

TOWN and VILLAGE of NORTHFIELD

ZONING REGULATIONS

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Table of Contents

	<u>Page</u>
Article I. Enactment, Intent and Definitions	
Section 100 Enactment	3
Section 101 Intent	3
Section 102 Definitions	3
Article II. Establishment of Zoning Districts, Administration and Enforcement	
Section 200 Establishment of Zoning Districts	13
Section 201 Zoning Map and Interpretation of Boundaries	14
Section 202 Application of Regulations	14
Section 203 Administrative Officer	14
Section 204 Zoning Permits and Building Permits	15
Section 205 Joint Planning Commission and a Joint Zoning Board of Adjustment	17
Section 206 Development Review Procedures	17
Section 207 Hearing and Notice Requirements	18
Section 208 Conditional Uses	21
Section 209 Site Plan Approval	22
Section 210 Planned Residential Development	23
Section 211 Planned Unit Development	24
Section 212 Appeals	28
Section 213 Enforcement and Penalties	32
Article III. Amendments, Interpretation and Effective Date	
Section 300 Preparation and adoption of bylaws and regulatory tools; Amendment or appeal	34
Section 301 Adoption of bylaws and related regulatory tools; amendment or repeal	36
Section 302 Public hearing notice for adoption, amendment, or repeal of bylaw	37
Section 303 Interpretation	38
Section 304 Severability	38
Article IV. General Regulations	
Section 400 Exemptions	38
Section 401 Protection of Home Occupations	39
Section 402 Existing Small Lots	39
Section 403 Non-Conforming Uses and Non-Complying Buildings	40
Section 404 Required Frontage on, or Access to Public Roads Setbacks	41
Section 405 Setbacks	41
Section 406 Height Limitations	41
Section 407 Health Facilities	41
Section 408 Residential Care and Group Homes	41
Section 409 Child Care Home or Facility	41
Section 410 Mobile Home Parks	42
Section 411 Signs	42

Section 412	Junkyards and Wrecked, Disabled and Inoperable Motor Vehicles	44
Section 413	Sand and Gravel Extraction	44

Article V. Floodplain Zoning Regulations

Section 501	Statutory Authority and Effect	45
Section 502	Statement of Purpose	45
Section 503	Other Provisions	45
Section 504	Lands to Which Regulations Apply	46
Section 505	Summary Table: Development Review in Hazard Areas	47
Section 506	Development Review in Hazard Areas	47
Section 507	Development Standards	50
Section 508	Administration	52
Section 509	Certificate of Occupancy	54
Section 510	Enforcement and Penalties	54
Section 511	Definitions	54

Article VI. Town Zoning District Regulations

Section 601	Secondary Agricultural District	
Section 602	Recreation District	
Section 603	Conservation and Forestry District	
Section 604	Industrial and Commercial District	
Section 605	Urban Residential District	
Section 606	Rural Residential District	
Section 607	Mill Hill Industrial/Commercial District Changes in Town Zoning Map	

Article VII. Village Zoning District Regulations

Section 701	Low Density Residential District(LDR)	
Section 702	Residential A	
Section 703	Residential B	
Section 704	Business (Commercial)	
Section 705	Industrial	
Section 706	Recreation District	

Village and Town Maps

NORTHFIELD ZONING REGULATION

General Provisions

Article I. Enactment, Intent and Definitions

Section 100: Enactment

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

Section 101: Intent

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

Section 102: Definitions

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

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

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

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

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

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

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

Advertising, Outdoor: A sign which advertises, calls attention to, or directs a person to a business, association, profession, commodity, product, institution, service, entertainment, person, place, thing or activity of any kind whatsoever, and is visible from a highway or other public right of way.

Affordable Housing: “Affordable housing” means either of the following:

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

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

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

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

Appropriate Municipal Panel: Northfield Joint Planning Commission, or the Northfield Joint Zoning Board of Adjustment, or both.

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

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

Boarding House: A building other than a hotel where lodging and meals for five (5) or more persons are provided for compensation, whether direct or indirect.

Building: An assembly of materials for occupancy or use.

Bylaws: Zoning regulations, subdivision regulations or the official map adopted in these regulations.

Camp: A single family seasonal dwelling.

Cellar: Any space in a building, the structural ceiling level of which is less than four feet above the average finished grade, where such grade abuts that exterior wall of such building which fronts any street.

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

Certificate of Occupancy: A type of Municipal Land Use Permit issued upon verification by the Zoning Administrator that the applicant has complied with all requirements and conditions of a site plan approval, conditional use, building permit or other Municipal Land Use Permit. Said

permit shall only be issued by the Zoning Administrator following any inspections that may be necessary.

Common Carrier: A person undertaking to transport for compensation persons, goods or messages.

Conditional Use: A conditional use is a use for which review is necessary to determine what, if any, condition should be imposed.

Conformance With the Plan: "Conformance with the plan" means a proposed implementation tool, including a bylaw or bylaw amendment that is in accord with the municipal plan in effect at the time of adoption, when the bylaw or bylaw amendment includes all the following:

(A) Makes progress toward attaining, or at least does not interfere with, the goals and policies contained in the municipal plan.

(B) Provides for proposed future land uses, densities, and intensities of development contained in the municipal plan.

(C) Carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan.

Convenience Store: A retail business with primary emphasis placed on providing the public a convenient location to quickly purchase from a wide array of consumable products (predominantly food or food and gasoline) and services.

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

Customary Home Occupation: The use of a minor portion of a dwelling unit or an accessory building for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

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 of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

Dwelling, One Family: A detached building containing one dwelling unit only and used as living quarters by one family.

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

Dwelling, Row or Attached: A one family dwelling with two common or party walls separating it from adjacent units on both sides.

Dwelling, Two Family: A detached building containing two dwelling units only and the two

families living independently of each other.

Dwelling, Semi-Detached: A one family dwelling with one wall in common with an adjacent building.

Dwelling Unit: A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other "dwelling unit". Other uses including but not limited to a boarding or rooming house, convalescent home, fraternity or sorority house, inn, lodging, nursing or other similar home or other similar structure shall not be deemed to constitute a dwelling unit.

Element: A component of a plan.

Family: One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. More than five persons, exclusive of domestic servants, not related by blood, marriage, civil union or adoption, shall not be considered to constitute a family.

FIA: Federal Insurance Administration.

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

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

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

Floor Area, Livable: All spaces as measured by the floor area exclusive of attached garage, breezeways, unfinished basement floor area, unheated porches, heater rooms, and attic space having a clear height of less than six feet at its highest points.

Floor Area Ratio: The floor area in square feet of all buildings on a lot divided by the area of such lot in square feet.

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

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

homes, hotels, motels or automobile courts.

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

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

Land Development: 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 of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

Legislative Body: The Northfield Selectboard.

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

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

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

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

Lot Line: Property lines bounding a lot.

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

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

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

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

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

(A) A zoning, subdivision, site plan, or building permit or approval, any of which relate to "land development" as defined in this regulation, which has received final approval from the applicable board, commission or officer of the municipality; or

(B) a septic or sewage system permit issued under any municipal ordinance adopted pursuant to chapter 102 V.S.A. Title 24; or

(C) final official minutes of meetings which relate to the permits or approvals described in subdivision (24)(A) or (B) of this section which serve as the sole evidence of such permit or approval; or

(D) a certificate of occupancy, certificate of compliance or similar certificate which relates to the permits or approvals described in subdivision (24)(A) or (B) of this section; or

(E) an amendment of any of the documents listed in subdivisions (A) through (D) of this section.

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

Non-Complying Structure: Structure or part thereof not complying with the zoning regulations covering dimensions, height, area, yards, density or off street parking for the district in which it is located.

Non-Conforming Use: A use of land or a structure which does not comply with all zoning regulations covering building bulk, dimensions, height, area, yards, density or off street parking or loading requirements, where such structure conformed to all applicable laws, ordinances and regulations prior to the enactment of such zoning regulations.

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

Permitted Use: Use of a zoning district that is among the uses allowed under the zoning classification.

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

Personal Service Store: A store which may provide both services and products, including but not limited to stores such as a dry cleaner, barber shop or cosmetology shop or other such retail

operation that serves a variety of customers or clients on a regular or scheduled basis.

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

Planned Residential Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one or more districts created in this Zoning Regulation.

Planned Unit Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, and commercial and industrial uses, if any; the plan for which does not correspond in lot size, bulk or type of dwelling, commercial or industrial use, density, lot coverage and required open space to the regulations established in any one or more districts created, from time to time, under the provisions of these regulations.

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

Public Notice: The form of notice prescribed by this regulation.

Premise: A piece of land or real estate including the buildings thereon.

Principal Building: A building in which is conducted the main or principal use of the lot on which said building is located.

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

Recreation, Commercial Outdoor: Includes golf driving range, golf pitch and putt course, par three golf course, outdoor amusement park.

Recreation, Indoor: Includes indoor bowling alley, theater, table tennis and pool hall, skating rink, gymnasium, swimming pool, hobby workshop, and similar places of indoor commercial recreation.

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

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

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

Rooming House: A building other than a hotel where lodging for five (5) or more persons is provided for compensation, whether direct or indirect.

Sandwich Board Sign: A portable freestanding sign placed on the ground that has no more than two sides, neither of which can exceed 3 feet high and 2 feet wide.

Self-Storage Units: Structures consisting of individual enclosed storage areas made available to the public for the keeping or storing of goods.

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

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

Sign: Sign means any structure, display, device or representation which is designed or used to advertise, call attention to, or direct a person to any business, association, profession, commodity, product, institution, service, entertainment, person, place, thing or activity of any kind whatsoever, and is intended to be visible from a public road. Whenever dimensions or areas of signs are specified, they shall include panels, frames and supporting structures excluding the building to which a sign may be attached.

Sign, Off Premise: An accessory sign beyond the boundaries of the premises on which an activity or service is offered which directs attention to such activity or service.

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

Story: That part of any building exclusive of cellars, comprised between the level of one finished floor and the level of the next higher finished floor, or, if there be no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams.

Street: A public way for vehicular traffic which affords the principal means of access to abutting properties improved to the satisfaction of the Planning Commission, which is one of the following: Existing Town or State highway or street; a street shown on the Official Town or Village map.

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

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

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

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either a) before the improvement or repair is started, or b) if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either (1) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.

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

Telecommunications Facility: A support structure which is primarily for communication or broadcast purposes and which will extend vertically 20 feet, or more, in order to transmit or receive communication signals for commercial, industrial, municipal, county or state purposes.

Travel Trailer: Any coach or vehicle not more than thirty-five feet in overall length designed for temporary sleeping or living quarters.

Tourist Home: An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee.

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

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

Warehouse: A structure used primarily for, or designed or intended primarily for, the storage, receiving or distribution of goods and materials. This includes warehouse, wholesale establishment, discount house, bulk storage, and bulk sales outlet.

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

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

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

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

Article II. Establishment of Zoning Districts, Application of Regulations, Administration, Appeals and Enforcement

Section 200: Establishment of Zoning Districts

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

Town Zoning Districts

- 601 Secondary Agricultural
- 602 Recreation A and B
- 603 Conservation and Forestry
- 604 Industrial and Commercial
- 605 Urban Residential
- 606 Rural Residential
- 607 Mill Hill Industrial/Commercial

Village Zoning Districts

- 701 Low Density Residential
- 702 Residential A
- 703 Residential B
- 704 Business
- 705 Industrial
- 706 Recreation

Section 201: Zoning Map & Interpretation of Boundaries

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

It is the intent of the Planning Commission to revise the zoning maps to include the Cetrangolo lot and the Northfield Market lot in the Village District 704 Business Zone instead of Village District 705 Industrial Zone.

Section 202: Application of Regulations

Except as hereinafter provided, the following shall also apply:

1. No building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used, nor shall any structure be demolished for any purpose or in any manner except in conformity with all regulations, requirements and restrictions specified in this Regulation for the district in which such building or land is located.
2. Nothing contained in this Regulation shall require any change in the plans, construction or designated use of a building complying with local laws in force prior to this Regulation, if a prior building permit shall have been duly issued and the entire building shall have been completed in accordance with such plans within one year from the effective date of this Regulation.
3. Any use not permitted by this regulation shall be deemed to be prohibited. Any list of prohibited uses contained in any section of this Regulation shall not be deemed to be an exhaustive list, but has been included for the purpose of clarity and emphasis, and to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible and are thus prohibited.

Section 203: Administrative Officer

An Administrative Officer, who shall hereinafter be referred to as the Zoning Administrator, is hereby appointed as authorized in Title 24 VSA Chapter 117 §4448 to administer the Zoning Regulations and bylaws. Said Officer shall be appointed for a term not to exceed three years, following nomination by the Planning Commission and appointment by the Selectboard, in consultation with the Village Trustees. The compensation of the Zoning Administrator shall be fixed by the Selectboard in consultation with the Village Trustees. The Zoning Administrator is an employee of the municipality reporting in all respects to the Town Manager, except that the Town Manager may seek input from both the Planning Commission and Zoning Board of Adjustment as to related duties performed in support of the Planning Commission and Zoning Board of Adjustment by the Zoning Administrator for purposes of performance evaluation. The Zoning Administrator shall be subject to the personnel rules of the municipality. The Zoning Administrator shall administer the bylaws literally and shall not have the power to permit any

land development that is not in conformance with these bylaws. The Zoning Administrator may be removed for cause at any time by the Selectboard after consultation with the Town Manager, Planning Commission and Village Trustees. The Zoning Administrator shall inspect land developments, maintain records of his actions, report periodically to the public, the Planning Commission and Zoning Board of Adjustment and the Legislative Body and perform all other necessary tasks to carry out the provision of this Regulation and the duties of his office.

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

Section 204: Zoning Permits and Building Permits

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

1. The Zoning Administrator shall not issue a zoning permit unless a complete application along with all required fees and plot plan have been submitted in accordance with these bylaws, and, where required, prior approval is granted by either the Planning Commission or the Zoning Board of Adjustment. The Zoning Administrator may on his or her authority only issue zoning permits for the following types of permitted uses: one family or two family homes, accessory buildings, signs as described in §401(2) of these bylaws, and agricultural uses.
2. It shall be the responsibility of the Zoning Administrator to provide all applicants with forms required to obtain any permit or other municipal authorization as required in these bylaws. The Zoning Administrator shall also advise the applicant to contact the regional permit specialist employed by the Agency of Natural Resources in order to assure timely action on any related state permits, but the applicant will retain the responsibility to properly identify, apply for and obtain all relevant state permits. The Zoning Administrator shall also advise the applicant of the order in which the applicant should proceed in obtaining such permits, if applicable, as follows:
 - a. Site Plan Approval
 - b. Conditional Use
 - c. Variance, except b and c may be done concurrently
 - d. Agency of Natural Resources (ANR) and other state agency permits
 - e. Act 250 Permit, except d and e may be done concurrently
3. If the Zoning Administrator fails to act with regard to a complete application for a permit within 30 days, whether by issuing a decision or making a referral to either the Planning Commission, Zoning Board of Adjustment or both, a permit shall be

deemed issued on the 31st day.

4. If the zoning permit is approved, all activities authorized by its issuance shall be completed within two years of its date of issue, or the zoning permit shall become null and void and re-application to complete any activities shall be required.
5. Building permits are required prior to the commencement of construction of any structure on a foundation, regardless of size and any structure of 500 cubic feet or more not on a foundation.
6. Structures of under 500 cubic feet not on foundations do not require permits.
7. No permit shall be issued if the project or use is inconsistent with the duly adopted Town Plan.
8. It shall be unlawful to use or occupy or permit the use of occupancy of any land or structure or any part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure after the effective date of these bylaws, within the area affected by these bylaws, until a certificate of occupancy is issued therefore by the Zoning Administrator, stating that the proposed use of the structure or land conforms to the requirements of these bylaws.
9. No permit shall take effect until the time for appeal has passed, or in the event that a notice of appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the Zoning 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. sec. 8504 on whether to issue a stay, or until the expiration of 15 days, which ever comes first.
10. Each permit issued under this section shall contain a statement of the period of time within which an appeal may be taken and shall require posting of a notice of permit on a form prescribed by the municipality within view from the public right of way most nearly adjacent to the subject property until the time for appeal has passed. Within three days following the issuance of a permit, the Zoning Administrator shall:
 - a. deliver a copy of the permit to the Listers of the municipality;
 - b. post a copy of the permit in at least one public place in the municipality until the expiration of 15 days from the date of issuance of the permit;
 - c. 1. within 30 days after a municipal land use permit has been issued or within 30 days of the issuance of any notice of violation, the Zoning Administrator shall:
 - A. deliver the original or a legible copy of the permit or notice of violation to the town clerk for recording; and
 - B. file a copy of the permit in the municipal office where all such permits shall be kept.

2. The Zoning Administrator shall charge the applicant for any cost of the recording fees that may be applicable.

Section 205: Joint Planning Commission and a Joint Zoning Board of Adjustment

There is hereby established a joint Planning Commission and a joint Zoning Board of Adjustment for the Town and Village of Northfield.

The Zoning Board of Adjustment shall be separate from the Planning Commission, and members of the Planning Commission shall not serve concurrently on the Zoning Board of Adjustment. The Zoning Board of Adjustment shall consist of five members, appointed by the Selectboard in consultation with the Village Trustees. The length of term shall be four years, with vacancies staggered so that not more than two seats are up for appointment at any one time. All members of the Zoning Board of Adjustment shall be residents of either the Town, which should have no more than three members or Village of Northfield which should have no less than two members. Alternates may be appointed for a term to be determined by the Selectboard in consultation with the Village Trustees to serve on the Zoning Board of Adjustment in situations when one or more members of the board are disqualified or are otherwise unable to serve regardless of whether they live in the Town or Village. Vacancies shall be filled by the legislative body for the unexpired terms and upon the expiration of such terms. Each member of the Zoning Board of Adjustment may be removed for cause by the legislative body upon written charges and after public hearing.

In order to provide flexibility to the municipality and help ensure a quorum, the Planning Commission may have up to nine members, with no fewer than five members appointed by the Selectboard in consultation with the Village Trustees. The length of term shall be four years, with vacancies staggered so that not more than two seats are up for appointment at any one time. All members of the Planning Commission shall be residents of either the Town or Village of Northfield. If there are an odd number of members, the majority of the members should be from the Town and the minority of the members should be from the Village (3/2, 4/3, or 5/4), unless otherwise agreed to by the Selectboard and Village Trustees. If there are an even number of members, there should be equal representation from both the Town and Village unless otherwise agreed to by the Selectboard and Village Trustees. Any member may be removed at any time by unanimous vote of the Selectboard in consultation with the Village Trustees. Any appointment to fill a vacancy shall be for the unexpired term.

The Zoning Board of Adjustment shall review proposed conditional uses, requests for variance from a bylaw and hear appeals taken from a decision of the Zoning Administrator. The Planning Commission shall review right of way or easement for land development, planned unit developments, site plans, subdivisions, wireless telecommunications, and shall have the same powers and duties as outlined in V.S.A. Title 24, Chapter 117, sec. 4325.

Section 206: Development Review Procedures

- (a) Both the Planning Commission and Zoning Board of Adjustment shall elect their own officers and adopt rules of procedure, subject to applicable state statutes, and shall adopt

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

- (b) The Planning Commission and Zoning Board of Adjustment in connection with any proceeding under these bylaws may examine or cause to be examined any property, maps, books, or records bearing upon the matters concerned in that proceeding, may require the attendance of any person having knowledge in the premises, may take testimony and require proof material for their information, and may administer oaths or take acknowledgment in respect of those matters. Any of the powers granted this subsection may be delegated by it to a specifically authorized agent or representative, except in situations where the municipal administrative procedure act applies. In any hearing, there shall be an opportunity for each person wishing to achieve status as an interested person under subsection 4465(b) V.S.A. Title 24 to demonstrate that the criteria set forth in that subsection are met, and the panel shall keep a written record of the name, address, and participation of each of these persons.
- (c) The Planning Commission and Zoning Board of Adjustment may, with concurrence of the legislative body, employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. All members of the Planning Commission and Zoning Board of Adjustment may be reimbursed for necessary and reasonable expenses, including appropriate training offered by various entities within this state related to the work of the respective Commission or Board.

Section 207: Hearing and Notice Requirements; Decisions and Conditions; Administrative Review

- (a) **Notice Procedures:** All development review applications before either the Planning Commission or Zoning Board of Adjustment under procedures set forth in these bylaws shall require notice as follows.
 - (1) A warned public hearing shall be required for conditional use review, variances, administrative officer appeals, and final plat review for subdivisions. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all the following:

- (A) Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected.
 - (B) Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312(c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made.
 - (C) Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
- (2) Public notice for hearings on all other types of development review, including site plan review, shall be given not less than seven days prior to the date of the public hearing, and shall include at a minimum all the following:
- (A) Posting of the date, place, and purpose of the hearing in three or more public places within the municipality in conformance with the time and location requirements of 1 V.S.A. § 312(c)(2).
 - (B) Written notification to the applicant and to the owners of all properties adjoining the property subject to development, without regard to right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
- (3) The applicant shall be required to bear the cost of the public warning and the cost and responsibility of notification of adjoining landowners and those costs will be built into the fee structure. The Zoning Administrator shall keep records to demonstrate proof of delivery to adjoining landowners by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.
- (4) No defect in the form or substance of any requirements in subdivision (1) or (2) of this subsection shall invalidate the action of the Planning Commission or Zoning Board of Adjustment where reasonable efforts are made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Environmental Court or by the applicable municipal panel itself, the action shall be remanded to the applicable municipal panel to provide new posting and notice, hold a new hearing, and take a new action.

(b) Decisions and Conditions.

- (1) The Planning Commission or Zoning Board of Adjustment may recess the proceedings on any application pending submission of additional information. The panel shall close the evidence promptly after all parties have submitted the requested information. The panel shall adjourn the hearing and issue a decision within 45 days after the adjournment of the hearing, and failure of the panel to issue a decision within this period shall be deemed approval and shall be effective on the 46th day. Deliberations will be conducted as outlined in the adopted Rules of Procedure. Decisions shall be issued in writing and shall include a statement of the factual bases on which the Planning Commission or Zoning Board of Adjustment has made its conclusions and a statement of the conclusions. The minutes of the meeting may suffice, provided the factual bases and conclusions relating to the review standards are provided in conformance with this subsection.
- (2) In rendering a decision in favor of the applicant, the Planning Commission or Zoning Board of Adjustment may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of these bylaws and the municipal plan then in effect. A permit may be conditioned on the submission of a bond, escrow account, or other surety in a form acceptable to the legislative body of the municipality to assure one or more of the following: the completion of the project, adequate stabilization, or protection of public facilities that may be affected by a project.
- (3) Any decision shall be sent by certified mail within the period set forth in subdivision (1) of this subsection to the applicant and the appellant in matters on appeal. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing and a copy of the decision shall be filed with the administrative officer and the clerk of the municipality as a part of the public records of the municipality.
- (4) Conditions may require that no zoning permit, except for any permits that may be required for infrastructure construction, may be issued for an approved development unless the streets and other required public improvements have been satisfactorily installed in accordance with the approval decision and pertinent bylaws. In lieu of the completion of the required public improvements, the Planning Commission may require from the owner for the benefit of the municipality a performance bond issued either by a bonding or surety company approved by the legislative body or by the owner with security acceptable to the legislative body in an amount sufficient to cover the full cost of those new streets and required improvements on or in those streets or highways and their maintenance for a period of two years after completion as is estimated by the Planning Commission or Zoning Board of Adjustment or such municipal departments or officials as the panel may designate. This bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within the period fixed in the subdivision bylaws for that completion and for the maintenance of those improvements for a period of two years after completion.

- (5) The Legislative Body may enter into an agreement governing any combination of the timing, financing, and coordination of private or public facilities and improvements in accordance with the terms and conditions of a municipal land use permit, provided that agreement is in compliance with all applicable bylaws in effect.
- (6) The performance bond required by this subsection shall run for a term to be fixed by the Planning Commission or Zoning Board of Adjustment, but in no case for a longer term than three years. However, with the consent of the owner, the term of that bond may be extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided within the term of the performance bond, the bond shall be forfeited to the municipality and upon receipt of the proceeds of the bond, the municipality shall install or maintain such improvements as are covered by the performance bond.
- (c) **Administrative Review.** In addition to the delegation of powers authorized under this chapter, bylaws may be adopted to establish procedures under which the Zoning Administrator may review and approve new development and amendments to previously approved development that would otherwise require review by the Planning Commission or Zoning Board of Adjustment. If administrative review is authorized, the bylaws shall clearly specify the thresholds and conditions under which the Zoning Administrator classifies an application as eligible for administrative review. The thresholds and conditions shall be structured such that no new development shall be approved that results in a substantial impact under any of the standards set forth in the bylaws. No amendment issued as an administrative review shall have the effect of substantively altering any of the findings of fact of the most recent approval. Any decision by the Zoning Administrator under this subsection may be appealed as provided in section 215 of these regulations.

Section 208: Conditional Uses

No zoning permit may be issued by the Zoning Administrator for any use or structure which requires conditional use authorization or approval in this Regulation unless and until the Zoning Board of Adjustment approves the proposed use or structure after public notice and hearing as prescribed in these bylaws, as conforming to the following standards. A conditional use application may be approved or denied, and if approved, may carry conditions in accordance with these bylaws.

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

1. The capacity of existing or planned community facilities.
2. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
3. Traffic on roads and highways in the vicinity.

4. Bylaws and ordinances then in effect.
5. Utilization of renewable energy resources.

Section 209: Site Plan Approval

All types of permitted uses, other than those that may be approved by the Zoning Administrator, require site plan review and approval by the Planning Commission prior to the issuance of a zoning permit.

The following information shall be submitted by an applicant for site plan review:

1. Name and address of the owner of record and location of the property; names and addresses of owners of adjacent lands.
2. Location and information on all existing and proposed streets, driveways, structures, major natural features, landscaping, utilities and deed restrictions applying to the property.
3. Schedule of development may be shown on the site plan map provided that said map shall indicate the total potential development of the entire property; name and address of person, firm or organization preparing the map.
4. A dimensional drawing(s) of the proposed project, drawn to scale, which shows all relevant features of the site or property, including grade and other physical features and points of ingress and egress to the site.
5. The Planning Commission may approve or deny an application for site plan review and shall at a minimum consider and may impose conditions related to the items in a-j below when reviewing site plan applications. If any one or more of the items listed in a-j below are not relevant to an application, it shall be so stated by the Planning Commission along with the reason(s) therefore in the findings of fact:
 - a. adequacy of parking;
 - b. traffic access, including ingress and egress of traffic;
 1. specific conditions, if applicable, of Section 401 of these regulations
 - c. circulation for pedestrians and vehicles within the site;
 - d. landscaping and screening;
 - e. protection of the utilization of renewable energy sources;
 - f. exterior lighting;
 - g. size, location and design of signs, including whether and how such signs are to be lit;
 - h. noise or other public nuisance stemming from the operation of the proposed development;
 - i. whether other municipal entities, including but not limited to the volunteer fire department, police and the department of public works should be consulted for an

opinion on the impact of a proposed site plan, in which case such an opinion or opinions will be deemed to be advisory in nature;

- j. other matters identified by the Planning Commission that may be specific to a particular application for site plan approval. In such case, the Planning Commission shall advise the applicant of the necessity to consider such matters so the applicant can have an opportunity to address each matter so identified, including whether such matter should be an issue at all.

Section 210: Planned Residential Development - PRD

Where permitted in the zoning districts, the modification of the district regulations by the Planning Commission is permitted simultaneously with site plan approval under the following procedures:

1. Purposes: The purpose of the Planned Residential Development provision is to encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic provision of streets and utilities, to preserve the natural and scenic qualities of open land, to provide for a mixture and variety of housing types at different densities, and to provide for the development of existing lots which because of physical, topographical or geological conditions could not otherwise be developed.
2. Application Procedure: A site plan shall be submitted to the Planning Commission showing the location, height, and spacing of buildings, open spaces and their landscaping, streets, driveways and off street parking spaces, unique natural or manmade features and physical conditions of the site, accompanied by a statement setting forth the nature of all proposed modifications, changes or supplementations of existing zoning regulations.

The Planning Commission shall act to approve or disapprove any such plan within sixty days after the date upon which it receives the proposed plan. A duly warned public hearing shall be held by the Planning Commission following the receipt of the plan and before it renders its decision.
3. Standards for Review: The following general standards shall be met in order for the Planning Commission to approve the application:
 - a. The PRD is consistent with the Municipal Plan.
 - b. The overall density of the project does not exceed the density which would result if the project was developed in a conventional manner in accordance with district regulations.
 - c. The uses proposed for the project are residential; dwelling units may be of varied types, including one family, two family or multi family construction.
 - d. The PRD is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision for preservation of streams, and stream banks, steep slopes, wet areas, soils unsuitable for development, forested areas and unique natural and manmade features.

- e. The development plan is proposed over a reasonable period of time in order that adequate municipal facilities and services may be provided.
- 4. The following specific standards shall be met in order for the Planning Commission to approve the application:
 - a. District regulations on height and spacing between main buildings shall be met unless otherwise waived by the Planning Commission.
 - b. To insure adequate privacy for existing or proposed uses adjacent to the PRD, structures on the perimeter of the PRD shall be set back as per the district regulations and screening may be required.
 - c. The maximum building coverage per acre permitted shall follow the district regulations except for mobile home parks under Section 409.
 - d. The maximum number of dwelling units per acre permitted shall follow the district regulations except for mobile home parks under Section 409.
 - e. Adequate water supply and sewage disposal facilities shall be provided.
 - f. The maximum requirement for usable open space shall be 50% of the total acreage.
- 5. The land area not allocated to building lots and streets shall be permanently reserved as open space. This area shall be in such a condition, size and shape as to be readily usable for recreation or conservation. Such land may be reserved by one of the following means:
 - a. Held in corporate ownership by the owners of the units within the development. However, membership in said corporation shall be mandatory for all residents of the development. In case of corporate ownership, the developer shall include in the deed to the owners of the dwelling units the membership stipulation and the beneficial right in the use of open land. An endowment fund for the maintenance of the open area in perpetuity will be turned over to the corporation.
 - b. Other acceptable alternatives.
- 6. The Planning Commission shall request views and comments by the Zoning Board of Adjustment prior to the public hearing.

Section 211: Planned Unit Development

Where permitted in the zoning districts, modification of the district regulations by the Planning Commission is permitted simultaneously with site plan approval under the following procedures:

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

2. Permitted Uses: Uses in a PUD shall be limited to combinations of two or more of the following; clustered single or two family residential units, multi family residential units, hotels, motels or other transient lodging facilities, shops related solely to on-premise recreational facilities, downhill or cross country ski facilities, restaurant or other dining facilities, and facilities necessary for the operation of the development by the developer or homeowners' association.
3. Standards for Review:
 - A. The area occupied by buildings and structures shall not exceed thirty percent (30%) of the total acreage of the PUD.
 - B. Residential density is established by subtracting from the total acreage the amount of land for streets, and determining the number of dwelling units that could be built under the zoning district regulations (one dwelling unit per five acres).
 - C. Not less than fifty percent (50%) of the area of the property shall be open space devoted to planting, patios, walkways and recreational areas which are accessible and available for the collective use and benefit of the occupants of the development.
 - D. In calculating open space, the Planning Commission may determine that all or part of stream areas, bodies of water, drainage easements and slopes in excess of 25% may be included by considering:
 1. The extent of these areas in relation to the area of the PUD;
 2. The degree to which these areas contribute to the quality, livability, and amenity of the PUD.
 - E. A maximum of one-half of the open space may be areas covered by water.
 - F. All common open space in a PUD must be conveyed to a funded trust or homeowners' association. The terms of the conveyance must include provisions for guaranteeing:
 1. The continued use of the land for the intended purposes;
 2. Continuance of proper maintenance of the open space;
 3. The availability of funds for proper open space maintenance.
 - G. Every dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
 - H. Dwelling units shall be assured reasonable visual and aural privacy;
 - I. Two parking spaces per dwelling unit, convenient to those units, shall be provided. For any uses other than residential, parking spaces shall be provided at a level set by the Planning Commission in consultation with the developer. Screening of parking and service areas from adjacent structures may be required by the Planning Commission.
 - J. All off street parking shall be adequately lighted. All lighting shall be arranged so as to direct light away from adjoining residences.

- K. Structures located on the perimeter of the development shall be set back in accordance with the provisions of the zoning district requirements within which the PUD is situated and screened in a manner approved by the Planning Commission.
 - L. A homeowners' association must be formed before any dwelling units are sold. Provisions governing the association shall include, but not be limited to, the following:
 - 1. Membership must be mandatory for each home buyer and any succeeding buyer.
 - 2. If the common open space is deeded to the association, the open space restrictions must be permanent.
 - 3. The association must be responsible for liability insurance, municipal taxes and the maintenance of recreational and other facilities.
 - 4. Homeowners must pay their pro rata share of the cost. Assessments levied by the association can become liens on the property.
 - 5. The association must be able to adjust the assessment to meet changed needs.
 - M. Energy conservation measures are encouraged. The use of electricity for heating is strongly discouraged. If electricity is used for heating, it should be used off peak.
 - N. Pursuant to Act 115 24 V.S.A. Sec. 4412(1)(A), in accordance with Item 7 of Policies within Section 4.7 of the Northfield Town Plan and consistent with “Affordable Housing Development” as explained in Section 102: Definitions; any future Planned unit Development in the Town of Northfield shall include an Affordable Housing component.
4. Application Procedure:
- A. Pre-application Conference
 - 1. One or more pre-application conferences shall be held with the applicant, Planning Commission, and interested municipal officials to exchange information and reach an understanding of the nature and scope of the proposal, municipal requirements and quantitative data necessary for a preliminary application.
 - 2. At least one week prior to the first pre-application conference, the applicant shall submit to the Planning Commission sketch plans and basic site information with respect to proposed land uses, adjacent land uses, proposed density and the treatment of open space.
 - 3. The Planning Commission shall furnish the applicant with written comments and appropriate recommendations with respect to the pre-application conference to inform and assist the applicant in the preparation of the preliminary PUD application.
 - B. Preliminary Development Plan Application and Review
 - 1. All PUD applications shall be submitted to the Planning Commission in the form prescribed by the Planning Commission. The Planning Commission shall charge for the processing of applications a fee established by the selectmen, payable with

the submission of the preliminary development plan.

2. The PUD application shall include:
 - a. A statement by the applicant describing the character of the development and the reasons for the particular approach proposed;
 - b. A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed;
 - c. Quantitative data indicating the total number and type of dwelling units and other uses, parcel size, proposed lot coverage of buildings and structures, residential density, amount of usable open space and total amount of nonresidential and institutional construction;
 - d. Maps of existing site conditions, including contours at five foot intervals, water courses, flood plains, unique and natural features and forest cover;
 - e. The location, ground coverage, floor area size and maximum heights of all existing and proposed buildings and structures, types of dwelling units and nonresidential structures and density per type;
 - f. The location and size of all land areas to be conveyed, dedicated, or reserved as common open space, parks, recreational areas, etc.;
 - g. The existing and proposed pedestrian and vehicular circulation systems, including off street parking areas, service areas, loading areas and points of access to public rights of way;
 - h. Existing and proposed utility systems;
 - i. General landscaping and grading plans;
 - j. Unique natural features;
 - k. The proposed treatment of the perimeter of the PUD, including materials and techniques used for buffers and scenery; and
 - i. Any additional information required by the Planning Commission to enable it to evaluate the character and impact of the proposed PUD.
3. After reviewing the preliminary development plan application, the Planning Commission shall advise the applicant of any specific changes or additions it will require as a condition of approval of the PUD proposal. Preliminary approval shall constitute authorization to prepare and submit a final development plan application, and shall be valid for a period of one year.

C. Final Development Plan Application and Review

1. Following approval of the preliminary development plan, the applicant shall file with the Planning Commission an application for final approval. The application shall include specific information on all changes in, or modifications of, the approved preliminary application.
2. In order to ensure completion of a PUD as approved by the Planning Commission, the Commission shall require the posting of a performance bond in an amount to

be determined by the Commission.

D. Public Hearing

Within 30 days of receipt of a final development plan application, the Planning Commission shall hold the first of one or more public hearings, after public notice.

E. Determination

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

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

5. Phasing: Open space and recreational facilities shall be provided in each stage of the project in proportion to the number of dwelling units to be developed for the stage of construction approved by the Planning Commission.

Section 212: Appeals

(1) Appeals of decisions of the Zoning Administrator

- (a) An interested person may appeal any decision or act taken by the Zoning Administrator by filing a notice of appeal with the secretary of the Zoning Board of Adjustment or with the clerk of the Village and Town of Northfield if no such secretary has been elected. This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the Zoning Administrator.
- (b) For the purposes of this regulation, an interested person means any one of the following:
- (1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
 - (2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.
 - (3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.
 - (4) Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the Zoning Administrator of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a

person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the Zoning Administrator must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

(5) Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the agency of commerce and community development of this state.

(c) In the exercise of its functions under this section, the Zoning Board of Adjustment shall have the following powers, in addition to those specifically provided for elsewhere in these regulations:

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

(2) To hear and grant or deny a request for a variance under section 212 (5) of these bylaws.

(2) Notice of appeal

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

(3) Stay of enforcement

If a notice of appeal includes a request for a stay of enforcement, and states the grounds for such request with a statement under oath by the appellant that irreparable damage will directly result if such stay is not granted, the Zoning Board of Adjustment may grant a stay of enforcement of the regulatory provisions referred to in the notice of appeal, under such terms and conditions, including, without limitation, a bond to be furnished by the appellant, as the Zoning Board of Adjustment deems in its judgment and discretion appropriate under the circumstances. Any stay of enforcement granted under this section shall expire upon the expiration of the time to appeal to the Superior Court. The grant or denial of a request for a stay shall be given in writing by the Zoning Board of Adjustment, and shall be sent by registered or certified mail, or delivered, to the appellant within fifteen days of the filing of the notice of appeal with the Zoning Board of Adjustment. Whenever practicable, the Zoning Board of Adjustment shall conduct a hearing before deciding on a request for a stay. Any hearing under this section shall be held after publication of notice thereof in a newspaper of general daily or weekly circulation in the municipality, in two public places within the municipality, and by mail to the appellant, at least five days prior to the hearing date. However, the Zoning Board of Adjustment may give abbreviated notice where in its judgment circumstances require prompt action.

(4) Hearing on appeal

The Zoning Board of Adjustment shall set a date and place for a public hearing of an appeal under this chapter that shall be within 60 days of the filing of the notice of appeal under section 4465 V.S.A. Title 24. The Zoning Administrator shall give public notice of the hearing and shall mail to the appellant a copy of that notice at least 15 days prior to the hearing date. Any person or body empowered by § 4465 of V.S.A. Title 24 Chapter 117 to take an appeal with respect to that property at issue may appear and be heard in person or be represented by an agent or attorney at the hearing. Any hearing held under this section may be adjourned by the Zoning Board of Adjustment from time to time; provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All hearings under this section shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. § 810.

(5) Appeal; variances

- (a) On an appeal under section 4465 or 4471 V.S.A. Title 24 Chapter 117 in which a variance from the provisions of a bylaw or interim bylaw is requested for a structure that is not primarily a renewable energy resource structure, the Zoning Board of Adjustment or the Environmental Court created under 4 V.S.A. chapter 27 shall grant variances and render a decision in favor of the appellant, if all the following facts are found, and the finding is specified in its decision:
- (1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.
 - (2) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) Unnecessary hardship has not been created by the appellant.
 - (4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
 - (5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

- (b) On an appeal under section 4465 or 4471 V.S.A. Title 24 in which a variance from the provisions of a bylaw or interim bylaw is requested for a structure that is primarily a renewable energy resource structure, the Zoning Board of Adjustment or the Environmental Court may grant that variance and render a decision in favor of the appellant if all the following facts are found, and the finding is specified in its decision:
 - (1) It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the bylaws.
 - (2) The hardship was not created by the appellant.
 - (3) 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.
 - (4) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaws and from the plan.
- (c) In rendering a decision in favor of an appellant under this section, the Zoning Board of Adjustment or the Environmental Court may attach such conditions to variances as it may consider necessary and appropriate under the circumstances to implement the purposes of this chapter and the plan of the municipality then in effect.

(6) Decisions on appeal

- (a) The Zoning Board of Adjustment shall render its decision, which shall include findings of fact, within forty-five days after completing the hearing, and shall within that period send to the appellant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing and a copy thereof shall be filed with the administrative officer and the clerk of the municipality as a part of the public records thereof. If the Zoning Board of Adjustment does not render its decision within the period prescribed by this chapter, the board shall be deemed to have rendered a decision in favor of the appellant and granted the relief requested by the applicant on the last day of such period.
- (b) The Zoning Board of Adjustment may reject an appeal without hearing and render a decision, which shall include findings of fact within ten days of the date of filing of the notice of appeal, if the Zoning Board of Adjustment considers the issues raised by the appellant in his or her appeal have been decided in an earlier appeal or the same in substantially or materially the same facts by or on behalf of that appellant, such decision shall be rendered, on notice given, as in the case of a decision under subsection (a) of this section, and shall constitute a decision of the Zoning Board of Adjustment for the purpose of section 4471 V.S.A. Title 24.
- (c) Northfield shall enforce all decisions of the Zoning Board of Adjustment, and further, the Superior Court, District Court, or the Environmental Court (which in this instance is not

bound by Rule 76 of the Rules of Civil Procedure) shall enforce such decisions upon petition, complaint or appeal or other means in accordance with the laws of this state by such municipality or any interested person by means of mandamus, injunction, process of contempt, or otherwise.

(7) Appeal to Environmental Court

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

Section 213: Enforcement and Penalties

1. Enforcement; penalties

- (a) Any person who violates any bylaw after it has been adopted under this chapter or who violates a comparable ordinance or regulation adopted under prior enabling laws shall be fined not more than \$100.00 for each offense. No action may be brought under this section unless the alleged offender has had at least seven days' warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation of the bylaw or ordinance after the seven-day notice period and within the next succeeding 12 months. The seven-day warning notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violation within the seven days; and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. In default of payment of the fine, the person, the members of any partnership, or the principal officers of the corporation shall each pay double the amount of the fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of bylaws shall be paid over to the municipality whose bylaw has been violated.
- (b) Any person who, being the owner or agent of the owner of any lot, tract, or parcel of land, lays out, constructs, opens, or dedicates any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the

common use of occupants of buildings abutting thereon, or sells, transfers, or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of that subdivision or land development or otherwise, or erects any structure on that land, unless a final plat has been prepared in full compliance with this chapter and the bylaws adopted under this chapter and has been recorded as provided in this chapter, shall be fined not more than \$100.00, and each lot or parcel so transferred or sold or agreed or included in a contract to be sold shall be deemed a separate violation. All fines collected for these violations shall be paid over to the municipality whose bylaw has been violated. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from these penalties or from the remedies provided in this chapter.

2. Enforcement; remedies

If any street, building, structure, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of any bylaw adopted under this chapter, the administrative officer shall institute in the name of the municipality any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate that construction or use, or to prevent, in or about those premises, any act, conduct, business, or use constituting a violation. A court action under this section may be initiated in Environmental Court, or as appropriate, before the judicial bureau, as provided under section 1974a of Title 24, Chapter 117.

3. Enforcement; limitations

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

- (d) (1) As used in this section, "person" means any of the following:
- (A) An individual, partnership, corporation, association, unincorporated organization, trust, or other legal or commercial entity, including a joint venture or affiliated ownership.
 - (B) A municipality or state agency.
 - (C) Individuals and entities affiliated with each other for profit, consideration, or any other beneficial interest derived from real estate.
- (2) The following individuals and entities shall be presumed not to be affiliated with a person for the purpose of profit, consideration, or other beneficial interest within the meaning of this section, unless there is substantial evidence of an intent to evade the purposes of this section:
- (A) A stockholder in a corporation shall be presumed not to be affiliated with a person solely on the basis of being a stockholder if the stockholder owns, controls, or has a beneficial interest in less than five percent of the outstanding shares in the corporation.
 - (B) An individual shall be presumed not to be affiliated with a person solely for actions taken as an agent of another within the normal scope of duties of a court-appointed guardian, licensed attorney, real estate broker or salesperson, engineer, or land surveyor, unless the compensation received or beneficial interest obtained as a result of these duties indicates more than an agency relationship.
 - (C) A seller or chartered lending institution shall be presumed not to be affiliated with a person solely for financing all or a portion of the purchase price at rates not substantially higher than prevailing lending rates in the community.

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

Section 300. Preparation and Adoption of Bylaws and Regulatory Tools; Amendment or Repeal

- (a) Any bylaw shall be prepared by or at the direction of the Planning Commission and shall have the purpose of implementing the plan. An amendment or repeal of a bylaw may be prepared by the Planning Commission or by any other person or body.
- (b) A proposed amendment or repeal prepared by a person or body other than the Planning Commission shall be submitted in writing along with any supporting documents to the Planning Commission. The Planning Commission may then proceed under this subchapter as if the amendment or repeal had been prepared by the Commission. However, if the proposed amendment or repeal of a bylaw is supported by a petition signed by not less than five percent of the voters of the municipality, the Commission

shall correct any technical deficiency and shall, without otherwise changing the amendment or repeal, promptly proceed in accordance with subsections (c) through (g) of this section, as if it had been prepared by the Commission.

- (c) When considering an amendment to a bylaw, the Planning Commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) V.S.A. Title 24 concerning plan amendments. The Department of Housing and Community Affairs shall provide all municipalities with a form for this report. The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 V.S.A. Title 24, and shall include findings regarding how the proposal:
 - (1) Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.
 - (2) Is compatible with the proposed future land uses and densities of the municipal plan.
 - (3) Carries out, as applicable, any specific proposals for any planned community facilities.
- (d) The Planning Commission shall hold at least one public hearing within the municipality after public notice on any proposed bylaw, amendment, or repeal.
- (e) At least 15 days prior to the first hearing, a copy of the proposed bylaw, amendment, or repeal and the written report shall be delivered with proof of receipt, or mailed by certified mail, return receipt requested, to each of the following:
 - (1) The chairperson of the Planning Commission of each abutting municipality, or in the absence of any Planning Commission in a municipality, the clerk of that abutting municipality.
 - (2) The executive director of the Regional Planning Commission of the area in which the municipality is located.
 - (3) The Department of Housing and Community Affairs within the Agency of Commerce and Community Development.
- (f) Any of the bodies identified in subsection (e) of this section, or their representatives, may submit comments on the proposed bylaw, amendment, or repeal to the Planning Commission, or may appear and be heard in any proceeding with respect to the adoption of the proposed bylaw, amendment, or repeal.
- (g) The Planning Commission may make revisions to a proposed bylaw, amendment, or repeal and to the written report, and shall then submit the proposed bylaw, amendment, or repeal and the written report to the legislative body of the municipality. However, if requested by the legislative body or if a proposed amendment was supported by a petition signed by not less than five percent of the voters of the municipality, the Planning Commission shall promptly submit the amendment, with changes only to correct technical deficiencies, to the legislative body of the municipality, together with any

recommendation or opinion it considers appropriate. Simultaneously with the submission, the Planning Commission shall file with the clerk of the municipality a copy of the proposed bylaw, amendment, or repeal, and the written report for public review.

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

Section 301. Adoption of Bylaws and Related Regulatory Tools; Amendment or Repeal

- (a) **Public hearings.** Not less than 15 nor more than 120 days after a proposed bylaw, amendment, or repeal is submitted to the Legislative Body of a municipality under section 4441 V.S.A. Title 24, the Legislative Body shall hold the first of one or more public hearings, after public notice, on the proposed bylaw, amendment, or repeal, and shall make copies of the proposal and the written report of the Planning Commission available to the public upon request. Failure to hold a hearing within the 120 days shall not invalidate the adoption of the bylaw or amendment or the validity of any repeal.
- (b) **Amendment of proposal.** The Legislative Body may make minor changes to the proposed bylaw, amendment, or repeal, but shall not do so less than 14 days prior to the final public hearing. If the Legislative Body at any time makes substantial changes in the concept, meaning, or extent of the proposed bylaw, amendment, or repeal, it shall warn a new public hearing or hearings under subsection (a) of this section. If any part of the proposal is changed, the Legislative Body at least 10 days prior to the hearing shall file a copy of the changed proposal with the clerk of the municipality and with the Planning Commission. The Planning Commission shall amend the report prepared pursuant to subsection 4441(c) V.S.A. Title 24 to reflect the changes made by the Legislative Body and shall submit that amended report to the Legislative Body at or prior to the public hearing.
- (c) **Routine adoption.** A bylaw, amendment, or repeal shall be adopted by a majority of the members of the Legislative Body at a meeting that is held after the final public hearing, and shall be effective 21 days after adoption.
- (d) **Petition for popular vote.** Notwithstanding subdivision (c) of this section, a vote by the Legislative Body on a bylaw, amendment, or repeal shall not take effect if five percent of the voters of the municipality petition for a meeting of the municipality to consider the bylaw, amendment, or repeal, and the petition is filed within 20 days of the vote. In that

case, a meeting of the municipality shall be duly warned for the purpose of acting by Australian ballot upon the bylaw, amendment, or repeal.

- (e) **Multipurpose hearings.** Nothing contained in this chapter shall be construed to prohibit any public hearing held under this chapter to be held for more than one purpose under this chapter. A municipality may prepare and adopt a plan, one or more bylaws, and a capital budget and program in the same proceedings. However, all the provisions of this chapter applicable to each purpose of the hearing shall be complied with.
- (f) **Time for action.** If the proposed bylaw, amendment, or repeal is not approved or rejected under subsection (c) of this section within one year of the date of the final hearing of the Planning Commission, it shall be considered disapproved unless five percent of the voters of the municipality petition for a meeting of the municipality to consider the bylaw, amendment, or repeal, and the petition is filed within 60 days of the end of that year. In that case, a meeting of the municipality shall be duly warned for the purpose of acting upon the bylaw, amendment, or repeal by Australian ballot.

Sec. 302 Public Hearing Notice for Adoption, Amendment, or Repeal of Bylaw

- (a) Any public notice required for public hearing under this subchapter shall be given not less than 15 days prior to the date of the public hearing by:
 - (1) the publication of the date, place, and purpose of the hearing in a newspaper of general circulation in Northfield;
 - (2) the posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312(c)(2); and
 - (3) compliance with subsection (b) or (c) of this section.
- (b) The municipality may complete public notice commenced under subsection (a) of this section by publishing and posting the full text of the proposed material or by publishing and posting the following:
 - (1) A statement of purpose.
 - (2) A map or description of the geographic areas affected.
 - (3) A table of contents or list of section headings.
 - (4) A description of a place within the municipality where the full text may be examined.
- (c) As an alternative to the publication and posting provisions established under subsection (b) of this section, the municipality may make reasonable effort to mail or deliver copies of the full text or the material specified in subdivisions (b)(1) through (4), together with the public hearing notice of the proposed material and the public hearing notice to each voter, as evidenced by the voter checklist of the municipality, and to each owner of land within the municipality, as evidenced by the grand list of the municipality.
- (d) No defect in the form or substance of any public hearing notice under this chapter shall

invalidate the adoption, amendment, or repeal of any plan, bylaw, or capital budget and program. However, the action shall be invalidated if the notice is materially misleading in content or fails to include one of the elements required by subsection (b) of this section or if the defect was the result of a deliberate or intentional act.

Section 303: Interpretation

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

Section 304: Severability

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

Article IV. General Regulations

The following shall apply:

Section 400: Exemptions

- (a) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:
- (1) State- or community-owned and operated institutions and facilities.
 - (2) Public and private schools and other educational institutions certified by the state department of education.
 - (3) Churches and other places of worship, convents, and parish houses.
 - (4) Public and private hospitals.
 - (5) Regional solid waste management facilities certified under 10 V.S.A. chapter 159.
 - (6) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

- (b) These bylaws shall not regulate public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.
- (c) Except as otherwise provided by this section and by 10 V.S.A. § 1976, if any bylaw is enacted with respect to any land development that is subject to regulation under state statutes, the more stringent or restrictive regulation applicable shall apply.
- (d) These bylaws shall not regulate accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation, respectively, under subsections 1021(f) and 1259(f) of Title 10 and section 4810 of Title 6.
 - (1) For purposes of this section, "farm structure" means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in subdivision 6001(22) of Title 10, but excludes a dwelling for human habitation.
 - (2) A person shall notify the municipality of the intent to build a farm structure and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets. No permit for a farm structure shall be required.
- (e) Any bylaw enacted in this regulation shall be subject to the restrictions created under section 2295 V.S.A. Title 24, with respect to the limits on municipal power to regulate hunting, fishing, trapping, and other activities specified under that section.

Section 401: Protection of Home Occupations

No bylaw is intended to infringe upon the right of any resident to use a minor portion of a dwelling unit or an accessory building for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

Section 402: Existing Small Lots

- (1) Except as provided in subsection (2), any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of said Regulation may be developed for purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet.
- (2) If an existing small lot subsequently comes under common ownership with one or more contiguous lots after the effective date of said Regulations, the nonconforming lot shall be deemed merged with the contiguous lot. However, a nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply:
 - a. The lots are conveyed in their preexisting, nonconforming configuration.

- b. On the effective date of any 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.

Section 403: Non-Conforming Uses and Non-Complying Buildings

The following provisions shall apply to all buildings and uses existing on the effective date of this Regulation, which do not conform to the requirements set forth in this Regulation and to all buildings and uses that in the future do not conform by reason of any subsequent amendment to this Regulation.

- 1. Any non-conforming use of buildings or open land, except those specified below, may be continued indefinitely, but:
 - a. Shall not be moved, enlarged, altered, extended, reconstructed or restored (except as provided below), nor shall any external evidence for such use be increased by any means whatsoever.
 - b. Shall not be changed to another non-conforming 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.
 - c. Shall not be re-established if such use has been discontinued for any reason for a period of six months, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
 - d. Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage. If the restoration of such buildings is not completed within the said one year period, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged portion of such building.
 - e. A non-conforming use shall not be enlarged or extended without approval of the Zoning Board of Adjustment, with the exception of enlargements to mobile home parks, which shall be subject to approval by the Planning Commission.
- 2. Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying building provided that such action does not increase the degree of or create any new non-conformity with regard to the regulations pertaining to such buildings.

Section 404: Required Frontage on, or Access to, Public Roads

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

1. Along with other conditions that may be imposed as part of site plan review by the Planning Commission, there is access to such road by a permanent easement or right of way at least twenty feet in width, except that this shall be at least fifty feet in width if access to three or more dwelling units is planned or contemplated, or if it is planned or contemplated that the access road will ever become a Town Road.
2. Such access shall be designed and constructed so as not to create any undue safety concerns.

Section 405: Setbacks

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

Section 406: Height Limitations

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

Section 407: Health Facilities

All land development shall have and provide for permanent sewage treatment and disposal facilities sufficient for the use and prospective use of any structure and for the protection of the water resources and health, safety and welfare of the citizens and property owners of the Town. Compliance with this paragraph shall be evidenced by the performance of such procedures and the completion and filing of such forms as the Zoning Board of Adjustment shall by regulation prescribe.

Section 408: Residential Care and Group Homes

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

Section: 409: Child Care Home or Facility

A family child care home serving six or fewer children shall be considered to constitute a permitted single-family residential use of property. A family child care home serving no more

than six full-time children and four part-time children, as defined in subdivision 33 V.S.A. § 4902(3)(A), shall be considered to constitute a permitted use of property but may require site plan approval based on local zoning requirements. A family child care facility serving more than six full-time and four part-time children may, at the discretion of the municipality, be subject to all applicable municipal bylaws.

Section 410: Mobile Home Parks

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

Section 411: Signs

Signs shall be regulated as hereinafter noted. This Regulation is applicable to all districts.

Permits are required for all signs not exempt under 10 VSA Section 494 and this Regulation. Applications shall be submitted to the Planning Commission, which may seek the advice of a sign review committee established by the Commission. Any application denied may be appealed to the Zoning Board of Adjustment using procedures set forth in 24 VSA Chapter 117. Any application not acted upon within thirty days of submission to the Planning Commission shall be deemed to be approved. Fees for permits shall be set from time to time by the legislative bodies. A permit may be revoked at any time by the Zoning Board of Adjustment if a sign is found to be in violation of this Regulation.

Signs shall be regulated as follows:

1. On-Premise Signs:

No premises shall contain more than 150 square feet of signs. When more than one side of a sign is used, the area of all sides shall be included in the total allowable area. An on-premise sign shall not be located more than fifteen hundred feet from a main entrance from that highway to the activity or premises advertised. No portion of a separately mounted sign may be located within the street line where there is no sidewalk, or closer than 6 feet horizontally from the nearest sidewalk where there is a sidewalk present. A permitted on-premise sign shall not extend more than 25 feet above ground level. If the sign is attached to a wall of a building, it shall not extend above the eaves or the lowest part of the roof line, nor shall letters used thereon be more than two feet high.

2. Off-Premise Signs:

Signs or banners not of a commercial nature not to exceed 150 square feet to be maintained for not more than two weeks announcing a campaign, drive or event of a

civic, philanthropic, education, or religious organization. Where such campaign, drive or event of a civic, philanthropic, education, or religious organization may occur on an annual or other regular basis, the Planning Commission shall review and may approve such sign, after which said sign shall be placed onto a list of approved signs maintained by the Zoning Administrator, who shall thereafter issue any permit that may be required, provided that if there is any proposed change to a sign that was previously approved by the Planning Commission, the sign shall not be permitted unless it is first reviewed and approved by the Planning Commission.

3. Other signs:
 - a. Small signs identifying posted areas with a total area not exceeding four square feet.
 - b. Signs announcing an auction, garage, barn, attic or similar sale wherein only the property of the persons occupying the premises is for sale shall not be maintained for more than two weeks.
 - c. Signs advertising the sale of real estate by the owners or their agents shall not have an area of more than six square feet including the panel and frame. "Sold by" signs shall not be permitted.
 - d. Political signs shall only be posted during the period of 90 days preceding the scheduled election, and shall be removed within 5 days of election day.
4. All signs erected or maintained along a highway or municipally maintained thoroughfare:
 - a. Signs identifying commercial and industrial establishments including dwellings housing customary home occupations may be illuminated only during hours in which business is open to patrons. Specific conditions with regard to illumination may be attached to the permit.
 - b. Trees, rocks or other natural features, or any objects not primarily intended for such purpose, may not bear or be used for signs.
 - c. No signs may be displayed or continued in use which advertise or call attention to a business or other activity, or a profession, commodity, product, service or entertainment not carried on, produced, sold or offered in this town or village or to an activity of any kind which has already occurred or has otherwise terminated.
 - d. No signs, except a sign as described in e. below, shall be permitted to continue in use or erected or displayed which are not properly maintained or affixed to a substantial structure, or which are illegal under any State or Federal law applicable at the location of the sign, or are not consistent with the standards of this section.
 - e. Sandwich board signs:
 1. May be permitted and erected provided it is consistent with the definition within these regulations.
 2. Must be placed next to the building wall or adjacent to the curb in a manner which is safe for and does not interfere with normal pedestrian or automobile traffic movement.
 3. Shall be constructed to be free standing and weighted so that the sign is stable and

windproof.

4. Are restricted to no more than one per customer entrance regardless of the number of tenants on the premises.
5. Must be removed each day and stored inside upon close of the business.

Section 412: Junkyards and Wrecked, Disabled and Inoperable Motor Vehicles

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

Section 413: Sand and Gravel Extraction

Sand pits, gravel pits and removal of topsoil are permitted in districts specified in Article VI and VII, subject to the following regulations:

1. All permits granted for these operations are subject to review by the Zoning Board of Adjustment every five years for continuation or termination.
2. The proposed operation shall not adversely affect soil fertility, drainage and lateral support of abutting land or other properties, nor shall it contribute to soil erosion by water or wind.
3. That portion of access roads within the areas of permit and located within 100 feet of a lot line or an excavation operation shall be provided with a surface as free of dust as practical.
4. The top of the natural slope in cut for any excavation and any mechanical equipment shall not be less than fifty feet from any lot line.
5. Before approval is granted, a plan for rehabilitation showing both existing and proposed final contours shall be submitted to and approved by the Planning Commission. The Commission may also require a performance bond to ensure that the rehabilitation plan is carried out. After any such operations, the site shall be reusable for a use permitted in the district. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be re-spread over the premises after the operation. The area shall be brought to final grade by a layer of earth two feet deep or the original thickness whichever is less, capable of supporting vegetation.

Article V. Flood Hazard Regulations

500. Statutory Authorization and Effect

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

501. Statement of Purpose

It is the purpose of this bylaw to:

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

502. Other Provisions

A. Precedence of Bylaw

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

B. Validity and Severability

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

C. Warning of Disclaimer of Liability

This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This regulation shall not create liability on the part of the Village and Town of Northfield, Vermont, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

503. Lands to Which these Regulations Apply

A. Regulated Flood Hazard Areas

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

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

B. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas

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

C. Interpretation

The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

1. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Zoning Administrator (ZA). If the applicant disagrees with the determination made by the ZA, a Letter of Map Amendment from FEMA shall constitute proof.
2. If uncertainty exists with respect to the boundaries of the Fluvial Erosion Hazard Zone, the location of the boundary shall be determined by the ZA. If the applicant disagrees with the determination made by the ZA, a letter of determination from the Vermont Agency of Natural Resources shall constitute proof.

504. Summary Table: Development Review in Hazard Areas

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

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

505. Development Review in Hazard Areas

A. Permit

A permit is required from the Administrative Officer for all development in all areas defined in Section IV. Development that requires conditional use approval, non-conforming use approval, or a variance from the Zoning Board of Adjustment (ZBA) under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the ZA. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Section VI and VII. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

B. Permitted Development

For the purposes of review under these regulations, the following development activities in the Special Flood Hazard area where outside of the floodway and outside of the Fluvial Erosion

Hazard Zone, and meeting the Development Standards in Section VII, require only an administrative permit from the ZA:

1. Non-substantial improvements;
2. Accessory structures;
3. Development related to on-site septic or water supply systems;
4. Building utilities;
5. At-grade parking for existing buildings; and,
6. Recreational vehicles.

C. Prohibited Development in Special Flood Hazard Area and Fluvial Erosion Hazard Zone

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

D. Conditional Use Review

Conditional use review and approval by the ZBA, is required prior to the issuance of a permit by the ZA for the following proposed development:

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

E. Exempted Activities

The following are exempt from regulation under this bylaw:

1. The removal of a building or other structure in whole or in part;
2. Maintenance of existing roads and storm water drainage;

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

F. Variances

Variances may be granted in writing by the ZBA only in accordance with all the criteria in 24 V.S.A. § 4469, § 4424 (2)(E), and 44 CFR Section 60.6, after a public hearing noticed as described in Section VIII.

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

G. Nonconforming Structures and Uses

The ZBA may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a flood hazard area provided that the criteria in 24 V.S.A. §4424(2)(E) are met and:

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

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

A. Special Flood Hazard Area

1. *All development* shall be:
 - a. Reasonably safe from flooding;
 - b. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
 - c. Constructed with materials resistant to flood damage;
 - d. Constructed by methods and practices that minimize flood damage;
 - e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - f. Adequately drained to reduce exposure to flood hazards;
 - g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
 - h. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.
2. In Zones AE, AH, and A1 – A30 *where base flood elevations and/or floodway limits have not been determined*, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.
3. *Structures to be substantially improved* in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;
4. *Non-residential structures to be substantially improved* shall:
 - a. Meet the standards in VII A 3; or,
 - b. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; A permit for flood proofing shall not be issued until a registered professional engineer or architect has reviewed the structural

design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

5. *Fully enclosed areas below grade* on all sides (including below grade crawlspaces and basements) are prohibited.
6. *Fully enclosed areas that are above grade*, below the lowest floor, below BFE and subject to flooding, shall
 - a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 - b. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
7. *Recreational vehicles* must be fully licensed and ready for highway use;
8. A *small accessory* structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in VII A 6 (above).
9. *Water supply systems* shall be designed to minimize or eliminate infiltration of flood waters into the systems.
10. *Sanitary sewage systems* shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
11. *On-site waste disposal systems* shall be located to avoid impairment to them or contamination from them during flooding.
12. *The flood carrying and sediment transport capacity* within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;
13. *Bridges and culverts*, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.
- 14 *Subdivisions and Planned Unit Developments must be accessible by dry land* access outside the special flood hazard area.

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

B. Floodway Areas

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

C. Fluvial Erosion Hazard Zone

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

507. Administration

A. Application Submission Requirements

Applications for development shall include:

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

B. Referrals

1. Upon receipt of a complete application for a substantial improvement or new construction the ZA shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
2. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner. The Board should consider comments from the NFIP Coordinator at ANR.

C. Decisions

The ZBA shall consider comments from the NFIP Coordinator at ANR. The ZBA may recess the proceedings on any application pending submission of additional information.

D. Records

The Administrative Officer shall properly file and maintain a record of:

1. All permits issued in areas covered by this bylaw;
2. An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest

- floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the Special Flood Hazard Area;
3. All flood proofing and other certifications required under this regulation; and,
 4. All decisions of the ZBA (including variances and violations) and all supporting findings of fact, conclusions and conditions.

508. Certificate of Occupancy

In accordance with 24 V.S.A. Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area or Fluvial Erosion Hazard Zone until a certificate of occupancy is issued therefore by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of these bylaws. A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw. Within 14 days of the receipt of the application for a certificate of occupancy, the ZA shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and all that all work has been completed in conformance with the zoning permit and associated approvals. If the ZA fails to grant or deny the certificate of occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a Certificate of Occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

509. Enforcement and Penalties

A. This bylaw shall be enforced under the municipal zoning bylaw in accordance with 24 VSA § 1974a, or 24 V.S.A. § 4451, and § 4452. A copy of the notice of violation will be mailed the State NFIP Coordinator.

B. If any appeals have been resolved, but the violation remains, the ZA shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

C. Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.

510. Definitions

“Accessory Structure” means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.

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

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

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

“BFE” see Base Flood Elevation

“Channel” means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

“Channel width” (or bankfull width) is the width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

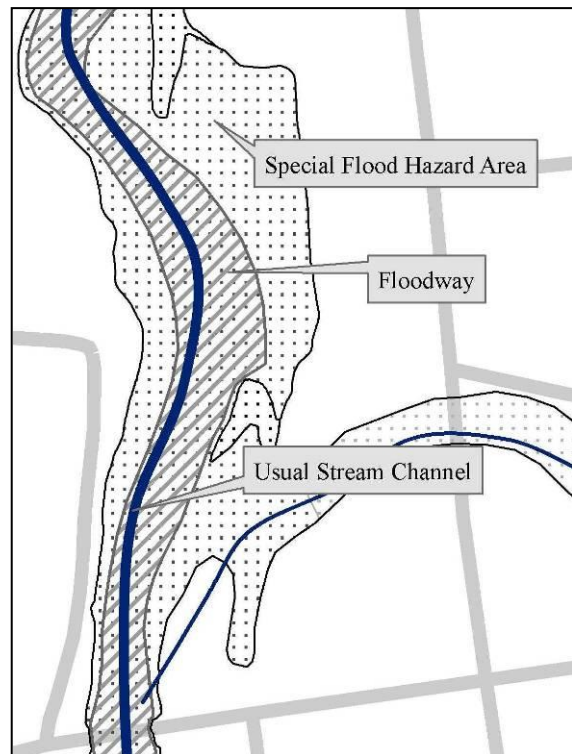
“Common plan of development” is where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

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

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

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

“FIRM” see Flood Insurance Rate Map



“Flood” means (a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

“Flood Insurance Rate Map” (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

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

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

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

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

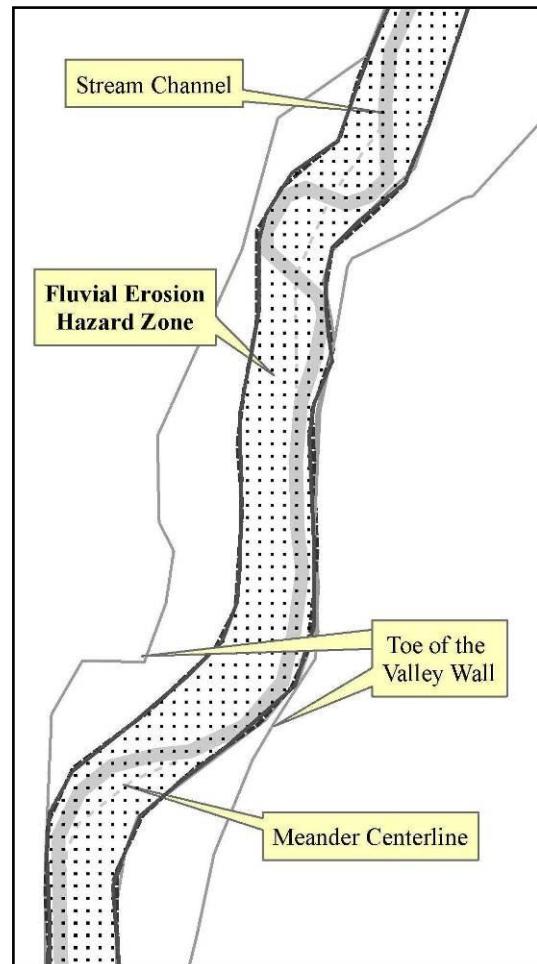
“Floodway, Regulatory in Village and Town of Northfield” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

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

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

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

“Historic structure” means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.



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

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

“Manufactured home (or Mobile home)” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a

permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

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

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

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

“Nonconformity” means a nonconforming use, structure, lot, or parcel.

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

“Recreational vehicle” means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

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

“Start of construction” for purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The “start of construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first

placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

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

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

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

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

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

Article VI. Town Zoning District Regulations

Section 601: Secondary Agricultural District

These lands shall remain primarily agricultural, which includes forestry.

Permitted Uses:

1. Single and two family dwellings
2. Accessory buildings
3. Planned residential development
4. Windmills for private use
5. Agriculture and forestry
6. Accessory Dwelling Units (Permitted Use)

Conditional Uses:

The following uses are permitted in this District after approval of a conditional use permit by the Zoning Board of Adjustment:

1. Public and private outdoor recreation
2. Cemeteries
3. Sand and gravel pits, subject to section 410.
4. Accessory Dwelling Units (Conditional Use)

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

Minimum lot size per 1 or 2 family structure	5 acres
Minimum lot frontage	200 feet
Minimum lot depth	200 feet
Minimum building setback from center of road	65 feet
Minimum building setback from rear lot line	25 feet
Minimum building setback from side lot lines	25 feet
Maximum building height	35 feet
Maximum coverage of lot by buildings	30.00%
Off street parking spaces per dwelling unit	2

Section 602: Recreation District

These lands shall be set aside for outdoor recreation:

Recreation A shall be defined as that portion of the Recreation District lying 3,300 feet

northerly and 1,500 feet southerly of the present Norwich University ski lift line for a distance of 4,500 feet east of the centerline of Vermont Route 12. It is intended that this shall include all of the land presently used by the Norwich University ski area. Recreation A shall also include any lands zoned Recreation lying westerly of Vermont Route 12.

Recreation B shall be all other land in the Recreation District in the Town of Northfield not designated as Recreation A.

Conditional Uses in Recreation A:

The following uses are permitted in this District after approval of a conditional use permit by the Zoning Board of Adjustment:

1. Public and private outdoor recreation
2. Accessory uses

Conditional Uses in Recreation B:

The following uses are permitted in this District after approval of a conditional use permit by the Zoning Board of Adjustment:

1. Public and private outdoor recreation
2. Accessory uses

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

	<u>Recreation A</u>	<u>Recreation B</u>
Minimum lot size	5 acres	5 acres
Minimum lot frontage	200 feet	200 feet
Minimum lot depth	200 feet	200 feet
Minimum building setback from center of road	65 feet	65 feet
Minimum building setback from side lot lines	200 feet	200 feet
Minimum building setback from rear lot lines	200 feet	200 feet
Maximum building height	35 feet	35 feet
Maximum coverage of lot by building	30.00%	30.00%
Off street parking spaces	2	2

Section 603: Conservation and Forestry District

These lands are generally above 1,800 feet, have slopes greater than 25%, thin soils or are not served by Town Highways. For these reasons, limited development is permitted. Buildings in this district shall not be erected within 100 feet of any brook or river. Extension of any road system into this District will be built to Vermont Agency of Transportation Standard A-76.

Permitted Uses:

1. Single family dwellings (seasonal or year round)
2. Accessory buildings
3. Windmills for private use
4. Forestry and agriculture
5. Accessory Dwelling Units (Permitted Use)

Conditional Uses:

The following uses are permitted in this District after approval of a conditional use permit by the Zoning Board of Adjustment:

1. Public and private utilities
2. Sand and gravel pits, subject to section 410
3. Public outdoor recreation
4. Accessory Dwelling Units (Conditional Use)

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

Minimum lot size per dwelling unit	10 acres
Minimum lot frontage	200 feet
Minimum lot depth	200 feet
Minimum building setback from center of road	65 feet
Minimum building setback from side lot lines	25 feet
Minimum building setback from rear lot line	25 feet
Maximum building height	35 feet
Maximum coverage of lot by buildings	30.00%
Off street parking spaces per dwelling unit	2

Section 604: Industrial and Commercial District

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

Permitted Uses:

1. Single and two family dwellings
2. Multi family dwellings

3. Professional offices
4. Banks
5. Accessory Dwelling Units (Permitted Use)

Conditional Uses:

The following uses are permitted in this District after approval of a conditional use permit by the Zoning Board of Adjustment:

1. Shopping center
2. Theaters (except drive in theaters), hotels and motels
3. Manufacturing, assembly, converting, altering, finishing, cleaning or any other processing or storage of materials of products.
4. Lumber and building material and equipment sales and storage; bulk storage, including warehouses; oil and gas storage; and truck terminals.
5. Parking lots and storage garages
6. Motor vehicle sales, service stations and repair garages, subject to the following conditions: (see a.-e.)
7. Restaurant and Tavern
8. Retail stores
9. Personal service stores
 - a. Vehicle lifts or pits, dismantled automobiles and all parts and supplies shall be located within a building;
 - b. All service or repair of motor vehicles, other than such minor service as change of tires or sale of gasoline or oil, shall be conducted within a building;
 - c. The storage of gasoline or flammable oils in bulk shall be located completely underground and shall be in conformance with Vermont fire regulations;
 - d. No gasoline pumps shall be located closer to the edge of any street than 15 feet;
 - e. No building permit for any such establishment shall be issued within a distance of 200 feet from school, church, hospital or other place of public assembly designed for occupancy by more than 50 persons. The said distance is to be measured in a straight line between the nearest points of each of the premises, regardless of the district where either premise is located.
10. Accessory Dwelling Units (Conditional Use)

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

	With Municipal Water or Sewer	Without Municipal Water or Sewer
Minimum lot size per dwelling unit	1/2 acre	1 acre
Minimum lot frontage	75 feet	75 feet

Minimum lot depth	50 feet	50 feet
Minimum building setback from center of road	50 feet	50 feet
Minimum building setback from side lot lines	25 feet	25 feet
Minimum building setback from rear lot line	25 feet	25 feet
Maximum building height	35 feet	35 feet
Maximum coverage of lot by buildings	40.00%	40.00%
Off street parking spaces per dwelling unit	2	2
Off street parking spaces for non-residential use	1/300 sq ft. floor area	1/300 sq ft. floor area

Section 605: Urban Residential District

A mix of uses, including commercial, mixed residential and institutional, at moderate densities.

Permitted Uses:

1. Single and two family dwellings
2. Accessory buildings
3. Planned Residential Development
4. Accessory Dwelling Units (Permitted Use)

Conditional Uses:

The following uses are permitted in this District after approval of a conditional use permit by the Zoning Board of Adjustment:

1. Multi-family dwellings
2. Professional Offices
3. Retail stores
4. Personal service stores
5. Tourist Homes
6. Colleges and universities accredited by New England Association of Schools and Colleges plus by the Vermont Department of Education.
7. Accessory Dwelling Units (Conditional Use)
8. Bed and Breakfasts

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

	With both Municipal Water and Sewer	With either Municipal Water or Sewer	Without Municipal Water and Sewer
Minimum lot size per dwelling unit	1/4 acre	1/2 acre	1 acre
Minimum lot frontage	100 feet	100 feet	100 Ft.
Minimum lot depth	50 feet	100 feet	100 Ft.
Minimum building setback from center of road	50 feet	65 feet	65 Ft.
Minimum building setback from side lot lines	10 feet	10 feet	25 Ft.
Minimum building setback from rear lot line	10 feet	10 feet	25 Ft.
Maximum building height	35 feet	35 feet	35 Ft.
Maximum coverage of lot by building	30.00%	30.00%	30.00%
Off street parking spaces per dwelling unit	2	2	2
Off street parking spaces per tourist home rental unit	1	1	1

Section 606: Rural Residential District

Low agriculture, forestry and moderate to low density residential development.

Permitted Uses:

1. Single and two family dwelling units
2. Accessory buildings
3. Planned Residential Development
4. Windmills for private use
5. Forestry and agriculture
6. Accessory Dwelling Units (Permitted Use)

Conditional Uses:

The following uses are permitted in this District after approval of a conditional use permit by the Zoning Board of Adjustment:

1. Sand and gravel pits, subject to Section 413
2. Cemeteries
3. Public and private outdoor recreation
4. Accessory Dwelling Units (Conditional Use)
5. Bed and Breakfasts

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

	Within 1/4 mile of Town Road	Over 1/4 mile from Town Road
Minimum lot size per 1 or 2 family unit	3 acres	5 acres
Minimum lot frontage	200 feet	300 feet
Minimum lot depth	200 feet	200 feet
Minimum building setback from center of road	65 feet	65 feet
Minimum building setback from side lot lines	25 feet	25 feet
Minimum building setback from rear lot line	25 feet	25 feet
Maximum building height	35 feet	35 feet
Maximum coverage of lot by buildings	30.00%	30.00%
Off street parking spaces per dwelling unit	2	2

Section 607: Mill Hill Industrial/Commercial District

The perimeters of the district include all or portions of Northfield Town Tax Map Number and parcels 1, 22, 57, 58, 59, 65, 66, and 74. The boundary of the district is designated starting with the southerly boundary of parcel 22 and continuing north along that boundary to the town Highway known as "Lover's Lane" and then north and west along that Highway to the northwest boundary of parcel 74; then northeast and east along that boundary to a point on the easterly side of Vermont Route 12 which causes a straight line to proceed southerly in conjunction with the easterly boundary of parcel 59 to the eastern boundary of parcel 1; and then westerly along that boundary to Vermont Route 12.

Purpose

The purpose of the Mill Hill Industrial/Commercial District is to provide a concentrated area capable of absorbing new commercial/industrial uses arising from the area's accessibility to the Interstate 89 access road.

Permitted Uses

In the Mill Hill Industrial/Commercial District, the following uses are permitted:

1. One or two family dwelling units
2. Professional, personal service or business office (not less than 1500 square feet and no more than 3000 square feet)
3. Retail store (not less than 1500 square feet and no more than 3000 square feet)
4. Municipal facility
5. Accessory Dwelling Units (Permitted Use)

Conditional Uses

The following uses are permitted in this District after approval of a conditional use permit by the Zoning Board of Adjustment:

1. Professional, personal service or business office (more than 3000 square feet)
2. Retail store (more than 3000 square feet)
3. Restaurant
4. Any warehouse or storage facility
5. Gasoline and/or service station
6. Light industry
7. Mixed use building
8. Accessory Dwelling Units (Conditional Use)

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

Lot Size Minimum	1 acre
Building coverage Maximum	30.00%
Height Limitation	35 feet
Setbacks:	
Front Yard	50 feet from street line
Side Yard	15 feet
Rear Yard	25 feet
River and Streams	50 feet from edge of stream
Road Frontage	200 feet per designated use

Changes in Town Zoning Map:

1. Recreation District divided into Recreation A and Recreation B - boundaries defined in text of Ordinance.
2. Urban Residential District: Boundaries of the District in area south of intersection of Route 12 and 12A, on Route 12A, remain unchanged from 1978 map.
3. Mill Hill Industrial/Commercial District: The perimeters of the Mill Hill Industrial/Commercial District include all or portions of Northfield Town Tax Map Number and parcels 1, 22, 57, 58, 65, 66, and 74. The boundary of the District is designated starting with the southerly boundary of parcel 22 and continuing north along that boundary to the Town Highway known as "Lover's Lane" and then north and west along that Highway to the northwest boundary of parcel 74; then northeast and east along that boundary to a point on the easterly side of Vermont Route 12 which causes a straight line to proceed southerly in conjunction with the easterly boundary of parcel 59 to the eastern boundary of parcel 1; and then westerly along that boundary to Vermont Route 12.

Article VII. Village Zoning District Regulations

Section 701: Low Density Residential District (LDR)

Permitted uses:

1. Single or two family dwellings
2. Accessory buildings
3. Agricultural and accessory uses
4. Planned Residential Development
5. Accessory Dwelling Units (Permitted Use)

Conditional uses:

The following uses are permitted in this District after approval of a conditional use permit by the Zoning Board of Adjustment:

1. Multi-family dwellings
2. Government buildings
3. Cemeteries
4. Public and private recreation facilities
5. Utility rights of way and related structures
6. Sand or gravel extraction as specified in Section 500(3)
7. Accessory Dwelling Units (Conditional Use)
8. Bed and Breakfasts

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

	With both Municipal Water and Sewer	With either Municipal Water or Sewer	Without Municipal Water and Sewer
Minimum lot size per dwelling unit	1/4 acre	1/2 acre	1 acre
Minimum lot frontage	100 feet	100 feet	150 feet
Minimum lot depth	100 feet	100feet	150 feet
Minimum building setback from street line	40 feet	40 feet	40 feet
Minimum building setback from side lot line	10 feet	10 feet	10 feet
Minimum building setback from rear lot line	10 feet	10 feet	10 feet
Maximum building height	35 feet	35 feet	35 feet
Maximum coverage of lot by building	30.00%	30.00%	30.00%
Parking spaced per unit	2	2	2

Section 702: Residential A

Permitted uses:

1. Single family dwellings
2. Accessory buildings
3. Accessory Dwelling Units (Permitted Use)

Conditional Uses:

The following uses are permitted in this District after approval of a conditional use permit by the Zoning Board of Adjustment:

1. Professional offices
2. Utility rights of way and related structures
3. Government Buildings
4. Two family dwellings
5. College or universities accredited by the New England Association of Schools and Colleges
6. Accessory Dwelling Units (Conditional Use)
7. Bed and Breakfasts

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

Minimum lot size per dwelling unit	1/4 acre
Minimum lot frontage	75 feet
Minimum lot depth	100 feet
Minimum building setback from street line	25 feet
Minimum building setback from side lot lines	10 feet
Minimum building setback from rear lot lines	10 feet
Maximum building height	35 feet
Maximum coverage of lot by building	30.00%
Parking spaces per unit	2

Section 703: Residential B

Permitted uses:

1. Single family dwellings
2. Accessory buildings
3. Accessory Dwelling Units (Permitted Use)

Conditional Uses:

The following uses are permitted in this District after approval of a conditional use permit by the Zoning Board of Adjustment:

1. Two family dwellings
2. Multi-family dwellings
3. Professional Offices
4. Places of worship, including parish houses
5. Schools, colleges or other educational institutions accredited by the New England Association of Schools and Colleges plus by the Vermont Department of Education
6. Philanthropic institutions or health care facilities

7. Commercial dog or veterinary kennel
8. Cemeteries
9. Government buildings
10. Utility rights of way and related structures
11. Tourist Homes/Bed and Breakfasts
12. Accessory Dwelling Units (Conditional Use)

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

	With Municipal Water & Sewer
Minimum lot size per dwelling until	1/4 acre
Minimum lot frontage	75 feet
Minimum lot depth	100 feet
Minimum building setback from street line	25 feet
Minimum building setback from side lot lines	10 feet
Minimum building setback from rear lot lines	10 feet
Maximum building height	35 feet
Maximum coverage of lot by building	30.00%
Parking spaces per unit	2
Off street Parking Spaces per Tourist Home/Bed and Breakfast Rental Unit	1

Section 704: Business (Commercial)

Permitted Uses:

1. Professional Offices
2. Mortuaries and funeral parlors
3. Theaters (except drive-in theaters)
4. Hotels, motels and guest houses
5. Restaurants
6. Retail and personal service stores
7. Motor vehicle sales, service stations and repair garages (separate requirements)
8. Government buildings
9. Lumber and building material and equipment sales and storage; bulk storage, including

warehouses; oil and gas storage; and truck terminals.

Conditional Uses:

The following uses are permitted in this District after approval of a conditional use permit by the Zoning Board of Adjustment:

1. Utility rights of way and related structures
2. One and two family dwellings
3. Multi-family dwellings
4. Accessory Dwelling Units (Conditional Use)

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

Minimum lot size per dwelling or business unit	1/4 acre
Minimum lot frontage	75 feet
Minimum lot depth	100 feet
Minimum building setback from street line	10 feet
Minimum building setback from side lot lines	10 feet
Minimum building setback from rear lot lines	10 feet
Common sidewall construction permitted	
Maximum building height	4 stories
Maximum coverage of lot by building	80.00%
Parking spaces for non-residential uses	1/300 Sq. Ft. of floor space
Parking spaces per dwelling unit	2

Section 705: Industrial

Conditional Uses:

The following uses are permitted in this District after approval of a conditional use permit by the Zoning Board of Adjustment:

1. Utility rights of way and related structures
2. Government buildings
3. Shopping Center
4. Manufacturing
5. Motor Vehicle Sales
6. Retail and personal service stores

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

Minimum lot size per unit	½ acre
Minimum lot frontage	100 feet
Minimum lot depth	100 feet
Minimum building setback from street line	25 feet
Minimum building setback from side lot line	10 feet
Minimum building setback from rear lot line	10 feet
Maximum building height	4 stories
Maximum coverage of lot by building	50.00%
Parking Spaces	1 per 300 sq. ft. floor area

Section 706: Recreation District

These lands shall be set aside for outdoor recreation.

Permitted Uses:

Public and private outdoor recreation

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

Minimum lot size	5 acres
Minimum lot frontage	200 feet
Minimum lot depth	200 feet
Minimum building setback from center of road	65 feet
Minimum building setback from side lot lines	200 feet
Minimum building setback from rear lot lines	200 feet
Maximum building height	35 feet
Maximum coverage of lot by building	30.00%