property boundaries.

   2. A ***fence*** shall be erected so that its smooth or finished side faces an abutting

property or roadway. All fence posts shall be placed on the inside of the ***fence***, except for a ***fence*** to contain livestock.

3. No part of any ***fence*** shall be placed in such manner as to visually obstruct vehicular or pedestrian traffic. If determined necessary by the Zoning Administrator, the placement of ***fences*** near the corner of a property at the intersection of two roads shall provide for a clear vision area defined as a triangular area formed by the right-of-way lines at points which are thirty (30) feet distant from the intersection of the right-of-way lines and measured along such lines.

4. A ***fence*** over four (4) feet in height shall require a zoning permit from the Zoning Administrator.

5. A ***fence*** over eight (8) feet in height shall require approval by the Development Review Board as a Conditional Use subject to the provisions of Section 2.12, Conditional Use.

6. A ***fence*** over eight (8) feet in height shall be considered a ***structure*** subject to normal setback requirements for the zoning district, unless otherwise approved by the Development Review Board as a Conditional Use subject to the provisions of Section 2.12, Conditional Use.

7. ***Fences*** shall be maintained in a safe and substantial condition.

C. **Prohibited Fences and Materials.** The following ***fences*** and fencing materials are specifically prohibited.

1. Barbed, razor or ribbon wire or broken glass as part of any ***fence***, unless specifically permitted.

2. Pointed metal ***fences***.

3. Canvas and/or cloth ***fences***, except when used to protect shrubs and vegetation.

4. Poultry and/or turkey wire ***fences*** within minimum setbacks from street line, side ***lot line*** and rear ***lot line***.

5. Temporary ***fences***, unless for snow control. Snow control fences shall be allowed from November 1 through to the following May 1.

6. Expandable ***fences*** and collapsible ***fences***, except during building of a structure, or for agricultural purposes.

7. Chain link ***fences*** erected with the open loop at the top of the fence.

8. Any ***fence*** erected in such a manner as to inhibit or divert the natural drainage flow or cause the blockage or damming of surface water.

9. Any ***fence*** erected that may create a fire hazard or other dangerous condition or that may result in obstruction to fire fighting. In making a determination that a fence may create a fire hazard, the Zoning Administrator should seek the advice of the Fire Chief.

10. Any ***fence*** located or constructed on a terrace or wall that will have an overall height of more than that allowed, unless otherwise approved by the Planning Commission as a Conditional Use subject to the provisions of Section 2.12, Conditional Use.

D. **Exemption.** All existing ***fences*** that do not conform to the provisions of these regulations may be continued as they presently exist, except that these ***fences*** shall not be altered, extended, replaced or modified except in accordance with these regulations.

Section IV.16 Retaining Walls

A. **General Requirements.** In this section, a retaining wall shall be distinct from a ***fence*** or wall.

B. **Specific Requirements.** All retaining walls shall be subject to the following requirements.

1. All retaining walls shall require a zoning permit from the Zoning Administrator.

2. Applicants proposing retaining walls over four feet in height shall submit certified plans by a licensed professional engineer with their zoning permit application.

3. A retaining wall shall be erected within the boundaries of the applicant's property and shall be set back at least five (5) feet from all property boundaries.

4. No part of any retaining wall shall be placed in such manner as to visually obstruct vehicular or pedestrian traffic. If determined necessary by the Zoning Administrator, the placement of retaining walls near the corner of a property at the intersection of two roads shall provide for a clear vision area defined as a triangular area formed by the right-of-way lines at points which are thirty (30) feet distant from the intersection of the right-of-way lines and measured along such lines.

5. A retaining wall over eight feet in height shall require approval by the Development Review Board as a Conditional Use subject to the provisions of Section 2.12, Conditional Use. Applicants proposing a retaining wall over eight feet in height shall submit certified plans by a licensed professional engineer indicating that the retaining wall is structurally sound to serve its intended purpose.

6. Retaining walls shall be maintained in a safe and substantial condition.

7. No retaining wall shall be erected in such a manner as to inhibit or divert the natural drainage flow or cause the blockage or damming of surface water.

Section IV.17 Junkyards and Wrecked, Disabled and Inoperable Motor Vehicles

The establishment or maintenance of any junkyard as defined in 24 VSA §2241(7) is prohibited. It shall be illegal for any ***person*** to have on any property which they own or rent any wrecked, disabled or inoperable motor vehicle for more than 90 days. Wrecked, disabled, or inoperable motor vehicles deemed to be a safety hazard to the public or an attractive nuisance to children shall be removed within five days upon receipt of notice from the Zoning Administrator.

Section IV.18 Sand and Gravel Extraction

Sand pits, gravel pits and removal of topsoil are permitted in districts specified in Article VI subject to the following conditions.

A. All permits granted for these operations are subject to review by the Development Review Board every five years for continuation or termination.

B. The proposed operation shall not adversely affect soil fertility, drainage and lateral support of abutting land or other properties, nor shall it contribute to soil erosion by water or wind.

C. Any portion of access roads within the areas of permit and located within 100 feet of a ***lot line*** or an excavation operation shall be provided with a surface as free of dust as practical.

D. The top of the natural slope in cut for any excavation and any mechanical equipment shall not be less than fifty feet from any ***lot line***.

E. Before approval is granted, a plan for rehabilitation showing both existing and proposed final contours shall be submitted to and approved by the Development Review Board (DRB). The Board may also require a performance bond to ensure that the rehabilitation plan is carried out. After any such operations, the site shall be reusable for a use permitted in the district. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be re-spread over the premises after the operation. The area shall be brought to final grade by a layer of earth two feet deep or the original thickness whichever is less, capable of supporting vegetation.

Article V. Floodplain Zoning Regulation

Section V.01 Statutory Authorization and Effect

In accordance with 10 VSA Chapter 32, and 24 VSA Chapter 117 §4424, §4411 and §4414, there is hereby established a bylaw for areas at risk of flood damage in the Municipality of Northfield, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 VSA Chapter 117.

Section V.02 Statement of Purpose

It is the purpose of this bylaw to:

A. Implement the goals, policies, and recommendations in the current municipal plan;
B. Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding related inundation and erosion;
C. Ensure that the selection, design, creation, and use of development in flood hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair stream equilibrium, floodplain services, or the stream corridor,
D. Manage all flood hazard areas designated pursuant to 10 VSA Chapter 32 § 753, the municipal hazard mitigation plan; and make the Municipality of Northfield, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

Section V.03 Other Provisions

A. Precedence of Bylaw: The provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction, the provisions here shall take precedence.

B. Validity and Severability: If any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.

C. Warning of Disclaimer of Liability: This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This regulation shall not create liability on the part of the Municipality of Northfield, or any municipal

official or employee thereof, for any flood or erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

Section V.04 Lands to Which these Regulations Apply

C. Regulated Flood Hazard Areas
These regulations shall apply to the Fluvial Erosion Hazard Areas (FEH) and Special Flood Hazard Areas (hereafter called "hazard areas") in the Municipality of Northfield, Vermont as described below. These hazard areas overlay any other existing zoning districts, and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. These hazard areas include:

1. The **Fluvial Erosion Hazard Zone** as determined on the most current Fluvial Erosion Hazard Zone Map published by the Vermont Agency of Natural Resources which are hereby adopted by reference and declared to be part of these regulations, and

2. The **Special Flood Hazard Area** in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 VSA Chapter 32 §753, which are hereby adopted by reference and declared to be part of these regulations.

D. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas
Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits *have not* been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

E. Interpretation
The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.
1. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Zoning Administrator (ZA). If the applicant disagrees with the determination made by the ZA, a Letter of Map Amendment from FEMA shall constitute proof.
2. If uncertainty exists with respect to the boundaries of the Fluvial Erosion Hazard Zone, the location of the boundary shall be determined by the ZA. If the applicant disagrees with the determination made by the ZA, a letter of determination from the Vermont Agency of Natural Resources shall constitute proof.

Section V.05 Summary Table: Development Review in Hazard Areas

The hazard areas are not appropriate sites for new structures nor for ***development*** that increases the elevation of the base flood or obstructs the ability of streams to establish and maintain geomorphic equilibrium.

#	Activity	Hazard Zone		
	P = Permitted **C** = Conditional Use Review **X** = Prohibited **A** = Exempted	**Special Flood Hazard Area**	**Floodway**	**FEH Zone**
1	New ***Principal Structures***	X	X	X
2	Storage	X	X	X
3	Improvements to Existing Structures	P, C	C	C
4	Small ***Accessory Structures***	P	X	C
5	At Grade Parking	P	C	C
6	Replacement water supply or septic systems	C	C	C
8	Fill as needed to elevate existing structures	C	C	C
9	Fill	X	X	X
12	Grading	C	C	C
13	Road maintenance	A	A	A
14	Road improvements	C	C	C
15	Bridges and culverts	C	C	C
16	Channel management	C	C	C
17	Recreational vehicles	P	P	P
18	Open space, recreation	A	A	A
19	Forestry	A	A	A
20	Agriculture	A	A	A

Section V.06 Development Review in Hazard Areas

A. Permit
A permit is required from the Zoning Administrator for all ***development*** in all areas defined in Section 5.04, above. ***Development*** that requires conditional use approval, ***non-conforming use*** approval, or a ***variance*** from the Development Review Board (DRB) under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the ZA. Any ***development*** subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Sections 5.06 and 5.07, below. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

B. Permitted Development
For the purposes of review under these regulations, the following development activities in the Special Flood Hazard area where outside of the floodway and outside of the Fluvial Erosion Hazard Zone, and meeting the Development Standards in Section 506, require only an administrative permit from the ZA:
1. Non-substantial improvements;
2. ***Accessory structures***;
3. ***Development*** related to on-site septic or water supply systems;
4. Building utilities;
5. At-grade parking for existing structures; and,
6. Recreational vehicles.

C. Prohibited Development in Special Flood Hazard Area and Fluvial Erosion Hazard Zone
1. New residential or non-residential structures (including the placement of manufactured homes);
2. Storage or junk yards;
3. New fill except as necessary to elevate structures above the base flood elevation;
4. ***Accessory structures*** in the floodway;
5. Critical facilities are prohibited in all areas affected by mapped flood hazards; and,
6. All ***development*** not exempted, permitted, or conditionally permitted.

D. Conditional Use Review
Conditional use review and approval by the Development Review Board (DRB), is required prior to the issuance of a permit by the Zoning Administrator for the following proposed development:
1. Substantial improvement, elevation, relocation, or floodproofing of existing structures;
2. New or replacement storage tanks for existing structures;
3. Improvements to existing structures in the floodway;

4. Grading, excavation; or the creation of a pond;
5. Improvements to existing roads;
6. Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
7. Public utilities;
8. Improvements to existing primary structures in the Fluvial Erosion Hazard Zone that do not expand the footprint of the existing structure more than 500 square feet;
9. ***Accessory structures*** in the Fluvial Erosion Hazard Zone, of 500 square feet or less, that represent a minimal investment
10. Building utilities in the Fluvial Erosion Hazard Zone; and,
11. At-grade parking for existing buildings in the Fluvial Erosion Hazard Zone.

E. Exempted Activities

The following are exempt from regulation under this bylaw:

1. The removal of a structure in whole or in part;
2. Maintenance of existing roads and stormwater drainage;
3. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,
4. Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Accepted Agricultural Practices (AAP). Prior to the construction of farm structures the farmer must notify the ZA in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

F. Variances

Variances may be granted in writing by the Development Review Board (DRB) only in accordance with all the criteria in 24 VSA § 4469, § 4424 (2)(E), and 44 CFR § 60.6, after a public hearing noticed as described in Section 5.08, below.

1. A ***variance*** for ***development*** within the Fluvial Erosion Hazard Zone may be allowed if, based on a review by VT ANR, it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.
2. Any ***variance*** issued in the Special Flood Hazard Area will not increase flood heights, and will inform the applicant in writing over the signature of a community official that the issuance of a ***variance*** to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as $25 for $100 of coverage. Such notification shall be maintained with a record of all ***variance*** actions.

G. Nonconforming Structures and Uses

The Development Review Board (DRB) may, after ***public notice*** and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a flood hazard area provided that:

1. The proposed ***development*** is in compliance with all the Development Standards in

Section 5.07 of this bylaw;

2. A nonconforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program;
3. Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months; and
4. An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or ***abandonment*** of nonconformity. Replacement manufactured homes must be placed so as to meet the development standards in this bylaw.

Section V.07 Development Standards

The criteria below are the minimum standards for ***development*** in the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

A. Special Flood Hazard Area
   1. All ***development*** shall be:
      a. Reasonably safe from flooding;
      b. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
      c. Constructed with materials resistant to flood damage;
      d. Constructed by methods and practices that minimize flood damage;
      e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
      f. Adequately drained to reduce exposure to flood hazards;
      g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
      h. Required to locate any fuel storage tanks (as needed to serve an existing structure in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

   2. In Zones AE, AH, and A1 – A30 *where base flood elevations and/or floodway limits have not been determined*, ***development*** shall not be permitted unless it is demonstrated that the cumulative effect of the proposed ***development***, when

combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

3. *Structures to be* ***substantially improved*** in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation, and this must be documented, in as-built condition, with a FEMA Elevation Certificate;

4. *Non-residential structures to be* ***substantially improved*** shall:

   a. Meet the standards in 5.07 A 3; or,

   b. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; A permit for flood proofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

5. *Fully enclosed areas below grade* on all sides (including below grade crawlspaces and basements) are prohibited.

6. *Fully enclosed areas that are above grade*, below the lowest floor, below BFE and subject to flooding, shall

   a. Be solely used for parking of vehicles, storage, or structure access, and such a condition shall clearly be stated on any permits; and,

   b. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

7. *Recreational vehicles* must be fully licensed and ready for highway use;

8. *A small* ***accessory structure*** *of 500 square feet or less* that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in Section 5.07 (A) 5 (above).

9. *Water supply systems* shall be designed to minimize or eliminate infiltration of flood waters into the systems.

10. *Sanitary sewage systems* shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

11. *On-site waste disposal systems* shall be located to avoid impairment to them or contamination from them during flooding.

12. *The flood-carrying and sediment transport capacity* within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;

13. *Bridges and culverts*, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.

14. *Subdivisions and Planned Unit Developments must be accessible by dry land access* outside the special flood hazard area.

15. *Existing* ***structures,*** *including manufactured homes, to be substantially improved* in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the community's FIRM, or at least two feet if no depth number is specified.

B. Floodway Areas

1. Encroachments or ***development*** above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:
   a. Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
   b. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
2. Public utilities may be placed underground, and the analyses may be waived, where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

C. Fluvial Erosion Hazard Zone

1. Improvements to existing structures, and any associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area shall not decrease the distance between the existing ***principal structure*** and the top of bank;
2. ***Accessory structures*** may be located within 50 feet of the existing primary building provided that the location does not decrease the distance between the existing primary structure and the top of bank.
3. ***Development*** shall not increase the susceptibility of that or other properties to fluvial erosion damage;
4. ***Development*** shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion;
5. ***Development*** shall not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.
6. Bridge and culvert projects must have a Stream Alteration Permit; and
7. Channel management activities must be authorized by the Agency of Natural Resources.

Section V.08 Administration

A. Application Submission Requirements

Applications for development shall include:

1. Where applicable, a site plan that depicts the proposed ***development,*** all water bodies, Special Flood Hazard Areas, floodways, Fluvial Erosion Hazard Zone, the shortest horizontal distance from the proposed ***development*** to the top of bank of any stream, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
2. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Zoning Administrator and attached to the permit before work can begin;

B. Referrals

1. Upon receipt of a complete application for a substantial improvement or new construction the Zoning Administrator shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 VSA

§ 4424 A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

2. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner. The Board should consider comments from the NFIP Coordinator at ANR.

C. Decisions

The DRB shall consider comments from the NFIP Coordinator at ANR. The Development Review Board (DRB) may recess the proceedings on any application pending submission of additional information.

D. Records

The Zoning Administrator shall properly file and maintain a record of:

1. All permits issued in areas covered by this bylaw;
2. An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed ***structures*** (not including ***accessory structures***) in the Special Flood Hazard Area;
3. All flood proofing and other certifications required under this regulation; and,
4. All decisions of the DRB (including ***variances*** and violations) and all supporting findings of fact, conclusions and conditions.

Section V.09 Certificate of Occupancy

In accordance with 24 VSA Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area or Fluvial Erosion Hazard Zone until a certificate of occupancy is issued therefore by the Zoning Administrator (ZA), stating that the proposed use of the structure or land conforms to the requirements of these bylaws. A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw. Within 14 days of the receipt of the application for a certificate of occupancy, the ZA shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and all that all work has been completed in conformance with the zoning permit and associated approvals. If the ZA

fails to grant or deny the certificate of occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a Certificate of Occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

Section V.10 Enforcement and Penalties

A. This bylaw shall be enforced under the municipal zoning bylaw in accordance with 24 VSA § 1974a, 24 VSA § 4451 and § 4452. A copy of the notice of violation will be mailed to the State NFIP Coordinator.
B. If any appeals have been resolved, but the violation remains, the Zoning Administrator shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.
C. Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 VSA § 4812.

Section V.11 Definitions

"Accessory Structure" means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or 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, and playhouses.

"Area of Special Flood Hazard" is synonymous in meaning with the phrase "special flood hazard area" for the purposes of these regulations.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

"Base Flood Elevation" (BFE) is the elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

"BFE" see Base Flood Elevation

"Channel" means an area that contains continuously or periodically flowing water that is confined by banks and a streambed.

"Channel width" (or bankfull width) is the width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural

banks. This flow occurs, on average, about once every 1 to 2 years.

"Common plan of development" is where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

"Critical facilities" include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station.

"Development" means any human-made change to improved or unimproved real estate, including but not limited to ***structures***, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"FEH" refers to the Fluvial Erosion Hazard Zone.

"Fill" means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

"FIRM" see Flood Insurance Rate Map

"Flood" means (a) a general and temporary condition of partial or complete inundation of normally dry land areas 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.

"Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the

risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

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

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

"Floodproofing" 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.

"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. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

"Floodway, Regulatory in the Town of Northfield" 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.

"Fluvial Erosion" is erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

"Fluvial Erosion Hazard Zone" includes the stream and adjacent lands necessary to accommodate the slope and plan form requirements of a geomorphically stable channel, and is subject to fluvial erosion as defined by the Vermont Agency of Natural Resources and delineated on the current Fluvial Erosion Hazard Zone Map.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

"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.

"Letter of Map Amendment (LOMA)" is a letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

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

"Manufactured home (or Mobile 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".

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

"Nonconforming structure" means a structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the Zoning Administrator. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

"Nonconforming use" means use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the Zoning Administrator.

"Nonconformity" means a non-conforming use, structure, lot, or parcel.

"Non-residential" includes, but is not limited to: small business concerns, churches, , farm structures (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, industrial structures, and warehouses.

"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.

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

"Start of construction" for purposes of floodplain management, determines the effective map or bylaw that regulated ***development*** in the Special Flood Hazard Area. The "start of construction" includes substantial improvement, and means the date the zoning 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 structures***, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

"Storage" is the placement of equipment or material of more than 10 cubic yards of average volume for more than 180 days.

"Structure" means, for regulatory purposes under this section of this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

"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.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over a the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Top of Bank" means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

"Violation" means the failure of a ***structure*** or other ***development*** to be fully compliant with this bylaw. A ***structure*** or other ***development*** without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation has been provided.

Article VI. Zoning District Regulations

Section VI.01 Low Density Residential District (LDR)

The goals of the Low Density Residential District are to preserve open land for agriculture and forestry, and maintain traditional settlement patterns; To support and regulate agricultural entrepreneurship; Provide more robust protection of source water areas, endangered species habitat, and ridgelines; Limit development in upland areas (elevations of 1,800' and above) characterized by steep slopes, thin soils and poor access, best suited for forestry, agriculture, recreation and low-density residential development.

Types of Development Allowed in this District	Type of Review Required
Accessory Structures	Per Principal Use
Single and two family dwellings	Administrative
Accessory Dwelling Units (Permitted Use)	Administrative
Accessory Dwelling Units (CU)	Conditional Use
Planned Unit Development	Conditional Use
Professional Offices	Conditional Use
Bed and Breakfasts	Conditional Use
Animal Boarding	Conditional Use
Public and Private Outdoor Recreation	Conditional Use
Cemeteries	Conditional Use
Sand and Gravel Pits (subject to section 418)	Conditional Use
Parking Facilities	Conditional Use
Childcare Facilities	Conditional Use
Food Processing	Conditional Use

Area, yard and General Regulations applying to all uses in this District:

Minimum lot size per dwelling unit	5 acres
Minimum lot frontage	200 feet
Minimum lot depth	200 feet
Minimum building setback from center of road	45 feet
Minimum building setback from rear lot line	25 feet
Minimum building setback from side lot lines	25 feet
Maximum building height	35 feet

Section VI.02 Medium Density Residential District (MDR)

The intent of the Medium Density Residential District is to reinforce historic residential neighborhoods with an emphasis on single family dwellings.

Types of Development Allowed in this District	Type of Review Required
Accessory Structures	Per Principal Use
Single and Two Family Dwellings	Administrative
Accessory Dwelling Units (Permitted Use)	Administrative
Accessory Dwelling Units (CU)	Conditional Use
Planned Unit Development **Including shopping centers, MH parks*	Conditional Use
Retail Stores **including personal services*	Conditional Use
Restaurants	Conditional Use
Professional Offices	Conditional Use
Bed and Breakfasts	Conditional Use
Public and Private Outdoor Recreation	Conditional Use
Cemeteries	Conditional Use
Parking Facilities	Conditional Use
Childcare Facilities	Conditional Use
Offices	Conditional Use
Food Processing* *Brewing, baking, canning, roasting, drying, distilling, etc.*	Conditional Use

Area, yard and General Regulations applying to all uses in this District:

Minimum lot size per dwelling unit	0.25 on public wastewater 0.50 on private wastewater
Minimum lot frontage	75 feet
Minimum lot depth	100 feet
Minimum building setback from center of road	45 feet
Minimum building setback from rear lot line	10 feet
Minimum building setback from side lot lines	10 feet
Maximum building height	35 feet
Maximum coverage of lot by buildings	30%
Off-street ***parking spaces*** per dwelling unit	2

Section VI.03 High Density Residential District (HDR)

The intent of the High Density Residential District is to support moderate to high density residential development within and immediately surrounding Northfield's downtown area. Public water and sewer are available to provide the needed infrastructure for many smaller lot sizes, multifamily housing, and neighborhood scale commercial uses that serve the immediate area.

Types of Development Allowed in this District	Type of Review Required
Accessory Structures	Per Principal Use
Single and two family dwellings	Administrative
Accessory Dwelling Units (Permitted Use)	Administrative
Accessory Dwelling Units (CU)	Conditional Use
Multi Family Dwellings	Conditional Use
Retail Stores **including personal services*	Conditional Use
Restaurants	Conditional Use
Professional Offices	Conditional Use
Bed and Breakfasts	Conditional Use
Tourist Homes	Conditional Use
Public and Private Outdoor Recreation	Conditional Use
Cemeteries	Conditional Use
Parking Facilities	Conditional Use
Childcare Facilities	Conditional Use
Nursing Homes	Conditional Use

Area, yard and General Regulations applying to all uses in this District:

Minimum lot size per dwelling unit	7,500 sq ft for first unit ·0.10 acre per each additional unit
Minimum lot frontage	75 feet
Minimum lot depth	100 feet
Minimum building setback from center of road	35 feet
Minimum building setback from rear lot line	10 feet
Minimum building setback from side lot lines	10 feet
Maximum building height	35 feet
Maximum coverage of lot by buildings	50%
Off street ***parking spaces*** per dwelling unit	2

Section VI.04 Industrial District

The intent of the Industrial District is to support mixed commercial and manufacturing uses in appropriate locations, including historic industrial sites and planned industrial parks, with consideration to impacts on adjacent properties

Continuation of any of the uses listed below is permitted. New construction or changes in exterior configuration of any use is permitted, subject to site plan review by the Development Review Board (DRB). A change from one type of permitted use to another type of permitted use requires site plan review by the Development Review Board (DRB). A change from a permitted use to a conditional use requires Development Review Board (DRB) approval.

Types of Development Allowed in this District	**Type of Review Required**
Accessory Structures	Per Principal Use
Multi Family Dwellings	Conditional Use
Restaurants	Conditional Use
Professional Offices	Conditional Use
Manufacturing	Conditional Use
Lumber and building material and equipment sales and storage; bulk storage, including warehouses; oil and gas storage; and truck terminals	Conditional Use
Parking lots and storage garages	Conditional Use
Automobile Repair	Conditional Use
Automobile Fuel Stations	Conditional Use
Self Storage	Conditional Use
Offices	Conditional Use
Childcare Facilities	Conditional Use
Food Processing * *Brewing, baking, canning, roasting, drying, distilling, etc.*	Conditional Use

Area, Yard and General Regulations applying to all uses in this District:

Minimum lot size per dwelling unit	0.50 acre
Minimum lot frontage	100 feet
Minimum lot depth	100 feet
Minimum building setback from center of road	45 feet
Minimum building setback from side lot lines	10 feet*
Minimum building setback from rear lot line	10 feet*
Maximum building height	35 feet**
Maximum coverage of lot by buildings	45%
Off street ***parking spaces*** per dwelling unit	2
Off street ***parking spaces*** for non-residential use	1/300***

* in no case less than 75 feet from a boundary with a different zoning district
** The Development Review Board (DRB), at their discretion, in the course of Site Plan Review, may allow building utilities, including emissions chimneys, climate controls, elevator shafts, solar panels, etc, to extend higher than 35 feet above the highest grade.
*** The Development Review Board (DRB), at their discretion, in the course of Site Plan Review, may waive the minimum parking space requirement, and allow fewer spaces based on evidence presented by an applicant that the requirement exceeds the projected parking needs of the proposed development, in the interest of reducing pervious surface area.

Section VI.05 Village Center

The intent of the Village Center District is to maintain the downtown Village Center with special conditions based on historic characteristics that support retail, commercial, and high density residential uses, centered on the village common as a public gathering area. An additional goal is to regulate and maintain downtown walkability and pedestrian access.

Types of Development Allowed in this District	Type of Review Required
Single and two family dwellings	Administrative
Accessory Dwelling Units (Permitted Use)	Administrative
Accessory Dwelling Units (CU)	Conditional Use
Multi Family Dwellings	Conditional Use
Retail Stores **including personal services*	Site Plan Review; Conditional Use (if new building)
Restaurants	Conditional Use
Professional Offices	Conditional Use
Public and Private Outdoor Recreation	Conditional Use
Cemeteries	Conditional Use
Parking Facilities	Conditional Use
Childcare Facilities	Conditional Use
Offices	Site Plan Review
Food Processing * *Brewing, baking, canning, roasting, drying, distilling, etc.*	Conditional Use

Area, yard and General Regulations applying to all uses in this District, except these dimensional requirements do not apply to properties with frontage on the Village Common or East Street within the Designated Village Center.

Minimum lot size per dwelling unit	0.25 acre minimum for subdivision of new lots Not to exceed 4 units per 0.25 acre on existing lots
Minimum lot frontage	75 feet
Minimum building setback from center of road	45 feet

Minimum building setback from rear lot line	10 feet
Minimum building setback from side lot lines	10 feet
Maximum building height	35 feet
Maximum coverage of lot by buildings	30%
Off street ***parking spaces*** per dwelling unit	2
Off street ***parking spaces*** for non-residential use	1/200 sq. feet

Section VI.06 Mixed Use

The intent of the Mixed Use District is to support a full range of mixed commercial and high density residential uses along the Route 12 corridor served by town water and sewer, while maintaining the downtown as the prominent commercial area.
Mixed Uses within one property should be compatible with each other.

Types of Development Allowed in this District	**Type of Review Required**
Accessory Structure	Per Principal Use
Single and two family dwellings	Administrative
Accessory Dwelling Units (Permitted Use)	Administrative
Accessory Dwelling Units (Conditional Use)	Conditional Use
Multi Family Dwellings	Conditional Use
Planned Unit Development, **including shopping centers*	Conditional Use
Retail Stores * *Including personal services*	Site Plan Review; Conditional Use (if new building)
Restaurants	Site Plan Review
Professional Offices	Conditional Use
Bed and Breakfasts	Conditional Use
Tourist Homes	Conditional Use
Automobile Repair	Conditional Use
Automobile Fuel Stations	Conditional Use
Self Storage	Conditional Use
Public and private outdoor recreation	Conditional Use
Cemeteries	Conditional Use
Childcare Facilities	Conditional Use
Parking Facilities	Conditional Use

Offices	Conditional Use
Food Processing **Brewing, baking, canning, roasting, drying, distilling, etc.*	Conditional Use

Area, Yard and General Regulations applying to all uses in this District:

Minimum lot size	¼ acre
Minimum lot frontage	75 feet
Minimum lot depth	100 feet
Minimum building setback from center of road	35 feet
Minimum building setback from side lot lines	10 feet
Minimum building setback from rear lot line	10 feet
Maximum building height	35 feet
Maximum coverage of lot by buildings	50%
Off street ***parking spaces*** per dwelling unit	2
Off street ***parking spaces*** - non-residential use	1/300 sq. feet

Section VI.07 Institutional District

The Institutional District was created as a unique land use for developing where diverse uses and multiple structures apply to a parcel or groups of parcels that all support a common institutional mission, such as: universities, schools & municipal uses. Institutional Districts are located in areas that have municipal water and sewer service.

Types of Development Allowed in this District	Type of Review Required
Single and two family dwellings	Administrative
Accessory Dwelling Units (Permitted Use)	Administrative
Accessory Dwelling Units (Conditional Use)	Conditional Use
Multi Family dwellings	Conditional Use
Retail Stores **including personal services*	Site Plan Review; CU if new building
Restaurants	*Only with exemption
Professional Offices	Conditional Use
Childcare Facilities	Conditional Use
Hotels/motels, Bed and Breakfasts, Tourist Homes, Animal boarding, Manufacturing, Lumber/ building materials/ equipment sales & storage, etc. , and automobile repair.	*Site Plan Review if mission of exempt organization

Area, Yard and General regulations applying to all uses in this District:

Minimum lot size per dwelling unit	½ acre
Minimum lot frontage	100 feet
Minimum lot depth	150 feet
Min. building setback from center of road	45 feet
Minimum building setback from side lot line	10 feet
Minimum building setback from rear lot line	10 feet
Maximum building height	35 feet
Maximum coverage of lot by building	30 %
Parking spaces per unit	2

Article VII. Definitions

Definitions contained in the Vermont Municipal and Regional Planning and Development Act, 24 VSA 117 §4303 shall be applicable throughout this Regulation. Furthermore, unless otherwise expressly stated in this Regulation, the following additional terms shall, for the purpose of this Regulation, have the meaning herein indicated. Words used in the present tense include the future; the singular number includes the plural and the plural includes the singular; the word "***person***" includes a corporation as well as an individual; the word "lot" includes the word "plot". The word "occupied" or "used" as applied to any structure shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used".

Abandonment. The relinquishment of property, or a cessation of the use conducted on the property for a period of six (6) consecutive months by the owner, tenant, or lessee, for reasons other than an act of God or access impeded by government action.

Accessory: A structure or use clearly incidental or subordinate to, and customary in connection with, the principal structure or use on the same lot.

Accessory Dwelling Unit (Permitted Use): An efficiency or one-bedroom apartment that is clearly subordinate to an owner-occupied single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

1. The property has sufficient wastewater capacity.
2. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
3. Applicable setback, coverage, and parking requirements specified in the bylaws are met.

Accessory Dwelling Unit (Conditional Use): An efficiency or one-bedroom apartment that is clearly subordinate to an owner-occupied single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

1. The property has sufficient wastewater capacity;
2. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling;
3. Applicable setback, coverage, and parking requirements specified in the bylaws are met; and that involves one or more of the following in its creation:
   a. A new accessory structure;
   b. An increase in the height or floor area of the existing dwelling; or
   c. An increase in the dimensions of the parking areas.

Accessory Use: A use clearly incidental or subordinate to, and customary in connection with,

the principal use on the same lot.

Affordable Housing means either of the following:

A. Housing that is owned by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30 percent of the household's gross annual income.

B. Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

Affordable housing development: A housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years or longer as provided in municipal bylaws.

Agriculture: Land (containing at least 1/2 acre) which is used for livestock, or agricultural or forest products, including farm structures and the storage of agricultural products raised on the property.

Appropriate Municipal Panel: The Northfield Joint Planning Commission performing development review, the Northfield Development Review Board performing development review, or the Northfield Development Review Board performing development review.

Banner: Any sign of lightweight plastic, fabric, or similar material that is permanently mounted to a pole or other structure by a permanent frame at one or more edges. National, state, or municipal flags, or the official flag of any institution or business, shall not be considered banners.

Bed and Breakfast: A single residential property containing sleeping rooms or dwelling units that are offered for rent at any given time, which is the primary residence of the owner and in which rooms or units are rented out. May also be referred to as B&B's.

Building: Means the same as ***structure.***

Bulk storage: The storage of chemicals, petroleum products, and other materials in above ground containers for sale by or to distributors or retail dealers, but not directly to

consumers.

Bylaws: Zoning regulations

Centerline or Center: The middle of the traveled portion of any existing road or street.

Certificate of Occupancy: A type of Municipal Land Use Permit issued upon verification by the Zoning Administrator that the applicant has complied with all requirements and conditions of a site plan approval, conditional use, zoning permit or other Municipal Land Use Permit. Said permit shall only be issued by the Zoning Administrator following any inspections that may be necessary.

Conditional Use: A use allowed in a particular zoning district only upon showing that such use in a specified location will conform to all the standards for the location or operation of such use as specified in these regulations and authorized by the Development Review Board at a warned public hearing. In granting approval for a conditional use, the Development Review Board may attach reasonable conditions as it deems necessary to implement the purposes of these regulations.

Curb Level: The established elevation of the street grade at the point that is opposite the center of the wall nearest to and facing the street line.

Development or Land Development: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, ***structural alteration***, relocation or enlargement of any structure, or of any mining, excavation or landfill, and any change in the use of any structure, or land, or extension of use of land.

Dwelling, Single-Family: A detached structure containing one dwelling unit only and used as living quarters by one family.

Dwelling, Multi-Family: A structure or portion thereof containing three or more dwelling units and each family living independent of each other.

Dwelling, Two-Family: A detached building containing two dwelling units only and the two families living independently of each other.

Dwelling or Dwelling Unit: A structure, or entirely self-contained portion thereof, containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other ***dwelling unit***. Other structures or portions thereof that contain other residential uses including but not limited to: group living accommodations, hospitals, nursing homes, hotels, motels, or automobile courts, shall not be deemed to constitute ***dwelling units***.

Family: One or more persons occupying a dwelling unit as a single nonprofit housekeeping

unit. More than five persons, exclusive of domestic servants, not related by blood, marriage, civil union or adoption, shall not be considered to constitute a family.

Fence. Any material or combination of materials erected to enclose, screen, or separate areas of land. Fences may be of an open (e.g. picket), semi-open, or closed (e.g. brick or stone) style. Closed fences may also be known as walls.

Flag: Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flood-related definitions are listed in Article V

Floor Area: The sum of the gross horizontal areas of the several floors of the buildings on a lot measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings, excluding unfinished attic, cellar, garage and basement areas used only for storage or for the operation and maintenance of the building.

Government Building: Any building owned by a local, county, state or federal agency.

Group Living Accommodations: Residential accommodations provided in dormitories, fraternity houses, sorority houses, rooming houses, boarding houses, homes for aged persons, family boarding homes for aged persons, and similar uses, but not including hospitals, nursing homes, hotels, motels or automobile courts.

Height: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point thereof for flat and mansard roofs, and to the mean height between eave and ridge for other types of roofs.

Hotel: A building or portion thereof containing six (6) or more guest rooms used, designed or intended to be used, let or hired out for occupancy by six or more transient individuals for compensation, whether direct or indirect.

Land Development : Means the same as Development

Legislative Body: The Town of Northfield Board of Selectmen.

Lot: Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated, and having frontage on a street, or other means of access as may be determined by the Development Review Board (DRB) to be adequate as a condition of the issuance of a zoning permit.

Lot Area: Total area within the property line excluding any part thereof lying within the boundaries of a public street, or proposed public street.

Lot, Corner: A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

Lot Depth: Mean horizontal distance from the street line of the lot to its opposite rear line measured at right angles to the building front line.

Lot Line: Property lines bounding a lot.

Mobile Home: A prefabricated dwelling unit which: a) is designed or used for long term or continuous residential occupancy; and b) is or was initially designed to be moved on wheels substantially as a whole; c) on arrival at the site is complete and ready for occupancy, except for incidental unpacking assembly, connections with utilities and placing on support or permanent foundation or installation as a unit on a previously prepared structure, and d) contains the same water supply and waste disposal as immovable housing.

Mobile Home Park: Land upon which two or more mobile homes are parked and occupied for living purposes.

Motel: An establishment which provides overnight lodging and parking in which the rooms are usually accessible from an outdoor parking lot.

Multi-Family Dwelling: A building or portion thereof containing three or more dwelling units and each family living independent of each other.

Municipal Land Use Permit: Any of the following whenever issued:

A. A zoning, subdivision, or site plan permit or approval, any of which relate to "***land development***" as defined in this regulation, which has received final approval from the applicable board, commission or officer of the municipality; or
B. a septic or sewage system permit issued under any municipal ordinance adopted pursuant to chapter 102 of Title 24; or
C. final official minutes of meetings which relate to the permits or approvals described in subsection (A) or (B) of this section which serve as the sole evidence of such permit or approval; or
D. a certificate of occupancy, certificate of compliance or similar certificate which relates to the permits or approvals described in subsection (A) or (B) of this section; or
E. an amendment of any of the documents listed in subsections (A) through (D) of this definition.

Municipal Water & Sewer: Sewage disposal and water supply systems operated by the municipal government.

Nonconforming lots or parcels: Lots or parcels that do not conform to the present bylaws

covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator.

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

Nonconforming Use: A use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the Zoning Administrator.

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

Parking Space: An off street space used for location of one licensed motor vehicle. One parking space is at least eight feet wide and eighteen feet long, not including access driveway, and having direct access to a street or alley.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permitted Use: A use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

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

Personal Service Store: A store which may provide both services and products, including but not limited to stores such as a dry cleaner, barber shop or cosmetology shop or other such retail operation that serves a variety of customers or clients on a regular or scheduled basis.

Plan: The duly adopted municipal plan for the Town of Northfield.

Planned Unit Development: One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required open space, or other standards.

Plat: a map or plan drawn to scale of one or more parcels, tracts, or subdivisions of land, showing, but not limited to, boundaries, corners, markers, monuments, easements and other

rights, in compliance with 27 VSA §1403.

Posted Area: An outdoor space which by means of a sign or signs erected by the owner or occupant has limited or restricted use.

Public Notice: The form of notice prescribed by 24 VSA §4444, §4449, or §4464, as the context requires.

Premise: A piece of land, including any buildings thereon.

Principal Building or Principal Structure: A structure occupied by the main or principal use of the lot on which said building is located.

Principal use: The primary or predominant use of a lot.

Professional Office: Portion of a structure in which the owner has a professional office, such as, but not limited to, architect, accountant, chiropractor, dentist, doctor of medicine, landscape architect, land surveyor, lawyer, optometrist, osteopath, physiotherapist, planning consultant, podiatrist, engineer, or psychologist, which is clearly secondary to the residential use of the structure by the owner and does not change the residential character thereof.

Recreation, Private Outdoor: Includes privately owned and operated golf course, trap, skeet and archery range, swimming pool, skating rink, riding stable, park, tennis court, recreation stadium, skiing facility, and similar places of outdoor recreation.

Recreation, Public Outdoor: Includes publicly owned and operated playground, play field, park, open space, swimming pool, and similar places of public outdoor recreation.

Retaining wall: A structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

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

Sandwich Board Sign: A portable freestanding sign placed on the ground that has no more than two sides, with an area of no more than 12 square feet per side and no more than 24 square feet total.

Self-Storage: A structure containing separate, individual, and private storage spaces leased or rented on individual leases for the storage of personal property.

Shopping Center: For the purpose of this Regulation, a shopping center consists of two or more directly adjoining retail or service establishments served by common curb cuts, access facilities, and parking areas with each establishment having its own entrance to the parking

lot.

Sidewalk: A walk or path for pedestrians at the side of and within the right of way of a public road, which road is owned and maintained by the State of Vermont or the Town of Northfield. Where the width of the sidewalk is not clearly established by paving or curbing, it shall be deemed to be two (2) feet on each side of the apparent centerline of the walk.

Sign: Sign means any structure, display, device or representation which is designed or used to advertise, call attention to, or direct a person to any business, association, profession, commodity, product, institution, service, entertainment, person, place, thing or activity of any kind whatsoever, and is intended to be visible from a public road. Whenever dimensions or areas of signs are specified, the area of the sign shall exclude the supporting structure and shall be computed by taking the total area within the outer edge of the sign.

Sign, Off Premise: A sign located beyond the boundaries of the lot on which an activity or service is offered which directs attention to such activity or service.

Site Plan: A site plan is a graphic presentation that shows the local position of a structure or any material object in relation to its several parts or in relation to nearby or neighboring bodies or points of reference. Such presentation may include maps, data or other information bearing upon the determination of the location.

Highway: A public way for vehicular traffic that affords the principal means of access to abutting properties that is one of the following: existing Town or State highway or street; a street shown on the Town map.

Highway Line: The boundaries of a right of way of a street as dedicated by a deed of record. Where width of the street is not established, the street line shall be considered to be twenty-five feet from the centerline of the street.

Structural Alteration: Any change in the supporting members of a building, such as beams, columns or girders.

Structure: An assembly of materials for occupancy or use, including, but not limited to, a building, home, mobile home, pole barn, shipping container, billboard, sign, wall or fence, except a wall or fence on an operating farm.

Subdivision: The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

Technical Deficiency: A defect in a proposed plan or bylaw, or an amendment or repeal thereof that does not involve substantive change to the proposal, including but not limited to corrections to grammar, spelling and punctuation, as well as the numbering of sections.

Tourist Home: An establishment in a private dwelling that supplies temporary

accommodations to overnight guests for a fee.

Usable Open Space: An unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free of structures of any kind or which not more than twenty-five percent is roofed for shelter purposes only, and which is available and accessible to all occupants of the building or buildings on the said lot for purposes of active or passive outdoor recreation.

Variance: An exception to the terms of the zoning regulations where such variance will not be contrary to the public interest, and where owing to conditions peculiar to the property and not the result of any action of the applicant or the landowner, a literal enforcement of the regulations would result in, amongst other things as specified in state law, unnecessary and undue hardship.

Warehouse: A structure used primarily for the storage, receiving, or distribution of goods and materials in association with a retail or wholesale business.

Wetlands: Those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but excluding such areas as grow food or crops in connection with farming activities.

Yard, Front: Yard between the front lot line and the front line of a building extended to the side lot lines of the lot. The depth of the front yard shall be measured from the centerline of the street to the front line of the building.

Yard, Rear: Yard between the rear lot line and the rear line of a building extended to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the rear line of the building.

Yard, Side: Yard between the ***principal structure*** or ***accessory structure*** and a side lot line and extending through from the front yard to the rear yard.