

Landgrove, Vermont

ZONING BYLAWS



Adopted: JULY 13, 2006

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ARTICLE I: ADMINISTRATION AND PROCEDURE

SECTION 110: ENACTMENT AND INTENT

111 - 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.

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

113 - Effective Date of these Bylaws. This Bylaw shall take effect in accordance with the procedures contained in Section 4385 of the Act.

SECTION 120: APPLICATION OF BYLAWS

The application of these Bylaws is subject to the provisions of the Act.

121 – Construction Approved Prior to Adoption or Amendment to Bylaws. Nothing contained in these Bylaws shall require any change in plans or construction of a noncomplying structure for which a zoning permit has been issued, and which has been completed within one year from the effective date of these Bylaws.

122 – Other Permits or Regulations. These Bylaws are intended to repeal the previous Town of Landgrove Zoning Bylaw, 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.

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.

123 – 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.

124 – 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 Town Plan by providing for appropriate future land uses, densities, and intensities of development.

125 – “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:

- a. The division of a parcel of land into two or more parcels (land subdivision).

- b. The construction, reconstruction, conversion, relocation, or enlargement of a structure (see definition of “structure” in Article VII), and construction of a dormer or demolition of a structure within the Utley Flats Scenic Overlay District.
- c. Structural alterations which result in a structure with wider, longer, or taller dimension, and/or which result in a reduction in any established setback distance.
- d. The construction of ponds or other impoundments (see definition of impoundment).
- e. Any change in the use or extension in the use of land or structures (see definition of “change of use” in Article VII).
- f. Construction related to the installation of a new septic system or the replacement of a failed or failing septic system.

126 – Zoning Permit Exemptions. The following shall not be considered “land development”¹ and shall not require a zoning permit:

- a. The placement or construction of a tool shed, pumphouse, dog house, deck, or other such accessory structures, provided that the floor area of the structure does not exceed 144 square feet and does not exceed 12 feet in height, and provided that such a structure is located no closer than the setbacks required in the zone in which it is located. This exemption does not apply to accessory structures in the Utley Flats Scenic Overlay District.
- b. 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.
- c. Any exterior repairs, renovations, or maintenance which do not change the existing footprint or dimensions, or the use of a building or structure. The addition of chimneys or vent pipes shall be included in this exemption.
- d. 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.
- e. Forestry uses including those activities associated with the sustained management of land for silvicultural purposes such as the planting, harvesting, and removal of trees.
- f. The construction or reconstruction of a driveway, private roadway, or logging road; however, an access permit for driveways and private roadways must be secured from the Board of Selectmen.
- g. Signs listed in Section 373 of these Bylaws.

¹ These exemptions shall apply unless regulated otherwise in Flood Hazard Areas as outlined in Article VI of this Bylaw or in the Utley Flats Scenic Overlay District as outline in Article V.

127 – Existing Use of Buildings, Structures, and Land. Any lawful building, structure, or use of a building, structure, or land, to the extent to which it was used at the time of adoption of these Bylaws, may continue even though such building, structure, or use does not conform to the provisions of the district in which it is located, subject to the specific provisions of Section 340 of these Bylaws.

SECTION 130: ADMINISTRATION AND ENFORCEMENT

131 – Administrative Officer. The Administrative Officer is appointed to administer the Landgrove Zoning Bylaws in accordance with Section 4448 of the Act. Said Officer shall literally enforce the provisions of these Bylaws and in so doing shall inspect developments, maintain records, and perform all other necessary tasks to carry out the provisions of these Bylaws and the duties of his/her office. An Acting Administrative Officer may be appointed to carry out these duties and responsibilities in the absence of the Administrative Officer, as provided for in Section 4448 of the Act.

132 – Zoning Permits. After the effective date of these Bylaws, no “land development,” as such term is defined in Article VII and Section 125 may be commenced in the Town until a zoning permit has been duly issued by the Administrative Officer.

132.1 – Application. The Administrative Officer shall issue a zoning permit only if ALL of the following requirements are met:

- a. A zoning permit application form as established by the Planning Commission, including plot plan requirements, has been properly completed and submitted.
- b. A zoning permit fee, as established by the Board of Selectmen in accordance with Section 4440 of the Act, has been paid. Fees are nonrefundable.
- c. A Town highway access permit as required shall be submitted.
- d. All development requiring sewage disposal shall include a design for an on-site septic system as follows: (1) for development which does not require State approval (a State water supply/wastewater disposal permit or a subdivision permit), said system must be designed by a licensed Vermont Engineer or by a Vermont Certified Site Technician A or B, and; (2) for all other development requiring State approval of sewage system disposal facilities, actual State permits shall be submitted.
- e. If a proposed use requires other State permits (including, but not limited to, an Act 250 permit, a Labor and Industry permit, or a Health Department permit), a completed, signed project review sheet from the Vermont Agency of Natural Resources and Environmental Board (or the actual permits, if available) shall be submitted.
- f. All applicable local reviews and approvals have been secured including but not limited to: site plan approval, conditional use approval, PUD approval, right-of-way

approval, and the granting of a variance or waiver where required under the provisions of these Bylaws.

- g. Copies of all previously issued zoning permits, right-of-way approvals, and other Town or State land use permits affecting the subject property, including any conditions to those approved permits, have been submitted.

132.2 – Action. The Administrative Officer shall approve or deny a complete application for a zoning permit or, if required, refer such application to the Planning Commission or Board of Adjustment within thirty (30) days of acceptance of the complete application.

No zoning permits shall be issued except in conformance with the provisions of these Bylaws and with the submission of all required approvals. If the Administrative Officer fails to act with regard to such application for a permit within thirty (30) days, a permit shall be deemed issued on the 31st day. When a zoning permit is denied by the Administrative Officer, he/she shall so notify the applicant in writing, stating the reasons for denial.

132.3 – Effective Date of Zoning Permit. No zoning permit issued by the Administrative Officer shall take effect until fifteen (15) days have passed, or in the event that a notice of appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the Board of Adjustment is complete and the time for taking an appeal to the environmental court has passed without an appeal being taken. If an appeal is taken to the environmental court, the permit shall not take effect until the environmental court rules in accordance with 10 V.S.A. Section 8504 on whether to issue a stay, or until the expiration of 15 days, whichever comes first.

132.4 – Public Notification of Issued Permit. Within three (3) days following the issuance of a zoning permit, the Administrative Officer shall deliver a copy of the permit to the Board of Listers and shall post a copy of the permit in at least one public place in the Town until the expiration of fifteen (15) days from the date of issuance of the permit. 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.

132.5 – Permit Expiration. All activities authorized by the issuance of a zoning permit shall be started within twelve (12) months and shall be completed within eighteen (18) months of its date of issue or the zoning permit shall become null and void. Activities shall be considered complete when all construction authorized by the permit have been completed and all building and site improvements required by the permit have been effected. Two six month permit renewals shall be issued by the Administrative Officer, for the activities specified in the original permit, upon application for such renewals; however, after thirty (30) 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.

133 - Violations and Penalties. A violation of these Bylaws shall be regulated as prescribed in Sections 4451, 4452, and 4454 of the Act. Subject to the procedures specified in the Act, a person who violates any provision of this Bylaw shall be fined not more than \$100 for each offense, with each day that the violation is continued constituting a separate offense.

134 – Appeal of Administrative Officer Decision. An interested person, as defined in Section 4465 of the Act, may appeal any act or decision of the Administrative Officer to the Board of Adjustment within fifteen (15) days of such act or decision, in accordance with the provisions of Subchapter 11 of the Act.

134.1 – Notice of Appeal. A notice of appeal by an interested person shall be in writing and shall include the name and address of the person appealing, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by that person, and the alleged grounds why such requested relief is believed proper under the circumstances.

SECTION 140: ZONING BOARD OF ADJUSTMENT

There is hereby established a Zoning Board of Adjustment for Landgrove (hereinafter referred to as “the Board”) in accordance with the provisions of Section 4460 of the Act. The Board shall have all the powers and duties specified in the Act, including those listed below.

141 – Procedures. In all matters before it, the Board shall act according to the procedures set forth in Subchapter 10 of the Act.

142 – Public Hearings. The Board of Adjustment shall hold required public hearings within sixty (60) days of the filing of a complete notice of appeal or the submission of a complete application, as applicable. Public hearings shall be warned and conducted pursuant to Section 4464 of the Act.

143 – Appeals. The Board shall, after public notice and hearing, decide on an appeal of an act or decision of the Administrative Officer. Appeals to the Board may be made by an interested person regarding any act, decision, order, requirement, or determination made by the Administrative Officer, including a lack of action (see Section 134 of this Bylaw).

144 – Variances. The Board shall, after public notice and hearing, decide upon variance appeals (requests for variances) under Section 4469 of the Act.

144.1 - Dimensional Variance for Structures. On an appeal under Section 4465 of the Act and Section 134 of this Bylaw, wherein a variance from the provisions of a zoning regulation is requested for a structure that is not a renewable energy resource structure, the Board may grant variances and render a decision, after public notice and hearing, in favor of the appellant, if all the following facts are found and the findings are specified in its decision:

- a. 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;
- b. 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;
- c. That the unnecessary hardship has not been created by the applicant;
- d. 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;
- e. 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.

144.2 – Variance for Renewable Energy Resource Structures. On an appeal under Section 4465 of the Act wherein a variance from the provisions of a zoning regulation is requested for a structure that is primarily a renewable energy resource (e.g., solar panels, wind generators, etc.) the Board may grant such variances, after public notice and hearing, pursuant to the provisions of Section 4469 (b) and (c).

145 – Waivers. Requests for waivers of setback requirements are considered by the Board of Adjustment. Any request for a waiver will be warned and a public hearing held pursuant to Sections 141 and 142 of this Bylaw. 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, but which might not meet the standards for the granting of a variance. A waiver may be granted only to reduce dimensional requirements as provided below, and compliance with all other requirements of this Bylaw is required. The Board of Adjustment may grant a waiver provided all of the following conditions are satisfied:

1. The proposal is for an addition to an existing principal or accessory structure, and said addition does not increase the footprint of the structure by more than 5 percent, provided that the addition shall not increase the building footprint by more than 200 square feet.
2. The addition is the minimum size that is necessary for it to serve its intended function.

3. The addition is specifically intended to improve access for disabled persons, or to improve fire safety, or for a porch, deck, entryway, stairway, similar structure, or other minor addition to an existing building.
4. No setback (front, side, or rear) shall be reduced to less than 25 feet in the CARE, Commercial, or Rural Residential Districts, or to less than 10 feet in the Village District.

The Board of Adjustment may impose conditions regarding the design and screening of the addition to mitigate any impacts on neighboring properties.

146 – Nonconforming Uses and Noncomplying Structures. Requests for changes to nonconforming uses or noncomplying structures are referred directly to the Board of Adjustment upon application to the Administrative Officer, and are reviewed pursuant to Sections 141, 142, and 340 of these Bylaws. An addition to a noncomplying structure that does not increase the extent of the structure’s noncompliance is acted upon directly by the Administrative Officer and does not need to be referred to the Board of Adjustment.

147 – Timeframe for Decisions on Appeals, Variances, Waivers, and Nonconforming Uses and Noncomplying Structures. The Board shall act to approve or disapprove an appeal, request for a variance, waiver, or change to a nonconforming use or noncomplying structure within forty-five (45) days of the adjournment of the final public hearing. Failure to do so will be deemed approval.

148 – Conditional Use Approval. The Administrative Officer shall pass on to the Board any application for approval of a conditional use permit. No zoning permit shall be issued by the Administrative Officer for any use or structure which requires a conditional use permit in these Bylaws until the Board grants such approval.

Conditional uses shall be permitted only if the Board 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 Board shall make findings on general and specific standards and may attach conditions as provided for in Section 4464(b)(2) of the Act.

148.1 – General Conditional Use Standards. The proposed conditional use shall not affect:

- a. The capacity of existing or planned community services;
- b. The character of the area affected, 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;
- c. The quality of the environment of the area;
- d. Traffic on roads and highways in the vicinity;
- e. Bylaws and ordinances then in effect;
- f. Utilization of renewable energy resources.

148.2 - Specific Conditional Use Standards. In granting a conditional use permit, the Board may impose other reasonable conditions and safeguards as it may deem necessary

to implement the purposes of the Plan and these Bylaws. These additional conditions may concern the following:

- a. Minimum lot size, which may be increased;
- b. Distance from adjacent or nearby uses, which may exceed established setback requirements;
- c. Performance standards as set forth in Section 320 of these Bylaws;
- d. Intensity of land use including, but not limited to, the size of buildings, number of accessory uses and accessory structures, and hours of operation;
- e. Minimum off-street parking and loading facilities;
- f. Landscaping, screening, and fencing;
- g. Design and location of signs;
- h. Design and location of structures and service areas;
- i. Any additional standards as provided for within these Bylaws.

148.3 - Required Documentation. At a minimum, site plans in accordance with Section 151.1 of these Bylaws, and all applicable items identified in Section 132.1, shall accompany the conditional use permit application for all proposed conditional uses. Additional information, as requested on the conditional use permit application, shall also be submitted.

148.4 - Timeframe for Approval of Conditional Uses. The Board shall act to approve or disapprove a conditional use application within forty-five (45) days after the date of adjournment of the final public hearing. Failure to do so within such period shall be deemed approval.

149 – Appeal of a Board Decision. An interested person, as defined in Section 4465 of the Act, may appeal any decision of the Board to Environmental Court within 30 days of such decision in accordance with Section 4471 of the Act.

SECTION 150: LANDGROVE PLANNING COMMISSION

The Planning Commission shall have the powers and duties specified in the Act, including those identified below:

151 - Procedures. In all matters before it, the Planning Commission shall act according to the procedures set forth in Subchapter 10 of the Act.

152 - Public Hearings. 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 application, as applicable. Public hearings shall be warned and conducted pursuant to Section 4464 of the Act.

153 – Site Plan Approval. The Planning Commission shall review and decide upon site plan applications in accordance with Section 4416 of the Act.

No zoning permit shall be issued by the Administrative Officer for any use or structure, except for one- and two-family dwellings, signs, agricultural and forestry uses, and residential accessory buildings and extensions thereof, until the Planning Commission grants site plan approval. Site plans for conditional uses, and any site plans that may be required for an appeal, variance, waiver, or change to a nonconforming use or noncomplying structure are reviewed by the Board of Adjustment and do not require additional review or approval by the Planning Commission.

153.1 – Application Information. Unless waived or varied by the Planning Commission, an application for site plan approval shall include three (3) sets of site plan maps and supporting data including the following information presented in drawn form and accompanied by written text:

- a. General Information.** Tax map number of the property taken from the latest tax records. Name and address of the owner of record and adjoining lands. Name and address of person or firm preparing the map. Scale of map, north point, and date.
- b. Survey.** A survey prepared by a licensed Vermont engineer or surveyor of the property showing existing features, including five (5) foot contours, structures, land cover, large trees, streets, utility and other easements of record, rights of way, and land sue and deed restrictions.
- c. Proposed Improvements.** Site plan, drawn to scale, showing proposed structure locations and land use areas; streets, including proposed construction specifications and grades, driveways, traffic circulation, parking and loading spaces, and pedestrian walks; landscaping plans, including site grading, landscape design, and screening.
- d. Construction Schedule.** Construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.
- e. Other Information.** Other information shall be provided as requested on the site plan approval application form and as deemed necessary by the Planning Commission to conduct a complete review under Section 153.2 of this Section.

153.2 – Site Plan Review and Approval Criteria. The Planning Commission shall take into consideration the following criteria in reviewing the proposed site plans:

- a. Maximum safety of vehicular circulation between the site and the road network;
- b. Adequacy of circulation for vehicles and pedestrians, parking and loading facilities, with particular attention to safety.
- c. Adequacy of landscaping, screening, exterior lighting, and setbacks in regard to achieving maximum compatibility and protection of adjacent property.
- d. Protection of the utilization of renewable energy resources.

- e. The size, location, and design of any signs.
- f. Other matters specified in these Bylaws.

153.3 – Timeframe for Site Plan Approval. The Planning Commission shall act to approve or disapprove any such site plan within forty-five (45) days after the date of the adjournment of the final public hearing; failure to act within such period shall be deemed approval.

154 – Planned Unit Development. The Planning Commission shall review and decide upon applications for Planned Unit Development in accordance with Section 4417 of the Act and Section 430 of these Bylaws.

155 – Rights-of-Way. The Planning Commission shall review and decide upon rights-of-way in accordance with Section 4412(3) of the Act. (See also Section 312 of these Bylaws.)

156 – Wireless Telecommunication Facilities. The Planning Commission shall review and decide upon applications for Wireless Telecommunication Facilities in accordance with Section 4414(12) of the Act and Section 440 of these Bylaws.

SECTION 160: AMENDMENTS

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

SECTION 170: 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.

ARTICLE II: DISTRICT USE AND INTENSITY REGULATIONS

SECTION 210: ESTABLISHMENT OF ZONING DISTRICTS

211 – Zoning Districts. The Town of Landgrove is hereby divided into the following zoning districts as shown on the Landgrove Zoning Map:

- a. CARE Conservation/Agriculture/Resource District
- b. RR Rural Residential District
- c. V Village District
- d. COMM Commercial District

212 – Overlay Districts. 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:

- a. FHA Flood Hazard Area District
- b. UFO Utley Flats Scenic Overlay District

213 – Purpose of Zoning and Overlay Districts. The purpose of these districts is to encourage a pattern of development within the Town of Landgrove which is compatible with the land and existing land uses and which protects environmentally sensitive areas and important scenic resources.

SECTION 220: ZONING MAP

221 – Boundaries. The location and boundaries of zoning districts are shown on the attached Landgrove Zoning Map² which is hereby made a part of these Bylaws, together with all future amendments. However, the description of the zoning districts in Section 240 and Article V shall control the location and extent to each zoning district.

222 – Interpretation. 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 Board of Adjustment shall make an interpretation upon an appeal from a decision of the Administrative Officer.

SECTION 230: GENERAL STANDARDS AND DEFINITIONS

No land development as defined in Article VII and Section 125 of these Bylaws shall be permitted to commence except in conformance with the following regulations, unless provided for elsewhere in these Bylaws.

² The Landgrove Zoning Map is available for review at the Town Clerk's office. A reduced version of this map is attached to these Bylaws.

231 – Density

231.1 – Buildings and Uses on Lots. There shall be only one principal building and one principal use on a lot.

231.2 – Density for Multi-Use Buildings. A single building located within the Commercial 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 ~~two~~ three dwelling units within any multi-use building. Multi-use buildings shall be reviewed under the provisions of conditional use approval regardless of the type of use proposed. Parking and loading requirements shall be determined based on the standards established in Section 370 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 Article VII of these Bylaws, will require a new zoning permit.

232 – Setbacks

232.1 – Front Yard Setbacks. All front yard setbacks shall be measured from the centerline of the legal access back to the closest point of the structure or setback object. The specific front yard setback requirements of each zoning district, identified in Section 240 of these Bylaws, shall apply to the entire development including structures and parking facilities, but excluding landscaping, screening, driveways, fences, and signs.

232.2 – Side and Rear Yard Setbacks. All side and rear yard setback requirements shall be measured from the property line back to the closest point of the structure. The side and rear yard setbacks of each zoning district, identified in Section 240 of these Bylaws, shall apply to the entire development including structures, parking facilities, and signs, but excluding landscaping, screening, driveways, and fences.

232.3 – Setbacks from a Water Course. The minimum building setback requirement from all permanent water courses shall be 50 feet unless otherwise permitted by these Bylaws.

232.4 – Setback Exemption for Ponds. Setback requirements shall not apply to ponds. Ponds are permitted in all districts provided the toe of the slope does not extend within a town road right-of-way.

233 – Yards

233.1 – 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 shall be smaller than herein prescribed for each district, except in a PUD as provided for in Section 433.3. The provisions of this Section shall not apply when a part of a lot is taken for a public purpose.

233.2 – Required Area of Yards. 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.

233.3 – Building Setback and Coverage: Porches, Decks, Garages, and Accessory Buildings. In determining the setback and extent of building coverage, porches, decks, carports, garages, and all other accessory buildings shall be included.

234 – Frontage

234.1 – Non-Frontage Lots. The lot frontage requirement for the district shall serve as the minimum lot width requirement for non-frontage lots.

234.2 – Multi- Access and Frontage Lots. For a lot which abuts on two or more public or private³ roads, the minimum frontage shall be provided along a public road and the front yard setback requirement shall be met for each yard that abuts any such public or private road. If a lot abuts only private accesses, the Planning Commission shall determine which lot line serves as the required frontage.

235 – 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 coverage, the requirement specified is the maximum permitted.

236 – Structure Heights. The maximum height of any structure, exclusive of chimneys, residential TV antennae, and rooftop solar collectors less than 10 feet in height, in all districts, is three (3) stories or thirty-five (35) feet, whichever is less. This height restriction shall not apply to agricultural structures, church spires, bell, clock, and fire towers, or wind turbines with blades less than twenty (20) feet in diameter. Satellite dishes, radio or television antennae, or similar structures shall not be placed so as to extend more than thirty-five (35) feet above the ground. The height of wireless telecommunication facilities shall not exceed the limits prescribed in Section 440 of these Bylaws (See Building Height Definition).

237 – Separation Between Rights-of-Way. Rights-of-way to adjacent properties shall not be located so as to traverse a lot at intervals of less than the minimum frontage requirement for the district in which said lot is located.

238 – Prohibited Uses

238.1 – General. Any use not designated as a permitted or conditional use within these Bylaws shall be prohibited.

³ A private access way shall be considered a road for the purposes of this section if it provides access to two or more lots.

238.2 – Junkyards, Refuse Dumps, and Abandoned Cars. Junkyards or places for the storage of discarded and abandoned machinery, vehicles, or other materials are hereby prohibited within the limits of all districts established hereunder.

239 – Accessory Uses and Accessory Structures. 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.

SECTION 240: ZONING DISTRICT DISCRIPTIONS, USES, AND STANDARDS

241 – Conservation/Agriculture/Resource Districts (CARE). 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.

The CARE District is described as all land setback 1,500 feet from the centerline of all roadways in the Town as shown on the Vermont General Highway Map, Town of Landgrove, prepared by the Vermont Agency of Transportation, dated 1985. The CARE District boundaries are shown on the official Town of Landgrove Zoning Map, dated 2005, and on file in the Landgrove Town Office.

241.1 – Permitted and Conditionally Permitted Uses in the CARE District

Permitted Uses:

- a. Agricultural and Forestry Uses
- b. Wildlife Refuge
- c. One and Two Family Dwellings
- d. Camp
- e. Home Occupation
- f. Accessory Uses and Structures (see Section 239)
- g. Subdivision of Land
- h. Accessory Dwelling Unit entirely within an existing building (See Section 313)
- i. Uses not considered “land development” and not requiring a permit pursuant to Section 126.

Conditionally Permitted Uses:

- a. Roadside Agricultural Stand
- b. Planned Unit Development – containing only residential uses
- c. Municipal Facilities
- d. Nursery/Greenhouse
- e. Bed and Breakfast
- f. Cemetery

- g. Accessory Uses and Structures (See Section 239)
- h. Accessory Dwelling Unit in a new or expanded building (See Section 313)
- i. A wind turbine with blades less than twenty (20) feet in diameter providing electrical generation for the property on which it is located only.

241.2 – Dimensional Requirements for the CARE District

Lot Area Minimum:	10 acres; 10 acres per dwelling unit
Lot Frontage Minimum:	400 feet
Lot Depth Minimum:	500 feet
Front Yard Setback:	50 feet
Rear Yard Setback:	50 feet
Side Yard Setback:	50 feet
Building Height Maximum:	35 feet or 3 stories, whichever is less
Maximum Coverage:	10%

242 – Village District (V). 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.

The Village District is described as follows: Being Landgrove Village, so-called, defined as: beginning at the intersection of the Landgrove/Londonderry town line and the highway leading to Londonderry; thence at right angles to the town line westerly to a point which lies at the intersection of said line with a line running parallel to the town line and westerly thereof crossing the town road 50 feet west of the Aldrich Homestead, now occupied by Nichols; thence northerly on said line parallel to the town line to a point where said line intersects the mean high water line of the southerly side of Utley Brook along its southerly bank; thence downstream along the mean high water line of said brook to a point where it intersects the Londonderry/Landgrove town line; thence southerly along said town line to the point of beginning. The entire Village District is located within the Utley Flats Scenic Overlay District.

242.1 – Permitted and Conditionally Permitted Uses in the Village District

Permitted Uses:

- a. Agricultural and Forestry Uses
- b. Wildlife Refuge
- c. One and Two Family Dwellings
- d. Home Occupation
- e. Accessory Uses and Structures (See Section 239)
- f. Subdivision of Land
- g. Accessory Dwelling Unit entirely within an existing building (See Section 313)
- i. Uses not considered “land development” and not requiring a permit pursuant to Section 126.

Conditionally Permitted Uses:

- a. Roadside Agricultural Stand
- b. Home Business
- c. Planned Unit Development
- d. Home Professional Office
- e. Bed and Breakfast
- f. Cemetery
- g. Accessory Uses and Structures (See Section 239)
- h. Accessory Dwelling Unit in a new or expanded building (See Section 313)
- i. A wind turbine with blades less than twenty (20) feet in diameter providing electrical generation for the property on which it is located only.

242.2 – Dimensional Requirements for the Village District

Lot Area Minimum:	2 acres; 2 acres per dwelling unit
Lot Frontage Minimum:	100 feet
Lot Depth Minimum:	none
Front Yard Setback:	15 feet
Rear Yard Setback:	15 feet
Side Yard Setback:	15 feet
Building Height Maximum:	35 feet or 3 stories, whichever is less
Maximum Coverage:	25%

243 – Commercial District (C). The purpose of the Commercial 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.

The Commercial 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.

243.1 – Permitted and Conditionally Permitted Uses in the Commercial District

Permitted Uses

- a. Agricultural and Forestry Uses
- b. Wildlife Refuge
- c. Roadside Agricultural Stand
- d. One and Two Family Dwellings
- e. Camp
- f. Home Occupation
- g. Home Business
- h. Accessory Uses and Structures (See Section 239)
- i. Municipal Facilities
- j. Nursery/Greenhouse
- k. Home Professional Office
- l. Professional and/or Business Office

- m. Bed and Breakfast
- n. Inn
- o. Boarding House
- p. Restaurant
- q. Retail Establishment
- r. Subdivision of Land
- s. Accessory Dwelling Unit entirely within an existing building (See Section 313)
- t. Uses not considered “land development” and not requiring a permit pursuant to Section 126.

Conditionally Permitted Uses:

- a. Planned Unit Development
- b. Recreation Facility
- c. Religious Institutions
- d. Multi-Use Building
- e. Multi-family Dwelling
- f. Industrial Uses
- g. Public Utility Facilities
- h. Cemetery
- i. Accessory Uses and Structures (See Section 239)
- j. State Owned and Operate Facilities and Services
- k. Public and Private Schools and Other Educational Institutions Certified by the Vermont Department of Education
- l. Public and Private Hospitals
- m. Regional Solid Waste Management Facilities Certified Under 10 V.S.A. Chapter 159
- n. Hazardous Waste Management Facilities Certified Under 10 V.S.A. Section 6606(a)
- o. Mobile Home Parks
- p. Accessory Dwelling Unit in a new or expanded building (See Section 313)
- q. Wireless Telecommunication Facilities (See Section 440)
- r. A wind turbine with blades less than twenty (20) feet in diameter providing electrical generation for the property on which it is located only.

243.2 – Dimensional Requirements for the Commercial District

Lot Area Minimum:	4 acres for nonresidential uses; 4 acres per dwelling unit for residential uses
Lot Frontage Minimum:	200 feet
Lot Depth Minimum:	150 feet
Front Yard Setback:	100 feet or 30 feet (See Section 422)
Rear Yard Setback:	50 feet
Side Yard Setback:	50 feet
Building Height Maximum:	35 feet or 3 stories, whichever is less
Maximum Coverage:	20%

244 – Rural Residential District (RR). 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.

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 Commercial Districts described above.

244.1 – Permitted and Conditionally Permitted Uses in the Rural Residential District

Permitted Uses:

- a. Agricultural and Forestry Uses
- b. One and Two Family Dwellings
- c. Camp
- d. Home Occupation
- e. Municipal Facilities
- f. Subdivision of Land
- g. Accessory Uses and Structures (See Section 239)
- h. Accessory Dwelling Unit entirely within an existing building (See Section 313)
- i. Uses not considered “land development” and not requiring a permit pursuant to Section 126.

Conditionally Permitted Uses:

- a. Roadside Agricultural Stand
- b. Home Business
- c. Planned Unit Development – containing only residential uses
- d. Religious Institutions
- e. Nursery/Greenhouse
- f. Home Professional Office
- g. Bed and Breakfast
- h. Cemetery
- i. Accessory Uses and Structures (See Section 239)
- j. Accessory Dwelling Unit in a new or expanded building (See Section 313)
- k. Wireless Telecommunication Facilities (See Section 440)
- l. A wind turbine with blades less than twenty (20) feet in diameter providing electrical generation for the property on which it is located only.

244.2 – Dimensional Requirements for the Rural Residential District

Lot Area Minimum:	4 acres; 4 acres per dwelling unit
Lot Frontage Minimum:	400 feet
Lot Depth Minimum:	150 feet
Front Yard Setback:	75 feet from highway centerline or 50 feet from the front line if the frontage is on a private right-of-way
Rear Yard Setback:	50 feet
Side Yard Setback:	50feet
Building Height Maximum:	35 feet or 3 stories, whichever is less
Maximum Coverage:	15%

ARTICLE III: GENERAL REGULATIONS

SECTION 310: STATE REQUIREMENTS

In accordance with Sections 4412 and 4413 of the Act, the following provisions shall apply:

311 – Existing Small Lots. Any undeveloped lot which is now in individual and separate and nonaffiliated ownership from surrounding properties and which was legally in existence on the effective date of the original Landgrove Zoning Bylaws and any subsequent amendments may be developed for the purposes permitted in the district in which it is located and in accordance with all applicable requirements of these Bylaws, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth (1/8th) acre in area with a minimum width or depth dimension of forty (40) feet.

If an existing small lot comes under common ownership with one or more contiguous lots, the nonconforming lot shall be deemed merged with the contiguous lot. However, a nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply:

- a. The lots are conveyed in their preexisting, nonconforming configuration.
- b. On the effective date of this Bylaw, each lot was developed with a water supply and wastewater disposal system.
- c. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.
- d. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 V.S.A. Chapter 64.

312 – Required Frontage on or Access to Public Roads or Public Waters. No land development may be permitted on lots that do not have either frontage on a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent right-of-way at least twenty (20) feet in width. Any such right-of-way that serves three or more lots or dwelling units shall be constructed in conformance with the municipal highway standards, unless the Planning Commission specifically waives those requirements. (Note: The Town of Landgrove Highway Ordinance requires all public rights-of-way to be fifty (50) feet in width at a minimum. In addition, the Board of Selectmen is responsible for approving all proposed points of access onto public roads. Applicants should also contact the Board of Selectmen for pertinent information.)

313 – Accessory Dwelling Unit. This bylaw shall not have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to an owner-occupied 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:

- a. The property has sufficient wastewater capacity.

- b. The unit does not exceed 40% of the total habitable floor area of the single-family dwelling or 1,000 square feet, whichever is larger.
- c. Applicable setback, coverage, and parking requirements specified in these Bylaws are met.
- d. The application for an accessory dwelling unit shall be reviewed as a conditionally permitted use pursuant to Section 148 of this Bylaw if the application involves construction of a new accessory structure, an increase in the height or floor area of the existing dwelling, or an increase in the dimensions of parking areas.

314 – 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 eight (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 one thousand (1,000) feet of another such residential care or group home.

315 – Family Child Care Facility. Pursuant to Section 4413(5) of the Act, a state licensed or registered family child care home serving six or fewer children shall be considered to constitute a permitted single-family residential use of property. A family child care home serving no more than six full-time and four 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 151 of this Bylaw.

316 – Required Notification to Vermont Department of Water Resources. No zoning permit for the development of land located within a designated flood hazard area or wetland may be granted prior to the expiration of a period of thirty (30) days following the submission of a report to the Vermont Department of Water Resources describing the proposed use and the location requested for such use.

SECTION 320: PERFORMANCE STANDARDS

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 insure 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 site plan approval 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.

321 – General Standards. In all districts uses are not permitted which exceed any of the following standards measured at the individual property line:

- a. Emit noise in excess of 70 decibels.

- b. Emit any smoke in excess of Ringelmann Chart No. 2.
- c. 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.
- d. Cause as a result of normal operations a vibration which causes displacement of 0.002 of one inch.
- e. 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.
- f. Cause fire, explosion, or safety hazard.
- g. Cause harmful wastes to be discharged into a sewer system, stream, or other body of water.
- h. Emit any non-agricultural odor with is considered offensive.
- i. 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.

322 – Specific Standards. In all districts, the following performance standards shall be met:

322.1 – Storage of Flammable Liquids. The storage of any flammable liquid in tanks above ground or underground shall conform to the standards set by the Vermont Department of Labor and Industry Fire Prevention Division or the Department of Environmental Conservation Waste Management Division, as applicable.

322.2 – Screened Service Area Requirements. In any district, all areas designated, used or intended to be used as service areas for any structure or land use, other than one-family and two-family dwelling units, the Planning Commission or Zoning Board of Adjustment, as applicable, may require that the area be screened from view with either a wall, a solid fence, or evergreens to a height of at least five (5) feet above grade level on all sides where the adjacent land is in a residential district or residential use.

322.3 – 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.

SECTION 330: LANDSCAPING REQUIREMENTS

331 – 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.

332 – Applicability. Where required by these Bylaws, landscaping:

- a. Shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas, natural wooded areas, or ground covers.
- b. Shall, to the extent practicable, be of native plant species indigenous to the region.
- c. 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 331 above.
- d. Shall be installed within one year of substantial completion of site construction activity, or as otherwise designated by the Planning Commission or Zoning Board of Adjustment.
- e. 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.
- f. Shall retain existing large specimen trees.

333 – Standards. Compliance with the following standards shall be considered to be the minimum landscaping necessary. Additional landscaping may be required to fulfill the intent of Section 331 above.

- a. 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 Planning Commission or Zoning Board of Adjustment.

SECTION 340: NONCONFORMING USES AND NONCOMPLYING STRUCTURES

In accordance with Section 4412(7) of the Act, the following provisions shall apply to all structures and uses existing on the effective date of these Bylaws which do not conform to the requirements set forth in these Bylaws and to any amendments.

341 – Continuation. Any nonconforming use shall not be moved enlarged, altered, extended, re-established or restored, except as provided below.

342 – Nonconforming Uses.

342.1 – Change. A nonconforming use shall not be moved, enlarged, altered, extended, re-established or restored in any way which increases the degree of nonconformity without approval of the Zoning Board of Adjustment.

A nonconforming use shall not be changed to another nonconforming use without approval by the Zoning Board of Adjustment, and then only to a use which in the opinion of the Zoning Board of Adjustment is of the same or of a more restricted nature than the current use and does not increase the degree of nonconformity with these Bylaws.

342.2 – Re-establishment of a Discontinued Use. A nonconforming use shall not be re-established or restored if such use has been abandoned or otherwise discontinued in whole or in part for any reason for a period of six (6) months, or has been changed to or replaced

by a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.

343 – Noncomplying Structures

343.1 – Maintenance and Repair. Nothing in this section shall be deemed to prevent normal maintenance and repair of a noncomplying structure provided that such action does not increase the degree of or create any new noncompliance.

343.2 – Restoration or Replacement. After damage from any cause, the restoration or replacement of a building in the same noncomplying location is permitted within two (2) years of the time of damage. A permit must be applied for and work begun within twelve (12) months from the date of damage, and completed within a two (2) year period, or said construction shall not occur unless a variance is approved by the Zoning Board of Adjustment.

343.3 – Extension or Enlargement. Extensions or enlargements may be made to the complying portion of a noncomplying structure in accordance with all applicable requirements of these Bylaws. (For example, one could extend to the sides and rear, but not the front, of a dwelling that does not meet the district’s front-yard setback requirements from the road right-of-way. Any extension that would encroach on the front-yard setback would be permitted only if a variance or waiver were granted by the Zoning Board of Adjustment.)

SECTION 350: CREATION OF NONCONFORMING LOTS FOR PURPOSES OF CONVEYANCE

As a condition for approval of a zoning permit for the subdivision of land whereby a nonconforming lot is created for the sole purpose of conveyance to an adjoining landowner, the grantee shall be required to merge and incorporate the nonconforming lot with an existing adjacent lot by recorded conveyance. The remaining lands of the grantor must conform to all requirements of these Bylaws after the conveyance.

SECTION 360: SIGNS

361 – 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.

362 – Applicability. No sign shall be erected, enlarged, redesigned, repainted, or altered (except for regular maintenance) without a zoning permit issued by the Administrative Officer, with the exception of those noted in Section 363 below. Permits shall be issued only for signs in conformance with these Bylaws.

363 – Signs Which Do Not Require a Permit. Signs identified in (a) through (e) below do not require a sign permit when located on the immediate property, or when located off-premises as otherwise specifically stated:

- a. 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.
- b. 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.
- c. 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.
- d. Signs announcing an event of a civic, political, philanthropic, or religious organization. These signs may be located on-premise or, with the permission of the landowner, off-premise. All such signs are to be removed promptly by the owner following the event.
- e. 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 premise or, with the permission of the landowner, off-premise.

364 – Signs Which Require a Permit. All signs identified below require a zoning permit. These signs must be located on-premise and meet the minimum requirements outlined in Section 365 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.

364.1 – Signs in the CARE, Village, and Rural Residential Districts. The following signs are permitted:

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

364.2 – Signs in the Commercial District. The following signs are permitted:

- a. One (1) home business or home professional office sign per lot, not exceeding four (4) square feet in area.
- b. 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.

365 – Sign Standards. The following standards shall apply to all signs identified in Section 364 above. These standards represent the minimum under these Bylaws.

- a. Signs shall not be located within twenty-five (25) feet of the center line of a public or private road.
- b. 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.
- c. Sign area shall be calculated based on the entire face of the sign, including the advertising surface and any framing, trim, or moulding, 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.
- d. 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.
- e. Flashing, oscillating, and revolving signs shall not be permitted unless necessary for public safety or welfare.
- f. 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.
- g. 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.
- h. Freestanding signs, including their supporting structures, shall not exceed fourteen (14) feet in height in the Commercial District and ten (10) feet in height in all other districts.
- i. 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.

SECTION 370: OFFSTREET PARKING AND LOADING REQUIREMENTS

For every building or use of property hereafter erected, altered, extended, or changed in use, there shall be provided off-street parking spaces at least as set forth below. Parking spaces may be provided by the applicant on other property, provided such land lies within five hundred (500) feet of an entrance to the principal building or use. Parking lots shall be clearly identified.

371 – Specific Standards

371.1 – Residential Uses

- a. **One-family and two-family dwellings.** One (1) parking space per dwelling unit.
- b. **Home Business.** One (1) parking space per dwelling unit, plus one (1) additional parking space for each nonresident employee.
- c. **Home Professional Office.** Two (2) parking spaces, plus one (1) additional parking space for every three hundred (300) square feet of office space.
- d. **Bed and Breakfast, Boarding House.** Three (3) parking spaces, plus one (1) for every guest room.

371.2 – Nonresidential Uses

- a. **Professional and/or Business Office.** Two (2) parking spaces plus one (1) for every two hundred (200) square feet of office space.
- b. **General Commercial.** One (1) parking space for every two (2) employees, one (1) parking space for every motor vehicle used in the business, plus one (1) for every two hundred (200) square feet of retail floor area.
- c. **Restaurant, Eating, and Drinking Establishments.** One (1) parking space for every motor vehicle owned by the business, plus one (1) for every two (2) employees, plus one (1) for every three (3) seats.
- d. **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, one (1) parking space for every three (3) seats is required. Where there are not seats provided, one (1) parking space shall be provided for every fifty (50) square feet of floor area. Existing facilities are exempt from this section.
- e. **Outdoor Recreation Facility.** As required by the Planning Commission.
- f. **Inn.** One (1) parking space per sleeping room, plus one space for every two (2) employees on the largest work shift. In addition, accessory uses (e.g., bars, restaurants, public meeting spaces) must follow their respective standards.

g. **Industrial Uses.** One parking space for each employee per shift.

371.3 – 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.

372 – 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.

SECTION 380: LOCATION AND CONSTRUCTION OF DRIVEWAYS

All driveway entrances shall be as approved by the Town Road Commissioner and/or Board of Selectmen in order to eliminate drainage onto the road and provide safe entrance and exit; an access permit from the Board of Selectmen is required prior to the commencement of any construction work. A required driveway shall be at least twenty (20) feet clear in width, except for one- and two-family dwellings. All driveway intersections with public roads shall conform to the Vermont Agency of Transportation Standard B-71: Residential and Commercial Drives.

ARTICLE IV: SPECIAL PROVISIONS

SECTION 410: SPECIFIC STANDARDS FOR CERTAIN USES

The uses below have specific standards they must meet in order to be considered as a permitted or a conditionally permitted use in a designated district. If there is a conflict between a standard in this section and a standard in another section of these Bylaws, the more restrictive standard shall apply.

411 – Home Occupation. A home occupation is 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 for residential 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.

412 – Home Business. A home business is customarily conducted as part of the use of a residential property, and carried on 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 business shall comply with the following:

- a. There shall be only one home business on any residential property.
- b. The home business shall be carried on by members of the family who reside within the dwelling; three (3) on-site employees who are not family members living within the dwelling are permitted.
- c. The home 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.
- d. Exterior advertising displays or signs other than those normally permitted in the district shall not be permitted.
- e. No traffic shall be generated in substantially greater volumes than would normally be expected in the neighborhood.
- f. A home business shall conform to all standards in Section 320, Performance Standards.
- g. Off-street parking shall be provided as required in Section 370.
- h. 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.

- i. Agricultural products not grown or processed on the premises may not be sold directly to the general public.

413 – Home Professional Office. A home professional office is conducted entirely within a minor portion of a dwelling by a practitioner of a recognized profession who also resides within the dwelling, and is clearly incidental and secondary to the use of the property for residential purposes and does not significantly change the character of the neighborhood. A home professional office shall comply with the following:

- a. There shall be only one home professional office within a dwelling.
- b. The home professional office shall be carried on by a practitioner of a recognized profession and his/her family members who reside within the dwelling; two (2) on-site employees who are not family members living within the dwelling are permitted.
- c. The home professional office shall utilize no more than 30% of the dwelling; accessory buildings may not be utilized.
- d. Exterior displays or signs other than those normally permitted in the district shall not be permitted.
- e. Traffic generated by clients or customers patronizing the home professional office shall be limited to a level deemed to be compatible with the neighborhood and area road network.
- f. A home professional office shall conform to all standards in Section 320, General Performance Standards.
- g. Off-street parking shall be provided as required in Section 370.

414 – Roadside Agricultural Stands. Roadside agricultural stands for the sale of locally grown agricultural products may be erected in all districts provided that:

- a. No stand shall be nearer than twenty (20) feet to the front or side lot lines.
- b. Off-street parking space shall be provided for at least four motor vehicles. Safe entrance and exists shall be provided.
- c. Said stand shall not exceed 200 square feet.

415 – Trailers. It shall be unlawful for any person to park a camping trailer, travel trailer, 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 his/her own property, provided that the trailer or recreational vehicle meets the setback

requirements for any structure on the same lot. A trailer or recreational vehicle so parked shall not be used as living quarters except temporarily.

- b. 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.

416 – Land Development in Wetland Areas. Applicants proposing land development in a wetland area shall contact the Vermont Agency of Natural Resources to determine whether a conditional use determination, and any other state or federal approval, is required for such development.

417 – Ponds and Impoundments. As defined within these Bylaws, the construction of a pond or other impoundment constitutes “land development” (See Section 125d) and therefore requires a zoning permit.

No zoning permit shall be issued by the Administrative Officer until the applicant submits the following information:

- a. Proof that all applicable State permits or approvals have been secured. Depending upon the size and nature of the pond or impoundment, approvals may be required from various departments and authorities within the Department of Environmental Conservation. Applicants shall follow the Vermont Water Quality Division ~~for~~ Pond Construction Guidelines.
- b. Written documentation from the applicant describing measures that will be taken to ensure that there will be no undue adverse impact on water quality or upstream or downstream properties.

SECTION 420: COMMERCIAL DISTRICT DEVELOPMENT

In order to help prevent commercial strip development and encourage orderly growth in the Commercial District, all nonresidential development, multifamily dwellings, and in the case of Access Control (Section 421), residential subdivisions, shall conform to the following standards:

421 – Access Control.

- a. On Route 11, common access points serving multiple properties are encouraged. Development on a single lot shall be designed with a maximum of two accesses (one ingress and one egress).
- b. 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. A maximum of two accesses shall be allowed regardless of the number of lots, businesses, or uses served.

422 – Building Setbacks.

- a. If parking areas are located at the front of a building (between the building and Route 11), the required front yard setback for the building shall be a minimum of 100 feet.
- b. If parking areas are located at the side or to the rear of a building, the required front yard setback for the building shall be a minimum of 30 feet.

423 – Landscaping Requirements.

- a. All residential development shall comply with the provision and intent of Section 330 of these Bylaws.
- b. All nonresidential development shall install and maintain a landscaped 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.”

424 – Parking Areas.

- a. 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 so as to create an effective visual barrier.
- b. Parking lots containing ten 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.

425 – Screening of Storage Areas.

- a. Open storage areas, expose machinery, 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.

SECTION 430: PLANNED UNIT DEVELOPMENT

In accordance with the provisions set forth in Section 4417 of the Act, and where permitted in specified districts, these Bylaws may be modified by the Planning Commission to allow Planned Unit Developments (PUD), provided that such modification shall not exceed the density of development for the district in which the development is located. A PUD shall be subject to the following standards and procedures.

431 – Intent. Planned development (PUD) is provided in order to promote creative and efficient use of land with respect to topography, farmland, and other natural features; encourage the preservation of open space; provide for the economical development of the site and the more efficient use of public facilities; promote an improved level of amenities, creative design, and a more attractive environment; and provide greater opportunities for varied housing.

432 – Definitions.

- a. Planned Unit Development (PUD).** A planned unit development is an area of contiguous land, controlled by a landowner or owners, to be developed as a single entity for two (2) or more dwelling units and/or commercial or industrial uses, the plan for which does not comply with the dimensional requirements established in the permitted district. PUDs in the Rural Residential District and in the Conservation/Agriculture/Resource Districts may contain only residential uses as provided for in Sections 241 and 244 of these Bylaws.
- b. Open Space.** Open space includes land or area of water or a combination of land and water within a PUD reserved for the use and enjoyment of the PUD residents or owners and owned and maintained individually or in common by them through a funded trust or homeowners or condominium association. Open space does not include street rights-of-way or off-street parking areas. (Note: open space does not imply that the land is without trees, only that it is undeveloped.)

433 – Specific Standards and Criteria. The following requirements shall be met in obtaining PUD approval.

433.1 - Allowed Uses.

- a. Uses shall be limited to one and two family dwellings in any PUD located in the RR and CARE Districts.
- b. Uses shall be limited to permitted and conditional uses in any PUD located in the Village and Commercial Districts.
- c. There shall be not more than two dwelling units in any one building, except in the Commercial District, where there may be up to three dwelling units in a single building.

433.2 - Conformance with Town Plan & Zoning Provisions.

- a. All zoning requirements of the district within which a PUD is proposed shall be met, except as specifically varied or waived by the Planning Commission pursuant to this Section.
- b. A PUD shall be in harmony with the Landgrove Town Plan.

- c. The provisions of Sections 410 and 420 above, as applicable to uses proposed in a PUD shall be met.
- d. The provisions of Section 153.2 (Site Plan Review and Approval Criteria) and Sections 148.1 and 148.2 (General and Specific Conditional Use Criteria) shall be met.

433.3 – Yards and Setbacks. The zoning district requirements for lot size, yard setback, and frontage are waived for a PUD, except that the minimum setback requirements of the district within which the proposed PUD is located shall apply to the periphery of the development.

433.4 – Coverage. The total ground area covered by buildings, structures, and other impervious surfaces shall not exceed twenty-five percent (25%) of the total ground area within a PUD.

433.5 – Density.

- a. Total allowable dwelling units or non-residential uses shall equal the number which could be permitted, in the Planning Commission’s judgement, if the land were subdivided into lots in conformance with these Bylaws for the district in which such land is situated (see Section 240). Land areas within public and private road rights-of-way and utility easements shall not be included in the calculation of density. The Planning Commission may authorize an increase in density of up to twenty-five percent (25%) if the Planning Commission determines that the proposed PUD would result in a development more in keeping with the intent of the Landgrove Town Plan and the purpose of the district in which such PUD is located.
- b. The Planning Commission may make reductions in the density allowed if, in their judgement, steepness of slope, shallow depth to bedrock, wet areas, or other physical features limit the site’s ability to support development. In exercising such judgement, the Planning Commission will be guided by the soils maps and analyses contained within the U.S.D.A. Soil Survey of Bennington County, Vermont and any site specific maps and analyses prepared as part of the application. Land with a slope of 25% or more shall not be included in the calculation of allowable density.

433.6 – Open Space.

- a. Open space or common land shall be maintained in a manner consistent with the Landgrove Town Plan.
- b. If the application of this Section results in land available for park(s), other recreation facilities, open space, school sites, or other municipal purposes, the Planning Commission, as a condition of approval, may establish such conditions on the location, size, ownership, use, and maintenance of such lands as it deems necessary to assure preservation and use of such lands for their intended purposes.

- c. Not less than fifty percent (50%) of the total land area of the PUD shall be preserved as such open space, unless the Planning Commission determines that a lesser amount satisfies the intent of the PUD and effectively addresses the concerns identified in Section 434(a) below.

433.7 Protection of Important Natural Resources. All buildings, roads, parking areas, drainage systems, and utilities shall be laid out to minimize, to the fullest extent possible, their impact on the Town's rural character and scenic qualities, and on important natural resources including wetlands, agricultural lands, water courses, and critical wildlife habitat and corridors.

434 – Application and Review Procedures for Planned Unit Development.

- a. The Planning Commission may require that a residential subdivision be developed using a PUD design if a traditional development would result in one or more of the following:
 - A significant reduction in the agricultural use potential of the land;
 - Degradation of the natural visual appeal of a hillside, ridgeline, or open field;
 - Encroachment upon a natural or historic area, wildlife habitat, or a stream, wetland, or other water resource;
 - Elimination of access to an important recreational resource;
 - Cause excessive erosion, ground or surface water contamination, or otherwise endangers environmental quality.
- b. At a minimum, site plans in accordance with Section 153 of these Bylaws, and all applicable items identified in Section 132.1, shall accompany an application for PUD approval. Additional information as requested by the Planning Commission shall also be submitted.
- c. The Planning Commission shall act to approve or disapprove an application for a PUD within forty-five (45) days after the adjournment of the final public hearing; failure to act within such period shall be deemed approval.

435 – Filing. Within 90 days of the Planning Commission's approval, the PUD plan shall be filed or recorded by the developer in the office of the Town Clerk.

SECTION 440: WIRELESS TELECOMMUNICATION FACILITIES

441 - Purpose. The purpose of these regulations is to protect the public health, safety, general welfare and scenic character of the Town of Landgrove, while accommodating the communication needs of residents and businesses. The intent of these regulations is to: preserve the character and appearance of the town while allowing adequate services and coverage to be developed; protect the scenic, historic, environmental and natural resources of the town; provide standards as requirements for the siting, design, appearance, construction, operation, and removal of telecommunication facilities; minimize tower and antenna proliferation by requiring the co-

location and sharing of existing telecommunication facilities wherever feasible and appropriate; and facilitate the provision of telecommunications services to residents and businesses in town.

442 - Federal Limitations. In accordance with federal law, these regulations shall not have the effect of prohibiting personal wireless services, unreasonably discriminating among providers of functionally equivalent services, nor regulating wireless telecommunication facilities based on emissions which are subject to and in compliance with Federal Communications Commission (FCC) regulations.

443 - Applicability. Wireless telecommunication facilities shall include all facilities subject to licensing or regulation by the FCC, including towers, associated accessory structures, buildings and/or equipment, except as specifically exempted under Section 444. New, modified or expanded wireless telecommunication facilities, except as specified for small scale facilities under Section 447, may be allowed only in the Commercial and Rural Residential Districts subject to Planning Commission approval under Section 150 and the requirements of this section. A new tower shall not be permitted unless it is found by the Planning Commission that the equipment planned for the proposed tower cannot be accommodated on an existing approved tower, building or structure. Wireless telecommunication facilities, except as specified for small scale facilities under Section 447, are not permitted in the Utley Flats Scenic Overlay District.

444 – Exemptions. The following are specifically exempted from the provisions of this section:

- a. A single ground or building mounted radio or television antenna or satellite dish not exceeding 36 inches in diameter which is intended solely for residential use, and does not, as mounted, exceed 35 feet in height above the lowest grade at ground level.
- b. Federally licensed amateur radio and citizens band radio antennas which do not exceed a height of 50 feet above the grade level, whether free standing or mounted, and which meet all setback requirements for the district in which they are located.

445 - Application Requirements. In addition to application requirements under Section 150, applications for new towers also shall include the following:

- a. The name and address of the applicant, landowners of record and agents, and contact information for the person(s) authorized to operate, maintain and ensure the safety of the facility;
- b. Information regarding existing coverage, the feasibility of using repeaters or microcells on existing structures to achieve desired coverage, the availability of other towers, buildings and structures located within 5 miles of the proposed site, and written documentation from other facility owners that no suitable sites are available;
- c. A site plan showing the footprint of all proposed facilities, including towers and accessory structures, and proposed access roads, in relation to existing site features and adjoining properties;

- d. A report from a qualified and licensed professional engineer which describes facility height, design, construction and capacity, including cross-sections, elevations, potential mounting locations, and fall zones;
- e. A letter of intent committing the tower owner and his/her successors to allow shared use of the facility if an additional user agrees in writing to meet reasonable terms and conditions for shared use;
- f. Written documentation that the proposed tower shall comply with all requirements of the FCC and the Federal Aviation Administration (FAA);
- g. Any additional information as needed to determine compliance with the provisions of these regulations, including but not limited to visual impact assessments or independent evaluations of the proposed facility, to be paid for by the applicant; and
- h. A wildlife impact assessment to determine the likely impacts on wildlife population, including avian species.

446 - Telecommunication Facility Standards. Telecommunication facility construction and wiring shall meet all state and federal requirements, including but not limited to FCC requirements for transmissions, emissions and interference. No telecommunication facility shall be located or operated in such a manner that it poses a potential threat to public health or safety. Prior to the siting of new antennas at existing sites, a cumulative Radio Frequency Radiation (RFR) emissions study shall be performed by the applicant to certify FCC compliance.

No wireless telecommunication facility shall be located within 500 feet of an existing residence.

New towers shall be designed to accommodate the co-location of both the applicant's antennas and comparable antennas for one or more additional users, depending on tower height. Towers must be designed to allow future rearrangement of antennas, and to accept antennas mounted at varying heights.

Towers shall be set back from all property lines and public rights of-way for a distance equaling their total height, including attached antennas, unless otherwise permitted by the Planning Commission upon a showing that:

- The tower design and construction guarantees that it will collapse inwardly upon itself, and that no liability or risk to adjoining private or public property shall be assumed by the municipality; or
- The tower is integrated into an existing or proposed structure such as a church steeple, light standard, utility pole, or similar structure, to the extent that no hazard to public health, safety or welfare results.

New telecommunication facilities, including towers, shall be sited and designed to minimize their visibility and not result in an undue adverse impact on the town's scenic landscape. In no case shall a tower and all associated telecommunication facilities exceed a height of 100 feet,

although the Planning Commission may impose conditions regarding the location, height and design of the structure, including a reduction of tower height, to minimize impacts on scenic resources.

Any tower designed to accommodate a single provider shall not exceed a maximum height of 70 feet. The Planning Commission may allow taller towers, in accordance with these standards, up to the maximum of 100 feet, to encourage co-location and discourage multiple facilities. No tower shall be located on an unforested hilltop or ridgeline, Telecommunication facilities should be installed in forested settings wherever feasible. No tower, antenna and/or associated fixtures or equipment shall exceed a height of 10 feet greater than the average height of the canopy measured within a 200 foot radius of the facility. A management plan may be prepared and submitted to the Board to ensure that the adjoining tree cover will be maintained to create the visual impression of the tower and/or associated equipment emerging from a largely unbroken tree canopy and protruding no more than 10 feet above that canopy. Telecommunication facilities shall not be illuminated by artificial means and shall not display strobe lights.

Telecommunication facilities shall be designed to blend into the surrounding environment, to the greatest extent feasible, through the use of natural topography, existing vegetation, landscaping and screening, the use of compatible materials and colors, and/or other camouflaging techniques. Camouflaging techniques which may be required by the Board include designing the facility to mimic natural or architectural features, depending upon the context of the surrounding landscape and applicable zoning districts.

Towers shall be enclosed by security fencing at least 6 feet in height, but not greater than 12 feet in height, and shall be equipped with appropriate anti-climbing devices. The Planning Commission may require that appropriate landscaping materials be planted adjacent to the security fence to screen it from view of neighboring properties and public roads. The use of any portion of a tower for signs other than warning or equipment information signs is strictly prohibited.

Access roads, and all accessory utility buildings and structures shall be designed to follow natural contours, aesthetically blend in with the surrounding environment, and meet all other minimum requirements for the zoning district in which they are located. Utility lines (e.g., power) serving telecommunication facilities shall follow access roads and not involve extensive clearing; the Board may require that such utilities be buried where they are likely to otherwise have an adverse visual impact.

Ground-mounted equipment shall be screened from view. The Board may require increased setback, landscaping and screening as appropriate based on site conditions, to protect neighboring properties and uses.

447 - Small Scale and Temporary Facilities. The following may be permitted as conditionally permitted uses in any zoning district subject to approval by the Board of Adjustment under Section 148 and the standards set forth above.

- a. Small scale wireless telecommunications equipment, including antennas, microcells or repeaters, which are to be installed in or on existing buildings or utility poles; or the installation of ground facilities less than 20 feet in height, provided that:
 - no such device is located within 50 feet of an existing residence on a neighboring property;
 - no changes are made to the height or appearance of such structure except as required for mounting;
 - the height of the facility as mounted does not extend the total height of the structure by more than eight feet;
 - no panel antenna shall exceed 72 inches in height or 24 inches in width;
 - no dish antenna shall exceed 3 feet in diameter; and any accompanying equipment shall be screened from view;
 - in instances involving buildings listed on the Vermont Historic Sites and Structures Survey for the Town of Landgrove, antennas and related facilities shall not be visible from the exterior of the building unless such equipment is mounted on the rooftop in a manner which is not visible to a person standing 40 feet or closer to the building.

- b. Wireless communications facilities designed for temporary use, provided that:
 - the temporary facility is permitted for the duration of the intended use or event, as specified in the permit, which shall not exceed 30 days, and is removed immediately upon the expiration of the permit;
 - the height of the facility does not exceed 50 feet from grade, and the facility complies with all other applicable provisions of these regulations.

448 - Removal. All abandoned, unused, obsolete, or noncompliant wireless telecommunication facilities, including towers, accessory structures and/or equipment, shall be removed within 12 months of the cessation of operations at the site, and the site shall be restored to its original appearance. A copy of the relevant portions of any signed lease which requires the applicant to remove the tower and associated facilities shall be submitted at the time of application. A bond or other form of surety acceptable to the Selectboard may be required to ensure tower removal and site reclamation.

SECTION 450: SETBACK REQUIREMENTS FOR WIND TURBINES

451 – Setback. For any private wind turbine permitted in any district pursuant to Section 240,

The turbine and any supporting structure shall be set back from all property lines and public rights-of-way for a distance equaling their total height, including attached blades, unless otherwise permitted by the Planning Commission upon a showing that:

- The structure design and construction guarantees that it will collapse inwardly upon itself, and that no liability or risk to adjoining private or public property shall be assumed by the municipality.

ARTICLE V: UTLEY FLATS SCENIC OVERLAY DISTRICT

SECTION 510: AUTHORIZATION AND PURPOSE

511 - Statutory Authorization. As provided for in Sections 4412(2) of the Act, there is hereby established a special overlay zoning district known as the Utley Flats Scenic Overlay District.

512 – Purpose. The ridges, hillsides, and open agricultural lands in and around the Utley 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 and 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.

513 – Intent. Land development in the Utley 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 Utley 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.

514 – Lands to Which These Regulations Apply. These regulations impose additional restrictions on lands located within the Utley Flats Scenic Overlay District described as follows and depicted on the Utley Flats Scenic Overlay District Map.

Beginning where the Landgrove/Peru town line intersects the Hapgood Pond Road, following the 1,500 foot contour line southeast to where it intersects the Nichols Road; thence crossing lot 05-00-05 to the intersection of lot 05-00-10 and turning east to follow the southern boundaries of lots 05-00-12 and 05-00-16 until the intersection of the Landgrove/Londonderry town line; thence north along the Landgrove/Londonderry town line to where the Landgrove/Londonderry town line turns southeast on lot 04-00-75; thence, from that point, straight north/northwest to the intersection of Old County Road and Tarpley Road; thence, from this intersection north/northwest across lot 03-00-39 to the point where the northwest corner of lot 03-00-38 meets the southern boundary of lot 03-00-37; thence, from this point in a straight line northwest to where the 1,500 foot contour intersects the Landgrove Road near the bridge on Buffam Hill; thence, from there west across lot 03-00-26 to the Peru/Landgrove town line; thence, south along the town line back to the beginning on the Hapgood Pond Road.

The Utley Flats Scenic Overlay District was identified through a local planning effort conducted jointly by members of the Landgrove Planning Commission and Conservation Commission, and with the participation of residents of the Utley Flats Scenic Overlay 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.

SECTION 520: SCENIC QUALITIES AND POTENTIAL IMPACT OF DEVELOPMENT

521 – Scenic Qualities. The principal scenic qualities in the Utley Flats Overlay District are broadly defined as follows:

The Utley Flats Scenic Overlay District is dominated by the Utley Brook which emanates in the Green Mountain National Forest and emerges from woodland into agricultural terrain at the Pfister Farm at the Danby Road/Buffam Hill intersection. It consists not only of the fields adjacent to the brook, but also includes the steep ridges surrounding the valley and the historic Landgrove Village area. 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.

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 about 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.

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.

522 – Impact of Land Development. The open fields, hillsides, ridgelines, 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.

Wooded hillsides are vulnerable to the visual impacts of land development where the tree canopy is substantially altered or removed altogether. This is especially true where new structures are built on 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.

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.

SECTION 530: REQUIREMENTS

531 – Permitted Uses. The following are permitted uses within the Utley Flats Scenic Overlay District:

- a. Agricultural and Forestry uses.
- b. Home occupations.
- c. Wildlife Refuge.
- d. Installation of underground utility lines.

532 – Conditionally Permitted Uses. All land development other than that identified in Section 531 above, which are either a permitted or conditional use according to Section 240 of this Bylaw, 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 Board of Adjustment. Conditional uses shall include:

- a. Subdivision of land.
- b. Construction of a new or addition to an existing one- or two-family home, camp, or accessory structure (note: all accessory structures, regardless of size, require review under this section).
- c. The installation of above-ground power or telephone utility lines.
- d. Construction of a tower, satellite dish larger than three (3) feet in diameter, or any other type of non-residential antennae. Construction of a wireless telecommunication facility shall comply with the requirements of Section 440 of this Bylaw.
- e. Construction of a windmill or any other type of instrument to make use of the wind.
- f. 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.
- g. 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.

SECTION 540: DEVELOPMENT STANDARDS

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

541 – Open/Agricultural Land. For proposed conditional uses which involve open land or agricultural land within the Utley Flats Scenic Overlay District valley floor area, the following development standards shall be met:

- a. 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 in b through e below.
- b. Proposed development shall be designed and sited so as to preserve large blocks of contiguous open/agricultural land to the maximum extent possible.
- c. 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.
- d. 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.
- e. 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.
- f. 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.

542 – Hillsides and Ridgelines. For proposed conditional uses which involve hillsides or ridgelines, the following development standards shall be met:

- a. All new land development shall be blended into the existing natural landscape so as to minimize its visual impact from public roads and lands and maintain the scenic beauty of the Utley Flats area. This shall be accomplished through one or more of the following: the appropriate location of structures on a lot; the use and long-term maintenance of vegetative screening and landscaping; the retention of mature forest cover; and/or the use of natural or earth-colored non-reflective siding and roofing materials.
- b. New development shall not cause undue alteration of the natural existing topographic patterns.
- c. Tree removal activities shall not cause undue alteration of the natural existing vegetation patterns of the ridgeline.

- d. All structures shall 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.
- e. Utility lines should be constructed and routed underground where a lack of natural vegetation prevents screening or partial screening. Above-ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting.
- f. Antennae, satellite dishes, wind turbines, and towers 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. Wireless telecommunication facilities must comply with all requirements of Section 440 of this Bylaw.
- g. 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.

SECTION 550: APPLICATION SUBMISSION PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USES

551 – Procedures for Conditional Uses. Application submission and approval procedures for conditional uses identified in Section 532 above shall be as set forth in Section 148 of these Bylaws.

552 - Application Requirements. In addition to the application submission requirements for conditional use approval (Section 148.3), and applicant for development of a conditional use located within the Utley Flats Scenic Overlay District shall submit the following information:

- a. An application shall include photographs of the land proposed for development taken from public roads and lands.
- b. For applications involving the construction or enlargement of a structure (including the installation of power lines), a drawing, sketch, or photographic simulation of the proposed structure in its finished state shall be submitted. Such 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.
- c. Site plans shall include information showing 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.
- d. Site plans shall include information showing the locations, slopes, and dimensions of existing and proposed driveways and roadways.

- e. Site plans shall include information showing the size and location of existing and proposed above and below ground utility lines serving or to serve the proposed land development.

SECTION 560: CONDITIONS OF APPROVAL

The Zoning Board of Adjustment shall have the authority, if it deems it necessary, to impose conditions consistent with the purposes and intents of this overlay district upon any conditional use approval granted; such conditions may include, but are not limited to, the following:

- a. A requirement to plant and maintain for the life of the structures erected trees and other landscaping to screen the proposed land development.
- b. A requirement to maintain for the life of the structure natural or earth-colored siding and natural or earth-colored, non-reflective materials.
- c. A prohibition on the use of excessive outdoor lighting.
- d. A requirement to replace with like trees any existing tree or trees specifically required to be planted which may die in the future.
- e. 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.

ARTICLE VI: FLOOD HAZARD AREA REGULATIONS

SECTION 610: AUTHORIZATION AND PURPOSE

611 - Authorization. To effect the purpose of 10 V.S.A. Chapter 32, and in accordance with Section 4424(2) of the Act, there are hereby established Flood Hazard Area Regulations for those areas subject to flooding in Town of Landgrove.

612 - Purpose. It is the purpose of these regulations to promote the public health, safety, and general welfare, to prevent increases in flooding caused by the uncontrolled development lands in the flood hazard areas, and to minimize losses due to flooding.

SECTION 620: FLOOD HAZARD AREA MAP AND INTERPRETATION

621 - Flood Hazard Area Map. These regulations shall apply to all areas of special flood hazard identified on the most recent National Flood Insurance Program Maps, together with additional lands that may be identified by other available federal, state and local flood data. The National Flood Insurance Program Map is hereby declared to be part of these regulations; a copy of this map is located at the Landgrove Town Offices.

622 - Interpretation of Flood Hazard Area Boundaries. The Administrative Officer shall determine the location of boundaries of the Flood Hazard Areas and may seek assistance from the Floodplain Management Division of the Vermont Department of Environmental Conservation. Upon appeal from the decision of the Administrative Officer as to the boundary location, the Board of Adjustment shall make the necessary interpretation.

SECTION 630: APPLICATION AND PROCEDURES

631 - Application Submission. Applications for a permit for land development in a flood hazard area shall be made to the Administrative Officer, who shall transmit such application to the Zoning Board of Adjustment for review and consideration as provided in these regulations.

632 - Application Requirements. Application submission requirements shall include, but are not limited to:

- a. Three (3) copies of plans drawn to scale showing the nature, location, dimensions and elevations of the lot.
- b. Existing and proposed structures including the elevation of the lowest habitable floor including basement and certifications to whether such structures contain a basement.
- c. Proposed fill and/or storage of materials.
- d. The method and levels to which any structure will be floodproofed and certification by the applicant's engineer or architect that the design and proposed methods of

construction are in accordance with the floodproofing requirement of these regulations.

- e. The relationship of the proposal to the location of the channel.
- f. Base flood elevation data for subdivisions and other proposed development which contain at least 50 lots or 5 acres, whichever is smaller.
- g. Such additional information as the Zoning Board of Adjustment may require.

633 - Procedures. Procedures shall include the following:

633.1 - Conditional Use Approval. Land development, including the construction, reconstruction, conversion, relocation, or substantial improvement in any building or other structure or of any mining, excavation or land fill, or extension of use of land in the flood hazard area may be permitted only by approval of the Zoning Board of Adjustment as a conditional use in accordance with the standards and requirements of these regulations.

633.2 - State Review. Prior to issuing a permit for any development in a flood hazard area, a copy of the application shall be submitted to the Vermont Agency of Natural Resources in accordance with Section 4424(2)(D) of the Act. A permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

633.3 - Notification. Adjacent communities and the Vermont Agency of Natural Resources shall be notified at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.

633.4 - State and Federal Approvals. Prior to approval by the Zoning Board of Adjustment, proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.

SECTION 640: ZONING BOARD OF ADJUSTMENT REVIEW

Prior to approving a conditional use permit for any development in flood hazard areas, the Zoning Board of Adjustment shall find that the proposed development meets or exceeds the following standards, as well as all other provisions of this Landgrove Zoning Bylaw.

641 - Floodway Areas

- a. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.

- b. Junkyards and storage areas or facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

642 - Fringe Areas

- a. All development shall be designed: (1) to minimize flood damage to the proposed development and to public facilities and utilities, and (2) to provide adequate drainage to reduce exposure to flood hazards.
- b. Structures shall: (1) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood, (2) be constructed with materials resistant to flood damage, (3) be constructed by methods and practices that minimize flood damage, and (4) be 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.
- c. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
- d. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltrations of flood waters into the systems and discharge from the systems into flood waters.
- e. On-site wastewater disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- f. New and replacement manufactured homes, including mobile homes, shall be elevated on structurally sound, permanent foundations which meet the requirements of (b) above, and such that the top of the foundation under the entire manufactured home is above the base flood elevation.
- g. The lowest floor, including basement, of all new buildings shall be at or above the base flood elevation.
- h. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of (g) above.
- i. Existing buildings to be substantially improved for nonresidential purposes shall either meet the requirements of (g) or be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of

construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

- j. All new construction and substantial improvements with fully enclosed areas below the lowest floor (such as crawl spaces) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, to meet or exceed the following minimum criteria:
 - i. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one (1) foot above grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- k. An evacuation plan for mobile home parks proposed in the Flood Hazard Area shall be submitted to the Town Civil Defense Director indicating alternative vehicular access and escape routes.
- l. Junkyards and storage areas or facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited in fringe areas.
- m. Such additional conditions as deemed necessary by the Zoning Board of Adjustment in order to meet the purposes and flood hazard area management requirements of these zoning regulations.

643 - Base Flood Elevations and Floodway Limits

- a. Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer the provisions of these regulations.
- b. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program (i.e., Zone A), base flood elevation and floodway information available from state and federal agencies or other sources shall be obtained and reasonably utilized to administer the provisions of these regulations.
- c. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill), shall be permitted within Zones A1-30 and AE on the Flood Insurance Rate Map for the Town of Landgrove, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the

water surface elevation of the base flood more than one foot at any point within the community.

SECTION 650: ADMINISTRATION AND ENFORCEMENT

651 - Administrative Officer. The Administrative Officer shall maintain a record of:

- a. All permits issued for development in areas of special flood hazard.
- b. The elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures, and whether or not such structures contain a basement.
- c. The elevation, in relation to mean sea level, to which the structure was floodproofed.
- d. All floodproofing certifications required under this regulation.

652 - Variances. Variances shall be granted by the Zoning Board of Adjustment only:

- a. In accordance with Section 4424 and 4469 of the Act.
- b. Upon a determination that the variance will not result in increased flood heights, threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

653 - Zoning Board of Adjustment Secretary.

653.1 – Notification. The Secretary of the Zoning Board of Adjustment shall notify the applicant that:

- a. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance.
- b. Such construction below the base flood elevation increase risks of life and property.

653.2 - Record Keeping. The Secretary of the Zoning Board of Adjustment shall:

- a. Maintain a record of all variance actions, including justification for their issuance.
- b. Report such variances issued under Section 9520 in its annual report to the Federal Insurance Administrator.

SECTION 660: PRECEDENCE OF REGULATIONS

The provisions of these regulations shall take precedence over any conflicting and less restrictive local laws.

SECTION 670: WARNING OF DISCLAIMER OF LIABILITY

These regulations do not imply that areas outside the Flood Hazard Area or land uses permitted within such districts will be free from flooding or flood damage. These regulations shall not create liability on the part of any town, town official, or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

ARTICLE VII: 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 Board of Adjustment.

ABANDONMENT: Any building or other structure which is unoccupied, untenanted, or deserted for a total of 180 days within a 240 day period.

ACCESSORY DWELLING: A dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling unit. 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 313 of the Landgrove Zoning Bylaws.

ACCESSORY STRUCTURE: A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. Examples of accessory uses include, but are not limited to, a shed, detached garage, barn, or large satellite dish 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.

ADMINISTRATOR: The Federal Flood Insurance Administrator.

AFFILIATED: 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 combine 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.

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

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgraded (below ground level) on all sides.

BED AND BREAKFAST: The renting out of not more than three (3) rooms in a residential dwelling to transient guests on a day-to-day basis, whereby breakfast is served to those guests. Bed and breakfast facilities shall be owner-occupied and owner-operated under a license issued by the Department of Labor and Industry and/or the Department of Health, and shall secure all applicable State permits. Cooking facilities shall not be provided in individual guest rooms. Accessory uses and structures shall be limited to those which do not change the residential nature of the property or character of the neighborhood.

BOARDING HOUSE (Rooming House): A dwelling in which lodging is provided by the owner or operator to more than four (4) unrelated people for profit. Boarding houses are distinguished from Motels/Hotels by the sharing of bathrooms, living rooms, and/or kitchens.

BUILDING: A structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or chattel.

BUILDING AREA: 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, terraces, and steps. All dimensions shall be measured along exterior lines.

BUILDING FRONT LINE: Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes decks, steps, and porches, whether enclosed or unenclosed.

BUILDING HEIGHT: The vertical distance measured from the average finished grade level (earth meeting building's foundation) to the elevation of the highest point of the roof of the building.

BULK FUEL STORAGE: The storage of chemicals, petroleum products, and other similar materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets. Bulk fuel storage is essentially a warehousing operation. Bulk fuel storage does not include the storage of cord wood.

BUSINESS OFFICE: An office from which a commercial or industrial enterprise is operated, including but not limited to a real estate office, insurance office, etc. See also *Office*.

CAMP: A single cabin, shelter, or other accommodation, located on a lot or parcel of land, which is suitable for and restricted to seasonal or temporary living purposes, and which has no plumbing or running water.

CAMPING TRAILER: See *Recreational Vehicle*.

CEMETERY: Property used for interring the dead.

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

CHANGE OF USE: Any use which substantially differs from the previous use of building or structure, or the use of land. Change of use shall include, but shall 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 increase parking, or impacts neighboring properties in a manner which is different from the previous use.

COMMERCIAL USE: Activity carried out for pecuniary gain.

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: That portion of a lot that is covered by buildings, structures, and man-made improvements on the ground surface - such as paving - that prevent the absorption of storm water.

FAMILY CHILD CARE FACILITY: Any place operated under a state family child care 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 children under sixteen (16) years of age outside their homes for periods of less than twenty-four (24) hours a day by a person other than a child's own parent, guardian, or relative.

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, 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 three families living independently of one another. At a minimum, units in multi-family dwellings must be attached by a common vertical wall.

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 a single household unit.

FARM: See *Agricultural Use*.

FIA: Federal Insurance Administration (Flood Hazard Regulations, Article VI).

FLOOD HAZARD AREA: Land subject to a one percent or greater chance of flooding in any given year. The area is designated as Zone A on the Flood Hazard Area Map.

FLOODPROOFING: 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 elements.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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 town or state highway or easement giving access to the lot. Should a lot abut on two or more access ways, the frontage shall be that portion of the lot which lies along a public road. If a lot abuts only private accesses, the location of the frontage shall be determined by the Planning Commission (see Section 234.2 of these Bylaws).

HOME BUSINESS: A use which meets the specific standards set out in Section 412 of this Bylaw. A home business differs from a home occupation in one or more of the following ways: it involves up to three (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 business requires a zoning permit.

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.

HOME PROFESSIONAL OFFICE: A use which meets the specific standards set out in Section 413 of this Bylaw, and further defined as a home-based business within a minor portion (less than 30% of livable floor space) of a dwelling, and consisting of the office of a practitioner of a recognized profession. The practitioner must also reside within the dwelling within which the office is located. Professionals associated with this definition include, but are not limited to doctors, dentists, architects, engineers, accountants, etc. A home professional office differs from a home business or home occupation in that traffic generated by customers or clients is anticipated on a regular basis. A home professional office requires a zoning permit.

IMPOUNDMENT: A body of water, such as a pond, confined by a dam, dike, floodgate or other barrier having a surface area of 315 square feet or more. An impoundment requires a zoning permit.

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.

INDUSTRIAL USE: An activity primarily concerned with enclosed manufacturing, processing, wholesale selling, or warehousing of goods.

LAND DEVELOPMENT or DEVELOPMENT: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation, or landfill, or any change in the use of a building or other structure, or land, or extension of use of land. This definition includes all development activities listed in Section 125 of this Bylaw, specifically excluding those activities identified in Section 126.

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

LOADING SPACE: Off-street space which is at least twelve (12) feet wide and forty (40) feet long and fourteen (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 undivided by any street or road, and 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 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 350.

LOT AREA: The total area within the property lines, excluding 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.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's "lowest floor."

MOBILE HOME: A prefabricated structure 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.

MULTI-USE BUILDING: A single building on a lot located within the Commercial District, owned and managed by a single entity, within which is located multiple uses, and which meets the requirements of Section 231.2 of this Bylaw.

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*.

NONCOMPLYING STRUCTURE OR BUILDING (PRE-EXISTING): A structure or building, the size, dimensions or location of which does not comply with all zoning regulations for the

district in which it is located, where such structure or building conformed to all applicable regulations prior to the enactment or amendment of this Bylaw.

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, where such use conformed to all applicable regulations prior to the enactment or amendment of this Bylaw.

NON-RESIDENTIAL USE: All uses of buildings, structures or land except one-family dwellings, two-family dwellings, and multi-family dwellings.

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).

NURSING HOME: A building where persons are housed and furnished with meals and nursing or convalescent care.

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.

PERMITTED USE: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PLANNED UNIT DEVELOPMENT: An area of contiguous land, controlled by a landowner or owners, to be developed as a single entity for two (2) or more dwelling units in two 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 subdivision with surveyed lot lines and dimensions.

POND: See *Impoundment*.

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 Child Care Facility, the principal use shall be the use of the property in its entirety, including both the residential dwelling and its business-related activity.

PROFESSIONAL OFFICE: The office of a member of a recognized profession maintained for the conduct of that profession. Professionals associated with this definition include, but are not limited to, doctors, dentists, architects, engineers, accountants, etc.

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, including but not limited to electrical generating and transforming substations; satellite dish or antenna receivers and senders; water pumping facilities; gas tanks; and similar mechanisms. Poles, cables, pipes, mains and exchange boxes occupying no more than fifteen (15) square feet are not included.

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 vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

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 child care residential care or group homes pursuant to Sections 314 and 315 of this Bylaw.

RESTAURANT (With or Without a Bar): A structure for public eating 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.

ROAD GRADE: The existing grade shall be taken as the road grade.

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 structure not exceeding 200 square feet in area erected on-premises for the sole purpose of selling agricultural products grown on the premises.

SEPARATE AND NON-AFFILIATED OWNERSHIP: A situation wherein the owners of property do not also hold contiguous property in affiliated ownership (see definition of *Affiliated*).

SETBACKS: A line established by this Bylaw which determines the minimum horizontal distance that a structure shall be located from the center line of a legal access, or from a watercourse 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 two (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.

STRUCTURE: Anything constructed or erected for occupancy or use, including but not limited to a building, mobile home, trailer, satellite dish antenna, transmitter tower, in-ground swimming pool, tennis court, or signs listed in Section 374 of this Bylaw. Structure does not include: retaining walls; fences or brick or stone walls not exceeding five (5) feet in height; any agricultural fence on an operating farm; mailboxes; dog houses; clotheslines; lamp posts; and signs listed in Section 373 of this Bylaw.

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

SUBSTANTIAL IMPROVEMENT: Repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (a) before the change or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement covers substantial change.

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.

WATERCOURSE: Any natural or artificial stream, river, or waterway in which water flows continuously in a definite direction or course, and has a definite channel, bed and banks.

WILDLIFE REFUGE: An area set aside for the conservation of plants, animals and 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 or other access determined by the Planning Commission to form the lot frontage and the line of a building located on the lot. 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.