



LANDGROVE ZONING BYLAWS

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Adopted 1/25/24 by the Landgrove Selectboard.

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100. SECTION I: ADMINISTRATION AND PROCEDURE:

101. Administration and Procedure, Enactment:

In accordance with the Vermont Planning and Development Act, Chapter 117, Title 24 Vermont Statutes Annotated (V.S.A.), hereinafter referred to as “the Act,” there is hereby established the Town of Landgrove Zoning Bylaws as set forth in the text and map which constitute these Bylaws.

102. Administration and Procedure, Intent:

It is the intent of the Landgrove Zoning Bylaws to provide for orderly community growth and to further the purposes established in Section 4302 of the Act.

103. Administration and Procedure, Effective Date of these Bylaws:

These Bylaws shall take effect in accordance with the procedures contained in Section 4385 of the Act.

104. Administration and Procedure, Construction Approved Prior to Adoption or Amendment of Bylaws:

Nothing contained in these Bylaws shall require any change in plans or construction of a structure for which a zoning permit has been issued, and which has been completed within three years of the effective date of these Bylaws.

105. Administration and Procedure, Other Permits or Regulations:

1. These Bylaws are intended to repeal the previous Town of Landgrove Zoning Bylaws, but are not intended to repeal, annul, or in any way impair any other regulations or permits previously adopted or issued. Moreover, these Bylaws are not intended to annul any easements, covenants, or other agreements between parties.
2. Applicants for a zoning permit for the use of a structure or land shall be solely responsible for meeting the requirements of all other applicable local, state, and federal permits.

106. Administration and Procedure, Conflicting or Overlapping Provisions:

In any case where the provisions of these Bylaws overlap or conflict in their application to a particular structure, use, or parcel of land, those provisions that would impose the greater restriction upon such structure, use, or parcel of land shall control.

107. Administration and Procedure, Interpretation:

In their interpretation and application, the provisions of these Bylaws shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. These Bylaws are intended to implement the goals and policies of the Landgrove Town Plan (Landgrove Online Zoning Resources item #1) by providing for appropriate future land uses, densities, and intensities of development.

108. Administration and Procedure, Amendments:

These Bylaws may be amended and adopted according to the requirements and procedures established in Sections 4441 and 4442 of the Act.

109. Administration and Procedure, Separability:

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

110. Land Development Requires a Zoning Permit:

As provided for in Section 4303 of the Act, and as further defined herein, land development shall include the following:

1. The **division of a parcel of land** into two or more parcels (land subdivision, including Planned Unit Developments (PUDs), the adjustment of boundary lines and the merger of lots by deed.
2. The **construction**, reconstruction, demolition, relocation, or enlargement of a structure (see definition of “structure” in section IX).
3. Removing **trees** or brush that provides screening for a previously issued permit.
4. Removing of **trees** located within 25 feet of the edge of a town highway which have a diameter of eight inches at breast height in the UFSO.
5. **Structural alterations** which result in a structure with wider, longer, or taller dimensions, with more square feet of finished floor space, more dwelling units and/or which result in a reduction in any established setback distance.
6. The construction of **ponds**.
7. Any **change in the use** or extension in the use of land or structures (see definition of “change of use” in section IX).
8. The **addition of bedrooms** or of any other use that would require an increase in wastewater capacity.
9. Construction of a new **driveway or private road** over 10% in grade, or over 500 feet in length.
10. **Development in a flood zone**, riparian buffer, Class I or II wetland, or wetland buffer

111. Permits for Government and Community Facilities:

In accordance with state statute, landowners must obtain a zoning permit and site plan approval for development associated with the government or community facilities listed below, unless otherwise exempted under these regulations. Development associated with a government or community facility must meet the same standards as comparable types of private development unless the applicant demonstrates that meeting the standard(s) will interfere with the intended function or use of the government or community facility in accordance with state statute.

1. Institutions or facilities owned and operated by the town or state.
2. Public and private schools or other educational institutions certified by the state.

3. Places of worship or religious institutions.
4. Public and private hospitals certified by the state.
5. Waste management facilities certified by the state.
6. Emergency shelters.

112. Zoning Permit Exemptions, General:

1. The items listed in section 113 below shall not be considered “land development” and shall not require a zoning permit. These exemptions shall apply unless regulated otherwise in:
 - A wetland or wetland setback as outlined in section 344-346.
 - A watercourse setback as outlined in section 349-352.
 - A Flood Hazard Areas as outlined in section VIII of this Bylaw.
 - The Utley Flats Scenic Overlay District as outlined in section 216-223.
 - A lot with slopes greater than 20% as outlined in section 359-362.
2. Unless specifically stated otherwise below, land development that is exempted is not required to meet dimensional (setback, height, etc.) or other standards of these regulations.

113. Zoning permit exemptions

1. The placement or construction of a detached tool **shed**, pump house, dog-house, or other such accessory structures, provided that the floor area of the structure does not exceed 144 square feet, the height does not exceed 15 feet, and provided that such a structure is meets the required setbacks in the zone in which it is located.
2. The **interior repair**, alteration or renovation of any building or structure, so long as the activity does not change the use of the building or structure, add a bedroom, increase the number of dwelling units, increase the square footage of finished space, or increase septic output.
3. **Non-structural exterior repairs**, renovations, or maintenance which do not change the existing footprint, dimensions, or the use of a structure. The addition of chimneys or vent pipes shall be included in this exemption.
4. **Agricultural uses**, except that no farm structure, as defined in Section 4413(d) of the Act, shall be constructed until a written notice of intent to build is filed with the Administrative Officer, and such farm structure shall conform to all setback requirements of the zone in which it is located unless specifically approved otherwise by the Secretary of Agriculture, Food, and Markets.
5. **Forestry** uses, including those activities associated with the sustained management of land for silvicultural purposes such as the planting, harvesting, and removal of trees.
6. The construction or reconstruction of a **driveway**, private roadway, or logging road under 10% grade or **under 500 feet**; except:
 - Driveways and roads constructed without a zoning permit may need to be upgraded when a property is further developed, (see section 302-307)

- A highway access permit from the select board may be required for driveways and private roadways.
 - This exemption does not apply in a wetland, riparian buffer or flood zone.
7. **Exempt Signs** listed in Section 326 of these Bylaws.
 8. **Landscaping, grading and excavating**, except for:
 - Landscaping, grading and excavating in a flood zone, wetland or riparian buffer.
 - The removal of trees and brush that provide screening for a previously issued permit, and the removal of trees located within 25 feet of the edge of a town highway which have a diameter at breast height of eight inches in the UFO.
 - Alteration of a stream, pursuant to 10 V.S.A. § 1027 and 10 V.S.A. Chapter 41.
 - Disturbing more than 10,000 square feet of soil.
 - Removing trees in riparian buffers or flood zones if regulated by the state.
 9. A new **fence** or stone wall that:
 - Is not more than 4 feet tall, if functioning as a retaining wall, or is not more than 6½ feet tall otherwise.
 - Does not extend into or obstruct a public right-of-way.
 - Does not interfere with corner visibility or sight distance for vehicular traffic.
 - Does not affect existing drainage patterns on adjacent lots or public rights-of-way.
 - Does not pose a safety hazard.
 - Is not designed to inflict physical harm.
 10. A **fuel tank** that:
 - Holds not more than 1,000 gallons of fuel.
 - Is located to the side or rear of the building being served.
 - Meets applicable setback requirements for the zoning district.
 - Is sited installed and secured in accordance with state and federal regulations.
 11. A **generator**, HVAC system, or similar mechanical equipment that:
 - Has a footprint or is placed on a pad that does not exceed 200 square feet.
 - Is located to the side or rear of the building being served.
 - Meets applicable setback requirements for the zoning district.
 12. Above ground swimming pools, skate ramps, trampolines, cisterns, mailboxes, house numbers and clotheslines, and similar **small portable structures** under 400 square feet.
 13. Entry ramps, uncovered **entry stairs**, or walkways. If ramps or stairs extend into the highway right of way, permission from the road commissioner or V-Trans is required.
 14. **Outdoor light fixtures** outside of the Utley Flats Scenic Overlay that:
 - Have an output that does not exceed 2,000 lumens; and
 - Are downward directed and shielded as necessary to prevent glare or light trespass beyond the property line.
 15. **Temporary events** that last no more than two days and occur no more than twice a year which are sponsored by non-commercial entities (a nonprofit organization, academic institution, government organization, or similar entity). Events that occur

with more frequency or for a longer duration constitute land development and are subject to the zoning and permit review requirements.

114. Nonconformities, General:

1. Any lawful structure, or use of a structure or land or part thereof existing at the time this bylaw is adopted may be continued (though not extended or expanded) even if it does not conform to the current provisions of the district in which it is located.
2. A landowner may obtain a zoning permit, and any applicable development approvals, to use a nonconforming structure for any land use allowed in its zoning district.

115. Nonconformities, Changes to structures that do not require a hearing:

The Administrative Officer may issue a zoning permit for the following types of changes to nonconforming lots, uses and structures:

1. Adding to the conforming part of a nonconforming structure.
2. Replacing a nonconforming deck or porch within the same footprint.
3. Replacing all or part of a foundation without moving the building.
4. Minor changes necessary to comply with state or federal building code, energy code or accessibility requirements.
5. Repair and maintenance.
6. The reconstruction of a non-conforming structure which was destroyed by fire or other disaster, provided the owner applies for a zoning permit within a period of three years from the date of the destruction. This exemption specifically excludes:
 - Structures in a flood zone or the Utley Flats Scenic Overlay,
 - structures destroyed by neglect or abandonment.
7. The extension or expansion of a nonconforming use to fully occupy space within the associated structure as that structure existed when the use became nonconforming.
8. The extension or expansion of a nonconforming use to occupy up to 25% more floor area than when the use became nonconforming in a lawful addition to the existing structure.
9. Any existing lot which does not meet the acreage requirements of its underlying district in existence on the effective date of this bylaw or any previous zoning regulation of the Town of Landgrove may be developed for the 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. If the proposed development of a pre-existing small lot which meets the requirements of this subsection cannot meet the dimensional requirements other than lot size, a variance or waiver is required.

116. Nonconformities, Changes requiring a hearing:

All other changes to nonconforming structures require a warned hearing before the Planning Commission/ Zoning Board of Adjustment (PC/ZBA). Where the application demonstrates that the proposed development will result in a structure or use that will:

- Be less intensive in nature.
- Result in a structure or use that will have fewer off-site impacts.
- Result in a structure or use that will be more compatible with the character of the area than the existing nonconforming use.
- And that prevention of the extension, expansion or reconstruction would result in exceptional and unnecessary hardship on the owner of the noncomplying structure.

117. Changes to Nonconforming Structures and Uses Requiring a Hearing, Conditions:

After the PC finds that the applicant can meet the criteria above, they may impose conditions on the approval such as restrictions such as limits on exterior lighting and visual screening to mitigate the impact of the nonconforming structures and uses.

118. Nonconformities, Discontinuance of a non-conforming use:

A non-conforming use that has been discontinued for three years, regardless of evidence of intent to resume such use, shall not be resumed thereafter.

200. SECTION II: DISTRICT USE AND INTENSITY REGULATIONS

201. Zoning Districts, General:

The Town of Landgrove is hereby divided into the following zoning districts:

- CARE Conservation/Agriculture/Resource District
- RR Rural Residential District
- V Village District
- MU Mixed Use District

202. Zoning Districts, Overlays:

- These Bylaws provide for the regulation of flood hazard areas and scenic areas through the use of two special zoning overlay districts as shown on the Landgrove Zoning Map:
- RFHA Regulated Flood Hazard Area Overlay
- UFSO Utley Flats Scenic Overlay

203. Zoning Districts, Boundaries:

- The location and boundaries of zoning districts are shown on the Landgrove Zoning Map which is available for review at the Town Clerk's office and is linked on the Landgrove Online Zoning Resources Page item #2. This map is hereby made a part of these Bylaws, together with all future amendments.
- Where there is any uncertainty, contradiction, or conflict as to the intended location of any district boundary due to scale, lack of detail, or illegibility of the maps, the ZBA shall make an interpretation upon an appeal from a decision of the Administrative Officer. If a lot is clearly in two districts, that will not be grounds for appealing the interpretation of the district boundary.

204. Regulations Which Apply in all Zoning Districts:

1. Density, Buildings and Uses on Lots

There shall be only one principal building and one principal use on a lot except as allowed in 204.2 below.

2. Density, Multi-Use Buildings

A single building located within the Mixed-Use District may contain multiple uses and be considered as being "one principal use" for the purpose of determining density, setback, coverage, and frontage requirements. All uses within the building must be either permitted or conditionally permitted within the district. There shall be no more than four dwelling units within any multi-use building. Parking and loading requirements shall be determined based on the standards established in Section 331-334 of these Bylaws for each business, store, other commercial use, or dwelling unit within the multi-use building. A change of use, as defined in section IX of these Bylaws, within the building will require a new zoning permit.

- #### **3. Setbacks, Land held in Common:**
- Front, side and rear setback requirements will apply irrespective of whether the same landowner owns land on both sides of a

boundary; landowners who own adjoining lots who want to build on or near the boundary between two lots they own may apply to merge the lots.

4. **Setbacks, Projections from Buildings:** Every part of a required yard setback shall be open from grade level to the sky unobstructed by any structure, including balconies and cantilevered floors, but not including the ordinary projections of sills, cornices, pilasters, chimneys and eaves, bay windows, provided that no such projections may extend more than two feet into any required setback.
5. **Setbacks, Front Yard:** All front yard setbacks on town roads shall be measured from the centerline of the road back to the closest point of the structure, excluding entry steps or ramps. Setbacks from Vt. Route 11 must be verified with the Vermont Department of Transportation and the Zoning Administrator (ZA). Stairs or ramps that will extend into the town or state right of way require the approval of the Road Commissioner or The Vermont Agency of Transportation.
6. **Setbacks, Side and Rear Yard:** All side and rear yard setback requirements shall be measured from the property line back to the closest point of the structure excluding entry steps and ramps. The side and rear yard setbacks of each zoning district, identified in Section 206 of these Bylaws, shall apply to the entire development including structures and parking facilities but excluding landscaping, green stormwater infrastructure, screening, driveways, fences and signs.
7. **Setbacks from a Water Courses:** Setbacks from watercourses shall be 50 feet measured from the mean water level, or from just outside of the flood zone (there is no setback added to the flood zone), whichever is further from the watercourse. Some development may be allowed in a flood zone, but it will require a separate State permitting process. The State may impose restrictions on clearing trees and or brush in a watercourse setback zone, see Section 349-352.
8. **Setbacks from wetlands:** Setbacks from wetlands are determined by State wetlands maps and site inspection. The State may impose restrictions on clearing trees and or brush within wetland setback zones.
9. **Setback Exemption for Ponds:** No setback of structures is required from ponds unless the ponds are deemed to be connected to wetlands or streams by the Agency of Natural Resources.
10. **Building Lots, Lot Coverage:** In determining the lot coverage, porches, decks, carports, garages, and all other accessory buildings shall be included.
11. **Building Lots, Depth:** The average distance between the front and the rear of the lot shall be equal to or greater than the minimum depth requirement of the district.
12. **Building Lots, No Reduction in Area:** No lot shall be so reduced in area that the area, setbacks, lot width, frontage, coverage, or other requirements of these bylaws are smaller than herein prescribed for each district, except in a PUD as provided for in section VI. This shall not apply when a part of a lot is taken for a public purpose.
13. **Building Lots, Required Area:** Space required under these Bylaws to satisfy area, setbacks, or other open space requirements in relation to one building or use shall not be counted as part of a required open space for any other building or use.
14. **Frontage, Corner Lots:** On corner lots, minimum road frontage is to be measured on the side of the lot with the highway access.

15. **Frontage, Inadequate:** A Landowner may apply to the ZBA for permission access a lot by right of way easement over someone else's land.
 - Such easements must be 35 feet in width if serving one or two lots, or 50' feet in width if serving more than two lots.
 - On lots accessed by such easements, the district frontage requirement shall serve as the minimum lot width requirement measured at the front line of the house.
 - On houses accessed by right of way easements, the required front setback is the same as the number given for the required side and rear setback in the district.
 - No two access easements shall be closer together where they originate on a public or private road than the minimum frontage for the zoning district.
16. **Minimum and Maximum Requirements:** For lot areas, lot frontage, lot depth, and all yard setbacks, the requirement specified is the minimum standard to be met. For lot coverage, the requirement specified is the maximum permitted.
17. **Structure Height, Maximum height:** The maximum height of any structure in all districts, exclusive of chimneys, cupolas, antennae, and rooftop solar collectors less than 10 feet in height above a roof, is 35 feet from the average finished grade within 10 feet of the walls of the building to the highest point of flat or mansard roofs, including the top of a parapet, or to a point which equals the average between the highest ridge of the roof, and the lowest eave height of the roof at the top plat, for gable, hip or gambrel roofs
18. **Structure Height, exemptions for tall structures that do not require a hearing:** The Zoning Administrator may make exceptions to the maximum height of 35 feet for:
 - Alternative energy or communications structures with a certificate of public good from the Public Utilities Commission.
 - Agricultural structures.
 - Treehouses and cupolas that are not used as sleeping quarters.
19. **Structure Height, exemptions for tall structures that require a hearing:**
 - The ZBA may make exceptions to the maximum height of 35 feet for other structures after finding at a warned hearing that the proposed structure does not constitute a hazard to public safety, or the character of the surrounding area.
 - The ZBA may impose conditions such as fencing, visual screening, or increased boundary setbacks.
20. **Lots in More Than One District:** When a lot includes land in two or more zoning districts, proposed development on the portion of the lot in one zoning district may only extend across the district boundary if it conforms to the standards of the adjoining district(s).
21. **Lots in More Than One Town:** When a lot includes land in two or more municipalities, proposed development may only extend into the portion of the lot in Landgrove if it conforms to the standards of the applicable district. However, the standards of the applicable district can be met by considering the entire lot including portions not located in Landgrove (ex., lot size, frontage and access requirements can be met from land in the other town)

22. **Lots That are Divided by a Road:** Lots that are in one deed, but already divided by a public highway shall be considered subdivided. Undersized lots subject to this rule may be treated like a preexisting small lot (see section 115), but they cannot be sold separately without creating a formal subdivision.
23. **Accessory Uses and Accessory Structures:** With the exception of structures under 144 square feet and accessory dwellings, accessory uses and accessory structures shall be considered a permitted use only when they are accessory to a permitted use, Otherwise, accessory uses and accessory structures which are accessory to a conditional use shall be considered to be a conditional use and shall require approval from the Zoning Board of Adjustment.

205. Prohibited Uses:

The following are prohibited within the limits of all districts established hereunder:

- Junkyards
- Heavy Industry
- Oil and natural gas drilling.
- Uses with drive-through facilities
- Uranium mining.
- Tank Farms/Bulk Fuel Storage and distribution

206. Zoning District, Uses:

Any use not designated as a permitted or conditional use within its district below shall be prohibited unless the ZBA decides at a warned hearing that the proposed use is materially similar to an existing permitted or conditional use.

P=Allowed with Administrative Permit

C= Allowed with Conditional use Permit

X= Not Allowed

NP= No permit Required

	Village	Mixed Use	Rural Residential	CARE	UFSO
Accessory Dwelling Unit	P	P	P	P	P
Accessory On-farm Business	C	C	C	C	C
Agricultural Uses	NP	NP	NP	NP	NP
Bar	X	C	X	X	X
Campground >3 sites	X	C	C	C	X
Cemetery	C	C	C	C	C
Childcare <6 children (Family childcare home)	P	P	P	P	P
Childcare >6 children	X	C	X	X	X
Clinic, Nursing Home, Veterinarian, Hospital	X	C	X	X	X
Commercial Accommodations-Inn, Hotel, Motel	X	C	X	X	X
Customary Home Occupation	NP	NP	NP	NP	NP
Educational Institutions	C	C	C	X	C
Emergency Shelter	C	C	C	X	C
Event Venue	X	C	X	X	X
Extraction and quarrying	X	C	C	C	X
Food or beverage manufacturing/catering	X	C	X	X	X
Gas station	X	X	X	X	X
Home Based Business, Studio, Office	C	C	C	C	C
Industry, light	X	C	X	X	X
Institutions owned by The Town or State	C	C	C	X	C
Landscaping	NP	NP	NP	NP	C
Mobile Home/tiny home parks	X	C	C	X	C
Multi-family Dwelling	X	C	X	X	X

	Village	Mixed Use	Rural Residential	CARE	UFSO
Multi-Use Building/Office Building	X	C	X	X	X
Museum or Library	C	C	C	X	C
On Farm Accessory Business	C	C	C	X	C
One- or two-family homes and/or accessory structure thereto	P	P	P	P	C
Owner occupied B&B or Boarding House	X	C	C	C	X
Planned Unit Development	C	C	C	C	C
Primitive Camp	X	P	P	P	C
Public Utilities	X	C	X	X	X
Recreation, indoor	X	C	X	X	X
Recreation, outdoor	C	C	X	X	X
Religious Institutions	C	C	C	C	C
Removal of trees located within 25 feet of the edge of a town highway which have a diameter at breast height of eight inches or more and which contribute to the scenic qualities afforded by rural roadways and village streets.	P	P	P	P	C
Restaurant/Bar	X	C	X	X	X
Retail/Repair Shop/Gallery/Real Estate	X	C	X	X	X
Roadside Agricultural Stand	P	P	P	P	X
Subdivision, 2 lot	P	P	P	P	C
Subdivision, >2 lot	C	C	C	C	C
The installation of above-ground power or telephone utility lines.	NP	NP	NP	NP	C
Waste Management Facility	C	C	C	X	X
Wildlife Refuge	P	P	X	P	P

207. Zoning District Dimensional Standards:

	CARE	MIXED USE	RURAL RESIDENTIAL	VILLAGE
Lot Size	10-acres	4-acres	4-acres	2-acres
Frontage	400 feet	200 feet	400 feet	100 feet
Lot Depth	500 feet	150 feet	150 feet	60 feet
Front setback (from middle of road)	50 feet	50 feet	75 feet	30 feet
Rear Setback	50 feet	50 feet	50 feet	15 feet
Side Setback	50 feet	50 feet	50 feet	15 feet
Building Height	35 feet or three stories	35 feet or three stories	35 feet or three stories	35 feet or three stories
Lot Coverage	10 %	20%	15%	25%

208. The Districts and Overlays, CARE District, Purpose:

The purpose of the CARE District is to protect lands that have a high natural, recreational, scenic, or other special resource value and to limit development in areas that have substantial or serious physical limitations for development. These lands are not convenient to employment or shopping or have poor access to improved public roads. They should be developed for residential uses at low enough densities to protect their resource values and to perpetuate the traditional settlement pattern of these lands.

209. Districts and Overlays, CARE District, Boundaries:

The CARE District is described as all land setback 1,500 feet from the centerline of all State Highways and class 1, 2, and 3 town roads. The CARE District boundaries are shown on the official Town of Landgrove Zoning Map, (see the Landgrove Online Zoning Resources Page item #2).

210. Districts and Overlays, Village District, Purpose:

The purpose of the Village District is to preserve the historic residential character of the compact village area while accommodating appropriate uses of existing structures and new residential infill development at moderate densities.

211. Districts and Overlays, Mixed Use District, Purpose:

The purpose of the Mixed-Use District is to provide for mixed commercial and residential uses and other compatible uses at moderately low densities which will conveniently serve the retail, service, business, industrial, and residential needs of the community without creating strip development, unsightly clutter, land use conflicts, or other undesirable impacts.

- 212. Districts and Overlays, Mixed Use District, Boundaries:**
The Mixed-Use District consists of an area of land centered on Vermont Route 11 extending 625 feet on either side of the highway right-of-way limits.
- 213. Districts and Overlays, Mixed Use District, Access Control:**
On Route 11, common access points serving multiple properties are encouraged. Newly created subdivisions for residential or nonresidential development and PUDs with frontage on Route 11 shall be designed with shared access points to and from the highway.
- 214. Districts and Overlays, Rural Residential District, Purpose:**
The purpose of the Rural Residential District is to accommodate residential growth at a moderately low density in a manner that provides for a safe and efficient development pattern while maintaining the rural and scenic character of the landscape. Rural Residential lands appear capable of accommodating a significant proportion of the expected growth for Landgrove, they are near improved highways and, except for certain areas with serious or critical limitations, are generally suitable for residential uses.
- 215. Districts and Overlays, Rural Residential District, Boundaries:**
The Rural Residential District is defined as follows: Being the entire remainder of all lands in the Town of Landgrove not included within the CARE, Village, or Mixed-Use Districts described above.
- 216. Districts and Overlays, Utlely Flats Scenic Overlay, Statutory Authorization:**
As provided for in Sections 4412(2) of the Act, there is hereby established a special overlay zoning district known as the Utlely Flats Scenic Overlay.
- 217. Districts and Overlays, UFSO, Purpose:**
The open agricultural lands in and around the Utlely Flats area and the historic character of the adjacent Landgrove Village area represent some of Landgrove's most important and cherished resources. As expressed in the Town Plan, they contribute significantly to the maintenance and enjoyment of Landgrove's rural, pastoral character and personality. Preservation and conservation of these areas is essential to the economic, social, and environmental well-being of Landgrove's current and future residents.
- 218. Districts and Overlays, UFSO, Intent:**
Land development in the Utlely Flats Scenic Overlay District needs to be regulated in a fair and consistent fashion in order to allow development and use of these areas in a manner which will not detract from nor adversely affect its principal scenic qualities. It is not the intent of this section of the Zoning Bylaw to prohibit development in the Utlely Flats Scenic Overlay District, but to assure that such development takes place in a manner which is compatible with the important natural assets of the district. Any proposed use or development of land located within this district must meet the

requirements of this section in addition to the requirements of the underlying zoning districts and the Flood Hazard Area Regulations, as applicable. The requirements of the Utley Flats Scenic Overlay District supersede those of the underlying districts and may render otherwise permitted uses conditional.

219. Districts and Overlays, UFSO, Scenic Qualities:

The principal scenic qualities in the Utley Flats Overlay District are broadly defined as follows:

1. The Utley Flats Scenic Overlay District is dominated by the Utley Brook which emanates from the Green Mountain National Forest and emerges from woodland into agricultural terrain at the Pfister Farm. An interrupted tree line follows the course of the Utley Brook whose banks are occasionally steep and occasionally level with the surrounding fields. The surrounding vegetation and animal life are typical of similar areas.
2. The development along the Landgrove Road and the Peru Road is one of the traditional New England rural patterns of houses clustered together in a village and other houses and farms lying close to the roads with extensive open fields in back of them, on both sides of the Utley Brook, with related agricultural outbuildings visible in the fields. Any subsequent building to date has mimicked that pattern. The “back yards” of some village homes abut the Utley Brook on the west side of the Village and, where the road through the Village crosses the bridge, extensive wetland vegetation provides evidence of the old Harlow Mill Pond to the northwest.
3. While old photographs attest to the once cleared hillsides of the sheep-raising days at the end of the nineteenth century, the surrounding hillsides and ridgelines of today are once again primarily wooded. Most recent building and/or clearing has been done in a fashion consistent with the objectives of the Town Plan so that structures do not dominate the view.

220. Districts and Overlays, UFSO, Impact of Land Development:

The open fields, and historic village which comprise the Utley Flats Scenic Overlay District are highly sensitive to changes in land development patterns. The construction of homes and other structures have the potential to diminish the landscape’s scenic value, obscure important views, and consume important agricultural lands. The subdivision of existing contiguous farmland into residential parcels can destroy the viability of long-term agricultural use of such lands located within the Utley Flats area. In addition, the construction of new homes and accessory structures, and the installation of driveways and above-ground utility lines within the middle of open fields can significantly impact the area’s scenic quality.

221. Districts and Overlays, UFSO, Permitted Uses

The following uses do not require a permit within the Utley Flats Scenic Overlay District:

1. Agricultural and Forestry uses.
2. Home occupations.
3. Wildlife Refuge.

4. Installation of underground utility lines.
5. Landscaping other than the removal of trees and brush requiring a permit under Section 222 below.

222. Districts and Overlays, UFSO, Conditionally Permitted Uses:

All land development other than that identified in Section 221 above shall be allowed as a conditionally permitted use within the Utley Flats Scenic Overlay District. As such, they shall require the approval of the Zoning Administrator or Zoning Board of Adjustment. Conditional uses shall include:

1. Subdivision of land.
2. Construction of a new or addition to an existing one- or two-family home, primitive camp, or accessory structure (note: all accessory structures, regardless of size, require review under this section).
3. The installation of above-ground power or telephone utility lines.
4. Removal of trees or other vegetation which provide screening of an existing structure that has been permitted pursuant to this section with conditions that limit removal of such vegetation.
5. Removal of trees located within 25 feet of the edge of a town highway which have a diameter at breast height of eight inches or more and which contribute to the scenic qualities afforded by rural roadways and village streets.

223. Districts and Overlays, UFSO, Development Standards:

All conditional uses shall be reviewed to determine compliance with the development standards below.

1. Lots or parcels created through the subdivision of land shall be located, sized, and designed so as to preserve large blocks of contiguous open/agricultural land to the maximum extent possible, and to allow the future development of those lots or parcels in a manner which can conform to the design requirements identified below.
2. Proposed development shall be designed and sited so as to preserve large blocks of contiguous open/agricultural land to the maximum extent possible.
3. Buildings and other structures, as well as roadways and driveways, shall not be sited in the middle of open/agricultural land, but shall be located in wooded areas, or at the edge of fields. Every effort shall be made to locate a proposed use or structure upon land which is unsuitable or least productive for agricultural use and has the least impact on the agriculturally productive use of the remainder of the parcel.
4. The placement of development shall be set so as to minimize, as far as possible, the intrusion of any structure or improvement in scenic areas. Efforts shall be made to utilize existing vegetation as screens or buffers for development.
5. Utility lines shall be constructed and routed underground except in those situations where natural features prevent the underground siting or where safety considerations necessitate above-ground construction and routing. Above-ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting.

6. The Zoning Board of Adjustment may impose additional standards as contained elsewhere in this Zoning Bylaw in order to achieve the purposes and intent of this overlay district.

300. SECTION III: GENERAL REGULATIONS:

301. Cannabis:

Unless otherwise specified in a duly adopted town ordinance, the Town of Landgrove will treat any establishment that obtains a state license for the cultivation, manufacture, or testing of cannabis as follows under these regulations:

1. Commercial grow operations will be considered a light industrial use unless the State's definition of farming is revised to include cannabis cultivation.
2. Cannabis product manufacturing will be considered a light industrial use, or for edible products, a food and beverage manufacturing use.
3. All other licensed cannabis-related uses will be treated as the most equivalent non-cannabis use under these regulations.

302. Highway Access Regulations: Purpose:

For the safety of its citizens, fire fighters and ambulance service personnel, Landgrove requires that all residences be accessible to emergency service vehicles.

303. Highway Access Regulations: General:

No land use except agriculture, forestry and recreational uses may be permitted on lots that do not have:

1. Frontage on a maintained public road (Class 1, 2, or 3).
2. Frontage on a maintained private road.
3. A deeded right of way easement over someone else's land which is suitable for access by motor vehicles and is approved by the PC.
4. With the approval of the Selectboard and the PC, a landowner may develop a lot accessed by an upgraded class 4 road or town trail if the ROW is wide enough.
5. Private roads and driveways which start in another town, that are used to access lots in Landgrove, must meet Landgrove access standards.
6. In some rare cases, development may be accessed from public waters after approval by the PC/ZBA.

304. Highway Access Regulations: Easements

1. Access easements for 1 or 2 lots must be a minimum of 35 feet wide, easements for 3 or more lots must be a minimum of 50 feet wide.
2. No two access easements shall be closer together where they originate on a public or private road than the minimum frontage for the zoning district.
3. Easements over National Forest Land may be subject to different rules.

305. Highway Access: For One or Two Principal Residences:

1. All new and modified driveways will require a Highway Access permit from the Landgrove Road Commissioner or the Vermont Agency of Transportation as applicable.

2. Driveways shall be accessible by emergency service vehicles and shall logically relate to topography so as to ensure reasonable grades and safe intersections with public or private roads.
3. A new driveway serving two or fewer dwellings which is over 500 feet in length, over 10% in grade, or in a new subdivision must meet State driveway standard B-71, as most recently amended.
4. Accesses for recreational, agricultural, or forestry uses, or for primitive camps require a highway access permit but are not required to meet other driveway standards.
5. Existing Driveways over 10% in grade, or over 500 feet in length will have to be upgraded to State driveway standard B-71 if a second principal dwelling is added, unless the applicant can demonstrate a warned hearing before the ZBA, that:
 - That access for emergency vehicles will be adequate.
 - Prevention of the extension, expansion or reconstruction would result in exceptional and unnecessary hardship for the owner of the noncomplying properties.
6. Driveways will need to be brought up to current town and state road standards if any additional houses are added.
7. There shall be only one driveway per property unless a second is approved by the Road Commissioner and the PC at a warned hearing.

306. Highway Access: For Three or More Principal Dwellings:

1. Any vehicular way that will be used to provide access to more than 2 lots or principal buildings will be considered a road and must meet Landgrove and state road design standards as most recently amended (see Landgrove Online Zoning Resources Page item #3) irrespective of whether the road will be public or private.
2. Any new or modified Private Road requires a Highway Access permit from the Road Commissioner or the Vermont Agency of Transportation as appropriate.
3. Private roads must have names which have been approved by the Selectboard and which meet State standards.
4. Lots in Landgrove that are accessed from roads originating in other towns must still meet Landgrove access requirements even if the other towns' access requirements are more lenient.
5. Existing private roads will have to be upgraded to current town and state road standards when a new principal dwelling is added, unless the applicant can demonstrate at a warned hearing before the ZBA, that:
 - That access for emergency vehicles will be adequate.
 - Prevention of the extension, expansion or reconstruction would result in exceptional and unnecessary hardship for the property owners on such a road.
6. Any landowner who has frontage on a private road who is planning to use that private road for access for a new principal structure should consider entering into a private road maintenance agreement with their neighbors. When there is no such agreement any resident on such a road has the right under state law to bring a civil

action to force a person who benefits from a private road to contribute to the cost of maintaining the private road.

307. Highway Access: Bridges and Culverts on Driveways and Private Roads:

1. Bridges that are used as access for dwellings and the grade leading to and from such bridges must be designed by an architect or engineer to be suitable for use by fire trucks and must be approved by the Londonderry Fire Chief.
2. The installation of new bridges and culverts which carry running water under driveways and private roads may need to be approved by the local A.N.R. River Management engineer (see Landgrove Online Zoning Resources Page item #4). Such approval is not required of a culvert in a dry roadside ditch.

308. Accessory Dwelling Units:

This bylaw shall not have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to a single-family dwelling unit. Said accessory dwelling unit shall be clearly subordinate to the primary single-family dwelling unit on the property and shall conform to the following requirements:

1. The applicant must provide a State wastewater permit for any added bedrooms.
2. The ADU must not exceed 40% of the total habitable floor area of the single-family dwelling (excluding porches, attics etc.) or 1,000 square feet, whichever is larger.
3. Applicable setback, coverage, and parking requirements specified in these Bylaws must be met.
4. The principal dwelling and the accessory dwelling must share highway access unless a second is approved by the Road Commissioner and the PC at a warned hearing.

309. Residential Care Home or Group Home:

Pursuant to Section 4412(1)(G) of the Act, a State licensed or registered residential care home or group home, serving not more than 8 persons who are developmentally disabled or physically handicapped, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another such residential care or group home.

310. Family Childcare Facility:

Pursuant to Section 4413(5) of the Act, a State licensed or registered family childcare home serving 6 or fewer children shall be considered to constitute a permitted single-family residential use of property. A family childcare home serving no more than 6 full-time and 4 part-time children, as defined in 33 V.S.A. Section 4902(3)(A), shall be considered to constitute a permitted use in any district, but shall be subject to site plan approval pursuant to Section 520-524 of this Bylaw.

311. Performance Standards: General:

In accordance with Section 4414(5) of the Act, in all districts and for all uses, the following performance standards together with any applicable State standards and general and specific standards as required under these Bylaws must be met. The purpose of these

standards is to ensure that any activity on property in Landgrove will have a minimal impact on neighboring properties.

The Administrative Officer shall decide whether proposed permitted uses not requiring a site plan approval hearing meet the standards below. The Zoning Board of Adjustment and/or the Planning Commission, as applicable, shall decide on the conformance of proposed uses with the standards for conditional use review and site plan approval.

312. Performance Standards: Criteria:

In all districts, uses are not permitted which exceed any of the following standards measured at the individual property line:

1. Emit noise in excess of 70 decibels.
2. Emit smoke in excess of applicable standards, guidelines, and/or regulations established and/or enforced by the State.
3. Emit any noxious gases which endanger the health, comfort, safety, or welfare of any person, or which have a tendency to cause injury or damage to property, business, or vegetation.
4. Cause as a result of normal operations a vibration which causes displacement of 0.002 of one inch.
5. Lighting or signs which create glare, which could impair the vision of a driver of any motor vehicle, or which unnecessarily illuminate beyond the property boundaries.
6. Cause fire, explosion, or safety hazard.
7. Cause harmful wastes to be discharged into a sewer system, stream, or other body of water.
8. Emit any non-agricultural odor which is considered offensive.
9. Result in the dumping of refuse and waste material for landfill. Loam, rock, stone, gravel, sand, cinders, and soil may be used for landfill.

313. Performance Standards: Specific:

In all districts, the following performance standards shall be met:

- a. **Storage of Flammable Liquids:** Fuel Storage tanks must be installed, maintained, decommissioned, and removed in accordance with State and federal regulations. Tanks over 1,000 gallons are not permitted.
- b. **Screened Service Area Requirements:** In any district, for any use other than one and two-family homes, the Planning Commission or Zoning Board of Adjustment, as applicable, may require that all areas designated, used or intended to be used as service areas be screened from view with either a wall, a solid fence, or evergreens to a height of at least 5 feet above grade level on all sides unless the service area is otherwise screened by terrain of existing vegetation.
- c. **Grading:** No grading, cut, or fill shall be carried out in any district which leaves the slope of the finished grade in excess of one (1) foot vertical to two (2) feet horizontal, where such area could create an erosion problem or other hazard or impact on adjoining roads or property.

314. Landscaping: Purpose:

The Planning Commission, under site plan review and planned unit development authority, and the Zoning Board of Adjustment under conditional use approval authority, are responsible for assessing the adequacy of landscaping involved with site development. Properly planned and installed landscaping can reduce the potential for conflicts between different adjoining land uses, maintain and enhance scenic values, can help to reduce noise and glare, and can provide privacy and separation.

315. Landscaping: Applicability: Where required by these Bylaws, landscaping:

1. Shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas, natural wooded areas, or ground covers.
2. Shall, to the extent practicable, be of native plant species indigenous to the region.
3. Shall consist of plantings of a type and size which serve to adequately buffer or screen uses, where needed, to serve the purposes of Section 314 above.
4. Shall be installed within one year of substantial completion of site construction activity, or as otherwise designated by the PC or ZBA.
5. Shall be cared for in a manner which ensures that plantings continue to fulfill their intended purpose over time; dead and dying plants shall be replaced during the next growing season.
6. Shall retain existing large specimen trees.

316. Landscaping: Standards:

Compliance with the following standard shall be considered to be the minimum landscaping necessary. Additional landscaping may be required to fulfill the intent of Section 314 above. Where any non-residential land use abuts a residential land use, a strip of land at least fifty (50) feet in width shall be maintained as a landscaped area or natural wooded area in the front yard, side yards, and rear yard unless waived by the PC or ZBA because terrain or existing vegetation provides adequate screening.

317. Landscaping: Requirements:

All nonresidential development shall install and maintain a landscaped buffer area in the front yard (between Route 11 and the buildings(s) or parking areas, whichever is closer) of at least thirty (30) feet in depth. Landscape plantings shall be of a type and size which serve to create a visually pleasing area along Route 11, to enhance the rural character of the area, and to minimize the appearance of "strip development." There shall be no parking allowed in this buffer area.

318. Landscaping: Parking Areas:

1. Where any nonresidential use abuts a residential use or district in a side or rear yard, the parking and loading areas shall be setback a minimum of fifty (50) feet from the property line abutting the residential use or district, and the spaces shall be adequately landscaped.

2. Parking lots containing 10 or more spaces shall be planted with at least one (1) tree per eight spaces, located within the parking lot, no smaller than two (2) inch caliper (trunk diameter at chest height), each tree being surrounded by no less than forty (40) square feet of permeable area planted with grass or other appropriate landscaping. Such plantings are exclusive of all other planting requirements. This may be omitted if the applicant obtains a professionally designed green stormwater infrastructure plan.

319. Landscaping Screening of Storage Areas:

Commercial solar arrays, open storage areas, exposed machinery, trailers, dump trucks, and outdoor areas used for the storage and collection of rubbish, must be visually screened from roads and surrounding land uses. Suitable types of screening include but are not limited to opaque wood fences and dense evergreen hedges of five (5) feet or more in height.

320. Temporary Structures:

Permits for temporary structures in any district may be issued by the Zoning Administrator for a period not exceeding one year for any structure, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit.

1. Permits may be renewed upon application for an additional period not exceeding one year.
2. Such structures will not have to meet district setbacks, but the ZA may condition the permit on providing screening for temporary structures.
3. Temporary structures associated with construction projects (dumpsters, storage containers, temporary offices or living quarters) may remain in place as long as there is an active zoning permit.
4. Temporary living quarters must meet State Septic rules.

321. Removal of Structures:

1. Demolition of permanent structures over 144 square feet requires a zoning permit.
2. Within 6 months after a permanent or temporary building or structure has been destroyed or demolished, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owner.
3. The landowner is responsible for following State and federal rules concerning lead, asbestos, and fuel tanks.

322. Dangers to Public Safety:

If a swimming pool, quarry, excavation, structure or similar facility is maintained in a manner, which, in the judgment of the Town, constitutes a danger to public safety, the Planning Commission may require the owner to provide adequate fencing.

323. Abandoned Development:

If the development authorized by a zoning permit is abandoned without being completed prior to the expiration of the zoning permit authorizing the development, a landowner may be required to demolish or secure any partially completed structures, remove all structural materials from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion prior to the zoning permit expiring.

324. Signs: Purpose:

It is the intent of this section of these Bylaws to provide for the orderly signing of activities in the Town and to ensure visual compatibility with the scale and character of the surrounding area.

325. Signs: Applicability:

No sign shall be erected, enlarged, redesigned, or altered (except for regular maintenance) without a zoning permit issued by the Administrative Officer, with the exception of those noted in Section 326 below. Permits shall be issued only for signs in conformance with these Bylaws.

326. Signs: Which Do Not Require a Permit:

Signs identified in 1 through 5 below do not require a sign permit when located on the immediate property, or when located off-premises as otherwise specifically stated:

1. **Signs erected, maintained, or administered by the Town**, including official traffic control signs, or by the State of Vermont under Title 10 V.S.A. Chapter 21.
2. Unlighted **directional signs**, without advertising, displayed for the direction, instruction, safety, or welfare of the public, or bearing the name of a residential premise or its occupants. The collective total surface area of all such signs on a lot shall not exceed four (4) square feet.
3. Temporary **real estate signs** advertising the sale of property on which the sign is located, not exceeding six (6) square feet in area; and temporary painting/construction signs, not exceeding six (6) square feet in total area, advertising work being performed on the property on which the sign is located and displayed only during the period of time when the work is being performed on the site. There shall be a maximum of one such real estate sign and one such painting/construction sign on a property at any one time.
4. **Signs announcing an event** of a civic, political, philanthropic, or religious organization. These signs may be located on premises or, with the permission of the landowner, off-premises. All such signs are to be removed promptly by the owner following the event.
5. **Signs announcing a garage or yard sale** provided that such signs are removed within 24 hours following the event. These signs may be located on premises or, with the permission of the landowner, off-premises.

327. Signs: Which Require a Permit:

All signs identified below require a zoning permit. These signs must be located on premises and meet the minimum requirements outlined in Section 330 below.

The design and placement of signs shall be subject to approval by the Planning Commission under site plan approval or the Zoning Board of Adjustment under conditional use approval, whichever is applicable.

328. Signs in the CARE, Village, and Rural Residential Districts:

The following signs are permitted:

1. One (1) home business or home professional office sign per lot, not exceeding four (4) square feet in area.
2. One (1) sign per lot identifying any nonresidential building or use, not exceeding ten (10) square feet in area.

329. Signs in the Mixed-Use District:

The following signs are permitted:

1. One (1) home business or home professional office sign per lot, not exceeding four (4) square feet in area.
2. One (1) sign per lot identifying any nonresidential building or use, not exceeding twenty (20) square feet in area. In addition, on lots with more than one nonresidential use or business, each nonresidential use or business may have one (1) wall sign, not to exceed six (6) square feet, identifying the use or business.

330. Sign: Standards:

The following standards shall apply to all signs identified in Section 327 above. These standards represent the minimum under these Bylaws.

1. Signs shall not be located within twenty-five (25) feet of the center line of a town highway or private road. Setbacks from Vt Route 11 will be determined after consultation with the Vt Department of Transportation.
2. Signs are exempt from all front yard setback requirements; signs must, however, meet all side and rear yard setbacks for the district in which the sign is located.
3. Sign area shall be calculated based on the entire face of the sign, including the advertising surface and any framing, trim, or moldings, but not including the supporting structure. For a sign with two (2) sides or faces placed back-to-back, the sign area shall be taken as the area of either side or face.
4. Signs may be illuminated by a steady light provided that such lighting does not illuminate or reflect onto other property or interfere with the vision of any person operating a motor vehicle.
5. Flashing, internally lit, oscillating, and revolving signs shall not be permitted unless necessary for public safety or welfare.
6. Signs shall be designed and located in a manner as to not impair public safety; not restrict clear vision between a sidewalk and any street; not be confused with any

traffic sign or signal; and not prevent free access to any door, window, or fire escape.

7. Signs attached to buildings shall not extend above the eaves of that part and side of the building to which the sign is attached; roof signs are prohibited.
8. Freestanding signs, including their supporting structures, shall not exceed fourteen (14) feet in height in the Mixed-Use District and ten (10) feet in height in all other districts.
9. Signs shall be designed and located in a manner as to withstand a wind pressure load of at least thirty (30) pounds per square foot.

331. Parking: General

For every building or use of property hereafter erected, altered, extended, or in use, there shall be provided off-street parking spaces at least as set forth below.

1. Parking spaces may be provided by the applicant on other property, provided such land lies within 500 feet of an entrance to the principal building or use.
2. Parking lots shall be clearly identified.
3. Parking areas for commercial enterprises must meet district setbacks.
4. Each parking space shall be 9 feet by 20 feet.

332. Parking: Residential Uses:

1. One-family and two-family dwellings. 1 parking space per dwelling unit.
2. Home-based Business. 1 parking space per dwelling unit, plus 1 additional parking space for each nonresident employee.
3. Bed and Breakfast, Boarding House. 3 parking spaces, plus 1 for every guest room.

333. Parking: Nonresidential Uses

1. Professional and/or Business Office. 2 parking spaces plus 1 for every 200 square feet of office space.
2. General Commercial. 1 parking space for every 2 employees, 1 parking space for every motor vehicle used in the business, plus 1 for every 200 square feet of retail floor area.
3. Restaurant, Eating, and Drinking Establishments. 1 parking space for every motor vehicle owned by the business, plus 1 for every 2 employees, plus 1 for every 3 seats.
4. Indoor Recreation Facility, Public Assembly Facility. Every structure used as a community center, club, library, museum, church, lodge hall, or other public or private assembly which provides facilities for seating people: 1 parking space for every 3 seats is required. Where there are not seats provided, 1 parking space shall be provided for every 50 square feet of floor area. Existing facilities are exempt from this section.
5. Outdoor Recreation Facility. As required by the Planning Commission.
6. Inn. 1 parking space per sleeping room, plus one space for every 2 employees on the largest work shift. In addition, accessory uses (e.g., bars, restaurants, public meeting spaces) must follow their respective standards.

7. Industrial Uses. One parking space for each employee per shift.

334. Parking: All Other Uses:

As required by the Planning Commission under site plan approval or PUD approval or by the Zoning Board of Adjustment under conditional use approval, as applicable.

335. Off-Street Loading Space Requirements:

For every building or use of property hereafter erected, altered, extended, or changed in use for the purpose of commercial or industrial use, there shall be provided off-street space for loading and unloading of vehicles as required by the Planning Commission under site plan approval or PUD approval, or by the Zoning Board of Adjustment under conditional use approval, as applicable.

336. Agriculture: Farm Structures:

Persons intending to erect a farm structure must notify the Zoning Administrator using the Landgrove Universal Zoning Permit Application, and must abide by setbacks of the district, including flood zone setbacks, unless a waiver is approved by the Commissioner of Agriculture, Food and Markets. The notification must contain a site plan sketch done on a copy of a survey or a satellite photograph and must show the setback distances as specified by the applicable zoning district. A zoning permit will be required before an exempt agricultural structure is converted to another purpose other than storage.

337. Agriculture: On Farm Accessory Business:

Farms that meet the definition of a Small Farming Operation found in 24 V.S.A. § 4413 may have an On Farm Accessory Business that meets the requirements of Vt. Act 143 after conditional use and site plan review.

338. Agriculture: Farm Stands:

Homeowners who do not meet the definition of a small farming operation may still have a farm stand in all Districts except CARE for produce raised on the property as long as:

1. No stand shall be nearer the front or side lot lines than twenty feet.
2. Off-street parking space shall be provided for at least four motor vehicles.
3. Any structure does not exceed 200 square feet.

339. Customary Home Occupation:

A customary home occupation that:

1. Is conducted entirely within a minor portion (less than 30% of livable floor space) of a dwelling.
2. Is carried on only by the occupants thereof.
3. Is clearly incidental and secondary to the use of the dwelling for residential purposes.
4. Does not change the character of the dwelling or neighborhood.
5. Does not result in any additional traffic other than that normally generated by the residents of the dwelling.

A customary home occupation does not require a zoning permit. A dwelling may have more than one customary home occupation provided that collectively they comply with the above requirements.

340. Home-Based Business:

A home-based business is conducted on a residential property by residents thereof and is clearly incidental and secondary to the use of the property for residential purposes and does not change the character of the neighborhood. A home-based business shall comply with the following:

1. There shall be only one home-based business on any residential property.
2. The home-based business shall be carried on only by members of the family who reside within the dwelling.
3. Three (3) on-site employees who are not family members living within the dwelling are permitted.
4. The home-based business shall utilize no more than 50% of the total combined area of all buildings on the premises, including the home and all accessory buildings. The area covered by any outdoor storage of materials, equipment, or commercial vehicles shall be included in this maximum area and screening and landscaping of such outdoor storage area shall be provided as deemed appropriate by the Planning Commission.
5. Exterior advertising displays or signs other than those normally permitted in the district shall not be permitted.
6. No traffic shall be generated in substantially greater volumes than would normally be expected in the neighborhood.
7. A home-based business shall conform to all standards in Section 311-313, Performance Standards.
8. Off-street parking shall be provided as required in Section 331-334.
9. Products not processed on the premises may not be sold directly to the general public. This limitation does not apply to a mail order home business.

341. Trailers:

It shall be unlawful for any person to park a camping trailer, travel trailer, tiny home on a chassis, a manufactured home on a chassis, shipping container or recreational vehicle on private property, except in accordance with the following standards:

- a. The owner of a camping trailer, travel trailer, or recreational vehicle may park it on their own property, provided that the trailer or recreational vehicle meets the setback requirements for any structure on the same lot.
- b. A trailer or recreational vehicle so parked shall not be used as living quarters or for storage except temporarily.
- c. A trailer or recreational vehicle used as temporary living quarters may not be occupied for more than sixty (60) days within any consecutive 12-month period without a zoning permit and a state wastewater permit.

342. Trailer Parks and Campgrounds:

Anyone wishing to have a campground, a park for un-landed mobile homes or tiny homes, shall present the Planning Commission/ Zoning Board of Adjustment with a sketch plan, and to discuss access, setbacks, circulation, water, sewage. The PC/ZBA will decide at that meeting which design standards will apply.

343. Primitive Camps:

1. A primitive camp is defined as a building without a septic system which shall be for recreational use and shall be occupied for no more than 60 days in any calendar year and occupied for no more than 3 consecutive weeks.
2. A primitive camp must have off street parking.
3. A primitive camp is allowed on an undeveloped lot or a lot that contains only one single family residence.
4. Plumbing within the camp:
 - Is limited to one sink.
 - There will be no toilet that requires water for flushing.
 - The only soil-based wastewater system consists of a subsurface system for the disposal of the sink water.

344. Wetlands: General:

The provisions of this section apply to all mapped class I and II wetlands and land within 100 feet of Class 1 wetlands, 50 feet of Class 2 wetlands. Mapped wetlands will be interpreted as those shown on the most recent Vermont Significant Wetlands Inventory or as determined through a field delineation by a qualified wetland scientist. The Zoning Administrator can provide residents with wetland maps for any property in Landgrove upon request. Development is prohibited and natural vegetation must be maintained or established within wetlands and wetland buffers except that the following may be allowed as a conditional use.

1. Public outdoor recreation and public trails will be allowed to the extent allowed in the applicable zoning district.
2. A landowner may remove dead, diseased or unsafe trees and invasive or nuisance species, and may prune tree branches within the bottom one-third of a tree's height within the wetland or wetland buffer.
3. A landowner may use the vegetation within the riparian buffer in conjunction with green stormwater infrastructure (GSI) practices provided that such practices will not significantly compromise the resource protection functions of naturally vegetated riparian buffers.
4. Water-dependent structures or uses, streambank or shoreline stabilization projects, and any development authorized by a State permit will be allowed within a wetland or wetland buffer to the extent allowed in the applicable zoning district as a conditional use.

345. Wetlands: Nonconforming Sites in Wetlands:

Pre-existing development within wetlands or wetland buffers will be regulated in accordance with the following:

1. The pre-existing development within the wetland or wetland buffer may continue.
2. A pre-existing building, developed site, or portion of a building or site within a wetland or wetland buffer may be used for any purpose allowed in the zoning district provided that there will be no extension of the development footprint within the wetland or wetland buffer.
3. Redevelopment and new construction may be allowed within the footprint of any existing impervious surface within the wetland or wetland buffer.
4. Conditional use approval will be required if the applicant is proposing construction, new impervious surface or other physical modifications to the site or structure(s) that have the potential to adversely impact the natural functions of the wetland or wetland buffer.

346. Wetlands: Conditional Use Criteria:

In addition to all other applicable criteria of these regulations, an applicant seeking conditional use approval for development or redevelopment within wetlands or wetland buffers must demonstrate that:

1. The proposed land development cannot reasonably be accommodated on any portion of the lot outside the wetland or wetland buffer.
2. The footprint of the proposed land development within the wetland or wetland buffer is the minimum necessary to accommodate the proposed use or structure.
3. The proposed land development will not have new or greater (as compared to existing conditions) adverse impact on the natural functions and quality of the wetland and wetland buffer.
4. There will be (listed in order of preference):
 - No net increase in impervious surface within the wetland or wetland buffer.
 - A de minimus increase in the amount of impervious surface within the wetland or wetland buffer; or
 - Mitigation for any additional impervious surface within the wetland or wetland buffer.
5. The applicant has contacted the Vermont Department of Environmental Conservation for a determination of whether a state wetland permit is required and, if required, has obtained or intends to obtain a State permit. If a State permit is required but has not been obtained, the Planning Commission must condition any approval on the applicant providing a copy of the state permit prior to the ZA issuing a zoning permit for the proposed development.

347. Ponds, Permit Required:

As defined within these Bylaws, the construction of a pond constitutes “land development” and therefore requires a zoning permit.

348. Ponds: Standards:

1. Ponds must meet boundary setbacks.
2. Construction or maintenance of a pond within wetlands and any required buffers to surface waters or flood zones is prohibited unless the applicant demonstrates that they have obtained all required state permits.
3. Stormwater overflow must not be discharged from a pond in a manner that would adversely impact downslope properties, public rights-of-way or surface waters.
4. Landowners must manage and maintain ponds so as to not create a nuisance or hazard.
5. Ponds capable of holding more than 500,000 cubic feet of water require a State permit.
6. Landowners building ponds must follow the erosion control rules in section 353.
7. Landowners should check with the Agency of Natural Resources regarding setbacks of ponds from a well or septic systems.

349. Riparian Buffers

The provisions of this section apply to all land within 50 feet of a stream as measured from the mean water level. Where this land is also within the Flood Hazard Zone, the provisions of section VIII will take precedence over the provisions of this section.

350. Riparian Buffers: Restrictions:

Development is prohibited and woody vegetation must be maintained or established within riparian buffers except that:

1. Public outdoor recreation uses and trails will be allowed to the extent allowed in the applicable zoning district.
2. A landowner may remove dead, diseased or unsafe trees and invasive or nuisance species, and may prune tree branches within the bottom one-third of a tree's height within the riparian buffer.
3. On previously developed single- and two-family residential lots, natural woody vegetation will not have to be re-established on areas within the riparian buffer being maintained as lawns or gardens.
4. A landowner may clear and use up to 1,000 square feet within the riparian buffer for private water access, outdoor recreation, outdoor seating, or a view corridor. That area may be covered with mowed lawn, decks, patios, walkways or other impervious surfaces.
5. A landowner may use the vegetation within the riparian buffer in conjunction with green stormwater infrastructure (GSI) practices in accordance with Section 354 provided that such practices will:
 - a. Not significantly compromise the resource protection functions of naturally vegetated riparian buffers; and
 - b. Adequately treat the stormwater so that it meets water quality standards before it is discharged to the surface water body.
6. Any development authorized by a state permit will be allowed within the riparian buffer to the extent allowed in the applicable zoning district as a conditional use in

accordance with Subsection 3021.E. The property owner must provide the ZA with a copy of the state permit prior to the start of construction.

351. Riparian Buffers: Nonconforming Sites:

Pre-existing development within riparian buffers will be regulated in accordance with the following:

1. The pre-existing development within the buffer may continue.
2. A pre-existing building, developed site, or portion of a building or site within the buffer may be used for any purpose allowed in the zoning district provided that there will be no extension of the development footprint within the buffer.
3. Redevelopment and new construction may be allowed within the footprint of any existing impervious surface within the riparian buffer; and
4. Conditional use approval in accordance will be required if the applicant is proposing construction, new impervious surface or other physical modifications to the site or structure(s) that have the potential to adversely impact the natural functions of the riparian buffer. 3020.

352. Riparian Buffers: Conditional Use Criteria:

In addition to all other applicable criteria of these regulations, an applicant seeking conditional use approval for land development within a riparian buffer must demonstrate that:

1. The proposed land development cannot reasonably be accommodated on any portion of the parcel outside the riparian buffer.
2. The footprint of the proposed land development within the riparian buffer is the minimum necessary to accommodate the proposed use or structure.
3. The proposed land development will not have new or greater (as compared to existing conditions) adverse impact on the natural functions and quality of the surface water, drainage, erosion, sedimentation and downstream flooding.
4. There will be (listed in order of preference):
 - a) No net increase in impervious surface within the riparian buffer.
 - b) A de minimus increase in the amount of impervious surface within the riparian buffer; or
 - c) Mitigation for any additional impervious surface within the riparian buffer. Preferred mitigation is re-vegetation of an area adjacent to the riparian buffer equivalent or greater in size than the area to be impacted by proposed development. The Planning Commission may require the applicant to submit a professionally prepared environmental impact assessment and mitigation plan.

353. Erosion Prevention and Sediment Control:

1. All construction or demolition activities that will disturb soil must at a minimum be undertaken in accordance with the Vermont Agency of Natural Resource's Low Risk Site Handbook for Erosion Prevention and Sediment Control, as most recently amended. (See Landgrove Online Resources Page item #5).

2. Applicants who are proposing construction or demolition activities that will disturb more than 10,000 square feet of soil must submit and implement a professionally prepared erosion control plan in accordance with the Vermont Standards and Specifications for Erosion Prevention and Sediment Control, as most recently amended (see Landgrove online zoning resources page item #6).
3. Development that obtains a state construction general or individual permit will be deemed to have met the requirements of this section. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the ZA prior to the start of construction.

354. Stormwater Management:

All proposed development that will increase the amount of impervious surface of a lot must implement appropriate measures to reduce and manage stormwater to prevent run-off from adversely impacting nearby properties, public infrastructure or downslope water bodies.

1. Applicants proposing development that will increase the amount of impervious surface on a lot by more than 10,000 square feet must submit and implement a stormwater management plan prepared by a professional engineer in accordance with the Vermont Stormwater Management Manual Best Management Practices.
2. Applicants that will increase the amount of impervious surface on a lot by ½ acre or more must obtain a construction general permit from the Vt ANR.
3. Development that obtains a State stormwater permit will be assumed to have met the requirements of this section. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the ZA prior to the start of construction.

355. Extraction and Quarrying: Permitting: Quarries and gravel pits must

1. Maintain or establish a naturally vegetated woody buffer at least 100 feet deep along all property boundaries, public rights-of-way, surface waters and wetlands unless otherwise established by the Planning Commission through site plan review.
2. Retain and stockpile any topsoil removed for reapplication to disturbed areas during reclamation.
3. Submit and implement professionally prepared erosion control and stormwater management plans.
4. Submit a report from a hydrologist demonstrating that the proposed activity will not cause the permanent lowering of the water table on surrounding properties.
5. Limit operational activities (blasting, excavation, processing, hauling, etc.) to between the hours of 8 am and 6 pm (or dusk if earlier) unless the Planning Commission specifically sets other hours of operation.
6. Install warning signs and fencing as necessary to protect public safety.
7. Meet the performance standards of Section 311-313.
8. Obtain all necessary town and State permits.

356. Extraction and Quarrying: Operation:

Operators of a permitted quarry or gravel pit must reclaim the site progressively as the extraction or quarrying activity advances on the site as follows:

1. Remove all equipment, stockpiles, debris, signs and other materials or improvements associated with the extraction or quarry use as part of the final reclamation effort.
2. Design any water body to be created on the site as a result of the extraction or quarrying use to have a natural form with variation in shoreline and depth.
3. Maintain or establish a final slope that does not exceed a grade of 2:1 (horizontal to vertical) over a distance of 30 feet on all disturbed areas excluding any areas of exposed ledge.
4. Evenly spread at least 4 inches of topsoil capable of sustaining vegetation on all disturbed areas excluding any areas of exposed ledge.
5. Stabilize and seed disturbed areas at the earliest possible time following completion of extraction or quarrying operations in an area.
6. Replant disturbed areas with groundcover
7. Keep erosion control measures in place until permanent vegetation has been established.

357. Extraction and Quarrying: Exceptions:

1. The provisions of this section will not apply to removal of earth resources associated with approved land development.
2. The provisions of this section will not apply to removal of earth resources undertaken in response to a declared emergency.

358. Berms:

Berms located within setbacks, constructed in conjunction with a fence or wall, or used to meet the landscaping or screening requirements of these regulations must be designed as follows:

1. A berm must have a curvilinear, naturalistic shape with sloped sides and a flat or slightly rounded top.
2. The sides of a berm must not exceed a 2:1 slope (horizontal-to-vertical).
3. The top of a berm must have a minimum width that is at least ½ the height of the berm.
4. A berm must be stabilized with groundcover or other vegetation to prevent erosion and sedimentation.

359. Steep Slopes and Ridgetops: General:

Wooded hillsides and ridgetops are especially vulnerable to the visual and environmental impacts of land development. This is especially true where new structures are built on ridgetops or steep hillsides which have been cleared of natural vegetation and therefore lack adequate downslope screening. Moreover, ridgelines seen against the sky are especially sensitive to land development which interrupts the natural horizon. When an application involves development on steep terrain or

ridgetops the zoning administrator may refer such application to the Planning Commission for steep slope review

360. Steep Slopes and Ridgetops: Definitions:

For the purposes of these regulations, steep slopes will be defined as a slope of 20% or greater. The Zoning Administrator will provide a slope angle map of any parcel in Landgrove to anyone who requests one (see the Landgrove Online Zoning Resources Page item #7 for contact information).

361. Steep Slopes and Ridgetops: Approval:

The Planning Commission may require that any development on a lot with steep slopes:

1. Be sited so as to minimize the environmental impact on steep areas, and the visual impact on valley floors.
2. Be designed and engineered with appropriate erosion control measures and stormwater management practices so that there will be no off-site water quality or flooding impacts.
3. Be designed and engineered to provide safe and adequate vehicular access, including for emergency and service vehicles.

362. Steep Slopes and Ridgetops: Conditions:

The Planning Commission may make place the conditions on the permit at the time of approval including:

1. A limit on the amount of land that is cleared.
2. A requirement that any development be blended into the existing natural landscape through screening, the appropriate location of structures on a lot and/or the use of white, natural or earth-colored non-reflective siding and neutral colored nonreflective roofing materials so as to minimize its visual impact from public roads. The preferred colors for siding are natural wood or white, though other subtle colors (brick red, grey, blue grey, light yellow) may be approved if the commission finds them to be appropriate for the structure and the setting.
3. A requirement to utilize existing and new vegetation and to maintain mature forest cover as screens or buffers for development.
4. A requirement that structures must be placed off of ridgelines (e.g., downgrade or beyond ridgelines) so that no development shall break the skyline when viewed from public roads or lands at any time of the year.
5. A requirement that tree removal activities shall not cause undue alteration of the natural existing vegetation patterns of the ridgeline.
6. A requirement to provide a professionally prepared environmental impact assessment, erosion control plan, stormwater management plan, and/or engineered site plan.
7. A requirement that any exterior light fixtures be downward facing and shielded.

363. Other Permits: Approvals and Certifications:

The Administrative Officer or Planning Commission may condition approval of any permit upon the applicant filing other permits, approvals or certifications required by the Town of Landgrove, the State of Vermont or other regulatory entities prior to the issuance of a zoning permit or the start of construction.

400. SECTION IV: ADMINISTRATIVE PERMITS:

401. Administrative Permits:

Administrative permits can be issued by the ZA for 1-2 family homes, accessory uses thereto, signs, boundary line adjustments, 2 lot subdivisions, temporary structures, minor changes to existing commercial structures, and minor changes to existing uses in the UFSO or the flood fringe.

402. Applications for a One or Two-Family Home Outside of the UFSO:

Shall include:

1. A **completed zoning permit application**, available at the Landgrove Online Zoning Resources page item #8. This must be signed by the applicant and the owner of the property or the agent of the entity that owns the property.
2. A **zoning permit fee**, as established by the Selectboard in accordance with Section 4440 of the Act. Fees are nonrefundable. A fee schedule can be found on the Landgrove Online Zoning Resources page item #9. Applicants may also have to pay additional fees to the Town Clerk to record completed wastewater permits, building energy standards certificates, or mylar plats after a permit is granted.
3. A **State wastewater permit number** for any project that add bedrooms or otherwise increase demand on the septic system (The Vt Community Assistance Specialist is a good resource for questions about state permits, see the Landgrove Online Resources Page item #10)

403. Boundary Line Adjustment or Lot Merger: Purpose:

A Boundary Line Adjustment is usually sought if owners desire to exchange land and there is no dispute over the boundary line.

404. Boundary Line Adjustment or Lot Merger: Application Requirements:

To obtain a Boundary Line Adjustment or lot merger permit, the applicant must submit the following documentation to the Administrative Officer:

1. A **zoning permit application** form as established by the Planning Commission. Applications are available at the Landgrove Online Zoning Resources page item #8. This must be signed by the applicant and the owner of both properties or the agents of the entities that own both properties.
2. A **survey plat** showing all existing features, including but not limited to structures, driveways, well and septic system, easements, streams, wetlands and flood hazard areas.
3. A State **wastewater permit** number or boundary line adjustment exemption form which can be found on the Landgrove Online Zoning Resources page item #11.
4. A site plan sketch drawn on a copy of a survey or a satellite photo showing the property boundaries (see the Landgrove Online Zoning Resources Page item #12)

405. Boundary Line Adjustment or Lot Merger: Applicability:

To qualify for an administrative Boundary Line Adjustment or lot merger, the requested adjustment must meet all of the criteria outlined below. The Planning Commission will directly review requests that fail to adhere to one or more of the following criteria:

1. The adjustment creates no additional lot(s).
2. No nonconformities are generated within the resultant lots (i.e., no violations of existing regulations for lot size, building setback, lot coverage, etc. as a result of adjustment).
3. The adjustment does not require the creation of a new right of way easement.

406. Boundary Line Adjustment or Lot Merger: After Approval:

1. After the approval of the Boundary Line Adjustment or lot merger, the applicant has 180 days to file a mylar copy of the survey plan, and deeds for the transfer of ownership or an appropriate boundary line adjustment agreement with the Town Clerk. If the applicant cannot provide the survey or the deeds in that time period, they can ask the Zoning Administrator for a single 180-day extension of the deadline.
2. Lots that have been surveyed in the past can be merged without the submission of a new survey.

407. Minor Site Plan Review, General:

1. Minor site plan review is allowed for minor changes to properties that would otherwise require a hearing before the Planning Commission/ Zoning Board of Adjustment.
2. The ZA may grant the request for Minor Site Plan Review or pass it on the PC/ZBA.

408. Minor Site Plan Review: Permits Which Qualify:

Very small changes to existing commercial and conditional uses may be made by administrative permit. To qualify for a Review an application must not involve:

1. Commencement of a new conditional use (this will not be interpreted to include expansions of an existing conditional use or the commencement of a new accessory use to an existing conditional use).
2. Construction or major renovation of a principal building or of an accessory building with a footprint greater than 500 square feet.
3. Any increase in the number of dwelling units within a building.
4. Any increase of 2,500 square feet or more in impervious surface on a lot (this will not be interpreted to include resurfacing of existing impervious surfaces).
5. Any development in a floodway, excavation in a flood zone, or substantial improvement on an existing structure in a flood zone.

409. Minor Site Plan Review: Application Requirements:

Applicants for a minor site plan review must provide:

1. A **zoning permit application** form as established by the Planning Commission. (see Landgrove Online Zoning Resources Page item #8). This must be signed by the applicant and the owner of the property or the agent of the entity that owns the property.
2. A **zoning permit fee**, as established by the Selectboard in accordance with Section 4440 of the Act, has been paid. Fees are nonrefundable. A fee schedule can be found at (See the Landgrove Online Zoning Resources Page item #9). Applicants may also have to pay additional fees to the Town Clerk to record completed wastewater permits, building energy standards certificates, or mylar plats after a permit is granted.
3. A **site plan sketch** drawn on a copy of a survey or a satellite photo showing the property boundaries (see the Landgrove Online Zoning Resources Page item #12)

410. Minor Site Plan Review: Approval Criteria and Conditions:

The approval criteria for minor site plan review are the same as for Major Site Plan Review in section 520-524, and the Zoning Administrator may impose conditions on the permit like those found on section 709-713.

411. Minor Subdivision Review: General:

Simple two lot subdivisions may be done by administrative permit.

412. Minor Subdivision Review: Application Requirements:

1. A **survey plat** prepared by a licensed surveyor showing the new boundaries.
2. A **State subdivision permit number**, and wastewater permit number or deferral number.

413. Minor Subdivision Review: Review Criteria:

The ZA must determine that:

1. The lot has existed in its current form for ten or more years. If the lot has not been in existence for that period the applicant must apply for a Major Subdivision.
2. Neither lot requires the creation of a new access easement.
3. Both lots conform to the area and dimensional requirements for applicable district.

414. Minor Subdivision Review: After Approval:

After approval, the applicant will have 180 days to file a mylar copy of the survey plan. If the applicant cannot provide the survey or the deeds in that time period, they can ask the Zoning Administrator for a single 180-day extension of the deadline.

415. General Procedures for all Administrative Permits:

1. **If a permit application is deemed incomplete** the ZA shall return the permit to the applicant and request more information.
2. **If a completed permit application is not acted** upon by the Zoning Administrator in 30 days, the applicant shall post, on the 31st day, a true copy of the application prominently in the Landgrove Town Office for a period of 15 days, together with a

notice that appeals may be filed with the ZBA, and, if no appeals are filed during 15 days after the applicant posts this notice, the permit shall be deemed to be issued on the 46th day after submission of the application to the Administrative Officer.

3. **If the permit is approved or denied** the Zoning Administrator shall within 3 days, post a copy of the permit in the Town Office until the expiration of 15 days from the date of the issuance of the permit and deliver a copy of the permit to the Listers of the Town of Landgrove.
4. Each issued Zoning Permit/Approval shall require that the applicant **post a notice of the permit**, in a form prescribed by the Town of Landgrove, within view from the public right-of-way most nearly adjacent to the subject property until the time for appeals has passed as described in 24 V.S.A. Section 4465. Failure to fulfill this requirement shall invalidate the permit and will be treated as a violation of these regulations.
5. Each issued Zoning Permit/Approval shall contain a statement of **the period of time within which an appeal** may be taken.
6. Within 30 days after a Zoning Permit/approval has been issued or within 30 days of the issuance of any notice of violation, the appropriate municipal official shall:
 - Deliver the original or a legible copy of the Zoning Permit/Approval, or notice of violation, or a notice of municipal land use permit generally in the form set forth in subsection 24 VSA §1154(c) to the Town Clerk for recording as provided in §1154(a); and
 - File a copy of that municipal land use permit in the Town Office in a location where all municipal land use permits shall be kept.
7. The Town Clerk may charge the applicant for the cost of the recording permits and other documents as required by law.

416. Appeal of Administrative Officer Decisions: Who Can Appeal:

An interested person, as defined in Section 4465 of the Act, may appeal any act or decision of the Administrative Officer to the Zoning Board of Adjustment within fifteen (15) days of such act or decision. For the purposes of these regulations, an interested person is:

1. An applicant who alleges that these regulations impose unreasonable or inappropriate restrictions on the existing or future use of their property.
2. The Town of Landgrove or any adjoining municipality.
3. A person owning or occupying property in the immediate area of proposed development who can demonstrate:
 - A physical or environmental impact on his/her interests
 - That the action taken, or decision made under these regulations is not in accord with the policies, purposes, or terms of these regulations or the Landgrove Town Plan, as most recently adopted.
4. Any combination of at least 10 voters or landowners in Landgrove who by signed petition allege that the relief an applicant is requesting under this subchapter is not in accord with the policies, purposes, or terms of these regulations or the Landgrove Town Plan, as most recently adopted.

5. Any department or administrative subdivision of the State that owns property or interest in property in Landgrove, and the Vermont Agency of Commerce and Community Development.

417. Appeal of Administrative Officer Decisions: Notice of Appeal

1. A notice of appeal by an interested person shall be in writing and shall include the following:
 - The name and address of the appellant (the person filing the appeal).
 - A statement that indicates how the appellant meets the definition of an interested party as established in Section 416.
 - A reference to the section(s) of these regulations that the appellant alleges the Administrative Officer has not properly followed or applied.
 - A statement of the relief the appellant is requesting and why the appellant believes the requested relief to be appropriate under the circumstances.
 - If an appeal is filed by a group of interested persons, then the notice of appeal must designate one person to serve as a representative of the group regarding all matters related to the appeal.
2. If an appeal is pursued by an interested party, the applicant shall be required to post a Notice of Appeal on a form prescribed by the Town of Landgrove within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal in §4465 of the Act has passed. Failure to fulfil this requirement shall invalidate the permit and will be treated as a violation of these Regulations.

418. Appeal of Administrative Officer Decisions: Stays of Enforcement

The appellant may request a stay of enforcement as part of the notice of appeal by including a sworn statement that irremediable damage will directly result if the Zoning Board of Adjustment does not grant the stay.

419. Appeal of Administrative Officer Decisions or Actions:

Upon receipt of a notice of appeal, the Zoning Board of Adjustment must either:

- (1) Hold a public hearing and act on the appeal in accordance with Chapter 450
- (2) Reject the appeal without a hearing and render a decision within 10 days of the appellant filing the notice if the Zoning Board of Adjustment determines that:

- It decided the issues in an earlier appeal.
- The appellant failed to establish interested person status in accordance with Section 416.
- The notice of appeal does not meet the requirements of section 417.

420. Appeal of Administrative Officer Decisions: Deadline

If no interested person appeals the Administrative Officer's action or decision to the Zoning Board of Adjustment within 15 days, the action or decision is final and cannot be contested at a later time.

500. SECTION V: ZONING PERMITS REQUIRING A HEARING:

501. Permits Requiring a Hearing: General:

Some applications shall be permitted only after the Planning Commission/ Zoning Board of Adjustment determines after public notice and hearing that the proposed use conforms to the general and specific standards contained within these Bylaws. In considering its action, the Planning Commission/ Zoning Board of Adjustment shall make findings on general and specific standards and may attach conditions as provided for in Section 4464(b)(2) of the Act and sections 709-713 of these bylaws.

502. 1-2 family homes and accessory uses in the UFSO: Applications:

1. A zoning permit **application** form signed by the applicant and the legal owner of the property, or the agent of the entity that owns the property Landgrove Online Zoning Resource Page item # 8).
2. A zoning permit **fee**.
3. A town highway or State **highway access permit** as required shall be submitted for a new or modified driveway.
4. A state-issued **wastewater permit** number is required for any development proposing new bedrooms or otherwise increasing septic design flow.

503. 1-2 family homes and accessory uses in the UFSO: Site Plan:

The applicant shall include a **site plan sketch** drawn on a copy of a survey or a satellite photo (available on the Landgrove Online Zoning Resources page item #12) showing the property boundaries, as well as:

- a. all structures, including aerial power lines and poles
- b. the driveway
- c. any easements
- d. the well
- e. the septic system
- f. the location of existing vegetation, vegetation proposed to be removed, and all proposed landscaping improvements, including information regarding the type, bulk, and height of trees and shrubs at the time of planting.

504. 1-2 family homes and accessory uses in the UFSO: Additional Materials:

The applicant shall provide, at a minimum:

- Photographs of the land proposed for development taken from public roads.
- Applications involving the construction or enlargement of a structure, or the installation of power lines shall also include a drawing, sketch, or photographic simulation of the proposed structure in its finished state. Such a drawing or simulation shall accurately depict all structures, additions, access roads or driveways, and utility lines visible from public roads or lands, and the location of existing and proposed screening vegetation.

505. 1-2 family homes and accessory uses in the UFSO: Narrative:

The applicant shall include a narrative which explains how their development will meet these requirements:

1. All new land development in the UFSO shall be blended into the existing natural landscape through screening, the appropriate location of structures on a lot and/or the use of white, neutral or earth-colored non-reflective siding and neutral or earth-colored non-reflective roofing materials so as to minimize its visual impact from public roads and lands and maintain the scenic beauty of the Utley Flats area.
2. Proposed development shall be designed and sited so as to preserve large blocks of contiguous open/agricultural land, and to preserve scenic areas to the maximum extent possible.
3. Efforts shall be made to utilize existing and new vegetation and to maintain mature forest cover as screens or buffers for development.
4. Utility lines shall be constructed and routed underground when possible. Above-ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting.
5. Generators, heat pumps, satellite dishes and the like shall be carefully sited to ensure that they are not prominently visible in a manner that would detract from the scenic character of the area.
6. There will be no removal of trees or other vegetation which provides screening of an existing structure that has been permitted pursuant to this Section with conditions that limit removal of such vegetation.
7. There will be no removal of trees located within 25 feet of the edge of a town highway which have a diameter at breast height of eight inches or more and which contribute to the scenic qualities afforded by rural roadways and village streets.
8. New development shall not cause undue alteration of the natural existing topographic patterns.

506. 1-2 family homes and accessory uses in the UFSO: Conditions of Permits:

The Planning Commission/ Zoning Board of Adjustment may make place conditions on the permit at the time of approval including:

1. A requirement to plant and maintain for the life of the structures erected, trees and other landscaping to screen the proposed land development.
2. A requirement to maintain for the life of the structure white, neutral or earth-colored siding and neutral or earth-colored, non-reflective roofing materials.
3. A prohibition on the use of lighting that:
 - a) Does not match the esthetics of the period buildings in the neighborhood.
 - b) Creates glare and light trespass on other properties.
 - c) Is excessive in number of fixtures or brightness for the character of the neighborhood.

4. A requirement to replace with like trees any existing tree or trees specifically required to be planted which may die in the future.
5. A requirement to record in the Landgrove Land Records a Notice of Conditional Use Approval and its conditions, along with notice that such conditions run with the land and will remain in effect until such time as the provisions of the Landgrove Zoning Bylaws are amended in a manner which effectively nullifies those conditions.

507. Variances: General:

1. Variances are rarely granted exceptions to the literal terms of the zoning bylaw, and they are only granted when a strict application of the Bylaws would deny a property owner all beneficial use of their land.
2. The Planning Commission/ Zoning Board of Adjustment may impose conditions on lighting, screening, reflective and/or brightly colored building materials.

508. Variance: Application:

An applicant for a variance shall provide:

- a. A zoning permit **application** form signed by the applicant and the landowner, or the agent of the entity that owns the land (Landgrove Online Resources Page item #8).
- b. A **site plan sketch** done on a copy of a survey or a satellite photograph (see the Landgrove Online Zoning Resources Page item #12) which shows structures, boundaries, well, septic, and driveway.
- c. A written **narrative** from the applicant demonstrating why their application meets the five criteria below.

509. Variance: Criteria:

The Zoning Board of Adjustment may only grant a variance, after public notice and hearing, and only if all the following facts are found and the findings are specified in its decision:

1. That 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 such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization or variance is therefore necessary to enable the reasonable use of the property.
3. That the unnecessary hardship has not been created by the applicant.
4. That 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.

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the Town Plan (Landgrove Online Zoning Resources item #1).

510. Waivers: General:

The purpose of waivers is to allow for minor additions to a principal or accessory structure that would not be counter to the purpose of these bylaws or the Town Plan (Landgrove Online Resources Item #1), but which might not meet the standards for the granting of a variance.

511. Waivers: Application:

Applicants for waivers shall submit:

1. A completed zoning **application** (Landgrove Online Zoning Resources item #8)
2. A **site plan sketch** which shows structures, boundaries, well, septic, and driveway on a copy of a survey or satellite photo (see the Landgrove Online Zoning Resources Page item #12) which shows the boundaries.
3. A **narrative** saying why their application meets one or more of the criteria below.

512. Waivers: Approval:

The Zoning Board of Adjustment may grant a waiver provided the following conditions are satisfied:

1. The proposal is for an addition to an existing principal structure and said addition does not increase the footprint of the structure by more than 5 percent or 200 square feet, whichever is greater.
2. The proposal is for an accessory structure or an addition to an accessory structure which does not increase the lot coverage by more than 10 percent or 200 square feet, whichever is greater.
3. The addition is the minimum size that is necessary for it to serve its intended function.
4. The addition is specifically intended to improve access for disabled persons, or to improve fire safety.
5. The addition is for a porch, deck, entryway, stairway, similar structure, or other minor addition to an existing building.
6. No setback (front, side, or rear) shall be reduced to less than 25 feet in the CARE, Mixed Use, or Rural Residential Districts, or to less than 10 feet in the Village District.

513. Waivers: Conditions:

The Zoning Board of Adjustment, in approving a waiver, may impose conditions on lighting, screening, reflective and/or brightly colored building materials.

514. Permits to Develop a Lot Accessed by an Easement: General:

Applicants for development accessed by an easement over someone else's land shall submit:

1. a zoning permit **application** signed by the applicant and the owner on the land to be accessed, or the agent of the entity that owns the land.

2. A **site plan** which shows structures, boundaries, well, septic, and driveway
3. A **highway access permit** from the Selectboard (see the Landgrove Online Zoning Resources Page item #13) or Vermont Department of Transportation (see the Landgrove Online Zoning Resources Page item #14).

515. Permits to Develop a Lot Accessed by an Easement: Approval:

The Planning Commission shall review and decide upon access by right-of-way in accordance with Section 4412(3) of the Act and pursuant to all standards defined in these Bylaws and other Town ordinances adopted for the purpose of assuring safe and adequate highway access (see also Section 302-307 of these Bylaws.). This permission stays with the lot until it is re-subdivided.

516. Changes to Nonconforming Structures and Uses Requiring a Hearing: Application:

Applicants for changes to nonconforming uses or structures shall submit:

1. a **zoning permit application** signed by the applicant and the landowner, or the agent of the entity which owns the land.
2. A **site plan** which shows structures, well, septic, and driveway, on a copy of a survey or satellite photo which shows the boundaries.
3. A **narrative** stating that the proposed development:
 - Will result in a structure or use that that will be less intensive in nature.
 - Will result in a structure or use that will have fewer off-site impacts.
 - Will be more compatible with the character of the area than the existing nonconforming structure or use.
 - That prevention of the extension, expansion or reconstruction would result in exceptional and unnecessary hardship on the owner of the noncomplying structure.

517. Conditional Use Approval: Hearing Required:

With the exception of very small changes to existing conditional uses outlined in section 407, no zoning permit shall be issued by the Administrative Officer for any new use or structure which requires a conditional use review, or for the expansion, intensification or other major change in the operation of an existing conditional use before Zoning Board of Adjustment has issued its approval. Proposed development that includes any of the following will be considered a major change to a conditional use and approval until the ZBA grants such approval. Conditional uses shall be permitted only if the ZBA determines, after public notice and hearing, that the proposed use conforms to the general and specific standards contained within these Bylaws and specifically to the standards listed in Section 519 below. In considering its action, the Zoning Board of Adjustment shall make findings on general and specific standards and may attach conditions as provided for in Section 4464(b)(2) of the Act.

518. Conditional Use,;Application:

Applicants shall provide:

1. an **application** signed by the applicant and the landowner, or the agent of the entity that owns the land.
2. A **zoning permit fee**.
3. Unless waived by the ZBA, projects other than 1-2 family homes require the submission of a **site plan**(s) that meets the requirements of section 520-524.
4. A **narrative** saying how the application meets the criteria in 515 and 517.

519. Conditional Use Approval:

At the hearing the applicant must explain that the proposed conditional use will not violate any of Landgroves's zoning Bylaws or 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 of the proposed development, as defined by the purpose or purposes of the zoning district within which the project is located and the policies and standards of the Town Plan.
3. Natural resources and environmental quality.
4. Traffic on roads and highways in the vicinity.
5. Utilization of renewable energy resources.

520. Site Plan Review: Applications:

Applications for commercial development and multi-family homes shall include:

1. A **completed zoning permit application**, (See the Landgrove Online Zoning Resources Page item #8). This must be signed by the applicant and the owner of the property or the agent of the entity that owns the property.
2. A **zoning permit fee**, as established by the Selectboard in accordance with Section 4440 of the Act, has been paid. Fees are nonrefundable. A fee schedule can be found on the Landgrove Online Zoning Resources Page item #9. Applicants may also have to pay additional fees to the town clerk to record completed wastewater permits, building energy standards certificates, or mylar plats after a permit is granted.

521. Site Plan Review: Plans:

Unless waived by the ZBA, projects other than 1-2 family homes require the submission of an 18"x24" or larger site plan(s) prepared by a surveyor, engineer or architect, detail drawings drawn to scale and electronic copies of all plans. Plans should show:

- North arrow
- Scale
- Date the map was prepared
- Name address and qualifications of person or firm preparing the map
- Zoning district setbacks (section II)
- All proposed improvements and land use areas,
- Existing and proposed utilities (electric, telephone, cable)
- Well, septic system and protection shields

- Proposed site grading
- Temporary structures
- Signs
- Exterior Lighting
- Proposed pedestrian and traffic access, circulation, driveways, private roads
- Parking and screening for parking
- Loading areas and screening
- Utility areas and screening
- Dumpsters, food scrap and recycling containers and screening
- Landscaping
- Right of Way Easements
- Public restrooms
- Handicap access
- Erosion control plans
- Impervious coverage and storm water management systems
- Outdoor seating at a restaurant

522. Site Plan Review: State Permits:

- Wastewater permit application number
- Stormwater treatment plan or permit
- Act 250 application
- ANR flood zone approval
- ANR wetland approval
- Vt permit Review Sheet

523. Site Plan Review: Narrative:

The application should also contain a **narrative** describing the project, which covers the following:

- Land and deed restrictions
- District Dimensional standards
- A description of access, driveways, private roads
- Status of highway access permits
- Flood Zones, wetlands, riparian buffers
- Impervious Coverage and stormwater treatment (status of state permit when required)
- Existing and proposed Easements and covenants
- Temporary structures
- Hazards to the Public
- Parking (number of sites required, handicapped parking, EV charging)
- Increase in traffic, especially peak hours
- Natural resources, deeryards, bear corridors, areas over 2,500 feet
- Loading areas

- Landscaping and screening
- Signs
- Hours of operation
- Noise level
- Lighting level and hours
- Total site acreage, total impervious area
- Detailed specifications of the planting and landscaping materials proposed.
- Construction sequence and time schedule for completion of each phase in which all site improvements will be completed

524. Site Plan Review: Performance Standards:

The **narrative** should state that the applicant does not propose to exceed any of these performance standards:

1. Emit noise in excess of 70 decibels.
2. Emit any smoke, in accordance with applicable standards, guidelines, and/or regulations established and/or enforced by the State of Vermont
3. Emit any noxious gases which endanger the health, comfort, safety or welfare of any person.
4. Cause, as a result of normal operations, a vibration which causes displacement of 0.002 of one inch.
5. create glare, which could impair the vision of a driver of any motor vehicle or trespass on adjoining properties.
6. Cause a fire, explosion or safety hazard.
7. Cause harmful wastes to be discharged into the sewer system, streams or other bodies of water. Effluent disposal shall comply with the local and State sewer health standards.
8. Create any non-agricultural odor which is considered offensive.
9. Involve the storage of any flammable liquid in tanks above ground shall conform to the standards set by the Vermont Dept. of Labor and Industry, Fire Prevention Division.
10. Result in the dumping of refuse and waste material for landfill. Loam, rock, stone, gravel, sand, cinders, stumps, and soil may be used for landfill.

600. SECTION VI: MAJOR SUBDIVISIONS AND PUDS:

601. Subdivisions: Application:

Applicants who wish to subdivide one lot into three or more lots, shall provide:

1. A **survey plat** prepared by a professional surveyor.
2. Site **plans** and detailed plans of any new infrastructure.
3. A **narrative** describing how their application meets or deserves a waiver from all the requirements listed in this section.

602. Subdivisions: Suitability of the Land:

The applicant must demonstrate that the land to be subdivided into developable lots is suitable for development without endangering public health or safety; adversely impacting the environment, and adjoining properties or the character of the area.

1. Land subject to periodic flooding, poor drainage, erosion, landslide, slope instability, inadequate capability to support development or other hazardous conditions must not be subdivided into developable lots unless the applicant can demonstrate that appropriate measures will be taken to overcome the physical limitations.
2. Grading, excavating and/or filling of land to create developable lots must meet the standards of Section 359-362.

603. Subdivisions: Protection of Natural Resources:

1. The applicant must demonstrate that the proposed subdivision will not result in undue adverse impacts on natural resources identified by the Vermont Agency of Natural Resources or mentioned in the Landgrove Town Plan (Landgrove online zoning resources page item #1) or any plans or studies it incorporates by reference.
2. Existing site features that would add value to the subdivision or to the community as a whole such as specimen trees, hedgerows, stone walls, surface waters, wetlands, undeveloped ridgelines, scenic views, historic resources, and similar irreplaceable assets must be preserved and incorporated into the design of the subdivision.

604. Subdivisions: Provision of Necessary Improvements:

An applicant for a major subdivision must demonstrate that the proposed subdivision will not cause a disproportionate or unreasonable burden on the community's ability to provide public facilities, services and infrastructure. The applicant must demonstrate that the proposed subdivision will make proper provision for:

1. stormwater drainage,
2. water supply
3. sewage disposal
4. fire protection
5. utilities
6. emergency vehicle access
7. any other necessary improvements within the development

605. Subdivisions: Cost of Improvements:

The construction of necessary improvements, and all associated expenses, will be the responsibility of the applicant.

606. Subdivisions: Homeowners Associations:

The applicant must establish an owners' association or similar legally enforceable mechanism to ensure continuing maintenance of private roads, shared infrastructure, or other common land or facilities within the subdivision. Membership in the association or equivalent must be mandatory for all property owners benefiting from the common improvement(s). This requirement may be waived for a subdivision with no shared infrastructure.

607. Subdivisions: Homeowner Association Documentation:

The applicant must provide the following for their Homeowner Association or equivalent:

- Drafts of covenants
- Articles of incorporation
- Bylaws
- Maintenance agreements
- Easements or other legal documents if the town is taking over any infrastructure

The applicant must record such documents in the Landgrove Land Records along with the final plat.

608. Subdivisions: Lot Arrangement:

The applicant must design the subdivision:

1. To follow and extend the planned settlement pattern (including lot size, lot configuration, road layout and building location) as defined by the purpose and standards of the applicable zoning district to the maximum extent feasible given the site's topography and natural features.
2. To connect to and extend existing roads to the maximum extent feasible given the site's topography and natural features.
3. To minimize the fragmentation of productive farmland and loss of primary agricultural soils that are suitably sized and located for productive use to minimize the fragmentation of priority forest blocks as identified in the Landgrove Town Plan or by the Vermont Agency of Natural Resources.
4. To minimize soil disturbance, compaction, and removal of topsoil.
5. So that there will be no foreseeable difficulties in obtaining zoning permits to build on all lots in accordance with the standards of these regulations (this will not apply to lots intended for farming, forestry or conservation purposes).
6. So that there will be no foreseeable difficulties in providing access to each lot from an existing or planned road (this will not apply to lots intended for farming, forestry or conservation purposes).

7. To minimize the number of new curb cuts along town roads or state highways (subdivision does not convey a right for new lots to have direct access to the public road and provision of internal development roads or shared driveways may be required).
8. So that there will be positive drainage away from building sites and a coordinated stormwater drainage pattern for the subdivision in accordance with Section 349.
9. To allow further subdivision on any remaining undivided land, lots with further subdivision potential and/or adjoining undeveloped parcels in a manner that would result in a logical and coordinated development pattern.
10. To retain access to land within or adjoining the subdivision intended for agricultural or forestry use.

609. Subdivisions: Lot Dimensions:

The applicant must design the subdivision:

1. So that all lots front on a town or private road in accordance with the standards of Section 302-307 except that the Planning Commission may waive or modify this requirement to:
 - To respond to natural or built features on the site.
 - To allow for shared driveways.
 - On lots intended for farming, forestry or conservation purposes.
2. To minimize the number of lots with frontage on more than one road.
3. So that lot dimensions meet the minimum standards for the zoning district.
4. So that lot lines form simple, regular geometric shapes, except that the Planning Commission may waive or modify this requirement to respond to natural or built features on the site or to allow for shared driveways.
5. So that the lot ratio (width-to-depth or depth-to-width) does not exceed 1:4, except that the Planning Commission may waive or modify this requirement to respond to the site's topography and natural features.

610. Subdivisions: Building Envelopes:

If a proposed lot within a subdivision will be more than 3 acres in size, then the applicant must designate at least one and not more than three building envelopes on that lot in accordance with the following:

1. Building envelopes must not include any unbuildable land including, but not limited to setbacks, rights-of-way, easements, wetlands, wetland buffers, surface waters, riparian buffers, flood hazard areas, river corridors and steep slopes.
2. A building envelope intended for single-family residential development must not be more than 30,000 square feet in area.
3. All principal buildings and non-agricultural accessory structures with a footprint in excess of 200 square feet must be located within a designated building envelope.
4. Driveways, utilities, water, wastewater and stormwater infrastructure, fences, agricultural structures and accessory structures with a footprint of 200 square feet or less may be located outside a designated building envelope.

5. The Planning Commission may limit or place conditions on forest clearing on all or a portion of the lot outside the designated building envelope to protect significant wildlife habitat, forest blocks or scenic resources.
6. The Planning Commission may require or place conditions on the maintenance of open fields or meadows on all or a portion of the lot outside the designated building envelope to protect significant wildlife habitat, farmland or scenic resources.

611. Subdivisions: Waiver of Building Envelope Requirement:

The Planning Commission may waive the building envelope requirement if the applicant obtains an exemption from the State Wastewater System and Potable Water Supply Rules and notes on the plat that the lot cannot be developed and may only be used for agriculture, forestry or open space purposes without amending the approved subdivision plat to establish a building envelope.

612. Subdivisions: Design and Layout of Necessary Improvements:

Applicants must construct new or extended roads, utilities and other improvements in accordance with any public works specifications or ordinances duly adopted by the Town of Landgrove. In the case of a conflict between a provision of these regulations and a provision of the public works specifications or ordinance, the public works specifications or ordinance will take precedence.

613. Subdivisions: Technical Review:

The ZA may forward a subdivision application to the Town lawyer, an engineer, and the fire and rescue departments, as applicable, for review and comment upon receipt of a complete application. The ZBA may condition or deny any approval or permit based on those comments.

614. Subdivisions: Engineering Requirements:

1. A professional engineer must certify that all new or extended roads and other improvements were designed and constructed in accordance with all applicable public works specifications, provisions of these regulations and any conditions of approval prior to the ZA issuing any zoning permits for further development within the subdivision.
2. When required as a condition of approval, the applicant must provide as-built drawings.

615. Subdivisions: Roads:

Applicants must design and construct all new or extended roads within a subdivision in accordance with this subsection.

616. Subdivisions: Applicability:

Any vehicular way that will be used to provide access to more than 2 lots or principal buildings will be considered a road and must conform to the standards of this section irrespective of whether the road will be public or private. (A vehicular way that provides

access to not more than 2 lots or principal buildings is a driveway and must conform to the standards of Section 305)

617. Subdivisions: General Standards:

Applicants must design and construct all new or extended roads within a subdivision to:

1. Safely accommodate all users (including vehicular, bicycle and pedestrian traffic).
2. Calm traffic and discourage travel speeds in excess of the posted speed limit.
3. Avoid congestion on existing roads.
4. Provide adequate access and suitable turnarounds, when applicable, for emergency and service vehicles.
5. Logically extend and improve the connectivity of the Town's existing road network.
6. Provide efficient access to property.
7. Minimize the amount of impervious surface necessary to provide convenient and safe access to property.
8. Be graded and laid out to conform as closely as possible to the preexisting topography.
9. Provide adequate drainage in accordance with Section 624.
10. Be located the maximum distance feasible from surface waters (at least 150 feet is preferred, and additional stormwater management practices may be required if that separation distance cannot be achieved) and meet the riparian buffer standards of Section 349-352 as applicable.
11. Minimize the number of stream crossings.

618. Subdivisions: Roads, Design Speed:

Applicants must design new or extended roads for a speed of 25 miles per hour unless otherwise approved specified by the Planning Commission through Subdivision/PUD review. If a higher design speed is allowed, the Planning Commission may modify other road design and construction standards accordingly as specified in the Vermont State Design Standards as most recently amended for the allowed design speed.

619. Subdivisions: Roads, Width:

Travel lanes serving residential development must be at least 7 and not more than 9 feet wide. Total road width must not exceed 20 feet unless specifically approved by the Planning Commission to accommodate on street parking, pedestrians or bicyclists, heavy trucks or a design volume in excess of 100 trips per day.

620. Subdivisions: Roads, Grade:

New or extended roads must generally conform to the topography and must not exceed a maximum grade of 12% as measured over any 100-foot section. The Planning Commission may allow segments to exceed the maximum grade to respond to the site's topography and natural features when recommended by the Road Commissioner (Landgrove Online Zoning Resources page item #15) and Fire Chief (Landgrove. Online Zoning Resources Page item #16).

621. Subdivisions: Roads, Cross-Slope:

All new or extended roads must have a cross-slope of at least 1% and not more than 3%.

622. Subdivisions: Roads, Intersections:

Applicants must design new or extended roads in accordance with the following unless otherwise approved established by the Planning Commission through Subdivision/PUD review to respond to site-specific physical conditions or anticipated traffic flows:

1. To intersect as close to 90 degrees as physically possible and not at less than 75 degrees or more than 105 degrees.
2. With directly opposed intersections whenever feasible (if not directly opposed, the centerline offset of the intersections must be at least 125 feet).
3. With a sight distance of at least 275 feet.
4. With an intersection approach that does not exceed a 3% average grade for a distance of 20 feet as measured from the edge of the right-of-way of the intersecting road.
5. With a curb radius at the intersection that does not exceed 20 feet as measured from the edge of the traveled way, except that the Planning Commission upon the recommendation of the Road Foreman (Landgrove. Online Zoning Resources Page item #15) or VTrans District Permit Coordinator (Landgrove. Online Zoning Resources Page item #14) may approve a curb radius of up to 40 feet for roads designed to accommodate significant truck traffic.

623. Subdivisions: Roads, Construction Standards:

Applicants must construct new or extended roads in accordance with the following standards:

1. **Materials and Construction Practices.** Road materials and construction practices must conform with Vermont Standard Specifications for Construction as most recently amended. The applicant's engineer must provide the town with copies of the specifications to demonstrate compliance.
2. **Subsurface.** Subbase, sand cushion and subgrade must be constructed in conformance with the VTrans Standard A-76 for Development Roads as most recently amended.

624. Subdivisions: Roads, Drainage:

Applicants must design new or extended roads with drainage infrastructure and practices that:

1. Are in conformance with the VTrans Standard A-76 for Development Roads as most recently amended.
2. Capture and direct run-off to vegetated areas, retention areas, and/or other stormwater practices in accordance with Section 354 and the Vermont Stormwater Manual.

3. Do not contribute to an accumulation of stormwater that would exceed the capacity of downstream facilities or infrastructure as demonstrated by stormwater calculations provided by the applicant's engineer.
4. Have culverts and underdrains sized to convey anticipated peak stormwater flows and minimize erosion damage as demonstrated by stormwater calculations provided by the applicant's engineer.

625. Subdivisions: Roads, Names and Signs:

New roads must be named in accordance with State regulations and names must be approved by the Landgrove Selectboard.

626. Subdivisions: Fire Protection and Emergency Services:

Where the Londonderry Fire Chief feels there is not an existing, adequate source of water for fire protection, the applicant must provide water through means such as dry hydrants, ponds and/or water tanks. The fire chief may also require that houses in remote subdivisions have alarm systems with notification and/or Knox Box key holders. The applicant must submit a letter from the Londonderry Fire Department as to the adequacy of fire protection facilities and emergency access.

627. Subdivisions: Public and Private Utilities:

The applicant must design the subdivision to provide utility service to each lot (this will not be interpreted to include lots with no development rights intended for agriculture, forestry or open space use) in accordance with the following:

1. Utilities must be located within road rights-of-way to the maximum extent feasible.
2. The applicant must provide the town with proof of a maintenance and access easement for any utilities not located within a public right-of-way.

628. Subdivisions: Water and Wastewater:

The applicant must design the subdivision to provide water and wastewater service to each lot (this will not be interpreted to include lots with no development rights intended for agriculture, forestry or open space use).

629. Subdivisions: Erosion Control:

The applicant must design and undertake construction within the subdivision in accordance with the standards of Section 353.

630. Subdivisions: Soil Preservation: The applicant must:

1. Stockpile any topsoil removed during the course of construction on-site.
2. Redistribute stockpiled topsoil to provide even cover on all disturbed areas to be seeded or planted.
3. Make reasonable efforts to repair any soil compaction prior to seeding or planting such as tilling, subsoiling, plug aeration and/or organic amendments.

4. Not remove any topsoil, sand, gravel, rock or other earth resources from the site for any purpose other than the minimum necessary and authorized to meet the construction needs of the subdivision.

631. Subdivisions: Debris Removal:

The applicant must remove any debris generated during the course of construction from the site in accordance with State regulations. Burying debris on-site or using it as fill is prohibited.

632. Subdivisions: Stormwater Management:

The applicant must design the subdivision or development with adequate drainage and stormwater infrastructure in accordance with Section 354.

633. Subdivisions: Monuments and Lot Corner Markers:

The applicant must:

1. Show the locations of all right-of-way monuments and lot corner markers on the final subdivision plat.
2. Install permanent right-of-way monuments at all road intersections and other critical points in street lines in accordance with state statutes and rules.
3. Install lot corner markers at corners and angle points of all lots in accordance with state statutes and rules.

634. Subdivisions: Construction and Maintenance of Necessary Improvements:

The applicant must:

1. Fully construct the necessary improvements in accordance with all conditions of approval under these regulations and the Town's public works specifications before the ZA may issue any zoning permits for further development within the subdivision.
2. Maintain necessary improvements while lots or units within the subdivision are being sold and/or developed in accordance with all conditions of approval.
3. Demonstrate how the necessary improvements required under this section will be maintained once lots or units have been sold and/or developed.

635. Subdivisions: Improvement Agreements:

The Planning Commission may waive the requirement for full completion of necessary improvements prior to further development commencing within the subdivision if the applicant enters into a subdivision improvement agreement with the Town of Landgrove Selectboard in accordance with the following:

1. The cost of preparing the subdivision improvement agreement, including legal review will be borne by the applicant.
2. The subdivision improvement agreement will specify the period of time within which the applicant agrees to fully complete all necessary improvements.
3. The applicant will provide a surety for an amount sufficient to cover 125% of the cost of the approved construction and any other conditions contained in the

subdivision improvement agreement. When 50% of the required improvements are complete, the developer may substitute a new guarantee equal to 125% of the cost of the remaining improvements for the original guarantee. The new guarantee need not be in the same form as the original guarantee, but it must not in any way change or modify the terms and conditions of the agreement.

4. The subdivision improvement agreement will run with the land and must be recorded in the Town of Landgrove Land Records.

636. Subdivisions: If Improvements are Not Installed:

If improvements are not installed pursuant to the terms of the agreement, the Town of Landgrove may:

1. Declare the agreement to be in default and require the developer to fully complete all necessary improvements regardless of the extent of completion of the development.
2. Obtain funds pursuant to the surety and complete the necessary improvements itself or by contract through a third party.
3. Assign its right to receive funds pursuant to the surety in whole or part to any third party in exchange for that party's agreement to complete the required improvements; and/or
4. Exercise any other rights available under the law.

637. Conservation PUD: Purpose:

The purpose of this section is to provide flexibility in site design for rural residential developments in order to protect natural resources and conserve open space.

638. Conservation PUD: Residential Density:

The applicant must calculate the maximum allowed residential density by:

1. Multiplying the total lot area (in square feet) of the subject parcel(s) by the maximum lot coverage percentage for the applicable district (if the PUD includes land in more than one zoning district, the maximum lot coverage calculation must be performed on the land in each district separately and the results totaled)
2. Dividing the maximum lot coverage result by 4,000 and rounding down to the nearest whole number. This is the maximum number of dwelling units that may be developed within the PUD.

639. Conservation PUD: Modification of District Standards:

Zoning district standards may be modified within a conservation PUD as follows:

1. The development must meet all setback requirements of the zoning district around the perimeter of the development site.
2. The dimensional standards for lots, setbacks and buildings in the zoning district will not apply internally within the development site.
3. The lot coverage for the development as a whole must not exceed the maximum allowed in the zoning district.
4. All single-unit, two-unit and multi-unit dwellings, and related accessory uses, will be permitted uses within a conservation subdivision.

640. Conservation PUD: Multiple Parcels:

A conservation PUD may include multiple parcels. The parcels must be under common ownership, but do not have to be contiguous or within the same zoning district.

641. Conservation PUD: Density Transfer:

Within a conservation PUD, density may be transferred within and/or between parcels provided that building rights are not transferred from a higher density zoning district to a lower-density zoning district.

642. Conservation PUD: Conservation Set Aside:

A minimum of 60% of the parcel(s) within a conservation PUD must be set aside as protected open space in accordance with the following:

1. The following will be considered primary conservation resources and must be included in the protected open space:
 - Affordable lands
 - Mapped flood hazard areas
 - Steep slopes (20% or greater)

- Riparian buffers (see Section 349-352).
2. The following will be considered secondary conservation resources and must be included in the protected open space to the maximum extent feasible:
 - Primary agricultural soils.
 - Priority forest blocks.
 3. Lands subject to pre-existing easements or rights-of-way that restrict development may be incorporated into the set aside area but will not count towards meeting the 60% requirement.
 4. Protected open space must abut existing public or conserved lands, parks, open space or farmland on adjacent parcels to the maximum extent feasible.
 5. Open space must be permanently protected through a conservation easement that:
 - Will be held by the Town, State and/or a land trust or conservancy.
 - Prohibits further subdivision or development in the conservation areas.
 - May establish other standards to safeguard or maintain the conservation resources.
 6. Protected open space must not be cleared, graded, filled or subject to construction except as follows and in accordance with the terms of the easement:
 - Roads and above ground utilities serving the development may cross conservation areas provided that the Planning Commission finds that reasonable access cannot otherwise be provided to the portions of the site to be developed and that disturbance within the conservation area will be the minimum necessary to provide adequate access.
 - Underground utilities serving the development may be located within conservation areas provided that the Planning Commission finds that such development will not adversely impact the conservation resources intended to be protected by inclusion in a conservation area
 - Community gardens, trails and passive recreation amenities serving development will be allowed within conservation areas.
 - Green stormwater and renewable energy infrastructure serving the development will be allowed within conservation areas; and
 - Farming and forestry, including construction of farm structures, will be allowed within conservation areas.

643. Conservation PUD, Development Areas:

A maximum of 40% of the parcel(s) within a conservation PUD may be developed for residential and community use in accordance with the following:

1. The development must be designed as one or more clusters composed of 3 to 18 lots or buildings separated by open space.
2. All lots or buildings must have direct pedestrian access to the open space area(s) intended to accommodate passive recreational use from a continuous system of sidewalks, paths or trails.

3. Access to the conservation PUD must be from in a single curb cut unless otherwise approved by the Planning Commission in order to provide adequate emergency access or to minimize disturbance of conservation resources.
4. All reasonable measures must be taken to minimize the amount of impervious surface associated with vehicular access and parking (such as shared driveways, narrow lanes, and locating development near existing roads).
5. A conservation PUD may include one or more community buildings or other facilities that would serve residents by providing amenities such as multipurpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. PUD residents must commonly own any community buildings or facilities.

644. Neighborhood PUD: Purpose:

The purpose of this section is to provide flexibility in site design for compact residential development.

645. Neighborhood PUD: Applicability:

Neighborhood PUDs are allowed in the Rural Residential, Village, and Mixed-Use districts.

646. Neighborhood PUD: Residential Density:

The applicant must calculate the maximum allowed residential density by:

1. Multiplying the total lot area of the subject parcel(s) by the maximum lot coverage percentage for the applicable district (if the PUD includes land in more than one zoning district, the maximum lot coverage calculation must be performed on the land in each district separately and the results totaled); and then
2. Dividing the maximum lot coverage result by 4,000 and rounding down to the nearest whole number. This is the maximum number of dwelling units that may be developed within the PUD unless the PUD qualifies for an affordable housing density bonus in accordance with section 649.

647. Neighborhood PUD: Modification of District Standards:

Zoning district standards may be modified within a neighborhood PUD as follows:

1. The development must meet all setback requirements of the zoning district around the perimeter of the development site.
2. The dimensional standards for lots, setbacks and buildings in the zoning district will not apply internally within the development site.
3. The lot coverage for the development as a whole must not exceed the maximum allowed in the zoning district.
4. All single-unit, two-unit and multi-unit dwellings, and related accessory uses, will be permitted uses within a neighborhood PUD.

648. Neighborhood PUD, Multiple Parcels:

A neighborhood PUD may include multiple parcels. The parcels must be contiguous and under common ownership, but do not have to be within the same zoning district.

649. Neighborhood PUD, Density Bonus for Affordable Housing:

The Planning Commission may grant a density bonus in the to promote development of affordable housing as follows:

1. The applicant may propose to build units in excess of the maximum density allowed in the district provided that there is at least one affordable housing unit for each market rate unit constructed in excess of the maximum.
2. Affordable units must:
 - a. Be located throughout the proposed development in a manner that integrates them with market rate units.
 - b. Include a mixture of unit types in the same ratio as the market rate units within the development.

3. Affordability must be guaranteed through an Affordability Agreement prepared by the applicant and approved by the Town of Landgrove. The agreement must be filed in the Landgrove Land Records and will run with the land. At a minimum, the agreement must specify the:
 - a. Number of affordable units and a description of the location and unit type (bedrooms, floor area, etc.).
 - b. Duration of the affordability, which must be not less than 20 years.
 - c. Standards for setting qualifying household incomes and rents/sales prices.
 - d. Method by which vacancies will be marketed and filled.
 - e. Method by which the property owner will monitor the affordability of the units and the eligibility of the tenants/owners, and report that information to the Town of Landgrove to demonstrate ongoing compliance during the agreement period. 3402.

650. Neighborhood PUD, Design Standards:

A neighborhood PUD must be designed in accordance with the following:

1. Must be designed around a centrally located, landscaped greenspace with passive recreation improvements such as a gazebo, walking paths, benches, tables or play structures that is at least $\frac{1}{4}$ acre or 5% of total area of the PUD in size, whichever is greater. All lots or buildings must have direct pedestrian access to the common greenspace from a continuous system of sidewalks, paths or trails.
2. Buildings within a neighborhood PUD must be oriented to and have a primary entrance facing the street or common greenspace. The primary entrances to buildings must have direct pedestrian access from a continuous system of sidewalks, paths or trails.
3. Buildings with a footprint in excess of 3,000 square feet within a neighborhood PUD must be designed to break up their scale and mass through variations in roof line, building height, cladding or color, and/or horizontal plane of the façade.
4. Access to the neighborhood PUD must be from not more than two curb cuts otherwise approved by the Planning Commission to provide adequate emergency access or to minimize environmental impacts.
5. All reasonable measures must be taken to minimize the amount of impervious surface associated with vehicular access and parking (such as shared driveways or alleys, narrow lanes, and locating development near existing roads). Vehicular access and on-site parking will not be required to each principal building or on each lot if the PUD provides on-street parking or common off street parking areas/structures with pedestrian walkways connecting the parking and the buildings served. Vehicular access and parking must meet all applicable site design, engineering, buffering and landscaping requirements of these regulations.

6. A neighborhood PUD may include one or more community buildings or other facilities that would serve residents by providing amenities such as multipurpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. PUD residents must commonly own any community buildings or facilities.

651. Multi Building Multi Use PUD, Purpose:

The purpose of this section is to provide flexibility in site design for multibuilding, multi-use developments like resorts, campuses and business parks.

652. Multi Building Multi Use PUD: Applicability:

Multi-building, multi-use PUDs are allowed in the Mixed-Use, Rural Residential and Village Districts.

653. Multi Building Multi Use PUD: Modification of District Standards:

Zoning district standards may be modified within a multibuilding, multi-use PUD as follows:

1. The development must meet all setback requirements of the zoning district around the perimeter of the development site.
2. The dimensional standards for lots, setbacks and buildings in the zoning district will not apply internally within the development site.
3. The lot coverage for the development as a whole must not exceed the maximum allowed in the zoning district.

654. Multi Building Multi Use PUD: Multiple Parcels:

A multi-use, multi-building PUD may include multiple parcels. The parcels must be contiguous and under common ownership, but do not have to be within the same zoning district.

655. Multi Building Multi Use PUD: Density Transfer:

Within a multi-use, multi-building PUD, density may be transferred within and/or between parcels.

656. Multi Building Multi Use PUD: Design Standards:

A multi-use, multi-building PUD must be designed in accordance with the following:

1. The PUD may include residential uses and/or buildings, but non-residential uses must occupy at least 30% of the total floor area within the development.
2. Buildings within the PUD must:
 - Be commonly owned and/or managed.
 - Be located in proximity and related to one another.
 - Be oriented with facades and primary entrances that face the street or common greenspace.
 - Share common parking, facilities, amenities and/or infrastructure, and be connected with pedestrian walkways.
3. A mixed-use, multi-building PUD must include a landscaped greenspace that is at least ¼ acre or 5% of total area of the PUD in size, whichever is greater. If the PUD will include residential uses, the greenspace must have passive recreation improvements such as a gazebo, walking paths, benches, tables or play structures. All lots or buildings must have direct pedestrian access to the common greenspace from a continuous system of sidewalks, paths or trails.

4. Buildings open within a mixed-use, multi-building PUD must be oriented to and have a primary entrance facing the street or greenspace. The primary entrances to buildings must have direct pedestrian access from a continuous system of sidewalks, paths or trails. The Planning Commission may waive or modify these requirements for non-residential buildings not open to the public (such as manufacturing facilities or warehouses).
5. Buildings with a footprint in excess of 3,000 square feet must be designed to break up their scale and mass through variations in roof line, building height, cladding or color, and/or horizontal plane of the façade. The Planning Commission may waive or modify these requirements for non-residential buildings not open to the public (such as manufacturing facilities or warehouses).
6. Vehicular access and on-site parking will not be required to each principal building or on each lot if the PUD provides common off-street parking areas or structures with pedestrian walkways connecting the parking and the buildings served. Vehicular access and surface parking must be located around the perimeter of the development and to the rear or side of buildings to the maximum extent feasible. Vehicular access and parking must meet all applicable site design, engineering, buffering and landscaping requirements of these regulations.
7. Existing parking lots within the PUD may be redeveloped with buildings or parking structures regardless of conformance with the lot coverage standards for the zoning district provided that there is no net increase in lot coverage.
8. Access to the PUD must be from not more than two curb cuts otherwise approved by the Planning Commission to provide adequate emergency access, to maintain existing circulation patterns or to minimize environmental impacts.
9. The PUD may have an entrance sign not more than 40 square feet in area and 18 feet in height at the principal road entrance. Any secondary entrance may have a sign that is not more than 20 square feet in area and 12 feet in height. All other signage must be designed and located in accordance with the standards of Section 323 and so as to be primarily visible from within the PUD.

700. SECTION VII: PUBLIC HEARINGS:

701. Applications Requiring a Hearing: Incomplete Applications:

If a permit application is deemed incomplete, the ZA shall promptly return the permit to the applicant and request more information.

702. Applications Requiring a Hearing: Timeline:

The Zoning Board of Adjustment and/or the Planning Commission shall hold required public hearings within sixty (60) days of the filing of a complete notice of appeal or the submission of a complete zoning application, as applicable.

703. Applications Requiring a Hearing: Warning Public Hearings:

Public hearings shall be warned and conducted pursuant to Section 4464 of the Act by all the following:

1. Publication of a notice in a **newspaper** of general circulation, of a notice stating the date, time, location, and purpose of the hearing, instructions on how to obtain more information on the application and notice that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
2. **Posting of the same information in three or more public places** within the municipality in conformance with location requirements of 1 V.S.A. § 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. **Provision of written notification** with the same information to the applicant by certified return receipt mail, and to owners of all properties adjoining the property subject to development by first class mail, including the owners of properties which would be contiguous to the property subject to development but for the interposition of a highway or other public right-of-way, and provide proof that this has been done. The ZA will be required to demonstrate proof of delivery to adjoining landowners by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.
4. In any situation in which a variance is sought regarding setbacks from a **State highway**, also including written notification to the Secretary of Transportation.

704. Applications Requiring a Hearing: Lead Time:

Notification for conditional use review, variances, waivers, appeals of Zoning Administrator decisions, and plat review for subdivisions shall be given not less than 15 days prior to the date of the public hearing. Notification for Site Plan review shall be given no less than 7 days before the hearing.,

705. Applications Requiring a Hearing: Cost of Notification:

The applicant may be required to bear the cost of the public warning and the cost of notification of adjoining landowners.

706. Applications Requiring a Hearing: Errors in Notification:

No defect in the form or substance of any requirements of this subsection shall invalidate the action of the appropriate municipal panel 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 Division 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.

707. Applications Requiring a Hearing: Failure to Approve or Deny an Application:

If a permit application is not acted upon by the Zoning Administrator in 30 days, the applicant shall post, on the 31st day, a true copy of the application prominently in the Landgrove Town Office for a period of 15 days, together with a notice that appeals may be filed with the ZBA, and, if no appeals are filed during 15 days after the applicant posts this notice, the permit shall be deemed to be issued on the 46th day after submission of the application to the Administrative Officer.

708. Applications Requiring a Hearing: Procedures:

1. Hearings shall be open to the public. Board members and members of the public may attend remotely if currently allowed by State law, but one member of the Planning Commission/ Zoning Board of Adjustment or the ZA must be in attendance at the town offices.
2. The Planning Commission/ Zoning Board of Adjustment may recess the hearing for any application pending submission of additional information. If a date can be set to reopen the hearing before it is recessed, no additional warnings are required.
3. The panel should close the evidence promptly after all parties have submitted the requested information.
4. The panel shall adjourn the hearing and issue a decision within 45 days after the adjournment.
5. Failure of the panel to issue a decision within this period shall be deemed approval and shall be effective on the 46th day.
6. Decisions shall be issued in writing and shall include a statement of the factual bases on which the appropriate municipal panel 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.
7. Any decision shall be sent to by certified mail to the applicant and the appellant in matters on appeal within 45 days.
8. Copies of the decision shall also be emailed, or surface 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 ZA and the clerk of the municipality as a part of the public records of the municipality.

709. Conditions: General:

In rendering a decision in favor of the applicant, the panel may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of this chapter and the pertinent bylaws and the municipal plan then in effect.

710. Conditions: Hiring Experts:

1. The ZA or Planning Commission may hire qualified professionals to provide an independent technical and/or legal review of unusually large or complicated applications when deemed necessary to ensure compliance with these regulations.
2. The Administrative Officer or Planning Commission must notify the applicant prior to hiring a consultant to conduct a technical or legal review.
3. The applicant must pay the reasonable cost of any required technical or legal review prior to obtaining a zoning permit or filing a subdivision plate.

711. Conditions: Performance Bonds or Sureties:

1. The Administrative Officer or Planning Commission may require an applicant to provide a performance bond or similar surety in a form acceptable to the Selectboard as a condition of approval to ensure the completion of unusually large or complicated applications in accordance with approved plans, and the protection of any public facilities that may be affected by proposed development in accordance with applicable Town or State specifications.
2. The Administrative Officer or Planning Commission may require an applicant to provide a quote prepared by a qualified professional for the full project cost and then may base the amount of any bond or surety on that quote.
3. The Town of Landgrove will only release a required bond or surety after certification by the applicant and determination by the Administrative Officer that the proposed development has been satisfactorily completed.

712. Conditions: Monitoring or Inspection Costs:

The Administrative Officer or Planning Commission may condition approval of unusually large or complicated applications upon monitoring and inspection during construction or once the use has commenced, when deemed necessary to ensure compliance with these regulations. The applicant must pay the reasonable cost of any required monitoring or inspection.

713. Conditions: As-Built Drawings:

1. The Administrative Officer or Planning Commission may require an applicant to file as-built drawings as a condition of approval of unusually large or complicated applications.
2. The Town of Landgrove will require as-built drawings for any infrastructure to be built within Town rights-of-way or to be turned over to the Town.

3. The Administrative Officer may require an applicant to file as-built drawings when approved plans are amended or when minor adjustments to approved plans are necessary to respond to unforeseen conditions that arise during construction.

714. Issuance of Permits:

1. If the permit is approved or denied, the ZA shall within 3 days post a copy of the permit in the Town Office until the expiration of 30 days from the date of the issuance of the permit and deliver a copy of the permit to the Listers of the Town of Landgrove.
2. Each issued Zoning Permit/Approval shall require that the applicant post a notice of the permit, in a form prescribed by the Town of Landgrove within view from the public right-of-way most nearly adjacent to the subject property until the time for appeals has passed as described in 24 V.S.A. Section 4465. Failure to perform this requirement shall invalidate the permit and will be treated as a violation of these Regulations.
3. Each issued Zoning Permit/Approval shall contain a statement of the period of time within which an appeal may be taken. If an appeal is pursued by an interested party, the applicant shall also be required to post a Notice of Appeal on a form prescribed by the Town of Landgrove within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal in §4465 of the Act has passed. Failure to perform this requirement shall invalidate the permit and will be treated as a violation of these Regulations.

715. Issuance of Permits: Effective Date of Zoning Permit:

Zoning permits issued concurrently with a decision by the Planning Commission/ Zoning Board of Adjustment shall not take effect until 30 days have passed pursuant to the Vt. Rules for Environmental Court Proceedings.

716. Issuance of Permits: Public Notification of Issued Permit:

Within 3 days following the issuance of a zoning permit, the Administrative Officer shall:

1. Deliver a copy of the permit to the Board of Listers.
2. Post a copy of the permit in at least one public place in the town until the expiration of fifteen days (for applications that did not require a hearing), or thirty days (for applications that required a hearing) from the date of issuance of the permit.
3. The applicant must also post a permit notice, in a form prescribed by the Town, within view of the public right-of-way most nearly adjacent to the subject property until the time for appeals has passed.

717. Appeals and Motions to Reconsider: General:

An interested person, as defined in 24 VSA chapter 117 and section 416 of these Bylaws, who has participated in an appeal to the ZBA may submit a motion for the ZBA to reconsider their decision.

718. Motions to Reconsider: Procedure

An appellant who wishes the Planning Commission/ Zoning Board of Adjustment to reconsider a decision shall:

1. Submit a letter asking for a Motion to Reconsider which either:
 - Clearly establishes a manifest error of law or fact in the decision or
 - presents previously unavailable evidence.
2. The Motion must be filed within 30 days of the PC/ZBA's decision.
3. The filing of a Motion stays the appeal period until a decision is made to deny the Motion or until a new decision is issued following a reopening and closing of the hearings.
4. A new appeal period starts upon the date of the denial of the Motion or issuance of a decision.
5. The motion shall be put on the agenda of an open meeting of the Planning Commission/ Zoning Board of Adjustment. A majority of the Board must vote to grant the Motion and re-open the evidence.
6. If the Motion is granted, then a new hearing will be warned to hear evidence in regard to the matters raised and any other evidence offered in regard to the application and a decision will be issued in the normal course (which decision could be as previously issued without change or with revisions)
7. A party is entitled to only one Motion to Reconsider per PC/ZBA decision.

719. Appeals to the Environmental Court

1. An interested person, as defined in 24 VSA chapter 117 and section 416 of these bylaws, who has participated in an appeal to the Zoning Board of Adjustment authorized under this section may also appeal the Board's action or decision to the Environmental Division of the Vermont Superior Court within 30 days of the date of the Board's action or decision (see the Landgrove Online Zoning Resources Page item #17).
2. The appellant must send a notice of appeal to every interested person who participated in the hearing by certified mail.
3. The Administrative Officer must provide a prospective appellant with the interested person list upon request.
4. If the Administrative Officer has issued a zoning permit based on a PC/ZBA approval, the appeal of that approval will be considered an appeal of the zoning permit as well and the applicant must not commence any use or development authorized by the zoning permit until the appeal is resolved.
5. If no interested person appeals a Zoning Board of Adjustment or Planning Commission action or decision to the Environmental Division of the Vermont Superior Court within 30 days, that action or decision will be final and cannot be contested at a later time.

720. Applications Requiring a Hearing: Permit Expiration:

1. All activities authorized by the issuance of a zoning permit shall be started within 12 months and shall be completed within 36 months of its date of issue or the zoning permit shall become null and void.

2. Activities shall be considered complete when all construction authorized by the permit have been substantially completed and all building and site improvements required by the permit have been affected.
3. A 12 month permit renewal may be issued by the Administrative Officer, for the activities specified in the original permit, upon application for such renewals; however, after 48 months of the date of the original issuance, the zoning permit cannot be renewed and reapplication is required to complete any activities covered by the permit.

721. Applications Requiring a Hearing: Revoking Permits or Approvals:

The Administrative Officer may petition the Environmental Division of Superior Court to revoke a zoning permit and any associated development approvals if an applicant omitted or misrepresented a material fact on an application or at a hearing; or violates the terms of the permit and any associated development approvals.

800. SECTION VIII: FLOOD REGULATIONS

801. Flood Regulation: Purpose:

The Flood Hazard Overlay District is intended to:

1. Minimize and prevent 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.
2. Ensure that the selection, design, creation, and use of development in this overlay district is reasonably safe and is accomplished in a manner that minimizes or eliminates the potential for loss and damage to life and property due to flooding.
3. Manage special flood hazard areas in accordance with State and federal law.
4. Make the Town of Landgrove, its landowners, residents and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.
5. Allow for the wise use of floodplain lands in a way that minimizes potential damage to existing structures and development located within this overlay district.
6. Provide an adequate means of protecting the beneficial functions of undeveloped floodplains and development that is already located within floodplains.
7. Avoid encroachments that may result in cumulative degradation of natural floodplain function leading to increased flood elevations, velocities, and river instability.
8. Protect infill and redevelopment from inundation hazards.
9. Discourage new encroachments on undeveloped property that provides for floodwater and sediment storage.

802. Flood Regulation: Precedence:

The provisions of this section will take precedence where they impose a greater restriction than another provision of these regulations. Where there is a conflict between the provisions of this section, the most restrictive provision will apply.

803. Flood Regulation: Warning:

The provisions of this section do not imply that lands outside of this overlay district will be free from flooding.

804. Flood Regulation: District Boundaries:

The provisions of this section apply to all flood hazard areas identified on the most current flood insurance studies and maps published by the U.S. Department of

Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), which are adopted by reference into these regulations. The flood hazard area consists of the floodway and flood fringe (commonly referred to as the 100-year floodplain). Applicants may provide a FEMA Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR), which will constitute proof of the location of the flood hazard area boundary. A Letter of Map Revision based on Fill (LOMR-F) issued after April 1, 1991, may not be used to remove lands from the jurisdiction of this section.

805. Flood Regulation: Applicability:

A landowner must obtain a zoning permit for all development (as defined in section 110) located within this overlay district that is not exempted in section 112. The Administrative Officer must condition all permits for development within this overlay district on the applicant obtaining all necessary state and federal permits prior to the start of construction.

806. Flood Regulation: Application Requirements:

In addition to all other requirements of these regulations, an application for development within this overlay district must include:

1. A Project Review Sheet completed by a Vermont Agency of Natural Resources Permit Specialist.
2. Base flood elevation (BFE) for:
 - Replacement substantially improved or substantially damaged structures.
 - Projects requiring elevation or dry-floodproofing above BFE.
 - Additions to existing historic structures.
3. Floodway data with electronic input/output files and mapping showing cross section locations certified by a registered professional engineer for development within the floodway that includes:
 - Hydraulic calculations demonstrating no rise in BFE or velocity for proposed new or expanded encroachments within the floodway.
 - A floodway delineation that demonstrates that the proposed development, when combined with all existing and anticipated future development.³
 - Will not increase the water surface elevation of the base flood by more than 1 foot at any point within the Town of Landgrove if FEMA has provided BFE data but not designated floodway areas.
4. A No Adverse Impact (NAI) volumetric analysis and supporting data certified by a registered professional engineer for development that requires compensatory flood storage under section 813.M(1) (flood fringe standards).

807. Flood Regulation: Referrals:

The Administrative Officer must send a copy of all complete applications for development within this overlay district to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources. The Administrative Officer must not act on an application for development within this overlay district until the agency comments or the 30-day comment period elapses, whichever occurs first.

808. Flood Regulation: Exempt Development:

The following development is exempt from the provisions of this section (a zoning permit or development approval may still be required under other provisions of these regulations):

1. Agricultural and silvicultural practices exempted under Section 113.4 and 133.5.
2. Normal maintenance and repair of existing development.
3. Demolition of a structure or portion of a structure provided that there is no change in elevation under or adjacent to the removed structure or portion of a structure (for damaged structures where owners may be using FEMA mitigation funds, FEMA may require a damaged structure to remain in place until funds are granted).
4. Improvements to existing buildings (interior or exterior) that cost less than \$500.
5. Subdivision of land.
6. Public water access and recreational trails that do not require active management or alteration of the river or stream.
7. Planting projects to restore natural and beneficial floodplain functions that do not involve grading or construction of structures.
8. Development subject to a Stream Alteration Permit from the Vermont Agency of Natural Resources.
9. Development subject to a Certificate of Public Good from the Vermont Public Utilities Commission.
10. State owned and operated facilities or institutions.

809. Flood Regulation: Prohibited Development:

The following development is prohibited within this overlay district:

1. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) for new, replacement or substantially improved structures, or for structures that have incurred substantial damage.
2. Outdoor storage of goods, materials, equipment or vehicles.
3. New critical facilities.
4. New encroachments outside the Village and Mixed-Use districts, except for:
 - Changes to existing structures where the footprint is proposed to expand less than 500 square feet within this district.

- New encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects.
 - New encroachments required to meet health, safety and accessibility standards under federal or state codes or regulations if no other practicable alternative is available.
5. Expansion of existing structures within the floodway where the footprint of the structure is proposed to expand laterally into the floodway more than 500 square feet.
 6. Any development within Zones AE and A1-A30 where FEMA has not determined floodway limits unless the applicant demonstrates that the cumulative impact of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1 foot at any point within the Town by submitting technical data that conforms to standard hydraulic engineering principles prepared and certified by a qualified engineer.

810. Flood Regulation: Pre-Existing Structures:

Within this overlay district, a landowner may only:

1. Reconstruct a substantially damaged or destroyed structure in its original location if it is rebuilt to comply with all requirements of the National Flood Insurance Program and this section; or
2. Re-occupy a structure that has been unused or uninhabited for more than 12 months if it is brought into compliance with all requirements of the National Flood Insurance Program and this section.

811. Flood Regulation: Allowed Uses:

The uses allowed in the underlying district are allowed to the same extent within this overlay district provided that the applicant demonstrates compliance with section 813 or sections 813-826 as applicable.

812. Flood Regulation: Floodway Standards:

Within the floodway:

1. New encroachments are prohibited except for the following, which must meet the requirements of section 812.2 below:
 - Changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet.
 - New encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects.

- New encroachments required to meet health, safety and accessibility standards under federal or State codes or regulations if no other practicable alternative is available.
2. For new encroachments or development allowed under 812.1 above that will result in a change of grade, applicants must provide either a:
 - FEMA Conditional Letter of Map Revision (CLOMR) to demonstrate that the proposed development will not have an adverse impact; or
 - Hydraulic analysis performed by a registered professional engineer in accordance with standard engineering practice certifying that the proposed development will:
 - Not result in any increase in flood levels during the occurrence of the base flood.
 - Not increase base flood velocities.
 - Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
 3. The applicant must demonstrate that any new encroachments or development allowed under section 812.1 above have been designed in accordance with the standards of Subsection 913.M but not including the requirement for compensatory flood storage.

813. Flood Fringe Standards: Compensatory Flood Storage:

Compensatory Flood Storage. Development that displaces floodwater storage must provide compensatory storage in accordance with the following unless exempted in section 813.3 below:

1. Applicants must provide either:
 - Volumetric analyses and supporting data prepared and certified by a qualified engineer; or
 - A hydraulic analysis that demonstrates that a project will not increase flood elevations and velocities on floodwaters prepared and certified by a qualified engineer.
2. Applicants must provide a statement from a qualified engineer certifying that the compensatory flood storage design will not materially impact adjacent properties by increasing base flood elevations or velocities.
3. Upon the applicant obtaining a written statement of concurrence from the Vermont Agency of Natural Resources Regional Floodplain Manager, the Administrative Officer or Zoning Board of Adjustment may waive the compensatory flood storage requirement for:
 - Designs that have no more than a minimal effect on floodwater storage and will not divert floodwaters onto adjacent property.

- Remediation of brownfield sites provided the applicant submits a hydraulic analysis that demonstrates that the remediation will not increase flood elevations and velocities on floodwaters prepared and certified by a qualified engineer.
- A replacement structure provided there is no increase in the structure's footprint, or an open foundation design is used.
- Roads, driveways, utilities and replacement on-site septic systems upon the applicant demonstrating that the placement of fill cannot be mitigated.

814. Flood Fringe Standards: General Standards.

Applicants must demonstrate that the proposed development will be:

1. Reasonably safe from flooding.
2. Designed or modified and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure.
3. Constructed with materials resistant to flood damage.
4. Constructed by methods and practices that minimize flood damage.
5. 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.
6. Adequately drained to reduce exposure to flood hazards.

815. Flood Fringe Standards: Residential Structural Standards:

New residential structures, existing residential structures to be substantially improved or replaced, or that have incurred substantial damage will be located such that the lowest floor is at least 2 feet above base flood elevation (BFE) as documented in the proposed and as-built condition with a FEMA Elevation Certificate.

816. Flood Fringe Standards: Non-Residential.

New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage, will:

- Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that 2 feet above the BFE the structure.
- Be dry floodproofed in accordance with accepted standards of practice for meeting NFIP requirements as certified by a registered professional engineer or architect.

817. Flood Fringe Standards: In Zone AO:

New structures, or existing structures to be substantially improved or replaced, or that have incurred substantial damage in Zone AO will have the lowest floor, including basement, elevated above the highest adjacent grade, at least 2 feet above the depth number specified on the Town's FIRM, or at least 3 feet if no depth number is specified.

818. Flood Fringe Standards: Critical Facilities:

Critical facilities that are to be replaced, substantially improved, or meet the definition of substantial damage will:

1. Be constructed so that the lowest floor, including basement, will be elevated or dry-floodproofed at least 1 foot above the elevation of the 0.2% annual flood height (500-year floodplain), or 3 feet above BFE, whichever is higher.
2. Have at least one access road connected to land outside the 0.2% annual chance floodplain that is capable of accommodating emergency services vehicles, and the top of the access road will be no lower than 6 inches below the elevation of the 0.2% annual chance flood event.

819. Flood Fringe Standards: Historic Structures:

For historic structures that would meet the definition of substantial improvement or substantial damage if not for their historic structure designation, the improved or repaired building will meet the following mitigation performance standards for areas below the base flood elevation:

1. Any future damage to enclosures below the lowest floor must not result in damage to the foundation, utility connections, or elevated portions of the building or nearby structures.
2. Utility connections (e.g., electricity, water, sewer, natural gas) must be protected from inundation and scour or be easily repaired.
3. The building foundation must be structurally sound and reinforced to withstand a base flood event.
4. The structures historic designation must not be precluded.
5. The likelihood of flood waters entering the structure during the base flood must be reduced.
6. There must be no expansion of uses below BFE except for parking, storage, building access, or, in the case of non-residential buildings, where the space is dry floodproofed.

820. Flood Fringe Standards: Enclosed Areas Below BFE:

Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, will:

1. Be solely used for parking of vehicles, storage, or building access, and such a condition will clearly be stated on any permits.

2. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters in accordance with accepted standards of practice for meeting NFIP requirements as certified by a registered professional engineer or architect.
3. Include a signed agreement from the owner of the structure with the permit application stating that the enclosed area below the BFE will not be converted to another use other than parking of vehicles, storage, or building access.
4. The Administrative Officer will be allowed to inspect the exterior and interior of the enclosed area as necessary to ensure compliance.

821. Flood Fringe Standards: Small Accessory Structures:

Applicants will not be required to elevate an accessory structure with a footprint of 500 square feet or less to the base flood elevation provided that the applicant locates the structure on the building site so as to offer the minimum resistance to the flow of floodwaters and meets the criteria in Subparagraph 813(3)(f).

822. Flood Fringe Standards Fuel Storage Tanks.:

Applicants must demonstrate that fuel storage tanks will be:

- 1) Securely anchored to prevent flotation.
- 2) Located on the landward or downstream side of the building.
- 3) Only placed on a structure or platform that is designed to withstand anticipated flood loads and forces.
- 4) Elevated so that all inlets, fill openings, line connections and vents will be elevated at least 2 feet above BFE. If elevating the tank is not possible due to the location of the fuel line or hook-up serving an existing building:
 - The tank vent pipe/valve must be located at least 2 feet above BFE; or
 - The tank may be located underground provided it will be securely anchored and protected from flood forces as certified by a qualified professional.

823. Flood Fringe Standards: Utilities and Service Facilities:

For any new structure, replacement structure, substantially improved structure, or structure that has experienced substantial damage, applicants must demonstrate that outdoor utilities (electrical, heating, ventilation, plumbing, and air conditioning equipment) and other service facilities (such as sewer, gas, and water systems) will be located on the landward or downstream side of the building and/or behind structural elements, and will be located and constructed to minimize or eliminate flood damage.

824. Flood Fringe Standards: Water and Wastewater Facilities Water Supply Systems:

Water and Wastewater Facilities Water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system. Sanitary sewage systems must be

designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

825. Flood Fringe Standards: Temporary Structures and Vehicles:

Temporary structures and vehicles must either:

1. Be currently registered, licensed and ready for highway use, if a motor vehicle or trailer.
2. Be located within this overlay district for less than 180 consecutive days.
3. Conform to all applicable provisions of this section for permanent structures.

826. Flood Fringe Standards: Subdivisions and Planned Unit Developments (PUDs):

Applicants must design any subdivision or PUD that includes land within this overlay district so that all lots have a building envelope located outside the flood hazard area and so that all lots will be accessible over land located outside the flood hazard area.

827. Variances:

The Zoning Board of Adjustment may grant variances within this overlay district as established in Section 516-518. Any variance granted for development within the flood hazard area must include the following statement, "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 in coverage."

828. Substantial Improvement and Substantial Damage Determinations.

The Administrative Officer will make a determination of substantial improvement or substantial damage in accordance with current FEMA guidelines, which will establish the appropriate standards for repair and rebuilding under this section. The applicant may provide additional documentation including, but not limited to:

- (1) A recent building appraisal completed by a qualified professional that documents the structure's market value, excluding land value, prior to the damage or improvement.
- (2) A cost estimate provided by a qualified professional that includes material and labor costs and a detailed accounting of the proposed project; or
- (3) In the case of substantial damage, an estimate of structure damage prepared by a state or local official using FEMA's Substantial Damage Estimator software.

829. Certificate of zoning compliance.

The applicant must obtain a Certificate of zoning compliance for all development subject to the provisions of this overlay district. The Administrative Officer must not issue a Certificate of zoning compliance for development within this overlay district until the applicant has submitted all required as-built documentation.

830. Administrative Records.

In addition to all other applicable requirements of these regulations, the Administrative Officer must file and maintain a record of:

- (1) FEMA Elevation Certificates with the as-built elevation of the lowest floor, including basement, of all new, replacement, substantially improved, substantially damaged or flood-proofed principal buildings; and
- (2) All floodproofing and other certifications required under this section.

831. Violations.

In addition to all other applicable provisions of these regulations, the Administrative Officer must:

- (1) Send a copy of any notice of violation issued for development within this overlay district to the State National Flood Insurance Program Coordinator; and
- (2) Submit a declaration of any unresolved violation to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property in accordance with federal law.

832. Appeals:

The applicant or other interested person may appeal any action or decision taken under this section in accordance with the provisions of Section 717 or Section 718 as applicable.

833. Definitions:

The definitions below apply to terms used within this section. Any term not defined below will be as defined in Section 900.

1. **Base Flood** means the flood having a 1% chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).
2. **Base Flood Elevation** (BFE) means the elevation of the water surface resulting from the base flood. On the Flood Insurance Rate Maps, 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 average depth of the base flood, usually in feet, above the ground surface.
3. **Basement** means any area of the building having its floor elevation sub-grade (below ground level) on all sides.
4. **Compensatory Storage** means a volume not previously used for flood storage that must be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, that would be displaced by the proposed project. Such compensatory volume must:
 - Have an unrestricted hydraulic connection to the same waterway or water body.

- Be provided within the same reach of the river, stream, or creek.
5. **Critical Facilities** mean facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities.
 6. **Development** means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
 7. **Encroachment** means activities or construction including fill, substantial improvements, structures and other development that may cause an increase in flood levels.
 8. **Fill** means any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. Temporary storage of material for less than 180 days is not considered fill.
 9. **Flood** means:
 - 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.
 - 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; or
 - 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.
 10. **Flood Fringe** means the portion of the flood hazard area that is outside of the floodway but still inundated by the base flood (the flood having a 1% chance of being equaled or exceeded in any given year).
 11. **Flood Hazard** means those hazards related to damage from flood-related inundation or erosion.
 12. **Flood Insurance Rate Map (FIRM)** means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas

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

13. **Flood Insurance Study** (FIS) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
14. **Floodplain or Flood-Prone Area** means any land area susceptible to being inundated by water from any source (see definition of “flood”).
15. **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.
16. **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 flood hazard areas and floodways may be shown on a separate map panels.
17. **Grading** means the movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the hazard area and such new material is not offset with an equal or greater removal of material from the portion of the site within the hazard area, the new material will be considered “fill” and will not be considered grading.
18. **Historic Structure** means any structure that is:
 - 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.
 - 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.
 - Individually listed on the Vermont State Register of Historic Places; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - By an approved State program as determined by the Secretary of the Interior; or
 - Directly by the Secretary of the Interior in states without approved programs.

19. **Letter of Map Change** (LOMC) means a letter issued by FEMA officially removing a structure or lot from the flood hazard area 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. A LOMC can include a Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), Letter of Map Revision based on Fill (LOMR-F), or a Letter of Map Revision for a Floodway (LOMR-FW).
20. **Lowest Floor** means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement 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.
21. **National Flood Insurance Program** means the National Flood Insurance Program under 42 U.S.C. Chapter 50 and implementing federal regulations in 44 C.F.R. Parts 59 and 60. The National Flood Insurance Program aims to reduce the impact of flooding on private and public structures. It does so by providing affordable insurance to landowners in communities that adopt and enforce floodplain management regulations. These efforts help mitigate the effects of flooding on new and improved structures.
22. **Natural and Beneficial Floodplain Functions** mean the functions associated with the natural or relatively undisturbed floodplain that includes moderating flooding, retaining flood waters, and reducing erosion, sedimentation and flood-related damage. Ancillary beneficial functions include support of ecosystem services such as wildlife habitat, water quality, and groundwater recharge.
23. **New Construction** means structures for which the "start of construction" commenced on or after April 1, 1992, and includes any subsequent improvements to such structures.
24. **Person** means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.
25. **Public Water Access** means a public access to a water of the State and, except for toilet facilities, will not include structures as defined in this section.
26. **Redevelopment** means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in a previously developed area. The term includes substantial improvements and repairs to substantially damaged buildings.
27. **Replacement Structure** means a new building placed in the same footprint as the pre-existing building and does not include a change in use.
28. **Special Flood Hazard Area** means the land in the floodplain subject to a 1% or greater chance of flooding in any given year. This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current FIS and on the FIRM. Maps of this area are

available for viewing in the town office or online from the FEMA Map Service Center (msc.fema.gov). FEMA has not determined base flood elevations 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. Where floodways have been determined they may be shown on separate map panels from the FIRM.

29. **Start of Construction** means the date the town issued a permit authorizing development, 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 any of the following:
- The first placement of permanent construction of a structure on a site, which includes the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, but does not include:
 - Land preparation, such as clearing, grading and filling;
 - Installation of streets and/or walkways;
 - Excavation for a basement, footing, piers, or foundations or the erection of temporary forms; or
 - Installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
 - The placement of a manufactured home on a foundation.
 - The first alteration of any wall, ceiling, floor, or other structural part of a building, regardless of whether that alteration affects the external dimensions of the building.
30. **Storage** means the aggregation of materials, items, or objects whether natural or human-made:
- That is kept as a stockpile, collection, or inventory.
 - Where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials continues to be used for the same purpose.
 - Whether set upon the land or within a container, structure, or facility.
 - That would not otherwise comply with the provisions of this section.
31. **Structure** means a walled and roofed building, as well as a manufactured home, including gas or liquid storage tanks.
32. **Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
33. **Substantial Improvement** means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure after April 1, 1992, the cost of which over 3

years, or over the period of a common plan of development, cumulatively equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage; regardless of the actual repair work performed. The term does not, however, include either:

- Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been previously identified by the code enforcement official and which are the minimum necessary to assure safe living conditions; or
- Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

900. SECTION IX: DEFINITIONS

Except where specifically defined herein, all words used in this Bylaw shall carry their customary meaning. Words used in the present tense shall include the future; the singular includes the plural; the word "lot" includes "plot;" the word "building" includes "structure;" the word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by "or intended, arranged, or designed to be used or occupied;" "person" includes individual, partnership, association, cooperative, corporation, company, organization, or any governmental body.

Doubt as to precise meaning of a word used in this Bylaw shall be clarified by the Zoning Board of Adjustment.

ACCESSORY STRUCTURE: A structure detached from a principal building on the same lot and incidental and subordinate to the principal building or use. Examples of accessory uses include, but are not limited to, a shed, detached garage, barn, located on the same lot as a single-family home, or a storage shed for a commercial building.

ACRE: A measure of land area containing 43,560 square feet.

ACT: Vermont Planning and Development Act, 24 V.S.A. Section 4301 et seq.

ACT 250: Vermont's land use and development law, established in 1970. The law provides a public, quasi-judicial process at the State level for reviewing and managing the environmental, social and fiscal consequences of major subdivisions and development in Vermont through the issuance of land use permits.

ADMINISTRATIVE PERMITS: Permits that can be issued by the Zoning Administrator without the need for a hearing.

AFFILIATED LOTS: Two or more lots or parcels of land contiguous to each other, owned, in whole or in part, in common by one person. The word "person" shall mean an individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture of combined ownership.

AGRICULTURAL USE: The use of land for raising livestock, agriculture, or forest products, including farm structures and the storage of agricultural equipment, and, as an accessory use, the sale of agricultural products raised or grown on the property. Agricultural uses include, but are not limited to, production of crops, vegetables, and eggs; raising or keeping of cattle, sheep, horses, fowl, and similar animals; dairying; orchards; and maple syrup products.

BOUNDARY LINE ADJUSTMENT: A method of adjusting boundary lines between contiguous lots without creating additional lots and without creating nonconformities in the resultant lots.

BUILDING HEIGHT: The maximum height of any structure in all districts, exclusive of chimneys, cupolas, antennae, and rooftop solar collectors less than 10 feet in height above a roof, is 35 feet from the average finished grade within 10 feet of the walls of the building to the highest point of flat or mansard roofs, including the top of a parapet, or to a point which equals the average between the highest ridge of the roof, and the lowest eave height of the roof at the top plate, for gable, hip or gambrel roofs

BULK FUEL STORAGE: The storage of chemicals, petroleum products, and other similar materials for subsequent resale to distributors or retail dealers or outlets. Bulk fuel storage does not include the storage of cord wood.

CAMPING TRAILER: See *Recreational Vehicle*.

CEMETERY: Property used for interring the dead.

CHANGE OF USE: Any use which substantially differs from the previous use of a building or structure, or unit within a structure, or the use of land. Change of use shall include but not be limited to: change from single-family residential use to multi-family residential use; change from residential use to commercial or business use; change from one type of commercial or business use (e.g., office use) to another type of commercial use (e.g., retail use); and any change which results in significantly different traffic volumes or circulation patterns, requires increased parking, or impacts neighboring properties in a manner which is different from the previous use.

CLINIC: An office building used by members of the medical professions for the diagnosis and out-patient treatment of human ailments.

COMMERCIAL USE: Activity carried out for pecuniary gain with the exception of the rental of 1-2 family homes.

CONDITIONAL USE: A use permitted in a particular zoning district only upon a finding by the Zoning Board of Adjustment after public notice and public hearing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as specified in this Bylaw.

CONDOMINIUM: A building or group of buildings in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

COVERAGE, IMPERVIOUS: That portion of a lot that is covered by buildings, structures, and improvements on the ground surface, such as compacted gravel, that prevent the absorption of storm water.

COVERAGE, LOT: Total areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, inclusive of porches, decks, and steps. All dimensions shall be measured along exterior lines.

CUSTOMARY HOME OCCUPATION: Any use customarily conducted entirely within a minor portion (less than 30% of livable floor space) of a dwelling and carried on only by the occupants thereof, which use is clearly incidental and secondary to the use for dwelling purposes. It must not change the character of the dwelling or neighborhood nor result in any additional traffic other than that normally generated by the residents of the dwelling. A residential dwelling may have more than one home occupation provided that *collectively* they comply with the above requirements. A home occupation does not require a zoning permit.

DEVELOPMENT: See *Land Development*.

DWELLING UNIT: One room, or connected rooms, constituting a separate, independent housekeeping establishment for owner occupancy, rental, or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sanitary, and sleeping facilities. It shall include prefabricated modular units, mobile homes, and guest houses, but shall not include a motel, hotel, boarding house, tourist home, or similar structure.

DWELLING UNIT, ACCESSORY(ADU): A dwelling unit that is located within or appurtenant to a single-family dwelling. The accessory dwelling unit shall be clearly subordinate to the primary single-family dwelling unit on the property and shall conform to all of the requirements of Section 307 of the Landgrove Zoning Bylaws.

DWELLING, ONE-FAMILY (Single-Family): A detached building used as living quarters by one family.

DWELLING, TWO-FAMILY: A building used as living quarters by two families living independently of one another. At a minimum, units in two-family dwellings must be attached by a common vertical wall.

DWELLING, MULTI-FAMILY: A building used as living quarters by more than two families living independently of one another. At a minimum, units in multi-family dwellings must be attached by a common vertical wall or horizontal floor.

EVENT VENUE: A property used to host conventions, meetings, weddings, receptions, reunions, and similar special events that last more than two days or occur more than twice a year.

EXISTING SMALL LOT: An undeveloped lot which was lawful prior to the adoption, revision, or amendment of this Bylaw, but which due to its area or dimensions fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

FAMILY: One or more persons occupying a single dwelling unit and living in a single household unit.

FAMILY CHILDCARE FACILITY: Any place operated under a State family childcare facility license as a business or service on a regular or continuous basis, whether for compensation or not. Its primary function is protection, care, and supervision of a maximum of 6 children under 16 years of age outside their homes for periods of less than 24 hours a day by a person other than a child's own parent, guardian, or relative.

FARM: See *Small Farming Operation*

FILL: Any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity of a site.

FORESTRY: Developing, caring for, or cultivating of forests, or the management and harvesting of timber.

FRONTAGE: That side of a lot which abuts either a private road, Town or State highway. On corner lots the frontage shall be measured on that portion of the lot which has highway access.

HOME-BASED BUSINESS: A use which meets the specific standards set out in Section 339 of this Bylaw. A home-based business differs from a customary home occupation in one or more of the following ways: it involves up to 3 employees who are not family members living within the dwelling; it involves some additional traffic from commuting employees or shipments/deliveries, but not in a substantially greater volume than would normally be expected in the neighborhood. A home-based business requires a zoning permit.

INDUSTRY ,HEAVY: Asphalt and concrete plants; crematories; electric generating plants and facilities, bulk material processing, and storage; manufacturing and storage of chemicals, explosives, and fuels; Outdoor Gun Ranges, outdoor manufacturing.

INDUSTRY, LIGHT: An activity primarily concerned with enclosed manufacturing, processing, wholesale selling, or warehousing of goods carried out on a scale larger than would be permitted for a home business and under conditions established for Conditional Use. Industrial Use includes Commercial Use.

INN: A residential dwelling in design used for commercial purposes wherein the patronage is of a transitory nature, the guests being entertained from day to day. Such use must include food service for guests within the structure and may include a restaurant with or without a bar or lounge.

JUNKYARD: A location or place of business which is maintained, operated or used for storing, buying or selling junk, or for the maintenance or operation of an automobile graveyard or salvage yard, and the term shall include garbage dump.

JURISDICTIONAL WATERCOURSE: Any watercourse, including rivers, streams, creeks, brooks, and branches, shown on the Vt ANR Wetland Inventory Map which experience perennial flow. Jurisdictional watercourse does not mean constructed drainageways, including water bars, swales, and roadside ditches.

LAND DEVELOPMENT or DEVELOPMENT: The division of a parcel into two or more parcels, a boundary line adjustment, the construction, reconstruction, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation, dredging, filling, grading, paving, drilling operations or landfill, or any change in the use of a building or other structure, or land, or extension of use of land, including but not limited to storage of equipment or materials. This definition includes all development activities listed in Section 110 of this Bylaw, specifically excluding those activities identified in Section 112.

LANDSCAPING: The addition of lawns, trees, plants, and other natural and decorative features to land.

LOADING SPACE: Off-street space which is at least 12 feet wide and 40 feet long and 14 feet high, not including access driveway and having direct access to a road or alley use for the temporary location of one licensed motor vehicle.

LOT: A parcel of land occupied or to be occupied by only one principal structure or use and the accessory buildings or uses customarily incidental to such structures or uses. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yard and other open spaces as are herein required. Such a lot shall have frontage on an improved public street, or other means of access approved by the Planning Commission. In no case shall the division or combination of land result in the creation of a parcel which does not meet the requirements of this Bylaw, except as otherwise provided for in Section 403.

LOT AREA: The total area within the property lines, excluding easements and any part thereof lying within the boundaries of a public road or proposed road.

LOT, CORNER: A lot of land abutting upon two or more roads at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT DEPTH: Mean horizontal distance measured from the front lot line to the rear lot line.

LOT FRONTAGE: See *Frontage*.

LOT LINES: Property lines bounding a lot.

LOT WIDTH: The distance between side lot lines, measured at right angles to lot depth, at the required front lot line.

MANUFACTURED HOME (or MOBILE HOME): A prefabricated structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities. Mobile homes must meet all the standards for residential development in the district. The term “manufactured home” does not include a “recreational vehicle”.

MIXED-USE BUILDING: A single building on a lot located within the Mixed-Use District, owned and managed by a single entity, within which are located multiple uses, and which combined meet the requirements of Section 232 of this Bylaw.

MODULAR HOME: A manufactured home, which is not on a steel chassis, which is designed to be installed on a permanent foundation.

MUNICIPAL FACILITY: Municipally owned or operated buildings, structures and land and used for public purposes, including but not limited to the Town Hall, Town Garage, Town forest lands, etc.

NON-AFFILIATED OWNERSHIP: See *Separate and Non-affiliated Ownership*.

NONCONFORMING/NONCOMPLYING STRUCTURE or BUILDING (PRE-EXISTING): 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 administrative officer. Structures that were in violation of the flood hazard regulations at the time of their creation and remain violations and are not nonconforming structures.

NONCONFORMING LOT (PRE-EXISTING): See *Existing Small Lot*.

NONCONFORMING USE (PRE-EXISTING): Use of land or structure that does not comply with all zoning regulations for the district in which it is located, 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 Administrative Officer.

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

NON-FRONTAGE LOT: A lot that does not have the minimum frontage required, which may be accessed by a right of way easement over someone else’s land.

NON-RESIDENTIAL USE: All uses of buildings, structures or land except one-family dwellings, two-family dwellings, and multi-family dwellings. Includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

NURSERY/GREENHOUSE: A retail business or commercial activity concerned with the sale of tools, small equipment, plants and related goods used in gardening or farming. Related goods are defined as only those used on the plant or in its soil to preserve the life and health of the plants sold (e.g., fungicides, peat moss and mulches).

OFFICE: A room or group of rooms used for conducting the affairs of a single business, profession, service, industry, charitable organization, studio or governmental agency.

ON FARM ACCESSORY BUSINESS: Properties that meet the state definition of a Small Farming Operation may have an On Farm Accessory Business that meets the requirements of Act 143 (see Landgrove Online Zoning Resources item #18).

OWNER: An individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture of combined ownership.

PERMITTED USE: A use that is allowed as long as the landowner meets all of the other requirements of the particular zoning category and receives a zoning permit.

PLANNED UNIT DEVELOPMENT: An area of contiguous land, controlled by a landowner or owners, to be approved by the Planning Commission for developed as a single entity for 2 or more dwelling units in 2 or more structures and/or commercial or industrial uses, if any, the plan for which does not correspond in lot size, lot coverage and required open space to the regulations established in any one or more districts created by this Bylaw.

PLAT: A map or chart of a lot or lots with surveyed lot lines and dimensions.

PRIMITIVE CAMP: A building without a septic system which may not have access on a public highway for habitation by people who are vacationing or recreating and who have a principal residence elsewhere. It shall be occupied for no more than 60 days in any calendar year and occupied for no more than 3 consecutive weeks.

PRINCIPAL USE: The primary or predominant use of any lot. In the case of a Bed and Breakfast, Home Business, Home Professional Office or Family Childcare Facility, the principal use shall be the use of the property in its entirety, including both the residential dwelling and its business-related activity.

PUBLIC UTILITY: A business organization performing some public service and subject to governmental utility regulations.

PUBLIC UTILITY FACILITY: Structures used by utilities in the generation, distribution or collection of their products. Poles, cables, pipes, mains and exchange boxes occupying no more than 15 square feet are not included.

RECONSTRUCTION: Rebuilding a structure that has been damaged or destroyed on the same footprint.

RECREATION FACILITY: A building or use of land designed and equipped for the conduct of sports and other customary and usual recreation activities.

RECREATIONAL VEHICLE/TRAVEL TRAILER: 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 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, including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes. A recreational vehicle or travel trailer may be used as a primitive camp with a zoning permit, or as a temporary dwelling with a state wastewater permit and a zoning permit.

RELIGIOUS INSTITUTION: Includes a church, temple, parish house, convent, seminary, and retreat house, or any other building or use of land in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

RESIDENTIAL USE: Includes one-family dwelling, two-family dwelling, multi-family dwelling, home occupation, and family childcare residential care or group homes.

RESTAURANT (With or Without a Bar): A structure in which the primary business is the preparation and serving of food for consumption on the premises.

RETAIL ESTABLISHMENT: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Generally, these establishments buy and receive as well as sell merchandise. This definition does not include a drive-up service, gasoline station or motor vehicle repair service, new and used car sales and service, and trailer and mobile home sales and service.

RIPARIAN BUFFER: A vegetated area (a "buffer strip") near a stream, usually forested, which helps shade and partially protect the stream from the impact of adjacent land uses. It plays a key role in increasing water quality in associated streams, rivers, and lakes, thus providing environmental benefits.

ROAD LINE: Right-of-way line of a road as dedicated by a deed or record. Where the width of the road is not established, the road line shall be considered to be twenty-five (25) feet from the center of the road pavement or traveled surface.

ROADSIDE AGRICULTURAL STAND: A landowner whose property does not meet the State's definition of a farm can still have a farm stand which does not exceed 200 square feet in area erected on-premises for the sole purpose of selling agricultural products grown on the premises.

SERVICE AREA: An area at a use other than a one or two-family home used for outdoor storage, dumpsters, exposed machinery, the parking of trailers, dump trucks, and heavy equipment.

SETBACKS: A line established by this Bylaw which determines the minimum horizontal distance that a structure (excluding entry steps and ramps) shall be located from the center line of the road, or from a watercourse, wetland or adjoining property line. See *Yard, Front, Rear and Side*.

SIGN: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

SIGN AREA: The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure. When a sign has 2 or more sides or faces placed back-to-back, the area shall be taken as the area of either side or face.

SITE PLAN: The plan for the development, including change in use, of one or more lots. Plans shall be drawn in accordance with the requirements of this Bylaw.

SITE PLAN SKETCH: A drawing done on a copy of a survey or a satellite photo which is prepared by an applicant rather than a surveyor or engineer, is submitted with a zoning permit application, and is adequate for demonstrating that the dimensional requirements are met for residential permits.

SMALL FARMING OPERATION: Persons engaged in agricultural activities which meet the Vt. Department of Agriculture's definition of a small farming operation (see the Landgrove Online Zoning Resources Page item #19).

STRUCTURE: Anything constructed or erected for occupancy or use, including but not limited to a building, mobile home, trailer, a tent that is left up year-round, transmitter tower, in-ground swimming pool, tennis court, or signs listed in Section 326 of this Bylaw. Structure does not include: retaining walls; fences or brick or stone walls not exceeding 5 feet in height; any agricultural fence on an operating farm; mailboxes; dog houses; clotheslines; lamp posts; and signs listed in Section 325 of this Bylaw.

STRUCTURAL ALTERATION: Exterior structural change, rearrangement, change of location, or addition to a building, and interior alterations which create another living unit.

SUBDIVISION: Division of any parcel of land for the purpose of conveyance, transfer of ownership, lease, improvement, building, development or sale, whereby 2 or more lots, blocks, or parcels are created. The term "subdivision" shall include re-subdivision.

TEMPORARY EVENT: A temporary use of a street, sidewalk, parcel of land, a building or portion of a building, or a site that does not to exceed two days in duration and does not occur more

than twice a year. Events that occur with more frequency or for a longer duration constitute land development and are subject to the zoning and permit review requirements.

TINY HOME: Under this Bylaw, small dwellings on a permanent foundation will be treated the same as any other type of dwelling. Small dwellings on a chassis will be treated like mobile homes.

TRAVEL TRAILER: See *Recreational Vehicle*.

USE: The purpose for which land, premises, or a structure thereon, is designed, arranged, intended and for which it is (or may be) occupied or maintained.

VIOLATION: The failure of a use, structure or other development to be fully compliant with this Bylaw.

WATERCOURSE: See *Jurisdictional Watercourse*.

WILDLIFE REFUGE: An area set aside for the conservation of plants, animals and the general environment within it. These are noncommercial areas usually without any structures on them. A single parking area and walking trails are characteristic of a wildlife refuge.

YARD: Space on a lot not occupied with a building or structure. Porches and decks, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

YARD, FRONT: Area between the lot line abutting the public road the depth of the front yard shall be measured from the center line of the road to the closest line of the building.

YARD, REAR: Area 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 closest line of the building.

YARD, SIDE: Area between the principal building or accessory building and side lot line, and extending through from the front yard to the rear yard.