



2024

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

“Northfield Zoning Regulations”

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December 27, 1977
July 24, 1986
May 23, 1990
July 1, 1999
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1.0 AUTHORITY and PURPOSE

1.1 Enactment.

In accordance with the Vermont Planning and Development Act, Title 24 VSA Chapter 117 (hereinafter referred to as 24 VSA Chapter 117), the Town of Northfield establishes subdivision and zoning regulations which are set forth in the text and maps that constitute these regulations. These regulations shall be known and cited as the “Northfield Zoning Regulations.”

1.2 Intent and Purpose.

It is the intent and purpose of these regulations:

- 1.2.1 To promote the public health, safety, and welfare, and reduce the potential for fire, floods, explosions, and other dangers.
- 1.2.2 To implement the goals and objectives of the adopted Northfield Town Plan in accordance with its vision and goals.
- 1.2.3 To encourage and promote development that furthers the goals of the Northfield Town Plan for the area in which it is sited, in the villages and wider town, while preserving Northfield’s land, forest, water, wildlife, and air resources for present and future generations.
- 1.2.4 To protect common historic and cultural resources for the benefit of the public.
- 1.2.5 To provide for a strong and diverse economy.
- 1.2.6 To promote and encourage the use of renewable energy resources.
- 1.2.7 To celebrate and enhance the quality of the unique neighborhoods, businesses, and history of the Town of Northfield.
- 1.2.8 To encourage where designated by regulation appropriate architectural design.
- 1.2.9 To encourage development of a rich cultural environment and to foster the arts.

1.3 Applicability.

In accordance with 24 VSA Chapter 117, except as specifically exempted in these Regulations or 24 VSA Chapter 117, no land development or subdivision of land shall commence except in conformity with these Regulations. Any land development or subdivision not specifically allowed by these Regulations shall be deemed to be prohibited.

1.4 Effective Date.

In accordance with 24 VSA Chapter 117, these regulations shall take effect twenty-one (21) days from the date of adoption by a majority of the members of the Northfield Select Board. All zoning and subdivision regulations previously in effect for the Town of Northfield are repealed as of the effective date of these regulations.

1.5 Amendment.

These regulations, including any zoning maps incorporated by reference, may be amended or repealed only in accordance with the requirements and procedures established in 24 VSA §4441 and §4442.

1.6 Interpretation.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare. The provisions of these regulations shall not be construed to abrogate or annul the provisions of other ordinances or regulations, or to impair private restrictions placed upon property. Where these regulations impose a greater restriction than imposed or required by other provisions of law or by other laws, rules, resolutions, or ordinances, the provisions of these Regulations shall control.

1.7 Severability.

Should any provision of these regulations be found by the courts to be 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.

2.0 PROCEDURES and ADMINISTRATION

2.1 Applicability of Vermont Planning & Development Act.

The provisions of 24 VSA Chapter 117 shall govern all matters related to these regulations, including but not limited to the following:

- 2.1.1 Administration and enforcement of these regulations.
- 2.1.2 The effect of the adoption of these regulations.
- 2.1.3 The appointment and powers of the Zoning Administrator.
- 2.1.4 The appointment and powers of the Development Review Board (DRB).
- 2.1.5 Requirements for zoning permits and other approvals.
- 2.1.6 Penalties and remedies.
- 2.1.7 Administration and finance.
- 2.1.8 Public notice.
- 2.1.9 Appeals and granting of variances.

2.2 Administration.

2.2.1 Administrative Officer/ Zoning Administrator.

- A. An Administrative Officer, who shall hereinafter be referred to as the Zoning Administrator, is hereby appointed as authorized in 24 VSA Chapter 117 §4448 to administer these regulations.
- B. The Zoning Administrator shall be appointed for a term not to exceed three (3) years, following nomination by the Planning Commission and appointment by the Selectboard.
- C. The Zoning Administrator shall administer the regulations literally and shall not permit any land development that is not in conformance with these regulations.
- D. The Zoning Administrator shall inspect land developments, maintain records of his/her actions, report periodically to the public, the Planning Commission, Development Review Board, and the Legislative Bodies, and perform all other necessary tasks to carry out the provision of these regulations and the duties of his/her office.
- E. 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 during an extended absence, which may include annual vacation in excess of seven (7) concurrent business days.

2.2.2 Planning Commission.

- A. As set forth in 24 VSA Chapter 117, there is hereby established a Planning Commission for the Town of Northfield. Terms of appointment for members and operating procedures shall be in accordance with 24 VSA §4323. The Planning Commission shall carry out powers and duties as specified in 24 VSA §4325.
- B. All members of the Planning Commission shall be residents of the Town of Northfield.

2.2.3 Development Review Board.

- A. In accordance with 24 VSA Chapter 117, there is hereby established a Development Review Board (hereinafter “DRB”) for the Town of Northfield consisting of not less than five (5) nor more than nine (9) members who shall be appointed by the Selectboard.
- B. Terms of appointment for permanent and alternate members shall be in conformity with the 24 VSA §4460.
- C. All members of the DRB shall be residents of the Town of Northfield.
- D. Alternates may be appointed for a term to be determined by the Selectboard to serve on the DRB in situations when one (1) or more members of the board are disqualified or are otherwise unable to serve.
- E. The DRB shall have all review functions specified in these regulations and in 24 VSA §4460(e). It shall carry out review procedures, elect officers, adopt rules of procedure, and otherwise conduct business as specified in 24 VSA §4461.
- F. A resident may serve concurrently on both the Planning Commission and on the DRB.

2.2.4 Decisions and Conditions.

All development review applications coming before the DRB shall follow the procedures set forth in 24 VSA §4464(b).

2.2.5 Bonding and Surety.

The DRB may require a bond or surety as set forth in 24 VSA §4464(b)(4) through (6).

2.2.6 Hearing and Notice Requirements.

- A. As required under 24 VSA §4464(a)(1), a warned public hearing shall be required for conditional use review, variances, Zoning Administrator appeals, and final plat review for subdivisions. Any public notice for a

warned public hearing shall be given not less than fifteen (15) days prior to the date of the public hearing by all the following:

1. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected.
 2. Posting of the same information in three (3) or more public places within the municipality in conformance with location requirements of 1 VSA §312 (c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made.
 3. Posting of the date, place, and purpose of the hearing on the Town of Northfield website, in the manner specified by the Town Clerk.
 4. 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 prerequisite to the right to take any subsequent appeal.
- B. As required under 24 VSA §4464(a)(2), public notice for hearings on all other types of development review, including site plan review, shall be given not less than seven (7) days prior to the date of the public hearing, and shall include at a minimum all the following:
1. Posting of the date, place, and purpose of the hearing in three (3) or more public places within the municipality in conformance with the time and location requirements of 1 VSA §312(c)(2).
 2. Written notification to the applicant and to the owners of all properties adjoining the property subject to development, without regard to right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
- C. 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.

D. As set forth in 24 VSA §4464(a)(5), no defect in the form or substance of any requirements in this Section shall invalidate the action of the DRB 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.

2.3 Permit and Review Procedures.

2.3.1 Types of Applications; Review Body.

Applications for development are subject to review by the Zoning Administrator, by the DRB, or by other parties as indicated in Table A below:

Table A. Types of Permits or Reviews; Reviewing Bodies

Type of Permit or Review	Reviewing Body
Sign Permit	Zoning Administrator
Zoning Permit	
Certificate of Occupancy	
Administrative Site Plan	
Lot Line (Boundary) Adjustment	
Site Plan	Development Review Board
Dimensional Waiver	
Conditional Use	
Subdivision	
Planned Unit Development	
Variance	
Appeal of Zoning Administrator Decision	
Approval to Build without Road Frontage	

Other Permits	Reviewing Body
Sewer/Water Connection	Town of Northfield
Septic (On-Site Wastewater) Permit	VT Department of Environmental Conservation
Driveway/Curb Cut/Roadway Access	Town Manager

2.4 Activities Exempt from Zoning Permits.

2.4.1 No zoning permit shall be required for the following activities:

- A. Accepted agricultural practices (AAPs) and accepted management practices (AMPs) for silviculture as defined by their respective regulating agency or department.
- B. Net-metered power generation and transmission facilities as regulated by the Vermont Public Utilities Commission.
- C. *De minimis* land development activity including but not limited to:
 1. Normal maintenance, repair, renovation, or replacement of an existing structure that does not result in exterior alterations or expansion of a building footprint, or a change in use.
 2. Wholly subterranean structures, excluding in-ground swimming pools.
 3. Demolition or razing of structures that do not have a permanent foundation or do not exceed one hundred square feet (100 SF) in area.
 4. Exterior alterations to structures that do not result in any change to the footprint, height, or location of the structure, or a change in use.
- D. Interior alterations or repairs to a structure that do not result in exterior alterations or expansion or a change in use, or, where connected to the Town of Northfield water and wastewater systems, affect the approved wastewater capacity.
- E. Residential entry stairs (excluding decks and porches) and walkways. Such structures, however, shall conform with setbacks defined in these regulations, and shall be recorded in the Town of Northfield Land Records.
- F. Access ramps or other features providing accessibility for the disabled, which shall be exempt from setback regulations but which shall be recorded in the Northfield Land Records.

- G. Fences less than seven feet (7') in height. Such structures, however, shall not extend into or obstruct public rights-of-way, or interfere with corner visibilities or sight distances for vehicular traffic. This exemption does not apply to retaining walls, which are governed under Section 5.15.2.
- H. Minor grading and excavation associated with road and driveway maintenance or drainage, excluding extraction and quarrying activities regulated under Section 5.10.1.
- I. Outdoor recreational pursuits and trails (i.e., walking, hiking, riding, cross-country skiing, and snowmobile trails) and playing fields on private property that do not require the installation of structures or parking areas.
- J. Small accessory buildings associated with conforming single, two (2), or three (3) unit residential uses, which have less than one hundred square feet (100 SF) of floor area, are less than eight feet (8') in height, do not have a permanent foundation, and are not located within required setback areas.
- K. Play structures accessory to a one (1), two (2), three (3), or four (4) unit dwelling, provided any such structures are set back a minimum of five feet (5') from any adjacent property line and do not exceed the scale usual and customary to private residential use.
- L. Tree houses accessory to a one (1), two (2), three (3), or four (4) unit dwelling, constructed and intended for play, and without enclosed or weatherized spaces.
- M. Installation of building-mounted receivers or free-standing satellite dishes with a diameter less than thirty-six inches (36").

2.4.2 Notwithstanding the foregoing, any property owner engaging in the *de minimis* land development activities under 2.4.1 shall file a Notice of De Minimis Land Development on a form specified by the Town, describing the activity, which shall be recorded in the Town of Northfield Land Records.

2.4.3 Demolition of structures exceeding one hundred square feet (100 SF) in area or with a permanent foundation, including removal of debris from fire, flood, or storm damage, shall require a zoning permit.

2.5 Zoning Permits.

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

Board may at its discretion establish types of activities for which the zoning permit fee shall be waived.

2.5.1 Application Requirements.

- A. The Zoning Administrator shall not issue a zoning permit unless a complete application, including all required fees and plans, has been submitted in accordance with these Regulations, and, where required, prior approval has been granted by the DRB.
- B. An application for a zoning permit shall be filed with the Zoning Administrator on a form provided by the Town. Required application fees shall be submitted with each application.
- C. The following information, as applicable, shall be submitted on a site plan, drawn to scale:
 1. Dimensions of the lot.
 2. Location, footprint, and height of existing and proposed structures or additions.
 3. Location of existing and proposed easements and Rights-Of-Way.
 4. Location of required and proposed setbacks to property boundaries (including public Rights-Of-Way).
 5. Existing surface waters and wetlands as presently indicated in the Vermont Natural Resources Atlas (<https://anrmaps.vermont.gov/websites/anra5/>) or, if not currently included in the Atlas, as delineated by a qualified natural resources professional.
 6. Where applicable, location of existing and proposed water and wastewater systems.
 7. Locations and dimensions of vehicle parking spaces for normal use.
 8. Where applicable, locations and dimensions of vehicle and pedestrian access and circulation, including emergency vehicles.

2.5.2 Required Action by the Town.

- A. If the Zoning Administrator fails to act with respect to a complete application for a permit within thirty (30) days, whether by issuing a decision or making a referral to the DRB, a permit shall be deemed issued on the thirty-first (31st) day.
- B. No permit shall take effect until the time for appeal has passed, or in the event a notice of appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the DRB is complete and the time for

taking an appeal to the Environmental Court has passed without an appeal being taken. If an appeal is taken to the Environmental Court, the permit shall not take effect until the Environmental Court rules in accordance with 10 VSA §8504 on whether to issue a stay, or until the expiration of fifteen (15) days, whichever comes first. Each permit issued under this section shall contain a statement of the time period 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.

- C. Within three (3) days following the issuance of a permit, the Zoning Administrator shall:
 - 1. Deliver a copy of the permit to the Listers of the Town of Northfield.
 - 2. Post a copy of the permit in at least one (1) public place in the municipality until the expiration of fifteen (15) days from the date of issuance of the permit.
- D. Within thirty (30) days after a municipal land use permit has been issued or within thirty (30) days of the issuance of any notice of violation, the Zoning Administrator shall:
 - 1. Deliver the original or a legible copy of the permit or notice of violation to the town clerk for recording.
 - 2. File a copy of the permit in the municipal office where all such permits shall be kept.
- E. The Zoning Administrator shall charge the applicant for any cost of the recording fees that may be applicable.

2.5.3 Permit Duration.

- A. If the zoning permit is approved, all activities authorized by its issuance shall be completed within two (2) years of its date of issue, or the zoning permit shall become null and void. Application for a one (1) year extension of a permit may be submitted to the Zoning Administrator prior to the expiration of the original permit and shall be approved by the Zoning Administrator, provided that there is no change in either the proposed development or the regulations of the zoning district in which it is proposed.
- B. Any project for which substantial improvement has not commenced within two (2) years of the date of issuance of a Zoning Permit shall be deemed abandoned.

2.6 Certificates of Occupancy.

2.6.1 Certificate of Occupancy Required.

No use or occupancy of any land or structure requiring conditional use or site plan approval from the DRB, and no new dwelling unit or the addition of habitable space to a structure shall be occupied or used in whole or in part for any purpose until a Certificate of Occupancy is issued by the Zoning Administrator.

2.6.2 Temporary Certificate of Occupancy.

Upon request of the holder of the applicable permit, the Zoning Administrator may issue a temporary Certificate of Occupancy for a part of a building or use for a period of up to one (1) year. Such approval may be extended for up to two (2) additional years upon application to the Zoning Administrator and submission of a plan for completion of the project.

2.6.3 Application.

- A. An application for a Certificate of Occupancy shall be filed with the Zoning Administrator upon completion of the project on a form provided by the Town.
- B. Required application fees, as set by the Select Board, also shall be submitted with each application.
- C. Within fifteen (15) days of receipt of a complete application, including all application materials and fees, the Zoning Administrator shall act to issue or deny a Certificate of Occupancy in writing. If the Zoning Administrator fails to act within the fifteen (15) day period, a permit shall be deemed issued on the sixteenth (16th) day.
- D. A Certificate of Occupancy shall not be issued until the Zoning Administrator determines that the use of the structure or land conforms with all terms and conditions of all permits and approvals.

2.6.4 Energy Certification.

In accordance with, 21 VSA §266 (residential building energy standards) or §268 (commercial building energy standards), provision of an energy certificate shall be a condition precedent to the issuance of a Certificate of Occupancy.

2.6.5 A Certificate of Occupancy may be revoked or canceled by the Zoning Administrator if an owner or occupant of a property is in violation of these regulations.

2.6.6 Additional Requirements.

Requirements for notification of appeal periods, posting, recording, and filing of a Certificate of Occupancy shall be the same as for a Zoning Permit as specified in Section 2.6.3 above.

2.6.7 Certification for Mobile Home (Manufactured Housing) Installations.

An applicant for a Certificate of Occupancy for a mobile home or manufactured home shall provide the Zoning Administrator with an inspection report verifying that the home was installed by an installer licensed by the Department of Housing and Urban Development, and properly inspected in accordance with Department of Housing and Urban Development regulations.

2.7 Conceptual Discussion.

2.7.1 Any applicant may schedule a preliminary conceptual discussion with the DRB prior to developing and submitting a formal application for review under this Section. The purpose of such discussion is to explore possible concepts for developing a site without requiring detailed surveying or engineering data and to provide for an informal exchange of ideas.

2.7.2 The Conceptual Discussion shall not be binding and shall not result in approval or denial of any application, nor shall such discussion imply approval or denial if formal application is made.

2.7.3 Materials provided for the conceptual discussion generally may include a site plan showing major features of the site, a north arrow, the general location of the site within the municipality, and sketches of possible development approaches.

2.8 Administrative Site Plan Review.

2.8.1 The Zoning Administrator is hereby authorized to conduct administrative review and approval of site plan and design review applications for principal permitted uses as provided below. Any decision by the Zoning Administrator under this Section may be appealed as provided in Section 2.16 of these regulations.

2.8.2 Any alteration of an approved land use that has the potential to increase the volume of business, expand the services offered by a use, or otherwise has the potential to increase the intensity of use on a property shall require review by the DRB.

2.8.3 Determination of Eligibility.

A. The Zoning Administrator shall determine the eligibility of applications for Administrative Review.

- B. The Zoning Administrator may review, approve, approve with conditions, or deny administrative amendments to site plans if the proposed amendments meet one (1) or more of the following thresholds and criteria:
1. Relocation of site improvements and/or accessory structures that have been previously approved, provided that such relocations meet the standards for building locations and do not alter the approved coverage for the site or create an undesirable conflict with adjoining properties.
 2. Re-approval of plans if a permit issued by the DRB has expired within the preceding six (6) months and no changes or alterations of any kind are proposed, including those outlined in (4) below.
 3. Approval of plans showing as-built adjustments beyond standard field changes as provided in Section 2.9, provided that such adjustments do not require the amendment of any condition of approval in the most recent findings of fact.
 4. Minor alterations to an approved landscaping plan such as substitution of appropriate similar species or landscaping or hardscaping material, provided that the landscaping proposed in the amended plan is equal to or exceeds the landscaping approved by the DRB.
 5. Changes in use of all or part of a building or structure with prior site plan approval to a permitted use in the applicable zoning district, provided the proposed use, whether solely or in combination with other uses subject to the same approval, will not result in any permitting requirement or threshold being exceeded or violated and where no new parking is required.
 6. Minor additions or alterations to existing structures necessary for compliance with fire safety or building code requirements.
 7. Approval of a Home Occupation under Section 5.9 of these regulations.

2.9 Field Changes and As-Built Plans.

- 2.9.1 During construction of an approved project, the Zoning Administrator may authorize or require, at their discretion, minor adjustments to an approved plan when such adjustments are necessary in light of technical or engineering considerations, the existence of materiality of which was first discovered during actual construction. Such minor adjustments shall be consistent with the findings and intent of the approved plan.

- 2.9.2 Where unforeseen conditions are encountered which require a material change to an approved plan or where the applicant wishes to modify the approved plan for other reasons, an application for amendment shall be filed with the DRB or Zoning Administrator, as applicable.

Upon completion of any project pursuant to an approved field change, and prior to issuance of a Certificate of Occupancy, the applicant shall submit to the Zoning Administrator an as-built plan showing the location of all site improvements as constructed. If the Zoning Administrator determines that variations from the approved plan exist, an application for amendment of the plan shall be filed with the DRB.

- 2.9.3 Reporting of Decisions.

All administrative approvals shall be reported by the Zoning Administrator to the DRB at its next meeting following the date of the approval, and all such decisions of the Zoning Administrator shall state that the decision may be appealed in accordance with State law.

- 2.10 Development Review Board Procedures.

- 2.10.1 Concurrent Review.

- A. Where an application is subject to two (2) or more standards or types of review by the DRB, every effort shall be made to conduct reviews concurrently, and to issue unified and consistent findings.
- B. Where a conditional use permit is required in conjunction with site plan approval, the DRB shall make the determination on the conditional use permit and on the site plan permit required for the conditions use, and shall issue one (1) set of findings of fact pertaining to both applications.

- 2.10.2 Site Visits.

To verify the location of proposed improvements and to evaluate conformity of the application with the standards of these regulations and the Northfield Town Plan, the DRB may make a site visit and may, at its discretion, require the applicant's attendance at the site visit.

- 2.10.3 Independent Technical Review.

Pursuant to 24 VSA §4440(d), the DRB may require an applicant to pay for the reasonable costs of an independent technical review of an application or related legal documents. Such determination shall be made at the first public hearing held regarding the application. Where Independent Technical Review is deemed appropriate:

- A. The Zoning Administrator shall prepare and the DRB shall approve a detailed scope for any technical review.

- B. The scope shall be limited and relevant to the specific review criteria in these regulations upon which the Board is required to base its decision on the application.
- C. The scope shall require that the review be completed in a timely manner as specified by the DRB.
- D. The DRB, in consultation with the Select Board, shall retain a qualified and (where applicable) licensed individual or firm qualified in the pertinent field(s) to conduct the technical review.
- E. The cost of the review shall be paid for by the applicant, in accordance with procedures established by the Select Board.

2.10.4 Application Requirements.

- A. Application to the DRB shall be made on a form specified by the Town for the applicable type of approval. Any application shall include, at a minimum, the following information, in addition to any information required by the specific type of application proposed:
 - 1. A completed application form signed by all landowners of record and the applicant(s).
 - 2. A location map at least eight and one half inches by eleven inches (8 ½" x 11") indicating the location of the application, utilizing the Vermont Agency of Natural Resources Atlas.
 - 3. One (1) full size and six (6) eleven inch by seventeen inch (11" x 17") copies and a copy of the electronic files of the plan containing all information required under the applicable provisions of these regulations. Electronic files shall be submitted as Portable Document Format (PDF) files.
 - 4. Any additional letters, supporting documents, or other information required pursuant to these regulations.
- B. The Zoning Administrator shall make a determination when any required items are not pertinent to the application and shall determine when an application is complete.

2.10.5 Notice Requirements.

- A. In accordance with 24 VSA §4464(a)(1)(c), the Town of Northfield shall notify all owners of adjoining property of an application for development, and all persons that hold easements on the applicant's property, without regard to any public right-of-way.
- B. The notification shall include a description of the proposed project, and shall inform the recipient where additional information may be

obtained, and that participation in the local proceeding is a prerequisite to any subsequent appeal.

- C. The Town Clerk shall provide the DRB with proof of notice, via certified or registered mail, provided to adjoining landowners and easement holders.
- D. The Town Clerk shall provide the DRB with the names and addresses of the adjoining landowners, a copy of the notice provided to those landowners, and certification that the notice was forwarded to the landowners.

2.10.6 Public Hearing; Public Notice.

- A. For applications for which a public hearing is required, upon the determination of the Zoning Administrator that an application is complete, a public hearing shall be warned in accordance with 24 VSA §4464. The DRB shall hear proposed applications, and as applicable shall hold a properly warned public hearing, within sixty (60) days of a determination of complete application.
- B. Public notice for hearings on all other types of development review, including site plan review, shall be given not less than seven (7) days prior to the date of the public hearing, in accordance with 24 VSA §4464.

2.10.7 Revision of Application.

Any revisions to the application shall be submitted to the Zoning Administrator at least seven (7) days before the public hearing or meeting of the DRB, unless such revisions are requested by an employee of the Town of Northfield pursuant to review of the application.

2.10.8 Hearing Recess.

The DRB may recess any application process pending the submission of additional information. Any such recess shall stay the forty-five (45) day review period specified in 2.10.9(E) below. The DRB shall adjourn the hearing promptly after all parties have submitted requested information and all parties present for the hearing have had the opportunity to be heard.

2.10.9 Decision.

- A. The DRB shall act to approve, approve with conditions, or deny an application within forty-five (45) days of the date that the public hearing is adjourned.

- B. The DRB shall issue a written decision to include findings, conditions of approval, and provisions for appeal to the Environmental Division in accordance with 24 VSA §4464(b).
- C. The decision shall be sent by certified mail to the applicant within the forty-five (45) day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing.
- D. All decisions shall be recorded in the land records of the Town.
- E. If the DRB fails to act within the forty-five (45) day period, the application shall be deemed approved on the forty-sixth (46th) day, provided the applicant seeks court affirmation of the deemed approval by direct appeal to the Environmental Division.

2.10.10 Denial.

If the DRB finds that the proposed use or development does not satisfy the purpose and standards of the specified type of review, and that reasonable conditions cannot be attached to the approval to ensure that they will be met, it shall deny the application.

2.10.11 Written Decision.

The DRB shall issue its decision in writing, and shall include a factual basis, and a statement of conclusions. The decision shall be mailed via certified mail to the applicant and/or the appellant in an appeal. Copies of the decision shall be forwarded to all persons appearing and having been heard at the hearing and shall be filed with the Zoning Administrator.

2.10.12 Imposition of Conditions.

In granting any approval, the DRB may attach such reasonable conditions, which shall be related to the impacts of an application and roughly proportional to the anticipated impact of the approved activities or structures, as it may deem necessary to implement the purpose and standards for a specified type of review, and to ensure the proper installation of required improvements. The conditions imposed may include, but shall not be limited to:

- A. A requirement for the installation, operation, and maintenance of such devices and/or such methods of operation as may, in the opinion of the Board, be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, noise, vibration, or similar nuisance conditions.
- B. A requirement that all work and storage of work-related materials associated with a land use be under cover and/or conducted within an enclosed or covered structure.

- C. Modification of the parking requirements in Section 5.13.4 and Table D of these regulations to ensure safe conditions.
- D. An increase in the required setback, or limitation on the height, bulk, or density of a structure or structures.
- E. Supplemental planting, landscaping, fencing, or screening to mitigate visual, erosion and water quality, natural resource protection, or noise issues.
- F. Changes to the location, screening, or specifications of signs, outdoor lighting, service areas, or utility structures to ensure compatibility with adjacent land uses and mitigate impacts on views from public rights-of-way or lands.

2.11 Site Plan Review.

2.11.1 Authority; Applicability of Standards.

- A. The DRB shall have the authority to review and approve, approve with modifications, or disapprove applications for Site Plan approval, in accordance with the procedures and standards set forth in this Section 2 and the standards and criteria enumerated in Section 5.13.
- B. The required content of a site plan application, specific criteria, requirements for approval, and standards specific to uses are set forth in Section 5.13.

2.11.2 General Approval Criteria.

In reviewing Site Plans under the procedures set forth in Section 2.10, the DRB shall make findings that the Site Plan is consistent with relevant and applicable goals of the Northfield Town Plan in effect, all specific standards, and requirements for the proposed use as set forth in Section 5.13 of these Regulations, and the general criteria for Site Plan Approval in (A) through (J) below, as applicable:

- A. The land use in the approved site plan shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed activity.
- B. The site plan is consistent with the safe and efficient provision of public services and facilities, including fire and police protection and road maintenance.
- C. The site plan provides for safe and effective measures to minimize erosion, prevent flooding on downstream or adjacent properties, and protect the quality of surface waters; the use of green infrastructure

measures and stormwater management practices consistent with the Vermont Stormwater Management Manual is encouraged.

- D. All roadways, culverts, access points, and driveways on the site of the proposed development are to be adequate to serve the proposed use and to meet the Town's adopted standards.
 - E. Water and wastewater services are sufficient to serve the proposed use, as evidenced by issuance of a Vermont Wastewater and Potable Water Supply Permit for the proposed use, or evidence of approved connection to the Town of Northfield wastewater system.
 - F. Where permanent preservation of open space areas is proposed, provision has been made for preservation and maintenance.
 - G. Any off-street parking and loading facilities are sufficient to serve the proposed use without involving the construction of excessive areas of impervious surface.
 - H. Areas for trash handling, utilities, and outdoor storage are sited, screened, and secured in a manner that minimizes visual impacts and prevents pollution and contamination of the site, surface waters, and adjacent properties.
 - I. Locations for entrances and exits are designed to prevent interference with the safe and efficient movement of traffic on surrounding roads and will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
 - J. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with the surrounding neighborhood.
- 2.11.3 When a proposed non-residential use is on a property that abuts a property or properties in a residential zoning district where the proposed non-residential use is not allowed, the DRB may require conditions, such as but not limited to those outlined in Section 2.10.12 above, to protect the abutting property or properties. Such conditions may include increased setbacks, design criteria, screening, moving of the footprint of any structures, and location of curb cuts, and any other conditions the DRB may deem reasonable.
- 2.11.4 Expiration of Site Plan Approval.
- Site plan approval shall expire if a zoning permit is not obtained within one hundred eighty (180) calendar days of the approval unless the DRB grants an extension. The Zoning Administrator, pursuant to Section 2.5.3(A), may

grant an extension of site plan approval for a maximum of one (1) year upon petition of the applicant, and for reasonable and substantial cause.

2.12 Conditional Use Review.

- 2.12.1 No zoning permit may be issued by the Zoning Administrator for any use or structure which requires conditional use approval under these regulations unless and until the DRB approves the proposed use or structure after public notice and hearing as prescribed in these regulations, as conforming to the following standards.
- 2.12.2 Where Site Plan Review is associated with a Conditional Use Review, all criteria under both Section 2.11 (Site Plan Review) and Section 2.12 (Conditional Use Review), along with any other applicable provisions and standards in these regulations shall be met.
- 2.12.3 The proposed conditional use shall not result in an undue adverse effect on any of the following:
 - A. The capacity of existing or planned community facilities.
 - B. The planned 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 Northfield Town Plan.
 - C. When considering the character of the area affected, the neighborhood impact shall be considered.
 1. "Neighborhood" and "Character of the Neighborhood" are defined in Section 8.2.134 and Section 8.2.31, respectively.
 2. The existence of one (1) conditional use in a residential neighborhood will not necessarily be interpreted as justification for another similar conditional use to be located there.
 3. When considering the "planned character of the area or neighborhood," the DRB should consider the following criteria.
 - a. Existing neighborhood uses, types of buildings, noise, and traffic.
 - b. Town Plan objectives, including planned future neighborhoods, neighborhood character enhancement, and prospective changes or transitions in the area's appearance and function required to achieve the Town Plan objectives for future character and function.
 - c. Historic buildings and features, uniformity or mix of uses and buildings, mass and spacing of buildings, scenic views, aesthetics, open space.

- d. Privacy, security, identity, sense of community and cohesion.
- e. Traffic on roads and highways in the vicinity.
- f. Regulations and ordinances then in effect.
- g. Utilization of renewable energy resources.

2.12.4 Imposition of Conditions.

In granting a Conditional Use approval the DRB may attach conditions and safeguards related to ensuring the adequacy of parking, traffic access, and circulation for pedestrians and vehicles; landscaping and screening; the protection of the utilization of renewable energy resources; exterior lighting; the size, location, and design of signs; and the specific standards and objectives of applicable provisions of these regulations. Such conditions may include but are not limited to the conditions set forth in 2.10.12 above.

2.13 Lot Line Adjustments.

2.13.1 Purpose.

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

2.13.2 Requirements.

The realignment or relocation of lot lines between existing adjacent lots may be approved by the Zoning Administrator without DRB review if the following criteria are met. If criteria A through D below are not met, then the application shall be reviewed by the DRB with notice and decision procedures as for site plan review.

- A. The sale or exchange of parcels of land is between adjacent property owners.
- B. No new lots are created by the re-subdivision.
- C. The relocation of the lot line does not result in the creation of a non-conforming lot, structure, or use.
- D. The proposed change does not violate any conditions imposed by the DRB from prior approvals.

2.13.3 Application Submission Requirements.

An applicant must submit a complete application and a new survey of the lands subject to the boundary adjustment.

2.13.4 Filing Requirements for Lot Line Adjustments.

A. Within one hundred eighty (180) days of approval by the Zoning Administrator or DRB, the applicant shall submit a survey plat to the Zoning Administrator with the required filing fee for recording in the Town's Land Records.

B. The following language shall be printed on the plat:

"Approval of this lot line adjustment does not constitute creation of a separate parcel or lot. It simply adjusts the physical location of the common boundary of the adjoining parcels or lots. Any future subdivision of these parcels or lots must be approved by the DRB. This lot line adjustment has been approved pursuant to Section 2.13 of the Town of Northfield Zoning Regulations."

C. The plat shall meet all of the requirements of 24 VSA §4413, clearly indicating the metes, bounds, and ties of each of the affected lots.

2.14 Subdivision and Planned Unit Development Review.

2.14.1 Purpose and Applicability.

A. Purpose.

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

B. Authority.

Pursuant to 24 VSA §4418, as amended, the DRB shall have the authority to review and approve, approve with conditions, or deny an application for the subdivision of land pursuant to the standards in these regulations.

C. Applicability.

Whenever any subdivision of land or Planned Unit Development is proposed, the subdivider or authorized agent shall apply for and secure approval of the proposed subdivision prior to undertaking:

1. Any construction, lot, building, road development, clear cutting (excluding agricultural and silvicultural activities)
2. The issuance of any permit for any land development involving land to be subdivided
3. Any sale, conveyance, or lease of any subdivided portion of a property, and/or

4. The filing of a subdivision plat with the Town Clerk.

2.14.2 Minor and Major Subdivisions.

For the purposes of these regulations, subdivisions shall be classified as minor or major subdivisions in accordance with the following:

A. Minor Subdivisions Shall Include:

1. The subdivision of land or the re-subdivision of a previously subdivided parcel that results in the creation of two (2) lots, regardless of any change in ownership, or
2. Amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval.

B. Major Subdivisions Shall Include:

1. Any subdivision resulting in the creation of three (3) or more lots, or
2. A subdivision creating any number of lots that requires any new road greater than eight hundred feet (800') in length, or
3. Any planned unit development.

2.14.3 Supplemental Information and Technical Review.

In accordance with Section 2.10.3 of these regulations, the DRB may require the applicant to submit additional information to determine conformance with the applicable standards and may require technical review.

2.14.4 Disclosure of Subsequent Development Plans.

Whenever an applicant submits a proposal for development on a minor portion of a parcel, the DRB may require a general indication of the intended uses of the remaining portion of land. Such an indication should include access, type of use, intensity of use, and phasing.

2.14.5 Coordination with Planned Unit Development Review.

Subdivision applications for Planned Unit Developments (PUDs) shall be reviewed as major subdivisions under this Article. Planned Unit Development involving non-residential or multi-family use shall be subject to the criteria for approval of Site Plan Review under Section 2.11.2.

2.15 Planned Unit Development.

2.15.1 Where permitted in the underlying zoning districts, the application of district regulations may be modified by the DRB and is permitted simultaneously with site plan approval under the procedures described in this Section.

2.15.2 The purpose of the Planned Unit Development (PUD) provision is:

- A. To encourage innovation in design and layout and more efficient use of land.
- B. To facilitate the adequate and economic provision of streets and utilities.
- C. To preserve the natural and scenic qualities of open land.
- D. To provide for a mixture of compatible uses.
- E. To promote an improved level of amenities, appropriate and harmonious variety, creative design, and a better environment.
- F. To provide for the development of existing lots which, because of physical, topographical, or geological conditions could not otherwise be developed.

2.15.3 Allowed uses in a PUD shall be any one (1) or more permitted, conditional, or accessory uses allowed in the underlying zoning district. Where the boundaries of a PUD encompass parts of more than one (1) zoning district, no use prohibited in an underlying zoning district shall be allowed to be located, in whole or in part, within that district.

2.15.4 Application, Review, and Approval Procedures.

- A. Pre-application Conference (PUD and Major Subdivision; optional for minor subdivision).
 - 1. One (1) or more pre-application conferences may be held with the applicant, DRB, and interested municipal officials to exchange information and reach an understanding of the nature and scope of the proposal, municipal requirements, and quantitative data necessary for a preliminary application.
 - 2. At least one (1) week prior to the first pre-application conference, the applicant shall submit to the DRB 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 DRB shall furnish the applicant with written comments and appropriate recommendations with respect to the pre-application conference to inform and assist the applicant in the preparation of the preliminary PUD application.

B. Preliminary Plan Application and Review (PUD and Major Subdivision).

1. All PUD and Major Subdivision applications shall be submitted to the DRB in the form prescribed by the Town.
2. The application shall include the information in (a) through (u) below. All dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one hundred feet (100') to the inch, or not more than sixty feet (60') to the inch where lots have less than one hundred feet (100') of frontage, showing or accompanied by the following information:
 - a. Name and address of the owner of record and applicant.
 - b. Name of owners of record of contiguous properties.
 - c. Date, true north arrow, and scale (numerical and graphic).
 - d. Location map, showing the relationship of the proposed project to adjacent property and surrounding area.
 - e. Boundaries and area of:
 - i. All contiguous land belonging to the owner of record.
 - ii. The proposed subdivision.
 - iii. Existing zoning district boundaries.
 - f. Existing and proposed layout of property lines.
 - g. Type and location of existing and proposed restrictions on land, such as easements and covenants.
 - h. Demonstration that lots are laid out in such a way that they can be developed in full compliance with these regulations.
 - i. Location and size of existing and proposed streets and utilities.
 - j. A complete survey of the subdivision, prepared by a licensed land surveyor, showing the location, bearing and length of every street line, lot line and boundary line, and existing and proposed restrictions on the land, including but not limited to access ways and utility easements.
 - k. A statement by the applicant describing the character of the development and the approach to design proposed.
 - l. A development schedule indicating the approximate date when construction or stages of the project can be expected to begin and be completed, where applicable.

- m. Quantitative data indicating the total number and type of dwelling units and other uses, parcel size, proposed lot coverage of buildings and structures, residential density, amount of usable open space, and total amount of non-residential and institutional construction.
 - n. Maps of existing site conditions, including contours at five foot (5') intervals, water courses, flood plains, unique and natural features, and forest cover from the Vermont ANR Natural Resources Atlas or surveys by qualified natural resource professionals.
 - o. The location, building footprint location and dimensions, building envelopes, floor area size and maximum heights of all existing and proposed structures, types of dwelling units and nonresidential structures, and density per type.
 - p. The location and size of all land areas to be conveyed, dedicated, or reserved as common open space, parks, or recreational areas.
 - q. 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.
 - r. Existing and proposed utility systems.
 - s. Landscaping and grading plans, showing the incorporation of stormwater management measures into the proposed site design.
 - t. The proposed treatment of the perimeter of the site, where applicable, including materials and techniques used for visual or sound buffers.
 - u. Any additional information required by the DRB to enable it to evaluate the character and impact of the proposed project.
3. After reviewing the preliminary plan application, the DRB shall advise the applicant of any specific changes or additions it will require as a condition of approval of the plan. Preliminary approval shall constitute authorization to prepare and submit a final plan application and shall be valid for a period of one (1) year from the date of approval.
- C. Public Hearing.

A public hearing shall be held by the DRB after submission of the final plat and all required information to the Zoning Administrator. Such

hearing shall be advertised and warned in accordance with the public notice provisions of 24 VSA §4463.

D. Attendance at Public Hearing Required.

1. The applicant, developer, or duly authorized representative shall attend all required meetings and hearings held under the Northfield Zoning Regulation to review the applicant's or developer's application, including any public meetings or hearings which are continued to a specific time and date.
2. The DRB may disapprove the applicant's or developer's application if the applicant or duly authorized representative fails to attend any such public meetings or hearings.

E. Approval.

The DRB shall, within forty-five (45) days after the close of the public hearing, approve, modify and approve, approve with conditions, or deny such plat. Failure to act within said forty-five (45) days shall be deemed approval. Copies of the DRB decision, along with findings of fact, shall be sent to the applicant.

F. Final Development Plan Application and Review (Major and Minor Subdivision and PUD).

1. Following approval of the preliminary development plan, the applicant for major subdivision or PUD approval shall file with the DRB an application for final approval. The application shall include specific information on all changes in or modifications of the approved preliminary application.
2. An applicant for approval of a minor subdivision shall file with the DRB an application for final approval. Any such application shall contain the relevant and applicable information in 2.15.4(B)2(a) through (u) above.

3. Public Hearing.

Within thirty (30) days of receipt of a final development plan application, the DRB shall hold the first of one (1) or more public hearings in accordance with 24 VSA §4463.

4. Imposition of Conditions.

- a. In granting approval, the DRB may, in addition to the provisions above, attach conditions and safeguards related to ensuring the adequacy of parking, traffic access, and circulation for pedestrians and vehicles; landscaping and screening; the

protection of the utilization of renewable energy resources; exterior lighting; the size, location, and design of signs; and the specific standards and objectives of applicable provisions of these regulations.

- b. Such conditions may include but are not limited to the conditions set forth in Sections 2.11 and 2.12.

5. Performance Bond May Be Required.

To ensure completion of a PUD or subdivision as approved, the DRB may require the posting of a performance bond in an amount to be determined by the DRB.

6. Phasing.

The DRB may require certain streets and other improvements to be completed prior to or during specific phases of construction. For multi-phase projects, open space or recreational facilities may be required to be constructed at each stage of a project in proportion to the number of dwelling units to be developed in a phase of construction as approved by the DRB.

7. Determination.

- a. Within forty-five (45) days after the final public hearing held under (3) above, the DRB shall approve, approve with conditions, or disapprove the application. The applicant shall be sent a copy of the decision by certified mail.
- b. Within ninety (90) days of the DRB approval, the final plat shall be recorded in the office of the Town Clerk as set forth in (G) below.

G. Final Plat Recording.

1. Recording Required.

The approval of the DRB or the certification by the Clerk that the DRB failed to act within forty-five (45) days of the close of the public hearing held under these regulations shall expire one hundred eighty (180) days from the approval or certification unless, within that one hundred eighty (180) day period, that plat shall have been duly filed or recorded in the office of the Town Clerk.

2. Endorsement.

Every approved subdivision plat shall carry an endorsement on the copy to be filed with the Town Clerk stating that the plat has been approved by Decision of the DRB and specifying the date of such

approval, subject to the requirements of said conditions of said Decision and signed and dated by the Chair or Clerk of the DRB.

3. Plat Void if Revised After Approval.

No changes, erasures, modifications, or revisions shall be made on any subdivision plat after approval has been given by the DRB and endorsed in writing on the plat, unless said plat is first resubmitted to the DRB and the DRB approves any modification. In the event that such subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void and the Zoning Administrator shall issue a Notice of Violation.

2.16 Appeals, Including Variances.

2.16.1 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 clerk of the DRB or with the clerk of the Town of Northfield if no such clerk has been elected. This notice of appeal must be filed within fifteen (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 these regulations, an interested person means any 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 regulation, who alleges that the regulation 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 regulation 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 regulation of that municipality.
 4. Any ten (10) persons who may be any combination of voters or real property owners within a municipality listed in section

2.16.1(B)2 above who, by signed petition to the Zoning Administrator of the municipality, the plan or a regulation 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 regulation of that municipality. This petition to the Zoning Administrator must designate one (1) person to serve as the representative of the petitioners regarding all matters related to the appeal.

5. Any department and administrative division of the State of Vermont owning property or any interest in property within the Town of Northfield, and the Agency of Commerce and Community Development of this state.
- C. In the exercise of its functions under this section, the DRB 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 these regulations.
 2. To hear and grant or deny a request for a variance under section 2.16.2 of these regulations.

D. 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.

E. Stay of Enforcement.

1. 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 DRB 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 DRB

deems in its judgment and discretion appropriate under the circumstances.

2. Any stay of enforcement granted under this section shall expire upon the expiration of the time to appeal to the Superior Court.
3. The grant or denial of a request for a stay shall be given in writing by the DRB, and shall be sent by registered or certified mail, or delivered to the appellant within fifteen (15) days of the filing of the notice of appeal with the DRB.
4. Whenever practicable, the DRB 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 (2) public places within the municipality, and by mail to the appellant, at least five (5) days prior to the hearing date. However, the DRB may give abbreviated notice where in its judgment circumstances require prompt action.

F. Hearing on Appeal.

1. The DRB shall set a date and place for a public hearing of an appeal under this chapter that shall be within 60 days of the filing of the notice of appeal under section 24 VSA §4465 and §4466. The Zoning Administrator shall give public notice of the hearing and shall mail to the appellant a copy of that notice at least fifteen (15) days prior to the hearing date.
2. Any person or body with standing under 24 VSA §4465 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.
3. Any hearing held under this section may be adjourned by the DRB from time to time; provided, however, that the date and place of the adjourned hearing shall be announced at the hearing.
4. All hearings under this section shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 VSA §810.

2.16.2 Appeal; Variances.

A. Appeal for Structures other than Renewable Energy Structures.

On an appeal under 24 VSA §4465 or §4471 in which a variance from the provisions of these regulations or an interim regulation is requested

for a structure that is not primarily a renewable energy resource structure, the DRB 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 regulation 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 regulation, 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 regulation and from the plan.

B. Appeal for Renewable Energy Structures.

On an appeal under 24 VSA §4465 or §4471 in which a variance from the provisions of a regulation or interim regulation is requested for a structure that is primarily a renewable energy resource structure, the DRB 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 regulations.
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 regulations and from the plan.

C. Conditions.

In rendering a decision in favor of an appellant under this section, the DRB 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.

D. Decisions on Appeal.

1. The DRB shall render its decision under this section, which shall include findings of fact, within forty-five (45) days after completing the hearing, and shall within that period send to the appellant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing and a copy thereof shall be filed with the Zoning Administrator and the clerk of the municipality as a part of the public records thereof.
2. If the DRB 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.
3. The municipality shall enforce all decisions of the DRB by means of mandamus, injunction, process of contempt, or otherwise.

E. Successive Appeals.

The DRB may reject an appeal or request for reconsideration without hearing, and render a decision, which shall include findings of fact, within ten (10) days of the date of filing of the notice of appeal, if the DRB considers the issues raised by the appellant in the appeal have been decided in an earlier appeal or involve substantially or materially the same facts by or on behalf of that appellant.

F. Appeal to Environmental Division.

1. Any interested person who has participated in a municipal regulatory proceeding authorized within this regulation may appeal a decision rendered in that proceeding by the DRB to the Environmental Division. 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 DRB or from a decision of the municipal Legislative Body under 24 VSA §4415(d), shall be taken in such manner as the Supreme Court may by rule provide for appeals from state agencies governed by 3 VSA §801-§816.

2. Notice of the appeal shall be filed by certified mailing, with fees, to the Environmental Division and by mailing a copy to the Zoning Administrator of the Town of Northfield, if so designated, who shall supply a list of interested persons to the appellant within five (5) 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.

2.17 Violations, Enforcement, and Penalties.

2.17.1 Enforcement, Penalties.

- A. Any person who violates these regulations or who violates a comparable ordinance or regulation adopted under prior enabling laws shall be fined not more than two hundred dollars (\$200) for each offense. Each day that a violation continues shall constitute a separate offense. All fines assessed for violations shall be paid to the municipality.
- B. No action may be brought under this section unless the alleged offender has had at least seven (7) days' warning notice by certified mail. An action may be brought without the seven (7) day notice and opportunity to cure if the alleged offender repeats the violation of the regulation or ordinance after the seven (7) day notice period and within the next succeeding twelve (12) months. The seven (7) day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven (7) days and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) 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.
- C. 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 regulations adopted under this chapter and has been recorded as provided in this chapter, shall be fined not more than two hundred dollars (\$200), 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 to the municipality. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from these penalties or from the remedies provided in 24 VSA Chapter 117.

2.17.2 Enforcement, Remedies.

- A. 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 regulation adopted under this chapter, the Zoning Administrator shall institute in the name of the municipality any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate that construction or use, or to prevent, in or about those premises, any act, conduct, business, or use constituting a violation.
- B. A court action under this section may be initiated in the Environmental Division, or as appropriate, before the judicial bureau, as provided under 24 VSA §1974(a).

2.17.3 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 24 VSA §1974(a), §4451, or §4452 against the alleged offender if the action, injunction, or other enforcement proceeding is instituted within fifteen (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 24 VSA §1154(c) was recorded in the land records of the municipality as required by subsection 24 VSA §4449(c).

- 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 18 VSA, relating to the authority to abate or remove public health risks or hazards.
- D. As used in this section, "person" means any of the following:
 - 1. An individual, partnership, corporation, association, unincorporated organization, trust, or other legal or commercial entity, including a joint venture or affiliated ownership.
 - 2. A municipality or state agency.
 - 3. Individuals and entities affiliated with each other for profit, consideration, or any other beneficial interest derived from real estate.
- E. 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:
 - 1. 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 (5%) of the outstanding shares in the corporation.
 - 2. 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.
 - 3. 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.

3.0 ZONING DISTRICTS

3.1 Zoning Districts and Zoning Map.

The location and boundaries of each zoning district are shown on the adopted “Town of Northfield Zoning Map,” which is incorporated as part of these regulations. The adopted Zoning Map, which is located in the Office of the Town Clerk, shall be the final authority as to the current zoning status of land within the Town.

3.2 Purpose of Districts.

3.2.1 Low Density Residential District (LDR).

The intent of the Low Density Residential District is to preserve open land for agriculture and forestry, and maintain traditional settlement patterns; support and regulate agricultural entrepreneurship; provide more robust protection of source water areas, endangered species habitat, and ridgelines; limit development in upland areas (elevations of one thousand eight hundred feet [1,800'] and above) characterized by steep slopes, thin soils and poor access, best suited for forestry, agriculture, recreation and low-density residential development.

3.2.2 Medium Density Residential District (MDR).

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

3.2.3 High Density Residential District (HDR).

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

3.2.4 Industrial District.

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

3.2.5 Village Center District.

The intent of the Village Center District is to maintain the Northfield Falls and downtown Village Centers with special conditions based on the historic characteristics that support retail, commercial, and higher density residential uses. Additional goals include maintaining the village common as a public gathering area and regulating and maintaining downtown walkability and pedestrian access.

3.2.6 Mixed Use District (Route 12 corridor).

The intent of the Mixed Use District is to support a full range of mixed commercial and high density residential uses along the Route 12 corridor served by town water and sewer while maintaining the downtown as the prominent commercial area. Mixed Uses within one (1) property should be compatible with each other.

3.2.7 Institutional District.

The Institutional District is intended to serve as a unique district with diverse uses and multiple structures on a parcel or group of parcels that all support a common institutional mission, such as universities, schools, and municipal uses. Institutional Districts are located in areas that have municipal water and sewer service.

3.2.8 Interpretation of Boundaries.

- A. The Zoning Administrator shall determine zoning district boundaries according to the adopted Zoning Map. Where uncertainty exists, the Zoning Administrator shall use the following rules ([B] through [F]) to locate any zoning district boundary. An interpretation by the Zoning Administrator of a zoning district boundary may be appealed to the DRB, in accordance with the provisions in Section 2.16.1.
- B. Boundaries indicated as following roads, transportation, or utility Rights-of-Way shall be interpreted as following the centerlines of such features.
- C. Boundaries indicated as following lot lines shall be interpreted as following delineated property boundaries.
- D. Boundaries indicated as following rivers or streams shall be interpreted as following the channel center lines of such features and shall move with the river or stream channel.
- E. Boundaries indicated as parallel or perpendicular to, or extensions of, the above features shall be interpreted as such on the ground.
- F. Distances not specifically indicated on the map shall be determined from the scale on the adopted Zoning Map.

3.2.9 Lots in More Than One (1) Zoning District.

When a lot proposed for land development as defined in these Regulations includes portions in more than one (1) zoning district, the following provisions shall apply:

- A. Any such application for land development shall be subject to approval by the DRB.

In conjunction with such approval, a permitted or conditional use allowable in any of the underlying zoning districts may be sited within one hundred feet (100') of the district boundary.

- B. In conjunction with conditional use or PUD approval, the DRB shall have the authority to waive minimum frontage and setback requirements for structures to be located in more than one (1) district.
- C. However, in no case shall the minimum frontage and minimum setback requirements for the structure be less than the least restrictive standard for either of the districts in which the structure is to be located, unless a waiver is specifically granted by the DRB for the reduction in conjunction with the associated approval.

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4.0 DIMENSIONAL STANDARDS

4.1 Table of Dimensional Standards Established.

- 4.1.1 Except where the text of these regulations provides otherwise, the size and dimension of lots and yards, lot and building coverage limitations, and allowable density for all zoning districts, except the Flood Hazard Overlay District, shall be as shown in Table B, Table of Dimensional Standards.
- 4.1.2 In cases where a lot has frontage on more than one (1) public or private street or right-of-way, the lot shall be deemed a corner lot and shall meet the required front yard requirement along each street.
- 4.1.3 No wall, fence, shrubbery, or other object which obstructs or interferes with traffic visibility shall be erected, planted, or maintained on or near a road, or street curve, or on any corner lot within the triangular area formed by the lot lines along the roads or streets and a line connecting them at points thirty feet (30') from the intersection.
- 4.1.4 Temporary structures shall meet all setback requirements for the applicable zoning district unless a waiver is granted pursuant to Section 4.3 below.
- 4.1.5 The total ground floor area of all structures, parking areas, access drives, and walkways shall not exceed the maximum percentage of lot area as set forth in Table B, Table of Dimensional Standards.

4.2 Required Yards and Setbacks.

- 4.2.1 No part of a required yard or other open space, off street loading and unloading space, or parking space required for any building or use shall be included in calculating the required yard, other open space, off street loading and unloading, or parking space required for any other building or use, unless specifically permitted by these regulations.

4.2.2 Allowable projection in yards.

Every part of a required yard shall be open from the soil to the sky, unobstructed except for a customary driveway, walkways and patios, lawns, trees, shrubbery and gardens, and except for the ordinary projections of sills, belt cornices, pilasters, leaders, chimneys, eaves and ornamental features, and certain architectural features needed for the operation of active and passive solar energy systems, including but not limited to overhangs, detached solar collectors, reflectors and piping, provided that no such projections may extend more than three feet (3') into any required yard.

- 4.2.3 Open or enclosed fire escapes, fireproof outside stairways, handicapped ramps, entrance decks (covered, enclosed or not) and balconies may project into a required yard not more than four and one-half feet (4 ½’).
 - 4.2.4 Accessory buildings may be built within the required side or rear yard defined by the minimum setback. No such accessory building shall be less than ten feet (10’) from any rear or side lot line, occupy more than forty percent (40%) of the required rear yard, nor exceed twenty feet (20’) in height. A garage built into or attached to a dwelling shall not be considered an accessory building, but part of the principal building.
- 4.3 Modification of Setback Requirements by the DRB.
- 4.3.1 The DRB may approve a reduction of up to fifty percent (50%) of the required setback for the applicable zoning district. Application for modification shall be made using the procedures for Site Plan Review or may be requested in conjunction with conditional use, PUD, or subdivision application.
 - 4.3.2 In no case shall a waiver be granted under this provision which would result in a yard setback of less than five feet (5’), except in the Village District.
 - 4.3.3 The DRB may require appropriate plantings or screening or other reasonable conditions that mitigate the impact of the reduced setback upon adjacent property owners.
 - 4.3.4 The DRB shall not approve dimensional waivers within the Flood Hazard Overlay District.
 - 4.3.5 The DRB shall not approve dimensional waivers to reduce any riparian or wetland setback or buffer required under these regulations.
 - 4.3.6 The DRB shall not approve a dimensional waiver to allow a prohibited use, an increase in residential density in excess of the allowed maximum density in Table B, Table of Dimensional Standards, or the approval of a subdivision of a lot that does not conform to the applicable provisions of these regulations.
- 4.4 Frontage and Access.
- 4.4.1 Frontage or Access Required.

Land development may be permitted on lots that do not have frontage on a public highway, provided that, along with other conditions that may be imposed as part of site plan review by the DRB, there is access to such highway by a permanent easement or right of way at least twenty feet (20’) in width, except that this shall be at least fifty feet (50’) in width if access to three (3) or more principal structures is planned or contemplated, or if the access road is shown as a future Town Highway in the Town Plan.

4.4.2 Driveway Standards.

To provide for safe and adequate access:

- A. No driveway shall be constructed in a corridor of land or land area having a width of less than 30 feet (30') at its narrowest point. To provide room for snow, drainage, and landscaping, a driveway shall be set back at least 5 feet (5') from the lot or right-of-way lines.
- B. To provide for fire and ambulance access, driveways shall be constructed and maintained with an unobstructed corridor at least 12 feet (12') in width, minimum vertical clearance of 14 feet (14'), a grade not to exceed ten percent (10%), and a minimum outside radius of curvature of 48 feet (48').

A driveway access shall be constructed in accordance with Vermont Agency of Transportation B-71A (Residential) Standards¹ or B-71B (Commercial) Standards² with respect to sight distance.

- C. Driveways serving more than one (1) property shall be permitted only when the interests of each owner will be protected by an agreement or deed provisions for private, joint maintenance of the common driveway. Driveways serving four (4) or more properties shall be subject to approval by the DRB in accordance with Town Public Highway or Street Standards.
- D. The minimum lot frontage requirements in Table B, Table of Dimensional Standards, apply to all property lines bordering public or private roadways but shall not apply to driveway easements.

4.5 Pre-Existing Small Lots.

- 4.5.1 Except as provided in subsection 4.5.2, any lot that is legally subdivided, is 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 the small lot no longer conforms to minimum lot size requirements, if such lot is not less than one-eighth acre (1/8 ac) in area with a minimum width or depth dimension of 40 feet (40').
- 4.5.2 If an existing small lot subsequently comes under common ownership with one (1) or more contiguous lots after the effective date of said regulations, the nonconforming lot shall be deemed merged with the contiguous lot.

¹

<https://vtrans.vermont.gov/sites/aot/files/planning/documents/permittingservices/stdb71a.pdf>

² <https://vtrans.vermont.gov/sites/aot/files/planning/documents/permittingservices/stdb71b.pdf>

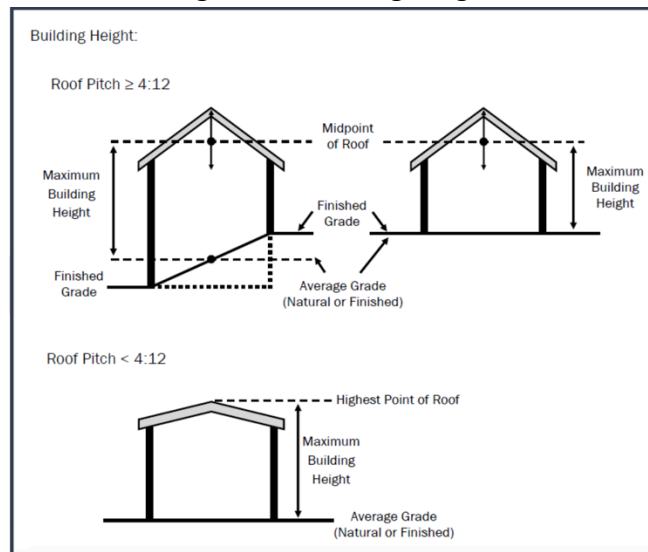
However, a nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply:

- A. The lots are conveyed in their preexisting, nonconforming configuration.
- B. On the effective date of any regulation, 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 (1) or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 VSA Chapter 64.

4.6 Height of Structures, Height Waiver.

- 4.6.1 Except as specifically provided herein, structures in all zoning districts shall comply with the height standards in this Section and specific heights in Table B, Table of Dimensional Standards. The method for calculation of the height of structures is illustrated in Figure 1, Building Height.

Figure 1. Building Height



4.6.2 Determination of Pre-Construction Grade.

For the purpose of regulating height under this Section, pre-construction grade shall be defined as the grade existing on the property on the date of an application for any development approval under these regulations. Where subdivision or PUD approval has been granted by the DRB, the pre-construction grade shall be the grade shown on the approved subdivision plat.

4.6.3 Maximum Height, Waiver.

- A. No structure shall exceed the specified maximum height for the applicable zoning district, except as provided in this Section.
- B. Height in excess of the maximum allowed for the zoning district may be approved by the DRB. Application and review shall follow the procedures for Site Plan Review. The DRB may grant such an approval upon written finding that:
 1. The additional height applied for is customary to the proposed use, including features such as, but not limited to, church steeples, flagpoles, spires or cupolas, and agricultural silos, or
 2. If the additional height applied for is necessary to the operation or function of the proposed use, such as, but not limited to, industrial silos, elevator shafts, water towers, chimneys, or windmills.
- C. In granting additional height approval for any structure, accessory building, or appurtenance, the DRB shall be guided by, and base its findings on, the following criteria:
 2. The grant of the additional height furthers a goal of the adopted Northfield Town Plan.
 2. The grant of the height waiver is consistent with the safe and efficient provision of firefighting and public safety services.
 3. The design, proportions and materials of the proposed structure, and the siting of the structure and/or portion with the additional height, are visually consistent with the planned character of the neighborhood in which the structure will be located.
- D. The maximum permitted height for chimneys shall be forty feet (40'), in all zoning districts where residential dwellings are allowed as permitted or conditional uses. A waiver to this height restriction may be given where the chimney needs to conform to codes and standards set by the National Fire Protection Association (NFPA) specifically standards 31, 54, 58, or 211 or as required by original equipment manufacturers in their appliance installation and operating instructions for equipment attached to such chimneys. In no case shall the maximum height of any structure intended for residential occupancy exceed fifty feet (50').
- E. The height limitations in this Section shall not apply to the following uses or structures:
 1. Farm structures, as specified by the most current Vermont Department of Agriculture Accepted Agricultural Practices.

2. Rooftop solar collectors less than ten feet (10') in height.
3. Telecommunication facilities and wind turbines, which shall be subject to the provisions of 30 VSA §2485.
4. Net metered power generation systems subject to regulation and approval by the Vermont Public Service Board.

4.7 Wetland and Stream Corridor Standards.

4.7.1 Purpose.

- A. It is the purpose of this Section to provide for the protection and improvement of surface waters, wetlands, and streams in the Town of Northfield. It is the intent of these regulations and standards to lead to the protection, establishment and maintenance of natural areas, topography, and vegetation along the Town's surface waters in order to reduce hazards from flooding, prevent erosion, and maintain the natural functions of surface waters and wetlands.
- B. It is the further intent of these regulations to limit the extent of land disturbance and creation of new impervious surfaces within or adjacent to surface waters and wetlands, and to minimize, as feasible, the impact of existing culverts, driveways and roads, drainage features, and impervious surfaces.

4.7.2 Applicability.

- A. The provisions of this Section shall not apply to lands located within the VC zoning district. In the event a parcel is partially located within the VC zoning district and partially within one (1) or more other zoning districts, these provisions shall apply to any and all portions of the parcel lying outside the VC zoning district.
- B. These standards shall apply to lands in all other zoning districts to all lands lying within the following distances of a specific feature, as mapped on the Vermont Agency of Natural Resources Natural Resource Atlas:
 1. Fifty feet (50') horizontal distance in either direction from the top of the bank of a stream or river.
 2. Fifty feet (50') horizontal distance of the perimeter of a Class 1 or Class 2 wetland.
 3. Fifty feet (50') horizontal distance from the top of the bank of a lake or pond.
 4. Fifty feet (50') of the perimeter of a vernal pool.

5. Three hundred feet (300') horizontal distance from the perimeter of any Class A(1) Ecological Water.
- C. Limited Exemption for Single-Family and Two-Family Residential Use.
1. For single-family and two-family residential uses, in conjunction with issuance of a Zoning Permit, one (1) accessory structure with a floor area located at grade and with a building footprint less than or equal to one hundred square feet (100 SF) may be permitted within twenty feet (20') of the edge of a Protected Area.
 2. Tree houses, and decks or similar structures without an at-grade floor area, involving land disturbance for footings or pilings totaling less than twenty square feet (20 SF), may be sited within ten feet (10') horizontal distance of the edge of a Protected Area.

4.7.3 Protective Standards.

Within a Protected Area as defined in 4.7.2(B) above:

- A. All lands shall be left in an undisturbed, naturally vegetated condition. Supplemental planting and landscaping shall be permitted but may not include turf, sod, or other lawn grass, or any species as identified as invasive by the Vermont Department of Fish and Wildlife.
- B. No part of any building envelope, as defined in these regulations, shall be established in a Protected Area in a PUD or subdivision approval granted after the effective date of these regulations.
- C. The clearing of trees that are not dead, diseased, or heavily damaged by ice storms or other natural events, and the clearing of any other vegetation other than Class A or Class B Noxious Weeds, as defined by the Vermont Agency of Agriculture, is permitted only upon application to and approval of the Zoning Administrator.
- D. Unless:
 - i) exempt from regulation as set forth in Section 2.4, or
 - ii) exempt from municipal review as set forth in Section 5.4, or
 - iii) authorized by the DRB under Section 2.16(C) (variance),no new or expanded impervious surface or building area shall be established or expanded within a Protected Area.
- E. Any application for subdivision or PUD approval, and any approvals issued for land disturbance or land development on a site lying wholly or partially within a Protected Area other than for modification of an existing single-family or two-family dwelling, shall include provisions to demarcate, with sturdy plantings, fencing, or a combination thereof, a boundary line along the edge of any Protected Area on the site.

- 4.7.4 Activities within Protected Areas.
- A. The expansion of pre-existing structures within Protected Areas shall be permitted only in accordance with the standards for non-conforming structures in Section 5.12.2 (A) of these regulations.
 - B. In granting an encroachment into a Protected Area, the DRB shall authorize the minimum encroachment or disturbance necessary to accommodate the proposed activity or use.
 - C. The DRB may authorize the following activities within Protected Areas. Application and review shall utilize the procedures for Site Plan Review in Section 2.11.2. Approval shall be subject to the standards and conditions enumerated for each activity:
 - 1. Farm structures, farming, and forestry, as specified by the most current Vermont Department of Agriculture Accepted Agricultural Practices or Vermont Department of Forests, Parks and Recreation Accepted Forestry Practices.
 - 2. Clearing of vegetation and filling or excavation of earth materials to the extent directly necessary for the construction or safe operation of a permitted or conditional use on the same property, where the DRB finds that:
 - a. There is no practicable alternative to the clearing, filling, or excavating within the Protected Area.
 - b. The purpose and intent of this Section will be met through the use of effective erosion controls, plantings, protection of existing soils and vegetation, or other measures.
 - c. Encroachments are necessary to improve or provide public facilities or to rectify a danger to public health, safety, or welfare.
 - 3. Public recreation paths and crossings, where erosion control and best practices for construction will be utilized to minimize impacts on the Protected Area.
 - 4. Construction and maintenance of stormwater treatment facilities or natural resource restoration activities, where erosion control and best practices for construction will be utilized to minimize impacts on the Protected Area.
 - 5. Construction of roads and driveways for the purposes of crossing a Protected Area to access land on the opposite side or providing or

restoring safe access to an approved use, in cases where there is no feasible alternative for providing access.

6. Installation of utility lines including power, telephone, cable, sewer, or water, to the extent necessary and where there is no feasible alternative for providing or extending utility services.
7. Outdoor recreation activities, provided any building or structure (including parking and driveways) appurtenant to such use is located outside the Protected Area.
8. Culvert repair and replacement on Town or State highways or on private roads and driveways, for which a Roadway and Culvert Permit has been issued by the Town of Northfield.

4.7.5 Location of Protected Features.

The Vermont Agency of Natural Resources Natural Resources Atlas may be used to determine the location of the wetland, stream, and surface water features subject to the provisions of this Section. Any applicant may submit information regarding the location or conditions of a protected feature from a survey, analysis, or other study to the Zoning Administrator or DRB, which shall make a determination of the location of the feature. Determinations by the Zoning Administrator may be appealed to the DRB in accordance with the procedures in Section 2.16.1.

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Table B. Table of Dimensional Standards

	LDR	MDR	HDR	IND	VC	MU	INST
Minimum lot area per dwelling unit	5 acres	10,000 SF with public sewer/ water 20,000 SF with on-site sewer/ well	7,500 SF for 1 st dwelling unit 4,000 SF per additional unit	20,000 SF	7,500 SF for newly subdivided lots; maximum of 16 dwelling units per acre	10,000 SF	10,000 SF
Minimum lot area, other uses	5 acres	10,000 SF with public sewer/ water 20,000 SF with on-site sewer/ well	7500 SF	20,000 SF	7,500 SF	10,000 SF	10,000 SF
Minimum lot frontage	200 feet	50 feet	50 feet	100 feet	none; legally deeded access	50 feet	50 feet
Minimum lot depth	200 feet	100 feet	100 feet	100 feet	None	100 feet	100 feet

Minimum building setback from center of road	45 feet	45 feet	none	45 feet	none	35 feet	45 feet
Minimum building setback from rear lot line	25 feet	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet
Minimum building setback from side lot lines	25 feet	10 feet	10 feet	10 feet	5 feet	10 feet	10 feet
Maximum coverage of lot by buildings		30%	50%	50%	80%	50%	50%
Maximum building height	35 feet	35 feet	35 feet	35 feet	50 feet	35 feet	65 feet
Off-street parking spaces*, per dwl unit		2	2	2	1	2	2
Off-street parking spaces*, non-residential use			1/300 SF	1/300 SF	1/300 SF	1/300 SF	1/300 SF

* The DRB, at its discretion, in the course of Site Plan Review, may waive the minimum parking space requirement, and allow fewer spaces based on evidence presented by an applicant that the requirement exceeds the projected parking needs of the proposed development, in the interest of reducing impervious surface.

5.0 USE, REGULATIONS, and STANDARDS

5.1 Table of Uses Established.

- 5.1.1 The permitted, conditional and accessory uses allowed in each Zoning District within the Town of Northfield, subject to other limitations and provisions in these regulations are contained in Table C, Table of Uses.
- 5.1.2 Any use of a parcel other than a permitted or conditional use as defined in these regulations shall be deemed to be prohibited.
- 5.1.3 The Zoning Administrator shall have the authority to determine the applicability of a definition in these regulations to a particular use. Any such a determination may be appealed to the DRB under Section 2.16.1 of these regulations.

5.2 Types of Uses.

5.2.1 Permitted Uses (P).

The Zoning Administrator may issue a zoning permit for the listed use

5.2.2 Administrative Site Plan Review (AS).

A landowner must obtain administrative site plan approval under Section 2.8 before the Zoning Administrator may issue a zoning permit for the listed use.

5.2.3 Site Plan Review (S).

A landowner must obtain site plan approval before the Zoning Administrator may issue a zoning permit for the listed use.

5.2.4 Conditional Uses (C).

A landowner must obtain a conditional use approval before the Zoning Administrator may issue a zoning permit for the listed use. C/S means that both Conditional Use review and Site Plan review are required before a zoning permit may be issued.

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Table C. Table of Uses

A = Administrative Notification to the Town; exempt from permit issuance
 P = Permitted, Zoning Permit Required
 ASP = Permitted, Administrative Site Plan Required (Authorized by ZA)
 SP = Permitted, Site Plan Required (Authorized by DRB)
 C = Permitted, Conditional Use Required (Authorized by DRB)

	LDR	MDR	HDR	IND	VC	MU	INST	Required off-street parking
AGRICULTURAL and OPEN SPACE USES								
Farm structures associated with Accepted Agricultural and Silvicultural Practices	A	A	A	A	A	A	A	n/a
Campground	C	C						5 spaces or as approved by the DRB
Cemeteries	C	C	C	C	C	C	C	5 spaces or as approved by the DRB
Community garden	P	P	P	P	P	P	P	2 per acre
Farmers market	P	P	P	P	P	P	P	1 space per 500 SF gross sales area within ¼ mile of sales area during active hours
Outdoor recreation club	P						P	1 space per 1,000 SF gross floor area of clubhouse
Sand and Gravel Extraction	C			C				n/a

	LDR	MDR	HDR	IND	VC	MU	INST	Required off-street parking
RESIDENTIAL USES								
Single-unit Dwelling	P	P	P		P	P	P	see Table D
Two-unit Dwelling	P	P	P		P	P	P	see Table D
Three-unit Dwelling	ASP	P	P		ASP	ASP	ASP	see Table D
Four-unit Dwelling	ASP	P	P		ASP	ASP	ASP	see Table D
Multi-unit Dwelling, 5 to 10 units		C	SP		SP	SP	SP	1.25 spaces per unit
Multi-unit Dwelling, 11 or more units			C		C	C	C	1.25 spaces per unit
Accessory Dwelling Unit	P	P	P	P	P	P	P	1 space per unit
Farm Dwelling	P	P	P	P	P	P	P	1 space per 3 units
Manufactured (Mobile) Home Park		C	C					1 per unit plus 5 spaces
Assisted Living Facility		C	C		C	C	C	1 per 2 dwelling units
Congregate Housing		C	SP		C	SP	SP	see Table D
Group Living Accommodations, principal or accessory			C		SP	SP	SP	1 per 3 occupants
Residential Care Home	P	P	P	P	P	P	P	1 per 4 occupants
Family Childcare Home	P	P	P	P	P	P	P	1 per 3 students
Childcare Facility	C	SP	SP	C	SP	SP	SP	1 per 4 students

	LDR	MDR	HDR	IND	VC	MU	INST	Required off-street parking
COMMUNITY and INSTITUTIONAL USES								
Commercial School			SP	C	SP	SP	SP	1 per 200 SF
Community Center			C	C	SP	SP	SP	3 per 1,000 SF
Cultural Facility			C	C	SP	SP	SP	3 per 1,000 SF
Educational Facility, post secondary							SP	1 per 3 enrolled students
Educational Facility, primary or secondary	C	C	C		C	C	C	1 per 3 enrolled students
Essential Services (utilities)	P	P	P	P	P	P	P	n/a
Indoor Recreation			SP	C	SP	SP	SP	1 per 350 SF
Medical Clinic				C	SP	SP	SP	1 per 250 SF
Outdoor Recreation, commercial	C	C	C	C	C	C	ASP	see Table D
Outdoor Recreation, primitive structures/trails only	P	P	P	P	P	P	P	n/a
Outdoor Recreation, public	SP	SP	SP	SP	SP	SP	SP	see Table D
Parking Facility, surface or structured	C	C	C	C	C	C	C	n/a
Place of Worship		SP	SP	C	SP	SP	SP	see Table D
Skilled Nursing Facility			C	C	C	C	C	1 per 2 beds

	LDR	MDR	HDR	IND	VC	MU	INST	Required off-street parking
LODGING USES								
Bed and Breakfast	C	SP	SP		SP	SP	SP	1 per guest room
Hotels and Motels			C	SP	C	SP		0.8 per room
Inns		C	C	SP	C	SP		0.75 per room
Short-term Rental								1 per rented room

	LDR	MDR	HDR	IND	VC	MU	INST	Required off-street parking
GENERAL COMMERCIAL USES								
Artist Gallery/Studio			C		SP	SP	ASP	1 per 400 GSF
Bar, principle or accessory use				C	C	C		1 per 125 SF bar area
Financial Institution				SP	SP	SP	SP	1 per 500 GSF
Food or Beverage manufacturing <5,000 SF, accessory to another principal permitted use			C	SP	SP	SP	SP	1 per 750 GSF
Food or Beverage manufacturing, principal use				SP	C	C	C	1 per 1,000 GSF
Funeral Home		C	C	C	C	C	C	see Table D
Garden Center, < 10,000 SF gross floor area		C	C	SP		C	C	1 per 400 GSF
Garden Center, > 10,000 SF gross floor area		C	C	SP		C	C	1 per 400 GSF
Office		C	SP	SP	SP	SP	ASP	1 per 300 GSF
Restaurant, short-order or “fast casual”		C	C	SP	SP	SP	ASP	1 per 200 GSF
Restaurant, sit-down/eat-in only		C	C	SP	SP	SP	ASP	1 per 300 GSF
Retail, <= 3,000 SF gross floor area			C	SP	ASP	ASP	ASP	1 per 400 GSF
Retail, 3,000 - 9,999 SF gross floor area			C	C	SP	SP	SP	1 per 400 GSF
Retail, >= 10,000 SF gross floor area			C	SP	SP	SP	SP	1 per 400 GSF
Service Establishment		C	C	SP	SP	SP	SP	1 per 300 GSF
Theater			C	C	C	C	SP	1 per 3 seats max. occupancy

	LDR	MDR	HDR	IND	VC	MU	INST	Required off-street parking
HEAVY COMMERCIAL and INDUSTRIAL USES								
Animal Services (veterinary clinic, boarding, grooming breeding & ancillary sales)	C	C	C	SP	C	SP	SP	1 per 250 SF gross floor area of clinic or active indoor space, excluding kennel and outdoor area
Car Wash				C		C		3 spaces per use
Light Manufacturing				SP		C	C	1 per 1,000 GSF
Lumber, contractor, or building supply yard				SP		C	C	1 per 500 GSF
Manufacturing				C		C	C	1 per 1,000 GSF
Oil and Gas Storage. principal or accessory use				C		C	C	1 per 500 GSF
Self-storage Facility			C	C		C	C	1 per 1,000 GSF
Vehicle Sales, fueling, or service with retail				C		C		1 per 150 GSF retail floor area
Vehicle Sales, fueling, or service, principal or accessory use, without retail			C	C	C	C	C	1 per 400 GSF
Warehouse				C		C		1 per 1,000 GSF

5.3 Number of Uses or Structures Per Lot.

There shall be only one (1) principal building or structure on a lot and only one (1) principal use per lot, except in districts where mixed uses are allowed in Table C, Table of Uses, or where approved in a PUD by the DRB.

5.4 Uses Subject to State Limitations on Regulation.

5.4.1 Limitations Under 24 VSA §4413(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:

- A. State- or community-owned and operated institutions and facilities.
- B. Public and private schools and other educational institutions certified by the state department of education.
- C. Churches and other places of worship, convents, and parish houses.
- D. Public and private hospitals.
- E. Regional solid waste management facilities certified under 10 VSA Chapter 159.
- F. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 VSA §6606a.

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

5.4.3 These regulations shall not regulate:

- A. Required agricultural practices, as these are defined by the Secretary of Agriculture, Food, and Markets.
- B. Accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices that are in compliance with the *Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont*, as adopted by the Commissioner of Forests, Parks and Recreation.
- C. Forestry operations, as defined in 10 VSA §2602.

5.4.4 Structures serving persons with a physical handicap.

- A. No dimensional lot requirement, including but not limited to setbacks, shall apply to structures to be used solely for the purpose of facilitating

ingress or egress of a physically handicapped person, as defined in 9 VSA §4501(2), when such structure is being added to an existing residence or facility.

- B. A landowner installing such a structure shall provide notice to the Town of Northfield as set forth in Section 2.4.1.F, of the date of installation, and the dimensions and location of the structure.
- C. This exemption does not apply to such structures built in conjunction with a new principal structure.

5.4.5 Except as otherwise provided by this section and by 10 VSA §1976, if any regulation 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.

5.5 Group Homes and Child Care Homes.

As required by 24 VSA §4412(1)(G) and §4412(5), the following shall be allowed in the same districts and to the same extent as one (1) family dwellings are allowed under these regulations:

- 5.5.1 A residential care home or group home meeting the definition in 24 VSA §4412(1)(G), operating under state licensing and registration, serving up to eight (8) people who have a disability as defined in 9 VSA §4501 as follows. This also includes recovery residences that can obtain a Level IV residential care home license.
- 5.5.2 A family child care home or facility that is serving six (6) or fewer children, or no more than six (6) full-time children and four (4) part-time children as defined in 33 VSA §4902(3)(A). A family child care home or facility serving not more than six (6) children full time and four (4) children part time shall be considered a benign home occupation under Section 4.8 and shall not require conditional use review or site plan review, regardless of other provisions of these regulations.
- 5.5.3 A family child care home or facility serving more than six (6) children full time and four (4) children part time shall be considered a Home Occupation under Section 5.9 of these regulations, and shall require Site Plan Review pursuant to Section 2.11.
- 5.5.4 A child care facility operated in a structure other than a single or two (2) family dwelling shall be permitted in specific zoning districts pursuant to Table C, Table of Uses, and shall require Site Plan Review under Section 2.11.

5.6 Accessory Dwelling Units.

- 5.6.1 Accessory Dwelling Units Allowed.

As required by 24 VSA §4412(1)(E), one (1) accessory dwelling unit shall be a permitted accessory use to a single-family dwelling, notwithstanding the minimum lot or density requirements of the zoning district, subject to the following provisions:

- A. The accessory dwelling unit is clearly subordinate to the principal permitted dwelling unit.
- B. The accessory dwelling unit has independent facilities and provisions for independent living, including sleeping, food preparation, and sanitation.
- C. The accessory dwelling unit may be within or attached to the principal dwelling unit, or within or attached to a new or existing accessory structure, such as but not limited to a garage or carriage barn, on the lot.
- D. The floor area of the accessory dwelling unit shall not exceed the larger of either thirty percent (30%) of the total habitable floor area of the principal dwelling unit prior to creation of the accessory dwelling unit, or 900 square feet (900 SF).
- E. The property owner must occupy either the principal dwelling unit or the accessory dwelling unit as their permanent residence of record. If the owner is an irrevocable trust, documentation may be required to demonstrate that the on-site occupant is a legal beneficiary of the trust. Corporations shall not be eligible to apply as owners for an accessory dwelling unit.

5.6.2 Applicability of Standards to Accessory Dwelling Units.

An accessory dwelling unit shall be subject to the following provisions:

- A. For any new construction intended for occupancy:
 - 1. The structure intended for occupancy shall meet all building height requirements for the district in which it is located.
 - 2. In residential zoning districts, no new accessory structure intended for occupancy shall be located within any required setback for the district or any closer than twenty feet (20') to any rear or side property line, whichever is greater.
- B. For an accessory dwelling unit that involves an addition to or replacement of a pre-existing non-conforming structure, the degree and aspect of noncompliance shall not be increased by the addition of the accessory dwelling unit.

- C. An accessory dwelling unit must have adequate potable water and wastewater system capacity. Issuance of a Vermont Department of Environmental Conservation Wastewater and Potable Water Supply Permit for the accessory dwelling or evidence of a permitted connection to the Town of Northfield water and sewer system authorizing the increase in flow shall be deemed to satisfy this criterion.
- D. Off-street parking.
 - 1. An accessory dwelling unit shall have adequate off-street parking for the residents of the principal dwelling and the accessory dwelling unit in accordance with Table B, Table of Dimensional Standards.
 - 2. No vegetated front yard space in the HDR, VC, MU, or INST districts shall be used or converted to parking space.
 - 3. Any added parking associated with addition of an accessory apartment shall be in an existing driveway or in a parking space established behind the front line of the principal dwelling and shall require a completed Certificate of Occupancy, if the accessory apartment is detached from the one-family dwelling.

5.6.3 Accessory Apartments in Existing Accessory Structures.

If an accessory apartment is located in an accessory structure, the accessory apartment may be converted for use as a principal dwelling only if the use and structure are found to meet all subdivision requirements for an additional primary dwelling including lot sizes, density, and dimensional requirements for the district in which it is located, including the provisions of 5.6.2(A) (1) and (2) above, and only if the structures will hold individual authorizations for water and wastewater service under a Potable Water Supply and Wastewater Permit, or will have individual sewer and water connections to the Town of Northfield utilities.

5.6.4 Accessory Dwelling Units to Non-Residential Uses.

One (1) caretaker's apartment or accessory dwelling unit may be approved as an accessory use to a non-residential principal permitted use, where approved as a conditional use under Section 2.12.

5.7 Agricultural and Forestry Uses.

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

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

- 5.7.2 As set forth in Section 2.4, a person shall notify the municipality in writing of the intent to build a farm structure and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets. No permit from the Town of Northfield shall be required for a farm structure.

5.8 Mobile Home (Manufactured Housing) Parks.

- 5.8.1 Single mobile homes on individual lots shall be subject to the same requirements as single-family dwelling units on individual lots.

Any existing mobile home park may be enlarged only if new units meet the density requirements for the district in which the park is located. A proposal to create a new mobile home park or expand an existing park must be in conformance with the goals of the Town Plan and include and provide for any required expansion of the infrastructure provided by the Town which is necessary for its support.

- 5.8.2 No person shall develop or expand a mobile home park without site plan and conditional use approval following the process and applying the standards for the subdivision of land except that the following standards shall apply instead:
- A. Each mobile home lot shall be at least seven thousand five hundred square feet (7,500 SF) in area, and be at least sixty feet (60') wide, and at least one hundred twenty feet (120') deep, and shall front on an access road.
 - B. Each lot within the mobile home park may be served from a privately owned access road rather than from a publicly dedicated street.
 - C. At least one (1) all-weather walkway at least five feet (5') wide shall be provided along and within the right-of-way of each access road.
 - D. Sufficient parking spaces, as described in Table C, shall be provided. Parking spaces shall be at least nine feet (9') wide by twenty-two feet (22') long. Adequate parking shall also be provided for all amenities such as recreation areas and laundry facilities located within the mobile home park.
 - E. No recreation area shall be less than three thousand square feet (3,000 SF).
 - F. A suitable nonporous pad shall be provided for each mobile home.

- G. Each mobile home lot shall have attachments for water supply and for sewage disposal.
- H. All structures within the mobile home park shall comply with setbacks from the public road and property boundaries, per the district standards.
- I. A strip of land up to twenty-five feet (25') in width may be required, abutting all mobile home park property lines, depending on the number of lots within the park and the impact on the character of the area. This land may be required to be landscaped.
- J. At least one hundred square feet (100 SF) area will be identified for conveniently located accessory storage for each individual mobile home lot.
- K. An individual outdoor faucet with hose hook-up shall be provided for each mobile home lot.
- L. If a centralized refuse and trash storage area is provided, then it shall be readily accessible to all mobile home lots. Trash storage areas shall be concealed from any public and private street and enclosed by a six foot (6') tall solid wall or fence.
- M. Accessory uses that serve park residents and which shall not be available for use by the general public, including coin operated machines for laundry and food and beverage vending machines, shall be permitted on condition that such uses shall be located in the interior of the park and shall not occupy more than five hundred square feet (500 SF) of area for each fifty (50) mobile homes or fraction thereof.
- N. Maintenance.

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

5.9 Home Occupations.

5.9.1 Home Occupations Permitted.

- A. Home Occupations are permitted as a necessary use in all zoning districts.

- B. Any Home Occupation not meeting one or more of the criteria under 5.9.2 below shall require Site Plan Review by the DRB.
- C. Family Child Care Facilities and Residential Care Facilities shall be governed under Section 5.5.
- D. In no case may a property owner or principal occupant of the dwelling unit rent out the area used to another party for use for the home occupation.

5.9.2 Criteria for Requiring Site Plan Review.

A Home Occupation that meets all of the following criteria shall not require a permit land use approval from the Town of Northfield.

- A. Is limited to activities undertaken solely by persons residing in the same dwelling unit where the home occupation takes place, and a maximum of two (2) other persons.
- B. Has limited or no client or customer interaction on site.
- C. Does not utilize more than twenty-five percent (25%) of the structure.
- D. Does not produce any noise, smoke, odor, or other such emission detectible outside the dwelling unit or structure where the home occupation is conducted.
- E. Does not require any additional off street parking associated with the dwelling unit for delivery, client, or customer vehicles.
- F. Does not involve on-premise retail sales, other than minimal sales to clients or customers of products directly related and incidental to the home occupation.
- G. Does not produce additional delivery, traffic, or other trips beyond usual and customary vehicle trips associated with a single-family residential use.
- H. Does not entail the use of an exterior sign or signs, any changes to the grading or landscaping of the property, or any other modification of the exterior of the structure.
- I. Is limited to an average of ten (10) hours of active operation per day during which time deliveries, visitors, or employees may come to or leave the premises.

5.9.3 Review Procedure for Home Occupations.

- A. The Zoning Administrator shall make a determination of whether Site Plan Review is required for any home occupation. Such decision shall be appealable to the DRB under Section 2.16.1.

- B. The Zoning Administrator or DRB, as applicable, shall review applications for Home Occupations using the criteria in Section 5.9 above.
- C. In granting approval, the DRB, as applicable may impose conditions reasonably and proportionally related to the impact of a home occupation, including but not limited to requirements for dedicated off-street parking, landscaping, and screening, or limitations on the hours or intensity of a use where necessary to prevent impacts related to traffic, noise, visual impacts of parking, outdoor storage, and other such conditions as are necessary to ensure the proposed use meets the standards of this Section.

5.9.4 Sign.

Each home occupation may be authorized to erect one (1) sign, which must be authorized by the Zoning Administrator under the provisions of Section 6.0 of these regulations, subject to the following:

- A. Signs shall be limited to one (1) of the following:
 - 1. A flat sign flush-mounted to the structure's façade, not to exceed six square feet (6 SF) in sign area, or
 - 2. An overhanging sign projecting from the structure, not to exceed six square feet (6 SF) in sign area on either side, or
 - 3. A freestanding sign not to exceed six square feet (6 SF) in sign area.
- B. No sign shall be illuminated, either internally or with external lighting.
- C. No sign shall be located within ten feet (10') of a front lot line.

- 5.9.5 A home occupation permit shall not be transferable to subsequent owners of a property. Therefore, the permit expires when the individual to whom the permit was granted no longer resides on the premises.

5.10 Sand and Gravel Extraction.

- 5.10.1 Sand pits, gravel pits, and removal of topsoil are permitted in districts specified in Table C, Table of Uses. Any new commercial sand, soil, or gravel removal operations, or any extension of any existing commercial soil, sand, or gravel operation shall be subject to the definitions, standards, and conditions in this section.
- 5.10.2 A substantial change is one which could have an adverse effect on the criteria in Section 5.10.4 below.

5.10.3 The applicant shall submit to the DRB the application and study information required below, along with a plan to insure that upon completion of the excavation operations the site will be left in a safe and useful condition:

- A. Study plans of the property at a scale of not less than one inch (1") to one hundred feet (100') showing the boundary lines, acreage, adjacent owners, and the following features, existing and proposed:
 - 1. Site contours (at two feet [2'] to five feet [5'] contour intervals), site drainage, and the horizontal and vertical limits of the quarry, stockpiles, and berms (including typical cross-sections); and
 - 2. Structures, roadways, equipment, materials, explosives and fuel storage, test wells (with a minimum of four [4] required), water supply, sewage disposal, trees, landscaping, and screening.
- B. Area maps, showing the general project location in the Town, and all roads, lands uses, and principal structures, surface waters, soils, and the location and depth of all water supplies within 5,000 feet of the proposed quarry.
- C. Comprehensive project description, including details of:
 - 1. Each phase of quarrying, stockpiling, and the volumes involved;
 - 2. Proposed operations, including the nature, location and times of blasting, drilling, crushing, and operation of other major equipment on the site, safety measures, dust, sedimentation and erosion controls, water table monitoring and site dewatering, truck routes to be used; and
 - 3. The anticipated cost of complying with this Section's provisions concerning closing out of the operation.

5.10.4 Required conditions.

Any quarry approved within the Town of Northfield shall be subject to the following standards and conditions.

- A. The removal of all material shall be conducted in stages that limit the area of exposed earth and provide for progressive restoration of permanent vegetative cover.
- B. Adequate fencing or an approved alternative deterrent to unauthorized access shall be maintained by the applicant.
- C. The days, hours, and intensity of operations including trucking and haul routes shall be prescribed by the DRB so as to ensure reasonable quiet and compatibility with other uses in the area.

- D. The removal operation sites shall be graded smooth and left in a neat condition with all slopes fertilized, mulched, and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion.
- E. All surface drainage courses affected by removal operations shall be protected throughout construction and operation with erosion control measures consistent with the Vermont Department of Environmental Conservation [CITE] to prevent erosion and siltation.
- F. No power-activated crushing or sorting machinery or equipment shall be located within 100 linear feet of any street or other property line. All such machinery, as well as excavating equipment and trucks, shall be equipped with satisfactory noise and dust control devices.
- G. No sand and gravel pits or soil extraction operations shall have stockpiles greater than 50 feet high.
- H. In all cases an undisturbed buffer shall be maintained around all property lines, with no removal of vegetation or other alterations in a minimum buffer no less than:
 - 1. 100 feet from all existing public rights-of-way,
 - 2. 200 feet from all existing dwellings and camps, and
 - 3. 100 feet from all abutting property lines, subject to the following exceptions:
 - i. If there is no existing dwelling or camp on an abutting property within 400 feet of the property line in question, the buffer from that line may be reduced to 50 feet.
 - ii. If the primary land use on the abutting property is a gravel pit, with written consent of the abutting owner, the buffer from that property line may be further reduced to 0 feet, such that the excavation may extend to the common line with the abutting property.
- I. The operation site shall be effectively screened from view from any existing or approved dwelling, camp, or public right-of-way within 2,000 feet. In any approval, the DRB may establish conditions for closeout, monitoring, and escrow as provided in Section 2.2.5.
- J. The proposed operation shall not adversely affect the soil fertility, drainage, and lateral support of abutting land or other properties, nor shall it contribute to soil erosion by water or wind.

- K. Any portion of access roads within the areas of permit and located within 100 feet of a lot line or an excavation operation shall be provided with a surface as free of dust as practical.
- L. The top of the cut slope for any excavation and any mechanical equipment shall not be less than fifty feet from any lot line.
- M. 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.

5.10.5 Duration of Approval.

All permits granted for these operations are subject to review by the DRB every five (5) years for continuation or termination.

5.10.6 Rehabilitation Plan.

- A. A plan for rehabilitation showing both existing and proposed final contours shall be submitted to and approved by the DRB in conjunction with the approval of any operation under this Section. A rehabilitation plan must demonstrate that after the closure of operations, the site will be reusable for a use permitted in the zoning district at the time of the plan's approval.
- B. The DRB may require a performance bond sufficient to ensure that the approved rehabilitation plan can be carried out.

5.11 Junkyards.

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 ninety (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 (5) days upon receipt of notice from the Zoning Administrator.

5.12 Non-Conformities.

5.12.1 Nonconforming Uses.

The following provisions shall apply to all uses of lands or improvements thereon, lawfully existing on the effective date of these regulations, which do not conform with the use requirements of the districts in which they are located. These provisions also apply to the uses of land or improvements thereon which may be rendered nonconforming by reason of amendment of these regulations. It is considered desirable and in the

best interest of the Town of Northfield to encourage change of nonconforming uses to a more compatible use within the district. A nonconforming use may be continued subject to the following provisions:

A. Enlargement.

1. A nonconforming use shall not be enlarged beyond the lot as it existed on the effective date of these regulations.
2. The DRB may permit the expansion of the nonconforming use by up to twenty-five percent (25%) of the ground area in use at the onset of nonconformity, or of the floor space or structural capacity of the building then existing and housing said use. Such permission shall be granted only in conformity with the requirements of Table C, Table of Uses.

B. Change of Use.

1. No nonconforming use shall be changed to another nonconforming use except with the approval of the DRB, which must find that the proposed use is more appropriate and compatible to the zoning district than the existing use.
2. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

C. Interruption and Resumption.

No nonconforming use shall be resumed if such use is discontinued for any reason for twelve (12) consecutive months, notwithstanding any intention to resume such use.

D. Objectionable Qualities.

No change or adjustment in size, intensity of use, or nature of use shall be granted that is deemed to increase the objectionable quality or qualities of the original non-conforming use including but not limited to traffic, parking, noise, light and glare, hours of operation, unsightly storage or conditions, objectionable odors, neighborhood character, safety, overcrowding, and pollution.

5.12.2 Nonconforming Structures.

Any structure, group of structures, or parts thereof existing on the effective date of these regulations, that is not in conformity with them because of failure to meet their requirements of height, lot size, yard size, density, or off-street parking or loading, but which conforms with all applicable laws, ordinances, or regulations in force prior to such effective

date, may remain but shall not be moved, enlarged, altered, reconstructed, or restored except in strict compliance with the following:

A. Enlargement, Alteration and Moving.

Any dimension or measurement may be increased or adjusted up to those dimensions or measurements permitted by these regulations. Such dimensions or measurements not in conformity with those permitted by these regulations may be adjusted only so as to reduce their difference from those required by these regulations, except by variance or waiver from the DRB.

B. Reconstruction or Restoration.

1. A nonconforming structure that has been damaged or destroyed by fire, explosion, wind, or other casualty may be reconstructed or replaced if reconstruction or replacement begins within twelve (12) months from the date of damage or destruction and is substantially completed within twenty-four (24) months of that date (exclusive of time delays due to local, state, or federal permitting processes).
2. If such reconstruction is not undertaken within twelve (12) months, the structure shall be completely razed and cleaned up within eighteen (18) months of the damage. No such replacement shall increase floor area or structural capacity.
3. The DRB may extend the above time periods upon request of an applicant or landowner upon a finding of a case of significant hardship or impracticability not created by the applicant.

5.13 Site Plan Standards.

In reviewing applications for Administrative Site Plan, Site Plan, Major Subdivision, Planned Unit Development, and as applicable, Conditional Use, under the procedures set forth in Section 2, the DRB or Zoning Administrator, as applicable, shall make findings that the Site Plan is consistent with the goals of the Northfield Town Plan, all standards and requirements for the proposed use as set forth in these regulations.

5.13.1 Protection of Site Features.

- A. Site layout and design shall, to the extent feasible, protect significant site features, such as surface waters, wetlands, critical habitat areas and associated buffers, ridgelines, hilltops, areas of steep slope (> twenty-five percent), primary agricultural and forest soils, existing farm and pasture land, historic structures, tree lines, and stone walls or fences.

- B. The DRB may impose conditions to protect existing site features such as increased setbacks or vegetated buffers.
- C. The site plan shall indicate all protected areas of surface water, wetlands, and wetland buffers pursuant to Section 7 of these regulations.

5.13.2 Access, Safety, and Utilities.

- A. Provisions shall be made for adequate and safe access from the site to maintained public or private roads.
- B. The site plan shall be consistent with the safe and efficient provision of public services and facilities, including fire and police protection, and roadway maintenance.
- C. All roadways, culverts, access points, and driveways on the site of the proposed development shall be adequate to serve the proposed use and meet the Town's adopted standards.
- D. The DRB may require that access be shared between adjoining properties or uses and may require the reduction, consolidation, or elimination of duplicative or conflicting access points. Requirements for shared access shall be made either at the time of site plan approval if similar provision has been made on contiguous parcels or contingent upon future development of neighboring properties.
- E. Water and wastewater services are sufficient to serve the proposed use, as evidenced by issuance of a Vermont Wastewater and Potable Water Supply Permit for the proposed use or evidence of connection to a permitted community system.

5.13.3 Circulation.

- A. Provision shall be made for adequate and safe on-site vehicular and pedestrian circulation, in relation to the intended use and the location of buildings and parking areas.
- B. The DRB may require the implementation of clearly marked travel lanes, pedestrian crossings, or pedestrian paths connecting buildings, parking areas, or adjoining properties to ensure vehicular and pedestrian safety and convenience.
- C. Provisions for bicycle parking, including at least one (1) permanently installed bicycle rack, shall be provided on all non-residential and multi-family residential sites in the INST, IND, MU, and VC districts.

5.13.4 Parking, Loading, Service and Outdoor Storage Areas.

- A. Provision shall be made for off-street parking, loading, and outdoor service areas sufficient to prevent hazards to public safety, traffic movement, and the regular operation of land uses in the vicinity of the use.
- B. Off-street parking generally shall be provided at the ratios set forth in Table D. Any calculations resulting in a fractional number of required parking spaces shall be rounded up to the next whole number.

Table D. Off-Street Parking Standards

Land Use	Required Parking
Residential	1.5/ Dwelling Unit 1.0/ 1 bedroom unit or accessory apartment
Offices, clinics, and personal or business services	1 / 300 SF gross floor area
Places of assembly (e.g., house of worship, theater, etc.)	1 per 3 seats at maximum occupancy
Hotels, motels, inns, hospitals, in-patient facilities	1 per patient/ guest room
Eating & drinking establishments, private club / lodge	1 per 4 seats
Nursing/care homes	1 per 6 patient spaces
Congregate housing	1 per 3 residents
Outdoor recreation/ assembly	1 per 4 persons at maximum capacity
Funeral homes	1 per 75 SF floor area open to the public

C. Shared Parking.

1. The Zoning Administrator or DRB (as applicable) may approve a reduction or elimination of the number of required parking spaces where shared parking agreements, off-street parking agreements, or (in the Village Commercial District) municipal parking spaces are demonstrated to be sufficient to serve the needs of the proposed land use or uses.
2. In addition to the provisions of (1) above, in the Village Commercial District, the Zoning Administrator or DRB may approve a reduction or elimination of required parking spaces where available municipal parking spaces are demonstrated to be sufficient to serve the needs of the proposed land use or uses.
3. The Zoning Administrator or DRB may require the area to be set aside as vegetated or permeable area for future use as parking in the event the parking area proves to be insufficient to ensure safe operation of the use.
4. Off-street and shared parking spaces shall be located no further than eight hundred linear feet (800 LF) from the nearest public entrance of the associated land use, measured at the closest point of a parking space to the nearest public entrance.
5. Where more than one (1) landowner is involved in a shared or off-site parking plan, a signed and notarized authorization of each landowner consenting to the agreement shall be required for approval and shall be recorded in the land records attached both to the applicant parcel and to the parcel(s) on which shared or off-site parking is to be located.
6. Any change in use subject to a shared parking agreement that increases the number of required parking spaces shall require amendment of the shared parking agreement.
7. The DRB may impose conditions as to the extent, siting, landscaping, screening, paving, curbing, and sharing of parking, loading, and outdoor service areas to ensure site safety, function, and to avoid or minimize safety impacts.

5.13.5 Layout and Site Design.

- A. The location and orientation of structures on the site shall be evaluated for consistency with the planned setting and context of the area, as determined from the Town Plan zoning district objectives.
- B. The DRB may impose conditions with regard to structure siting, orientation, and setbacks to ensure development is compatible with the planned setting and context of the area.

5.13.6 Landscaping, Trash Enclosures, and Stormwater Management.

A. Plan Required.

All applications for Administrative Site Plan, Site Plan, Major Subdivision, Planned Unit Development, and, where applicable, Conditional Use shall include the following information:

1. The location and general type of vegetation existing on the site; for sites in IND, INST, VC, HDR, and MU districts, the location of all canopy trees of greater than twelve inches (12") diameter at breast height.
2. Areas of existing vegetation and trees to be cleared, and areas to be maintained during and after construction.
3. For sites in the IND, INST, VC, HDR, and MU districts, the location of existing canopy trees of greater than twelve inches (12") diameter at breast height to be removed and to be retained.
4. Types of vegetation and trees to be planted, including species, sizes, and planned locations.
5. The location of streams, waterways, and drainage areas, including any wetlands and any protected surface water and wetland buffers as defined in Section 7.
6. All areas intended to receive stormwater flows, including the location, size, and type of all stormwater management areas or areas intended to receive stormwater flows.
7. The location, dimensions, and ground cover of areas to be used for snow storage, or a note on the plan indicating that snow removal and hauling shall be the responsibility of the property owner, and that failure to remove snow in a manner that creates a public hazard shall constitute a violation of site plan approval by the Town of Northfield.

8. The location, dimensions, and materials to be used for trash and refuse enclosures.
- B. Standards for Approval.
1. The site plan shall incorporate measures to minimize erosion, prevent flooding on downstream or adjacent properties, and protect the quality of surface waters.
 2. Landscaping shall be of a quantity and type sufficient to ensure an attractive and functional site that minimizes the potential for erosion and enhances the site and surroundings. The incorporation of green infrastructure and plantings native to central Vermont is encouraged.
 3. All areas for trash and refuse storage shall be fully enclosed by an opaque, four (4) sided enclosure with a latching gate. Areas for trash and refuse storage shall be curbed or graded to ensure that drainage is directed away from surface waters or wetlands.

5.13.7 Fencing and Screening.

- A. Where a multi-family or non-residential use of property abuts the boundary of a residential zoning district or a residential property that is a conforming use in the underlying zoning district, a buffer strip of a minimum of four feet (4') in width and a minimum height of eight feet (8') shall be incorporated into the site plan along the boundary between the proposed use and the adjacent residential district or use.
- B. The buffer strip may consist of any combination of wooden or other fencing, green walls, and plantings sufficient to form a visually opaque buffer within three (3) years of installation. The incorporation of green infrastructure and plantings native to central Vermont is encouraged.

5.13.8 Lighting.

- A. Cut sheets of all exterior light fixtures shall be provided. The location of each light fixture shall be indicated on the submittal.
- B. Exterior light fixtures shall be downcasting and shielded fixtures, and shall not be sited or positioned to cause light trespass beyond the boundaries of the property.
- C. The DRB may at its discretion request a photometric plan indicating the proposed light levels on the site to ensure compliance with these standards.

5.14 Adaptive Use of Existing Structures.

The conversion or change of use of existing buildings that does not result in an increase in gross floor area of more than one thousand square feet shall be permitted subject to the following:

- 5.14.1 Existing building setbacks may remain and shall be considered legal nonconforming, but no further encroachments shall be permitted into any nonconforming setback.
- 5.14.2 The height of the structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legally nonconforming, and any rooftop construction shall be included within the height exemption.
- 5.14.3 A new loading zone shall not be required if the existing building does not have an existing loading zone.

5.15 Fences and Retaining Walls.

5.15.1 Fences.

Fences may be installed within any required yard at a point up to, but not upon, a property line.

No wall, fence, shrubbery, or other object which obstructs or interferes with traffic visibility shall be erected, planted, or maintained on or near a road or street curve or on any corner lot within the triangular area formed by the lot lines along the roads or streets and a line connecting them at points thirty feet (30') from the intersection.

5.15.2 Retaining Walls.

A. General Provisions.

1. No person shall construct a retaining wall in any manner that obstructs a natural waterway or drainage channel. No retaining wall shall be erected in such a manner as to inhibit or divert the natural drainage flow or cause the blockage or damming of surface water.
2. Retaining walls shall be maintained in a safe and substantial condition.
3. No retaining wall of any height shall be sited within five feet (5') of any property boundary without Conditional Use approval under Section 2.12 of these regulations.
4. In the Low Density Residential district, all retaining walls exceeding four feet (4') in height and sited within twenty feet

(20') of a property boundary shall require a zoning permit from the Zoning Administrator.

5. In all other zoning districts, all retaining walls exceeding four feet (4') in height or sited within fifty feet (50') of a property boundary shall require a zoning permit from the Zoning Administrator.
6. All retaining walls exceeding eight feet (8') in height, regardless of location, shall require Conditional Use review by the DRB.
7. No part of any retaining wall shall be placed in such a manner as to visually obstruct vehicular or pedestrian traffic. If determined necessary by the Zoning Administrator, the placement of retaining walls near the corner of a property at the intersection of two (2) roads shall provide for a clear vision area defined as a triangular area formed by the right-of-way lines at points which are thirty feet (30') distant from the intersection of the right-of-way lines and measured along such lines.

B. Retaining Walls Requiring Review.

1. Applicants for a retaining wall over four feet (4') in height or any retaining wall to be sited within fifty feet (50') of a property boundary shall submit an application indicating the height, location, length, and adjacent grades of the retaining wall. The Zoning Administrator may, at their sole discretion, require further information, including a plan submitted by a Professional Engineer licensed in the State of Vermont and may refer an application to the DRB for review.
2. A retaining wall over eight feet (8') in height shall require approval by the DRB as a Conditional Use subject to the provisions of Section 2.12, Conditional Use.

5.16 Temporary Uses and Structures.

5.16.1 Temporary Uses and Structures Permitted.

The Zoning Administrator may issue a zoning permit, subject to Administrative Site Plan review, for temporary structures or uses on private property. A temporary structure or use will be subject to all applicable standards of these regulations for a comparable permanent structure or use including, but not limited to, the dimensional standards of the applicable zoning district.

5.16.2 Duration and Applicability of Permit.

- A. The permit for a temporary structure or use will be limited to a maximum of twelve (12) months and shall not be extended for the same structure or use.
- B. Temporary uses operating no more than three (3) days in association with a particular event within a calendar year shall be exempt from this requirement.
- C. Any conditions of the permit shall apply equally to applicants who own the subject property and applicants who are tenants on the subject property.

5.16.3 Permits for Use of Vacant Spaces.

- A. The Zoning Administrator may issue a zoning permit, upon Administrative Site Plan approval, for a temporary use (such as a “pop-up” market) to be located in any existing, vacant storefront in the Village Center, Institutional, or Mixed Use districts.
- B. A temporary business may have a temporary window sign in accordance with Section 6.4.3. The permit may be issued for a period not to exceed six (6) months and may be extended once for a total period not to exceed twelve (12) months.
- C. Any such temporary business must conform to all applicable regulations, including but not limited to the performance, lighting, and signage standards of these regulations.

5.17 Outdoor Storage and Display.

5.17.1 Site Plan Review Applicable.

In conjunction with Site Plan Review under Section 2.11 of these regulations, the DRB may limit the total size of outdoor areas for the display of items for sale and may require screening and other measures to minimize visual and water quality impacts of such areas.

5.17.2 Storage of Solid and Hazardous Wastes.

No trash, garbage, construction debris, or hazardous or corrosive wastes or chemicals, junk, or other refuse shall be stored on a lot in such a way that may contaminate surface or groundwater, or that otherwise threatens public health and safety.

5.17.3 Motor Vehicle Storage or Display.

- A. No person shall permit more than three (3) unregistered and/or uninspected motor vehicles or major part or portion of a motor vehicle to remain for more than thirty (30) consecutive days on premises owned, occupied, or controlled by him if the vehicle or

parts are within view from any public way or abutting property, unless the vehicle is regularly operated on the premises, or unless the premises constitute a working farm or permitted motor vehicle sales.

- B. Any motor vehicle, or portion thereof (such as a trailer), used as a storage structure shall meet all applicable district setbacks.

5.18 Underground Storage Tanks.

All new underground tanks for the storage, sale, or distribution of petroleum products shall be protected from internal and external corrosion such as by all Fiberglass construction, steel with bonded Fiberglass and internal lining, or the Steel Tank Institute 3-Way Protection System. Such tanks shall conform with the requirements of current applicable state and/or federal law.

5.19 Above Ground Storage Tanks.

The storage of any highly flammable or hazardous liquid in an above ground tank with a storage capacity greater than five hundred (500) gallons shall meet all applicable state and federal standards, the setback requirements, and other standards of National Fire Protection Association (NFPA) Code 58 (or the most recent NFPA Code).

6.0 SIGN REGULATIONS

6.1 Purpose.

The purpose of these sign regulations is:

- 6.1.1 To encourage the effective use of signs as a means of communication in the Town of Northfield.
- 6.1.2 To maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth.
- 6.1.3 To improve pedestrian and traffic safety.
- 6.1.4 To minimize the possible adverse effect of signs on nearby public and private property.
- 6.1.5 To enable the fair and consistent enforcement of these sign regulations.

6.2 Applicability.

- 6.2.1 Signs shall be regulated under this Section. These regulations are applicable to all zoning districts.
- 6.2.2 Permits are required for all signs not exempt under either 10 VSA Section §494 or section 6.4.5 below.
- 6.2.3 Whenever dimensions or areas of signs are specified, the area of the sign shall exclude the supporting structure and shall be computed by taking the total area within the outer edge of the sign.

6.3 Permits and Fees.

6.3.1 Application Fees.

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

6.3.2 Changes to Existing Approved Signs.

- A. Changes to existing product information identified in the wording on a sign, such as the price or related detail, are allowed without an additional permit application or review.
- B. Any other changes require application to the Zoning Administrator under this Section.

6.3.3 Conveyance of Property.

No permit or amendment is required in the event of sale or lease of a property where nature of the business does not change, i.e., the content of the sign remains constant. If, however, the content of the sign changes upon conveyance, a new sign permit shall be required.

6.3.4 Approval of Sign Permit Requests.

If the Zoning Administrator fails to act with regard to a permit request for a sign within thirty (30) days of submission of the permit request, whether by issuing a decision or making a referral to more completely describe a sign, the permit shall be deemed issued on the 31st day.

6.3.5 Termination or Lapse of Approval.

- A. If a permit request for a sign has been approved by the Zoning Administrator and the sign(s) have not been erected within ninety (90) days, the approval shall be considered disapproved and the permit process shall be reinitiated as though the original request had never been made.
- B. Lapse of a sign permit: Once the sign has been erected, adhering to the original specifications and within the required timeframe, the approval of the sign continues unless the business activity on the premises is discontinued for a period of one hundred eighty (180) days or more and is not renewed within thirty (30) days of a notice from the Zoning Administrator to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

6.4 Signs Requiring a Permit.

6.4.1 General Conditions.

A. Total Signage Area.

No premises, other than properties in the Institutional District with multiple principal structures and uses, shall contain a total of more than 150 square feet (150 SF) of all signs.

- B. No premises shall contain more than 150 square feet (150 SF) of exterior signs. When more than one side of a sign is used, the area of all sides shall be included in the total allowable area.

- C. An on-premise sign shall not be located more than one thousand five hundred feet (1,500') from a main entrance from that highway to the activity or premises advertised.

- D. No portion of a separately mounted sign may be located within the street line where there is no sidewalk, or closer than six feet (6') horizontally from the nearest sidewalk where a sidewalk is present.
- E. On-premise signs shall not extend more than twenty-five feet (25') above ground level.
- F. If a sign is attached to a wall of a building, it shall not extend above the eaves or the lowest part of the roof line, nor shall letters used thereon be more than two feet (2') high.
- G. Signs located in residential zoning districts shall not be illuminated, whether externally or internally.
- H. Whenever dimensions or areas of signs are specified, the area of the sign shall exclude the supporting structure and shall be computed by taking the total area within the outer edge of the sign.

6.4.2 Signs Along Town-Maintained Roadways.

- A. Signs identifying commercial and industrial establishments may be illuminated only during hours in which business is open to patrons.
- B. The Zoning Administrator may impose specific conditions regarding hours and types of illumination to further the purposes of this Section.
- C. No sign may be attached to trees, rocks, or other natural features, or any objects not primarily intended for such purpose, and such features may not be used for signs.
- D. 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 within the Town of Northfield, or to an activity of any kind which has already occurred or has otherwise terminated.
- E. One (1) additional temporary and incidental sign or banner indicating "open" may be displayed during business hours only.
- F. No signs, except a sign as described in 6.4.3 below, shall be permitted or continued in use or erected or displayed, which are not properly maintained or affixed to a substantial structure, or which are illegal under any State or Federal law applicable at the location of the sign, or are not consistent with the standards of this section.

6.4.3 Temporary Signs.

- A. In addition to any permanent signs permitted under this Section, a temporary sign or signs of up to 12 square feet (12 SF) in total area of

all signs, and one (1) banner not to exceed 150 square feet (150 SF) in total area, may be displayed on a premises for not more than fourteen (14) consecutive days and not more than forty-five (45) days per calendar year.

- B. Notwithstanding (A) above, one (1) additional temporary and incidental sign or banner of no more than six square feet (6 SF) in area indicating “open” may be displayed on a premises during business hours only.
- C. Temporary or Portable Off-Premise Signs.
 - 1. The display of temporary or portable off-premise signs, including banners, shall require approval of the Zoning Administrator.
 - 2. Displays of temporary or portable off-premise signs shall be limited to fourteen (14) consecutive days and a maximum of thirty (30) days per calendar year per property owner, organization, or business operator applying for a permit.
 - 3. Portable or temporary signs are limited to twelve square feet (12 SF) per side, with a maximum total sign area of twenty-four square feet (24 SF).
 - 4. The area of an approved portable or temporary sign will not be included in the total allowable square footage limit of permanent signs on the premises.
 - 5. Standards for Installation.

Temporary or off-premise signs shall be subject to the following standards:

- a. Ground-level signs shall be placed next to a building wall or adjacent to a curb in a manner which is safe for and does not interfere with normal pedestrian or automobile traffic movement.
- b. Ground-level signs placed on the ground shall be constructed to be free-standing and weighted so that the sign is stable and windproof.
- c. Banners shall be firmly attached to a wall or building using suitable mounting fixtures. No banner shall be tied or otherwise affixed to any utility pole, door, window, building wall, tree, flagpole, or similar structure. No banner may be mounted in a location or manner that obstructs safe pedestrian or vehicular traffic.

- d. There shall be no more than one (1) temporary or portable sign displayed per customer entrance to a single building at any time, regardless of the number of tenants on the premises.
- e. Ground-level signs shall be removed each day and stored inside upon close of the business.
- f. Temporary and portable signs may not be illuminated or embellished with devices such as balloons, pennants, or strings of lights.

6.4.4 Prohibited Signs

- A. Except as provided under 6.4.3 above, off-premises signs, flags, banners, and pennants are prohibited in all districts with the following exceptions.
 - 1. State of Vermont Agency of Transportation official business directional signs.
 - 2. The display of official flags of governing bodies or institutions.
- B. Signs on vehicles, including trailers, if those vehicles are regularly or continually located at a site primarily for the purpose of display. This standard is not intended to prevent a business owner from parking their vehicle in front of their business or their home.
- C. Signs mounted on wheels or trailers.
- D. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving lights, or which have any animated or moving parts, except that this restriction shall not apply to traffic control signs or barber poles.
- E. All other use of flags, banners, and pennants as signs is prohibited in all districts, provided that nothing in the Ordinance shall prohibit the flying of national, state, or municipal flags, or the official flag of any institution.

6.4.5 Signs Exempt from Permits.

The following signs shall be exempt from permit requirements.

- A. Small signs identifying areas posted for trespassing, with the total area of each sign not to exceed four square feet (4 SF).
- B. Signs announcing an on-premise sale limited to the personal property of the occupants of a premises, which shall not be maintained for more than fourteen (14) days per calendar year per premises.

- 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 (6 SF) including the panel and frame.
- D. Election campaign signs that are maintained for not more than two (2) weeks past the election date.

6.4.6 Enforcement

- A. A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 VSA §1974a and as described below.
- B. A penalty of one hundred dollars (\$100) shall be imposed for the initial violation of any provision of this Ordinance. The penalty for the second offense within a one (1) year period of the initial violation shall be two hundred fifty dollars (\$250), and the penalty for each subsequent violation within a one (1) year period of the initial violation shall be five hundred dollars (\$500).
- C. In cases where a violation is not contested, a "waiver fee" shall be paid in the amounts of: fifty dollars (\$50) for the first offense, one hundred twenty-five dollars (\$125) for the second offense within a one (1) year period of the initial violation, and two hundred fifty dollars (\$250) for each subsequent offense within a one (1) year period of the initial violation.
- D. Each day that a violation continues will constitute a separate violation of this Ordinance.
- E. Enforcement proceedings may also be initiated pursuant to 24 VSA §4451 and/or §4452. These additional penalties may be up to one hundred dollars (\$100) per day (with each day constituting a separate violation), and issuance of injunctions.

7.0 FLOOD HAZARD AREA REGULATIONS

Note: These regulations are unchanged, per recommendation of CVRPC, awaiting new floodplain and river corridor mapping in early 2024.

7.1 Statutory Authority and Effect

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

7.2 Statement of Purpose

It is the purpose of this regulation to:

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

7.3 Other Provisions

A. Precedence of Regulation: The provisions of these flood hazard regulations 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 regulation is held unconstitutional or invalid by a competent court, the remainder of this regulation shall not be affected.

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

erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

7.4 Lands to Which these Regulations Apply

A. Regulated Flood Hazard Areas

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

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

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

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.

7.5 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 Principal Structures	X	X	X
2	Storage	X	X	X
3	Improvements to Existing Structures	P, C	C	C
4	Small Accessory Structures	P	X	C
5	At Grade Parking	P	C	C
6	Replacement water supply or septic systems	C	C	C
7	Fill as needed to elevate existing structures	C	C	C
8	Fill	X	X	X
9	Grading	C	C	C
10	Road maintenance	A	A	A
11	Road improvements	C	C	C
12	Bridges and culverts	C	C	C
13	Channel management	C	C	C
14	Recreational vehicles	P	P	P
15	Open space, recreation	A	A	A
16	Forestry	A	A	A
17	Agriculture	A	A	A

7.6 Development Review in Hazard Areas

A. Permit

A permit is required from the Zoning Administrator for all development in all areas defined in Section 7.4, above. Development that requires conditional use approval, non-conforming use approval, or a variance from the Development Review Board (DRB) under these flood hazard regulations, must receive 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 outlined in Sections 7.6 and 7.7 of these regulations. 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 7.6, require only an administrative permit from the ZA:

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

C. Prohibited Development in Hazard Areas

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 the floodway.
5. Critical facilities are prohibited in all areas affected by mapped flood hazards.
6. All development not exempted, permitted, or conditionally permitted.

D. Conditional Use Review

Conditional use review and approval by the Development Review Board (DRB) is required prior to the issuance of a permit by the Zoning Administrator for the following proposed development:

1. Substantial improvement, elevation, relocation, or floodproofing of existing structures.

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

E. Exempted Activities

The following are exempt from regulation:

1. The removal of a structure in whole or in part.
2. Maintenance of existing roads and stormwater drainage.
3. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices.
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 property owner must notify the ZA in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

F. Variances

Variances may be granted in writing by the Development Review Board (DRB) only in accordance with all the criteria in 24 VSA § 4469, § 4424 (2)(E), and 44 CFR § 60.6, after a public hearing noticed as described in Section 7.8, below.

1. A variance for development within the FEH 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 SFHA will not increase flood heights, and will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance

premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

G. Nonconforming Structures and Uses

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

1. The proposed development is in compliance with all the Development Standards in Section 7.7 of this regulation.
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.
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 regulation.

7.7 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.

h. Required to locate any fuel storage tanks (as needed to serve an existing structure in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

2. In Zones AE, AH, and A1 – A30 *where base flood elevations and/or floodway limits have not been determined*, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

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

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

a. Meet the standards in 7.7(A)3; or,

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

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

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

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

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

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

8. *A small accessory structure of 500 square feet or less* that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in Section 7.7(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 structures, including manufactured homes, to be substantially improved* in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the community's FIRM, or at least two feet if no depth number is specified.

B. Floodway Areas

1. Encroachments or development above grade and less than one foot above the base flood elevation are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:

- a. Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
- b. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

2. Public utilities may be placed underground, and the analyses may be waived, where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

C. Fluvial Erosion Hazard Zone

1. Improvements to existing structures, and any associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area shall not decrease the distance between the existing principal structure and the top of the 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 the 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.
7. Channel management activities must be authorized by the Agency of Natural Resources.

7.8 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 the bank of any stream, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the

proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps.

2. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Zoning Administrator and attached to the permit before work can begin.

B. Referrals

1. Upon receipt of a complete application for a substantial improvement or new construction the Zoning Administrator shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 VSA §4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

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

C. Decisions

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

D. Records

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

1. All permits issued in areas covered by this regulation.
2. An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood-proofed structures (not including accessory structures) in the Special Flood Hazard Area.

3. All flood proofing and other certifications required under this regulation.
4. All decisions of the DRB (including variances and violations) and all supporting findings of fact, conclusions and conditions.

7.9 Certificate of Occupation

In accordance with 24 VSA Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area or Fluvial Erosion Hazard Zone until a Certificate of Occupancy is issued therefore by the Zoning Administrator (ZA), stating that the proposed use of the structure or land conforms to the requirements of these regulations. A Certificate of Occupancy is not required for structures that were built in compliance with the regulations at the time of construction and have not been improved since the adoption of this regulation. 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 that 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.

7.10 Enforcement and Penalties

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

7.11 Definitions

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

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

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

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

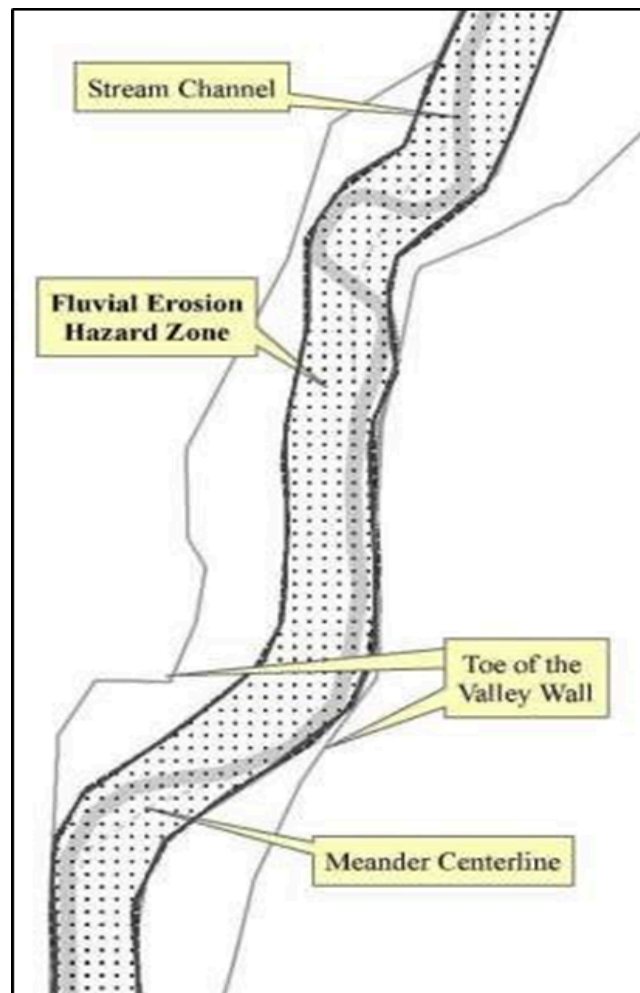
“BFE” see Base Flood Elevation

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

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

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

“Critical facilities” include police stations, fire and rescue facilities, hospitals, shelters,



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

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

“FEH” refers to the Fluvial Erosion Hazard Zone.

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

“FIRM” see Flood Insurance Rate Map

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

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

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

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

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

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

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

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

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

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

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

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

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

“Manufactured home (or Mobile home)” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“New construction” for regulation under this regulation, 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 regulations but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present regulations, including a structure improperly authorized as a result of error by the Zoning Administrator. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

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

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

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

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

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

“Start of construction” for purposes of floodplain management, determines the effective map or regulation that regulated development in the Special Flood Hazard Area. The “start of construction” includes substantial improvement, and means the date the zoning permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

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

“Structure” means, for regulatory purposes under this section of this regulation, 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 regulation, 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 regulation. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation has been provided.

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8.0 INTERPRETATION and DEFINITIONS

8.1 Interpretation.

8.1.1 Meaning and Interpretation.

In the construction of these regulations, the following provisions and rules shall be applied, except when the context clearly requires otherwise:

- A. "Town" is the Town of Northfield, Vermont.
- B. Words used in the present tense shall include the future and words used in the future tense shall include the present.
- C. Words in the singular number shall include the plural and words in the plural number shall include the singular number.
- D. The words "shall" and "must" are mandatory and not optional or merely directory.
- E. The words "may" and "should" are permissive.
- F. The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied, employed for, constructed for, altered for, converted for, rented for, leased for, maintained for, utilized for, or occupied for.
- G. The word "includes" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- H. The terms "such as" and "for example" shall be considered as introducing typical or illustrative, rather than an entirely exclusive or inclusive designation of, permitted or prohibited uses, activities, conditions, establishments, or structures.
- I. A "building" or "structure" includes any part thereof.
- J. The word "built" includes "erected," "constructed," "reconstructed," "enlarged," or "moved."
- K. The word "premises" shall include land and buildings thereon.
- L. The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter.
- M. The words "adjacent" and "next to" shall have the same meaning as "abut."

- N. The words "original" and "existing" mean the conditions existing on the effective date of these regulations.
- 8.1.2 Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
- A. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - B. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - C. "Either...or" indicates that the connected item, conditions, provisions, or events shall apply singly but not in combination.
- 8.1.3 References made to officials and official bodies shall mean officials and official bodies of the Town of Northfield, unless the natural construction of the wording indicates otherwise.
- 8.1.4 The word "regulation," "these regulations," "these land development regulations," "this ordinance," or "this regulation" means the "Town of Northfield Zoning Regulations."

Any word or phrase which is defined in this section, or elsewhere in these regulations, shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

- 8.1.5 Any word or phrase that is not defined in this section or elsewhere in these regulations, shall have its plain and commonly accepted meaning.

Where uncertainty exists as to the meaning of a word or phrase in these regulations, the Zoning Administrator shall make an interpretation pursuant to the standards in (A) through (N) of 8.1.1 above. Any person may appeal an interpretation of the Zoning Administrator to the DRB in accordance with the procedures for appeal of a decision of the Zoning Administrator in 2.16.1 of these regulations.

8.2 Definitions.

8.2.1 Abandonment.

The relinquishment of property or a cessation of the use conducted on the property for a period of six (6) consecutive months by the owner, tenant, or lessee, without any intention of transferring rights to the property to another owner or resuming the use of the property, for reasons other than an act of God or access impeded by government action.

8.2.2 Accessory Structure.

A structure detached from a principal structure located on the same lot, and customarily incidental and subordinate to the principal structure or use.

8.2.3 Accessory Use.

A use of land or of a structure or portion of a structure, customarily incidental or subordinate to the principal use of the land or structure and located on the same lot with the principal use.

8.2.4 Adaptive Reuse.

The development of a new use for an existing structure or for a structure originally designed for a special or specific purpose.

8.2.5 Addition.

An extension or increase in the floor area or height of a building or structure.

8.2.6 Administrative Officer. See Zoning Administrator.

8.2.7 Affordable Housing Means Either of the Following.

- A. Housing that is owned by its inhabitants whose gross annual household income does not exceed eighty percent (80%) of the county median income or eighty percent (80%) 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 thirty percent (30%) of the household's gross annual income.
- B. Housing that is rented by its inhabitants whose gross annual household income does not exceed eighty percent (80%) of the county median income or eighty percent (80%) 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 thirty percent (30%) of the household's gross annual income.

8.2.8 Affordable Housing Development.

A housing development of which at least twenty percent (20%) of the units or a minimum of five (5) 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 fifteen (15) years or longer as provided in these regulations.

8.2.9 Agriculture.

The cultivation of soil, production of crops, raising of livestock or dairying in accordance with accepted agricultural practices as defined by the Secretary of the Vermont Agency of Agriculture.

8.2.10 Alteration.

Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

8.2.11 Animal Services.

An establishment where any or all of the following are provided:

- A. Licensed practitioners of veterinary medicine, dentistry, or surgery treat animals.
- B. Animal and pet care services such as boarding, daycare, grooming and training are provided.
- C. The breeding, sale, management, or adoption of pets occurs.

“Animal services” may include grooming, boarding or other pet services, or sales of pet food, medicine or supplies, as an accessory use or uses.

8.2.12 Artist Gallery or Studio.

Work and/or exhibition space for one (1) or more artists, which can also be used for related instruction and the sale of artwork.

8.2.13 Assisted Living Facility.

Residences that provide rooms, meals, personal care, and supervision of self-administered medication, and may also provide other services, such as recreational activities or transportation.

8.2.14 Banner.

Any sign of lightweight plastic, fabric, or similar material that is permanently mounted to a pole or other structure by a permanent frame at one (1) or more edges. National, state, or municipal flags, or the official flag of any institution or business, shall not be considered banners.

8.2.15 Bar.

Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption on the premises as an accessory use to the principal use. This definition shall include a brew pub that produces less than fifteen thousand (15,000) barrels of beer per year and sells twenty-five percent (25%) or more of its beer on the premises.

8.2.16 Basement.

A story in a building, the structural ceiling of which is four feet (4') or less above the average level of finished grade and where the floor level is below finished grade at any point.

8.2.17 Bed and Breakfast.

A detached, owner-occupied single-unit dwelling containing sleeping rooms or dwelling units offered for overnight accommodation and a morning meal.

8.2.18 Building. See Structure.

8.2.19 Building Coverage.

The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

8.2.20 Building Envelope.

A specific area on a lot within which structures requiring a zoning permit shall be located or as otherwise specified by the DRB.

8.2.21 Building Footprint.

The area of land physically occupied by a building on the ground, including any deck, porch, or other appurtenant structure attached to the building, and any area of land over which any portion of a building or appurtenant structure overhangs. The building footprint does not include uncovered patios, walkways, driveways, landscaping, or other unattached structures.

8.2.22 Building, Principal.

A structure in which is conducted the principal use of the site on which it is situated.

8.2.23 Bulk Storage.

The storage of chemicals, petroleum products, and other materials in structures for sale by or to distributors or retail dealers or outlets.

8.2.24 Campground.

A place of business providing tenting or camping vehicle accommodations for commercial purposes, including travel trailer parks and the like. Alternatively, any parcel occupied by four (4) or more camping units (e.g., tents, recreation vehicles, travel trailers, etc.) for more than fourteen (14) days per year (cumulative for the year), even if not a commercial operation.

8.2.25 Camping Vehicle or Recreational Vehicle.

A travel trailer, tent trailer, motor home, camper trailer, truck camper, or any other device or conveyance so constructed as to permit its ready transport on roads, and designed as temporary living/sleeping quarters. A camping vehicle excludes mobile homes. May include certain "tiny homes" on wheels depending on type and use - see tiny home definition for clarification. Any camping vehicle used as living/sleeping quarters and sited so as not to be readily movable shall be deemed a dwelling unit.

8.2.26 Car Wash.

A building or premises or portion thereof used for washing motor vehicles, whether by automatic device or self-service.

8.2.27 Cemetery.

A site designed to inter or otherwise store the remains of deceased people or domestic animals.

8.2.28 Centerline or Center.

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

8.2.29 Certificate of Occupancy.

A permit issued by the Town of Northfield upon verification by the Zoning Administrator that the applicant has complied with all requirements and conditions of a site plan approval, conditional use, zoning permit, or other approval.

8.2.30 Change of Use.

The modification of a use of a building or land, or the replacement of a use of a building or land with another use or uses, or the addition of a use or uses to a building or land, or the cessation of a use or uses of a building or land.

8.2.31 Character of the Neighborhood.

The distinctive traits, qualities or attributes; an area's appearance and essential nature, pattern of uses, and sense of community; and the factors which give it identity.

8.2.32 Childcare Facility.

An establishment used to provide care and supervision for more than six (6) children, from three (3) or more families, outside their own homes for periods of less than twenty-four (24) hours per day irrespective of whether the programs or facilities require state licensure. This definition includes programs that provide care and supervision to school-age children outside of school hours irrespective of whether they are located in an educational institution or government facility.

8.2.33 Chimney.

A structure containing one (1) or more flues for drawing off emissions from stationary sources of combustion.

8.2.34 Church. See Place of Worship

8.2.35 Commencement of Land Development.

Activities including tree cutting, vegetation removal or site excavation, filling or grading activities, where these are conducted in preparation for Land Development as defined herein.

8.2.36 Commercial Forestry Operation.

An enterprise engaged in the storage, sorting, primary processing, and transport of locally harvested timber. This definition specifically excludes forestry operations as defined in 12 VSA §5756 and wood products manufacturing.

8.2.37 Commercial School.

A school not certified by the Vermont Department of Education as a public or private school; includes, but is not limited to, schools of business, barbering, beauty, culture, music, art, dancing, and driving.

8.2.38 Commercial Vehicle.

Any motor vehicle licensed by a state as a commercial vehicle.

8.2.39 Communications Antenna.

A device used to transmit or receive radio, television, or other wireless communications and related structures and equipment. This definition specifically excludes a communication tower.

8.2.40 Community Center.

An establishment generally open to the public that serves as a meeting place where people living in the community may carry on educational, cultural, recreational, or social activities. Services within the facility may be operated by one (1) or more public or non-profit entities.

8.2.41 Community Garden.

A piece of land where primarily edible plants are grown and maintained by a group of people from the community. Community gardens may produce food for individual consumption or for sale, may be designed for beautification of the community, and may be used for educational purposes.

8.2.42 Conditional Use.

A use allowed in a particular zoning district only upon showing that such use in a specified location will conform to all the standards for the location or operation of such use as specified in these regulations and as authorized by the DRB.

8.2.43 Congregate Housing.

A housing facility that has significant facilities and services specifically designed to meet the physical needs or social needs of a group of individuals, including but not limited to those with physical or intellectual disabilities, or older persons. This is not a group home; see definition.

8.2.44 Construction.

The act of adding to, altering, or extending an existing structure or the erection of a new structure on real property.

8.2.45 Contractor or Building Trade Facility.

A facility, including offices, used for the conduct of building, contracting, or related trades that conduct a majority of business activity off-site. Such use may include the indoor storage, maintenance, and processing of vehicles, equipment, merchandise, and materials used in the conduct of the business, and other customary and incidental activities directly related to the conduct of the business.

8.2.46 Contractor's Yard.

An establishment or place of business primarily engaged in selling merchandise to retailers, business users, or other wholesalers. A contractor's yard is typically a wholesale trade operation but may have retail trade or some portion allocated to retail trade. Typical uses include lumber yards, mill work yards, and stone or masonry yards.

8.2.47 Convenience Store.

A retail establishment, typically less than 3,000 square feet (3,000 SF) in area, offering for sale pre-packaged or prepared food products, household items, and publications, and which may include sandwiches and other freshly prepared foods for off-site consumption.

8.2.48 Conversion.

A change in the use of land or a structure.

8.2.49 Cultural Facility.

An establishment that documents the social structures, intellectual manifestations, and artistic production that characterizes a society. Cultural facility including museums, art galleries, and botanical or zoological gardens of natural, historic, educational, or cultural interest.

8.2.50 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.

8.2.51 Demolition.

Any act or process that destroys in part or in whole a landmark, building, structure, or improvement.

8.2.52 Development or Land Development.

The division of a parcel into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure or of any mining, excavation or landfill, and any change in the use of any structure, or land, or extension of use of land.

8.2.53 Development Review Board.

The Development Review Board of the Town of Northfield.

8.2.54 District.

A part, zone, or geographic area within the Town of Northfield within which certain zoning or other land development regulations apply.

8.2.55 Dormitory.

A building occupied or intended to be occupied by persons enrolled, affiliated with, or employed by the same educational, religious, or health institution, containing bathrooms and other facilities for the common use of residents. Dormitory shall not include a rooming house, guest home, tourist home, bed and breakfast, hotel, motel, group home, congregate housing, or health institution. Dormitory is a type of group quarters as defined herein.

8.2.56 Drive-Through Use.

An establishment which by design, physical facilities, service, or by packaging procedures, encourages, or permits customers to receive services, goods, or be entertained while remaining in their vehicles. A drive-through use may be a principal or accessory use on a lot.

8.2.57 Driveway.

A private vehicular access from a street to a parking space, garage, dwelling, or other structure and generally subordinate in nature to a street. A driveway may be shared among structures, but its function generally is subordinate to a street or shared access way.

8.2.58 Duplex. See Dwelling, Two (2) -Unit.

8.2.59 Dwelling.

A building designed for or used as the living quarters for one (1) or more households.

8.2.60 Dwelling Unit.

One (1) or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single household.

8.2.61 Dwelling, Single-Unit.

A building containing one (1) dwelling unit and used as living quarters by one (1) household.

- 8.2.62 Dwelling, Single-Unit detached.
A building containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.
- 8.2.63 Dwelling, Multi-Unit.
A building containing five (5) or more dwelling units in which each household is living independently.
- 8.2.64 Dwelling, Two (2) - Unit.
A building containing two (2) dwellings and in which each household is living independently.
- 8.2.65 Dwelling, Three (3) - Unit.
A building containing three (3) dwelling units in which each household is living independently.
- 8.2.66 Dwelling, Four (4) - Unit.
A building containing four (4) dwelling units in which each household is living independently.
- 8.2.67 Easement.
A grant of one (1) or more of the property rights by a property owner to or for use by the public, a corporation, or another person or entity.
- 8.2.68 Educational Institution, Primary or Secondary.
A public or private establishment that provides a program of elementary or secondary education that is certified, approved or recognized by the Vermont Agency of Education.
- 8.2.69 Educational Institution, Post-Secondary.
A public or private establishment that provides a program of post-secondary education that is certified, approved or recognized by the Vermont Agency of Education.
- 8.2.70 Elevation.
A vertical distance above or below a fixed reference level; a flat scale drawing of the front, rear, or side of a building.
- 8.2.71 Essential Services (Utilities).
Services and utilities needed for the health, safety, and general welfare of the community, such as electrical, gas, telephone, internet, steam, water, wastewater, and other utilities, along with the equipment and

appurtenances necessary for such systems to furnish service for the area in which it is located.

8.2.72 Establishment.

An economic unit, generally at a single physical location, where business is conducted or services or industrial operations are performed.

8.2.73 Excavation.

Removal or recovery by any means of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

8.2.74 Existing Grade or Elevation.

The vertical location of the ground surface prior to excavation or filling.

8.2.75 Existing Use.

The use of a lot or structure at the time of the enactment or amendment of the Town of Northfield Zoning Regulations.

8.2.76 Extension.

With respect to Sand and Gravel Extraction, "extension" means the continuation of a preexisting operation onto an adjacent parcel of land, or any substantial increase in the rate of extraction, or substantial change in the type of operation, or of traffic or equipment associated with a preexisting operation.

8.2.77 Family. See Household.

8.2.78 Family Childcare Home.

The accessory use of a single-unit residential property for a childcare business serving a maximum of six (6) children that operates under state license or registration.

8.2.79 Farm.

A parcel or parcels owned, leased, or managed by a person, devoted primarily to farming, and subject to the Required Agricultural Practices rules (RAP rules) adopted pursuant to 6 VSA Chapter 215, Subchapter 2. For leased lands to be part of a farm, the lessee must exercise control over the lands to the extent they would be considered as part of the lessee's own farm. Indicators of such control include whether the lessee makes day-to-day decisions.

8.2.80 Farm Structure.

As defined in 24 VSA §4413, a building, enclosure, or fence for housing livestock, raising horticultural, or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in 10 VSA §6001(22), but excluding a dwelling for human habitation.

8.2.81 Farmer’s Market.

A location outside a public street right-of-way used to accommodate an event or series of events at which two (2) or more farmers gather to sell their agricultural products directly to the general public.

8.2.82 Fence.

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

8.2.83 Fill.

Any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

8.2.84 Financial Institution.

A use of a structure in which financial services are made available to the public, including but not limited to depository institutions, non-depository institutions, holding companies, other investment companies, and brokers and dealers in securities and other contracts.

8.2.85 Finished Elevation.

The proposed elevation of the land surface of a site after completion of all site preparation work.

8.2.86 Flag.

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

8.2.87 Flat Sign.

A sign attached to, printed on, or otherwise affixed to a building, the readable surface of which is parallel to the building front to which it is attached, which is primarily supported by the building and no part of which projects over eight inches (8") from the face of the building.

Floodplain Floodplain-related definitions are listed at the end of Section 7.

8.2.88 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 (2) buildings, excluding unfinished attic, cellar, garage, and basement areas used only for storage or for the operation and maintenance of the building.

8.2.89 Food or Beverage Manufacturing.

A state licensed establishment that produces food or beverage products that are typically sold to wholesalers or retailers. It may include a retail shop, restaurant or bar as an accessory use that primarily sells products produced on the premises. This definition includes a microbrewery or commercial bakery.

8.2.90 Forestry.

Forestry operations as defined in 12 VSA §5756.

8.2.91 Frontage.

That boundary of a lot abutting a public street; the front lot line.

8.2.92 Fuel Storage.

The containment of liquid fuel, including but not limited to heating oil, diesel fuel, gasoline, or kerosene, whether above or below ground.

8.2.93 Funeral Home.

A place of business involved in the arranging, directing, or providing for the care, preparation, or disposition of dead human bodies. This includes, but is not limited to:

- A. Meeting with the public to select a method of disposition or funeral observance and merchandise.
- B. Entering into contracts, either at-need or pre-need, for the provision of dispositions, funeral observances, and merchandise.
- C. Arranging, directing, or performing the removal or transportation of a dead human body.
- D. Securing or filing certificates, permits, forms or other documents.

- E. Supervising or arranging a funeral, memorial, viewing, or graveside observance.
 - F. Where specifically permitted by the Town of Northfield as a conditional use, cremation of human remains.
- 8.2.94 Garage.
- A detached or attached accessory building or part thereof, used or intended to be used only for the storage of private passenger vehicles belonging to the residents, employees, or visitors of the premises.
- 8.2.95 Garden Center.
- A place of business where retail and/or wholesale products and/or produce are sold to the consumer which may include a nursery and/or greenhouses, and may include plants, nursery products, and stock, potting soil, hardware, power equipment and/or machinery, hoes, rakes, shovels, and other garden and/or farm variety tools and utensils.
- 8.2.96 Government Building.
- An establishment owned or operated by the state, town, or another unit of government that serves a public function and provides governmental services.
- 8.2.97 Grade.
- The elevation of the land or land level at a specific point.
- 8.2.98 Group Home. See Residential Care Home.
- See 5.5 Group Homes and Child Care Homes.
- 8.2.99 Group Quarters.
- Residential accommodations provided in dormitories, fraternity houses, sorority houses, rooming houses, boarding houses, residential care homes, and similar uses, but not including hospitals, nursing homes, hotels, inns, or bed and breakfast establishments.
- 8.2.100 Habitable Floor Area.
- Any area designed and usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof.
- 8.2.101 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.

8.2.102 Highway or Street.

A public way for vehicular traffic that affords the principal means of access to abutting properties that is one (1) of the following:

- A. Existing Town or State highway or street.
- B. A street shown on the Town map.

8.2.103 Highway or Street Line.

The boundaries of the right of way of a street as dedicated by a deed of record. Where the width of the street is not established, the street line shall be considered to be twenty-five feet (25') from the centerline of the street.

8.2.104 Home Occupation.

A business, profession, occupation, or trade which is conducted within a dwelling unit or its accessory structure for the economic gain or support of a resident of the dwelling and which is incidental and subordinate to the residential use of the dwelling.

8.2.105 Hotel or Motel.

A building or portion thereof containing seven (7) or more guest rooms used, designed, or intended to be used, let, or hired out for occupancy by seven (7) or more transient individuals for compensation, whether direct or indirect. A hotel or motel may include on-premise eating and drinking facilities, fitness facilities, and limited retail sales as ancillary uses to the principal use for occupancy by transient individuals.

8.2.106 Household.

- A. Two (2) or more persons related by blood, adoption, marriage, foster care, or civil union, functioning as a single housekeeping unit.
- B. A group of no more than five (5) unrelated persons functioning as a single housekeeping unit.

8.2.107 Inn.

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 (6) or more transient individuals for compensation, whether direct or indirect. The definition of "inn" shall not include restaurants or other eating and drinking facilities open to the general public other than registered guests of the premises.

8.2.108 Junkyard (Salvage Yards).

Junkyard shall have the meaning of “salvage yard” in 24 VSA §2241(7).

8.2.109 Land Development. See Development.

8.2.110 Legislative Body.

The Town of Northfield Select Board.

8.2.111 Light Manufacturing.

Manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building.

8.2.112 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 DRB to be adequate as a condition of the issuance of a zoning permit.

8.2.113 Lot Area.

The total area within the property line excluding any part thereof lying within the boundaries of a public street or proposed public street.

8.2.114 Lot, Corner.

A lot at the junction of and abutting on two (2) 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.

8.2.115 Lot Coverage.

The percentage of the lot area which is covered by structures and other improvements including parking, loading and service areas, and access roads. Lawns, planting areas, walkways, and pedestrian amenities shall not be considered improvements for the purposes of calculating lot coverage.

8.2.116 Lot Depth.

The minimum distance from the road right-of-way sideline, or sideline of the right-of-way providing access to the rear lot line. Where a parcel accesses a public road or other right-of-way by means of a strip of land owned and included as part of the lot, which is narrower than the required frontage for the district in which the lot is located, the lot depth shall be measured from a point at which the lot meets the required frontage width to the rear lot line.

8.2.117 Lot Frontage.

The continuous length of the front lot line measured along the public street right of way line or the length within a lot of a continuous line parallel with the street and measured along the minimum required front yard.

8.2.118 Lot Line.

Any boundary of a lot other than a street line.

8.2.119 Lot Line, Front.

The lot line separating a lot from a street right-of-way. In the case of a through lot, the lot shall be deemed to have two (2) front yards which shall each meet the required front yard setback and all other requirements of these regulations for front yards and shall be deemed to have two (2) side yards and no rear yard. A corner lot shall be deemed to have two (2) front yards and two (2) side yards, and no rear yard.

8.2.120 Lot Line, Rear.

The rear lot line is generally opposite to the street line. If the rear lot line is less than ten feet (10') in length or if the lot comes to a point in the rear, the rear lot line shall be deemed to be a line parallel to the street line not less than ten feet (10') long lying farthest from the street line.

8.2.121 Lot Line, Side.

Any lot line other than a front or rear lot line.

8.2.122 Lot Line, Street.

A lot line separating a lot from a street.

8.2.123 Lot, Through.

A lot other than a corner lot with frontage on more than one (1) street.

8.2.124 Manufactured Home

A prefabricated dwelling unit, 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.”

8.2.125 Manufactured Home Park

Land upon which two (2) or more manufactured homes are sited and occupied for living purposes.

8.2.126 Manufacturing.

Any process whereby the nature, size, or shape of articles or raw materials is changed, or where articles are assembled and packaged.

8.2.127 Medical Clinic.

An establishment where patients receive examination and treatment on an outpatient basis by one (1) or more physicians, dentists, other medical professionals, psychologists, physical therapists, social workers, or other health professionals, and where patients do not remain for more than twenty-four (24) hours.

8.2.128 Mixed Use.

A development or area in which residential uses and non-residential uses (e.g., office, commercial, industrial, institutional, etc.) are combined in a single building or in an integrated development project with significant functional interrelationships and a coherent physical design.

8.2.129 Mobile Home. (See: Manufactured Home)

8.2.130 Mobile Home Park. (See; Manufactured Home Park)

8.2.131 Motel. See Hotel.

8.2.132 Municipal Land Use Permit.

Any of the following whenever issued:

- A. A zoning, subdivision, or site plan permit or approval, any of which relate to "land development" as defined in this regulation, which has received final approval from the applicable board, commission, or officer of the municipality.
- B. A septic or sewage system permit issued under any municipal ordinance adopted pursuant to 24 VSA Chapter 102.

- C. Final official minutes of meetings which relate to the permits or approvals described in subsection (A) or (B) above, which serve as the sole evidence of such permit or approval.
- D. A certificate of occupancy, certificate of compliance, or similar certificate which relates to the permits or approvals described in subsection (A) or (B) above.
- E. An amendment of any of the documents listed in subsections (A) through (D) above.

8.2.133 Municipal Water and Sewer.

Sewage disposal and water supply systems operated by the municipal government.

8.2.134 Neighborhood.

The lots in the same area; nearby; the state or quality of being neighbors, including but not limited to the area within sight and/or sound.

8.2.135 Non-Conforming Lots or Parcels.

Lots or parcels that do not conform to the present regulations covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present regulations, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator.

8.2.136 Non-Complying Structure.

A structure or part thereof not in conformance with the zoning regulations covering building bulk, dimensions, height, area, yards, density, or off-street parking or loading requirements, where such structure either:

- A. Was improperly authorized as a result of an error by the Zoning Administrator, or
- B. Conformed to all applicable ordinances and regulations prior to the enactment of such zoning regulations.

8.2.137 Non-Conforming Use.

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

8.2.138 Non-Conformity.

A non-conforming or non-complying use, structure, lot, or parcel.

8.2.139 Nursery. See Garden center.

8.2.140 Nursery School. See Childcare Facility.

8.2.141 Nursing Home or Convalescent Home. See Skilled Nursing Facility.

8.2.142 Office.

A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

8.2.143 Office, Medical. See Medical Clinic.

8.2.144 Outdoor Storage.

The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

8.2.145 Owner.

Any full or partial owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant in the entirety, with legal title to the whole or part of a structure or parcel of land.

8.2.146 Parcel.

A lot or tract of land or water that is capable of being described in definitive terms with respect to its location and boundaries.

8.2.147 Park.

Any land owned by the public and open for use by the general public for active or passive recreational purposes, or as a refuge for wildlife.

8.2.148 Parking Area, Facility, or Lot.

An off-street public or private land area designed and used or intended for use for the temporary storage of motor vehicles, and usually surfaced and improved with a hard, all-weather material.

8.2.149 Parking, Public.

A municipally-owned or controlled parking area available to the public, whether on-street or off-street, and which therefore is not for the exclusive use of customers or employees of the lot on which the parking area is located, or to which an on-street parking area is adjacent. A public parking facility may or may not require payment of a fee.

8.2.150 Patio.

A surface built at grade without a foundation or pier support.

8.2.151 Pennant.

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

8.2.152 Permitted Use.

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

8.2.153 Person.

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

8.2.154 Personal Service. See Service Establishment.

8.2.155 Place of Worship.

A building or structure, or groups of buildings or structures, which by design, construction, or use are primarily intended for the conducting of organized religious services and associated accessory uses.

8.2.156 Plan.

The duly adopted municipal plan for the Town of Northfield.

8.2.157 Planned Unit Development.

One (1) or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from regulation requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required open space, or other standards.

8.2.158 Planning Commission.

The duly appointed Planning Commission for the Town of Northfield.

8.2.159 Plat.

A map or plan drawn to scale of one (1) or more parcels, tracts, or subdivisions of land, showing, but not limited to, boundaries, corners, markers, monuments, easements, and other rights, in compliance with 27 VSA §1403.

8.2.160 Plat, Final.

The final map of all or a portion of a subdivision or Planned Unit Development which is presented to the DRB for final approval and which, upon approval, shall be recorded with the Town Clerk.

8.2.161 Plat, Preliminary.

A preliminary map indicating the proposed layout of a subdivision or Planned Unit Development, which is presented to the DRB for consideration and preliminary approval.

8.2.162 Plat, Sketch.

A concept map of a proposed subdivision or Planned Unit Development of sufficient accuracy and detail to be used for purposes of discussion with the Zoning Administrator or DRB.

8.2.163 Pre-Construction Grade.

The elevation of the ground level in its natural state, before construction, filling, or excavation.

8.2.164 Premise.

A piece of land, including any buildings thereon.

8.2.165 Principal Building or Structure. See Building, Principal.

8.2.166 Principal Use. See Use, Principal.

8.2.167 Public Notice.

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

8.2.168 Recreation, Indoor.

A building or portion thereof containing recreation facilities including but not limited to: swimming pools, skating rinks, health clubs, gymnasias, yoga studios, dance studios, fitness centers, training rooms, playing fields, tennis courts, handball/racquetball/squash courts, volleyball courts, including associated locker rooms, dressing areas, shower/steam bath/sauna spaces, and administrative spaces.

8.2.169 Recreation, Outdoor.

One (1) or more parcels or structures used for outdoor activities. Outdoor recreation may range from passive (those requiring no substantial alteration or maintenance of the land such as primitive hiking trails) to active (those

requiring substantial alteration or maintenance of the land such as developed parks, organized athletic facilities, mountain bike trails VAST trails, ski runs, etc.). Outdoor recreation facilities are further classified as:

- A. Outdoor recreation facilities with primitive structures such as benches, primitive shelters, and bridges over streams.
- B. Outdoor recreational facilities with incidental structures, which may include such associated structures as backstops, dugouts, fences, storage buildings, portable ice rinks, warming huts, restrooms, etc.
- C. Outdoor recreation facilities with permanent structures, which may include such structures as clubhouses or locker rooms.

8.2.170 Recreational Vehicle.

A vehicle which is:

- A. Built on a single chassis
- B. 400 square feet (400 SF) or less in gross area 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.

8.2.171 Removal.

The relocation of a structure from one site to another site.

8.2.172 Repair.

Any change that is not construction, removal, or alteration.

8.2.173 Required Improvements.

Capital improvements required by the DRB in conjunction with a subdivision or development of land, including without limitation monuments, lot markers, streets, water mains, signs, sanitary sewers, fire hydrants, and landscaping.

8.2.174 Research Facility or Laboratory.

An establishment or other facility for carrying on basic or applied research, and including any educational activities associated with and accessory to such research, but not including a medical or veterinary clinic, or hospital.

8.2.175 Retaining Wall.

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

8.2.176 Renewable Energy Resources.

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

8.2.177 Restaurant.

An establishment where the principal use is the preparation and sale of meals to the public, which may include dining on the premises (indoor and/or outdoor), take out dining, or delivery.

8.2.178 Retail Sales.

Establishments engaged in selling goods or merchandise to the general public at retail or wholesale for personal or household consumption or for business use and rendering services incidental to the sale of such goods.

8.2.179 Right-of-Way.

- A. A strip of land acquired by reservation, dedication, prescription, or condemnation, and occupied or intended to be occupied by a road, path, crosswalk, railroad, utility transmission line, or similar use.
- B. Generally, the right to pass over the property of another.

8.2.180 Sandwich Board Sign.

A portable freestanding sign placed on the ground that has no more than two (2) sides.

8.2.181 Self Storage.

A structure containing separate, individual, and private storage spaces of varying sizes, leased or rented on individual leases for varying periods of time.

8.2.182 Service Establishment.

A business primarily engaged in providing assistance (as opposed to products) to individuals, business, government, or other enterprises. Examples include but are not limited to: hair and personal care salon, caterer, appliance repair shop, real estate agency, laundromat, dry cleaner, tailor, or printing shop.

8.2.183 Setback.

The distance from the nearest portion of a structure to any lot line including the street right-of-way. For purposes of this definition, a structure shall not include:

- A. Eaves, sills, pilasters, gutters, leaders, cornices, chimneys, and roof overhangs, provided such features do not extend more than two feet (2') from the structure.
- B. Steps to first floor entries, provided such features do not extend more than five feet (5') from the structure.
- C. Ramps or other structures for use by persons with disabilities.
- D. Light poles.

8.2.184 Short Term Rental.

A rental of any dwelling, in whole or in part, within the Town of Northfield, to any person(s) for transient use, other than:

- A. A permitted bed and breakfast, hotel, or inn.
- B. An ongoing month-to-month tenancy granted to the same renter for the same dwelling.
- C. One (1) less-than-30-day rental per year.
- D. A house exchange for which there is no payment.

8.2.185 Sidewalk.

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

8.2.186 Sign.

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.

8.2.187 Sign, Off-Premise.

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

8.2.188 Site Plan.

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

8.2.189 Skilled Nursing Facility.

An institution or part of an institution that provides licensed, skilled, full time nursing care and related services for patients who require medical, nursing, or rehabilitative services. The facility also may provide extended or intermediate care for those who by reason of infirmity or impairment require acute, chronic, or convalescent care. Such a facility shall also be known as a “nursing home,” “convalescent facility,” or “long-term care facility.”

8.2.190 Storage.

The placement of equipment or material of more than ten cubic yards (10 CY) of average volume for more than one hundred eighty (180) days.

8.2.191 Story.

That part of any building, including basements, which is between the level of one floor and the level of the next higher floor, or, if there be no higher floor, then that part of the building which is between the level of the highest floor and the top of the roof plate.

8.2.192 Story, Half.

Any space partially within the floor framing, where the clear height to not more than fifty percent (50%) of such space between the top of the floor beams and the structural ceiling level is seven feet six inches (7'6") or more.

8.2.193 Stream.

A water course with a visible stream bed of exposed rock, gravel, or other sediment, even if water is not present in the stream bed during seasonal dry periods. For regulatory purposes, streams shall be identified as those shown as stream lines in the Vermont Hydrography Dataset (VHD) as published by the Vermont Center for Geographic Information (VCGI).

8.2.194 Street.

A public or private road or right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

8.2.195 Structural Alteration.

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

8.2.196 Structure.

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

8.2.197 Subdivision.

The division of a lot, tract, or parcel of land into two (2) or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

8.2.198 Substantial Completion.

The point at which a structure or building can be used for its intended purpose. This corresponds to the point at which a certificate of occupancy is typically granted.

8.2.199 Technical Deficiency.

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

8.2.200 Telecommunications Facility or Tower.

A structure on which transmitting and/or receiving antennae are located.

8.2.201 Theater.

A facility used for cultural arts performances (e.g., motion pictures, drama, dance, musical, etc.) that are open to the public. A theater may include incidental use for related activities including but not limited to instructional classes, meetings, exhibits, or presentations.

8.2.202 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 (25%) 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.

8.2.203 Use.

The specific purpose or activity for which a structure, building, or land is or may be designed, arranged, designated, or intended, or for which a structure, building, or land is or may be occupied and maintained.

8.2.204 Use, Principal.

The primary or predominant use of a lot.

8.2.205 Utility.

A person, entity, agency, or establishment which, under public franchise or ownership, or under certificate of necessity or public good, generates, transmits, distributes, or otherwise provides the public with utility services. Such services include the erection, construction, alteration, or maintenance of underground, surface, or overhead transmission and collection systems, and equipment and appurtenances necessary for such systems to furnish an adequate level of service to the public.

8.2.206 Vehicle Fueling.

A business or enterprise, or building, land area, or other premises, engaged in the retail dispensing or sale of gasoline or other vehicular fuels, and which may include the sale of oil, tires, fluids, or other automotive-related products.

8.2.207 Vehicle Repair.

Any property used for the commercial repair, detailing, restoration, or reupholstering of motor vehicles and recreational vehicles (e.g., cars, pickup trucks, recreational vehicles, motorcycles, boats, snowmobiles, all-terrain vehicles, etc.).

8.2.208 Vehicle Rental and Sales.

Any property used for the sale or leasing of automobiles, trucks, tractors, construction or agricultural equipment, mobile homes, or recreational vehicles.

8.2.209 Walkway.

Any type of defined space or pathway for use by a person traveling by foot or using a wheelchair. These may be pedestrian walkways, shared use paths, sidewalks, or roadway shoulders.

8.2.210 Warehouse.

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

8.2.211 Wetland.

Areas 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 growing food or crops in connection with farming activities.

8.2.212 Yard.

An area on a lot that lies between the principal or accessory building or buildings and the nearest lot line, which is unoccupied and unobstructed from the ground upward to the sky by any structure or portion thereof, except as permitted by these regulations.

8.2.213 Yard, Front.

A yard extending the full length of the front lot line and situated between the front lot line and the front of the principal building at its farthest point from the lot line. Each yard that abuts a front lot line shall be deemed a front yard.

8.2.214 Yard, Rear.

A yard extending across the full length of the rear lot line and situated between the rear lot line and the back of a principal building at its farthest point from the rear lot line. In the case of a through lot or corner lot, there shall be no rear yard, but only front and side yards.

8.2.215 Yard, Side.

A yard extending along the full length of the side lot line and situated between the side lot line and the side of the principal building at its farthest point from the side lot line, but excluding any area encompassed within a front yard or rear yard.

8.2.216 Zoning Map.

The Zoning Map of the Town of Northfield, Vermont, together with all amendments subsequently adopted, which is part of these zoning regulations and which delineates the boundaries of the zoning districts.

8.2.217 Zoning Permit.

A document issued in accordance with these regulations by the Zoning Administrator before any land development, other than activities explicitly exempted by these regulations, may commence.

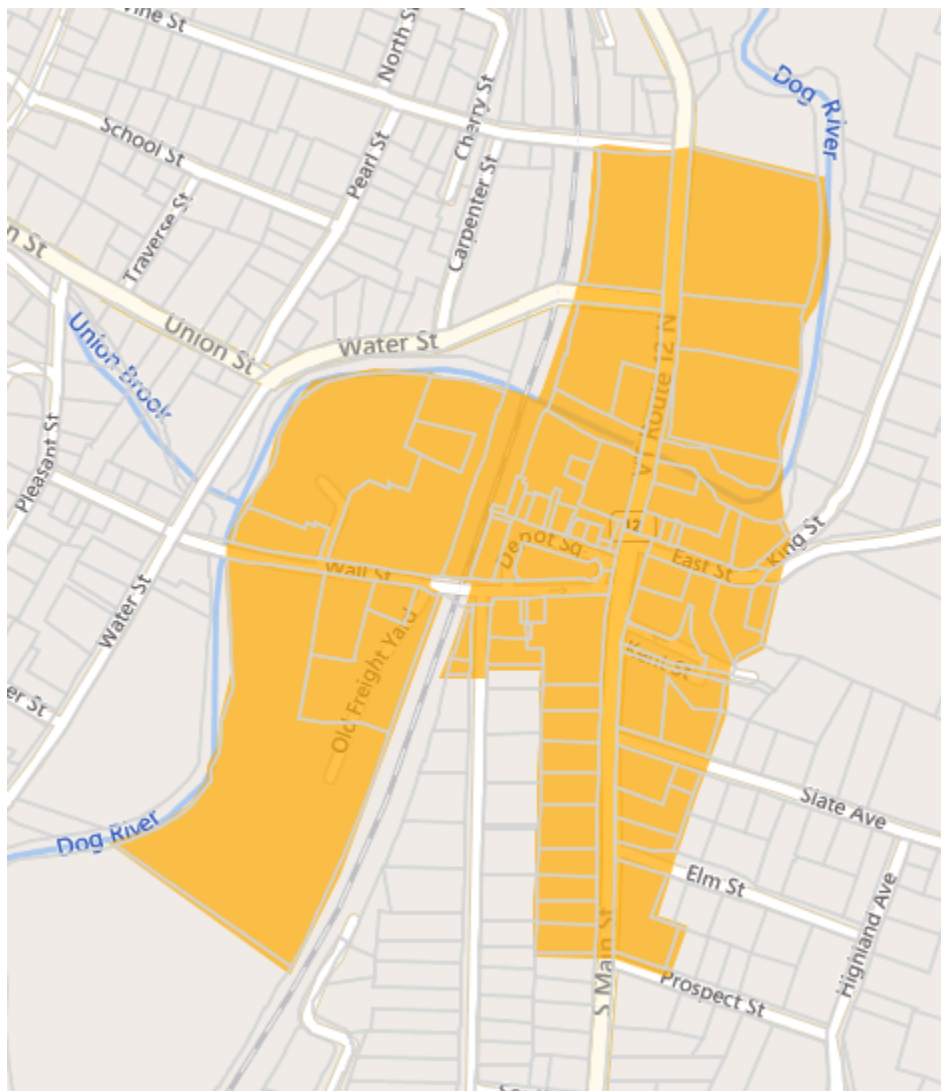
9.0 MAPS

Placeholder – Current Northfield Zoning Map:

https://www.northfield-vt.gov/_files/ugd/13fb68_d83dc7da97d4450f8bd44d79803c1609.pdf

PLEASE NOTE: Northfield’s current zoning map is being updated to reflect the two Village Center districts as depicted in the following maps.

Northfield Village Center:



Northfield Falls Village Center:

