TOWN of ARLINGTON

LAND USE and DEVELOPMENT BYLAWS

Amended by the
TOWN OF ARLINGTON SELECTBOARD
September 11, 2023

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ZONING MAPS LIST

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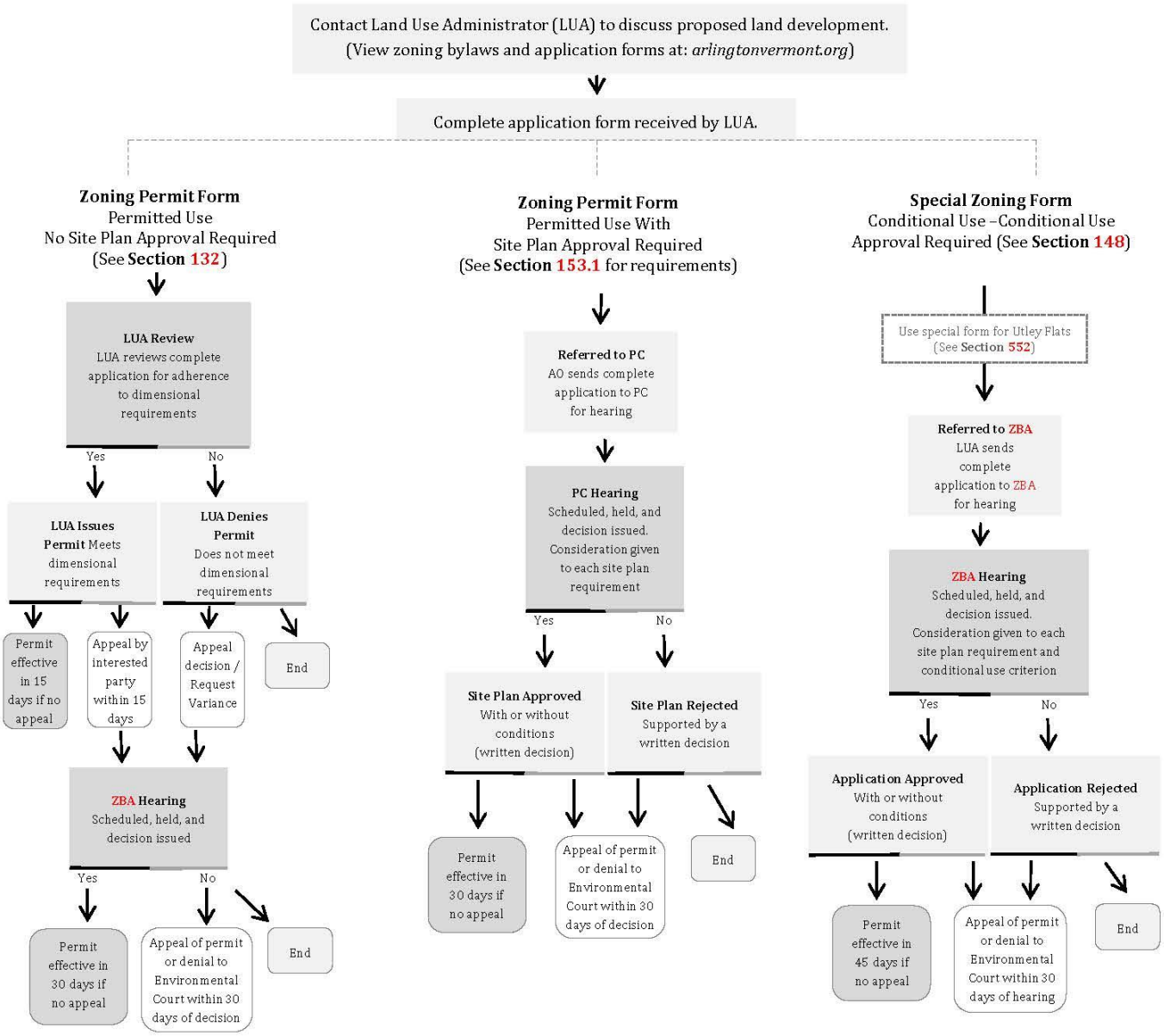
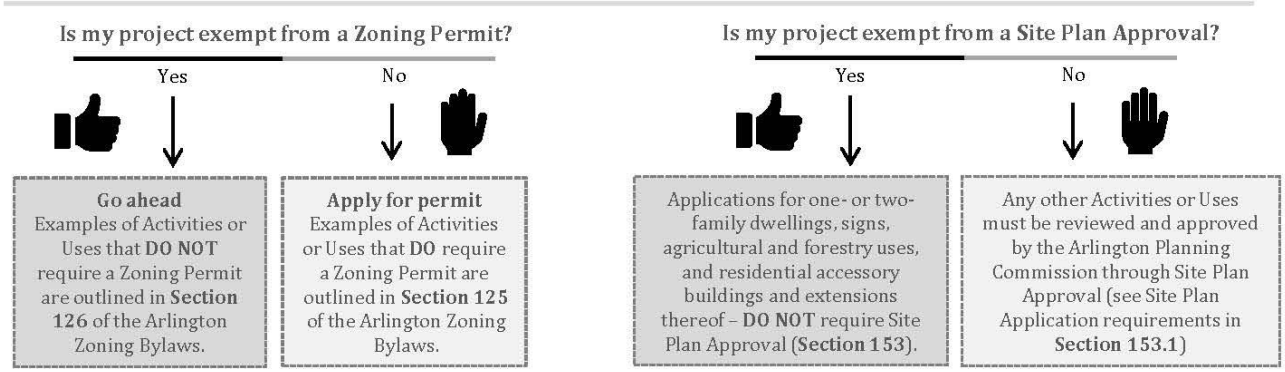
ORIGINAL ADOPTION: August 28, 1973

Arlington Zoning Permit Application Flow Chart





Contact the Land Use Administrator with any questions about these processes. Chart prepared by BCRC March 2017.

ARTICLE 1. GENERAL PROVISIONS

Section 1.1 Authority

1.1.1 Title

This regulatory tool constitutes the town's zoning, sign, and subdivision regulations and shall be known and cited as the *Arlington Land Use and Development Bylaws*, and hereinafter referred to as the Bylaw.

1.1.2 Statutory Authority

The Vermont Municipal and Regional Planning and Development Act, Title 24 V.S.A. Chapter 117 (hereinafter referred to as the Act), as amended, Subchapter 6, Section 4401, provides that "Any municipality that has adopted and has in effect a plan and has created a planning commission under this chapter may implement the plan by adopting, amending, and enforcing any or all of the regulatory and nonregulatory tools provided for in this chapter. All such regulatory and nonregulatory tools shall be in conformance with the plan, shall be adopted for the purposes set forth in Section 4302 of this title, and shall be in accord with the policies set forth therein."

1.1.3 Purpose

This Bylaw is designed to protect and promote the public health, safety, and welfare of the people of the Town of Arlington. It is intended to guide the future development of the Town in accordance with the Town Plan and to produce population densities that will bring about the most beneficial and convenient relationships among the residential, industrial, commercial, forest and recreational, and agricultural areas within the Town. This Bylaw is designed to maintain the character and economic stability of each part of the Town and to encourage orderly and beneficial development. It is designed to protect and conserve the value of land and buildings throughout the Town appropriate to the zoning districts established by this Bylaw. This Bylaw aims to bring about the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town. It aims to provide a guide for public policy and action in the efficient provision of public facilities and services and for private enterprise in building development, investment, and other economic activity relating to the use of land and buildings throughout the Town.

1.1.4 Application and Interpretation

All land development in the Town of Arlington shall require a zoning permit issued in accordance with this Bylaw unless specifically exempted pursuant to Section 1.2.

Development shall include the following: the division of a parcel into two or more parcels; the construction, reconstruction, conversion, structural alteration, installation, relocation, or enlargement of any building or other structure; any mining, excavation or land fill; or any change of use of any building or other structure, or land, or extension of use of land.

Any use not specifically permitted or conditionally permitted in a zoning district shall be deemed to be prohibited in that district.

In interpreting and applying the provisions of this Bylaw, they shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience, and general welfare, and more particularly for the purposes set forth in Section 1.1.3. Except as specifically provided herein, this Bylaw does not repeal, abrogate, annul, or in any way impair or interfere with any existing use of land or provision of law, or any rule or regulation previously adopted, or any permit, license, certificate, or other authorization previously issued, granted, or approved pursuant to law and not in conflict with the provisions hereof relating to the use of buildings or land, or to the erection, construction, establishment, moving, structural alteration of any building or improvement. This Bylaw does not interfere with or

abrogate or annul any easement, covenant, or other agreement between parties, provided, however, that wherever any provision of this Bylaw imposes greater restrictions than are imposed by such existing provisions of law or ordinance or by such rules, regulations, permits, licenses, certificates, or other authorizations or by such easements, covenants, or agreements, then the provisions of this Bylaw shall control.

1.1.5 Amendment and Adoption

This Bylaw or the boundaries of zoning districts established herein may be prepared and amended from time to time as provided by 24 V.S.A. Sections 4441 through 4444.

These regulations are a unified development bylaw which amend and replace the Town of Arlington's prior zoning regulations, zoning map, subdivision regulations, and sign ordinance. The previous bylaws shall be repealed as of the effective date of these regulations.

The Town of Arlington first adopted zoning bylaws on August 28, 1973 and subdivision regulations on March 2, 1999.

1.1.6 Effective Date

This Bylaw shall become effective 21 days after adoption as provided by law.

1.1.7 Severability

If any section, paragraph, subdivision, clause, phrase, or other part of this Bylaw shall be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Bylaw as a whole or any part or provision thereof other than that part so decided to be invalid or unconstitutional.

1.1.7 Disclaimer of Liability

This Bylaw does not create any liability on the part of the Town, its officials, agents, employees, or representatives for alleged damages that result from reliance on this Bylaw or any lawful administrative action or decision taken under this Bylaw.

Section 1.2 Exemptions and Limitations

1.2.1 Overlay District

The exemptions listed below may not apply within the overlay districts. If development will be occurring in an overlay district, see the applicable overlay district standards to determine whether a permit is needed.

1.2.2 General Exemptions

No zoning permit shall be required for the following activities:

1. Normal maintenance and repair of an existing structure which do not result in exterior structural alterations or expansion or a change in use.
2. Emergency repair and stabilization of a structure damaged by any cause to the extent necessary to protect public health and safety, and to protect the damaged structure from the elements. Landowners must obtain a zoning permit for repair or reconstruction beyond the minimum necessary to stabilize and secure the structure.
3. Interior alterations or repairs to a structure which do not result in exterior alterations or expansion or a change in use.
4. Exterior alterations to structures which do not result in any change to the footprint, interior enclosed space, or height of the structure or a change of use.
5. Removal of a fence or an accessory structure with a footprint of 200 square feet or less.
6. Accessibility structures at single- and two-family residential properties such as entry stairs (excluding decks and porches), handicap access ramps, and walkways that:
    a. Do not exceed 6 feet in width;
    b. Do not encroach upon or block a public right-of-way;

   c. Do not interfere with vehicular traffic visibility or sight distance; and
   d. Do not alter existing stormwater drainage patterns on adjacent property or public rights-of-way.
7. Fences or walls at single- and two-family residential properties that are:
   a. Replaced or reconstructed in the same location no taller than the original.
   b. Temporarily installed as a snow or deer fencing for less than 6 months per calendar year.
   c. Newly constructed or altered to:
      i. Not exceed eight (8) feet in height;
      ii. Not extend into or obstruct public rights-of-way or interfere with corner visibilities or sight distances for vehicular traffic;
      iii. Not alter existing stormwater drainage patterns on adjacent property or public rights-of-way;
      iv. Not inflict bodily harm or otherwise pose a public safety hazard; and
      v. Locate any support posts inside the property such that the uniform side faces out (fences may be built to and along the edge of the property line).
8. Well and septic system installation, maintenance, and repair or replacement. A state permit may be required.
9. Landscaping, minor grading and excavation for noncommercial purposes that does not alter existing stormwater drainage patterns on adjacent property or public rights-of-way and that does not introduce or remove more than 100 cubic yards of material to or from the property within a calendar year.
10. Pre-development site work consisting of the minimum amount of land clearing and improvement necessary to access undeveloped land to complete site design and engineering work (such as land surveying and soil testing) as required to submit an application for development under these regulations.
11. Fuel tanks at single- and two-family residential properties that:
    a. Are equal to or less than 1,000 gallons in size;
    b. Meet all applicable district setbacks;
    c. Are sited, installed, and secured to comply with all applicable state and federal regulations.
12. Mechanical equipment (such as ground-mounted HVAC systems or back-up generators) at single- and two-family residential properties that:
    a. Have a footprint or are placed on a pad that does not exceed 200 square feet;
    b. Meet all applicable district setbacks;
    c. Are sited, installed, and secured to comply with all applicable state and federal regulations.
13. Unroofed patios or decks at single- and two-family residential properties that meet all applicable setback and lot coverage standards for the district and that have a footprint equal to or less than 200 square feet.
14. Outdoor, noncommercial recreational trails (e.g. walking, hiking, cross-country skiing and snow mobile trails) which do not require the installation of structures or parking areas.
15. Small accessory buildings associated with a residential use, which are less than 200 square feet of floor area and less than 15 feet in height and are not located within required setback areas. Such buildings are limited to two per property and may not be occupied as a dwelling or lodging unit. A landowner wishing to build more than two such buildings may do so by applying for a conditional use permit for the buildings in excess of two. Any permit for such buildings must designate the two buildings exempted from permitting on the conditional use permit application.
16. Outdoor lights at single- and two-family residential properties that have an output that is equal to or less than 2,000 lumens and that are installed to direct light beams downward and shield light to prevent glare or light trespass beyond the property boundary.
17. Holiday lights that are illuminated for less than 90 total days per calendar year.
18. Special events (including garage sales, yard sales, estate sales, mobile food services, or similar activities) that do not exceed three (3) consecutive days, no more than twelve (12) days in any calendar year.
19. Sales of used personal or business goods (such as vehicles or equipment owned by the landowner or tenant) at single- and two-family residential properties that do not occur on the lot for more than 30 days in any calendar year and that are limited to not more than 3 items at any given time if displayed outside.
20. Where limits are placed on the municipality's power to regulate hunting, fishing, trapping and other activities as specified under 24 V.S.A. Chapter 2295.
21. Public art that does not:

   a. Function as a commercial sign;
   b. Pose a public safety hazard;
   c. Encroach upon or block a public right-of-way unless approved by the town or state;
   d. Interfere with vehicular traffic visibility or sight distance;
   e. Alter existing stormwater drainage patterns on adjacent property or public rights-of-way; and
   f. Violate the rules for the relevant zone laid out in Table 4-2.
22. Work within the public road right-of-way that is subject to approval from the town or state.
23. Transit shelters with a footprint no more than 200 square feet and that are no more than 15 feet tall.
24. Rail carrier transportation structures and uses that are subject to federal laws and regulations.
25. Federal government land and facilities.

1.2.3 Development with a Certificate of Public Good

In accordance with state statute, landowners do not need to obtain a zoning permit for development associated with public utility, energy, or telecommunications infrastructure that receives a Certificate of Public Good from the Public Utilities Commission through Section 248 proceedings.

1.2.4 Farming and Forestry

1. **General**. In accordance with state statute, landowners do not need a zoning permit to conduct required agricultural practices or accepted silvicultural practices as defined by the State of Vermont Agency of Agriculture or Department of Forests, Parks and Recreation, respectively. The Land Use Administrator may require a landowner to provide a written determination from the applicable state agency as to whether the subject land use activity is a required agricultural or accepted silvicultural practice.
2. **Farm Structures**. In accordance with state statute, landowners do not need to obtain a zoning permit to build a farm structure in accordance with state regulations and the following:
   a. Landowners must submit a zoning permit application demonstrating that proposed development qualifies as an exempt farm structure, but they do not have to pay the associated application fee.
   b. The Land Use Administrator may require landowners to provide a written determination from the Vermont Agency of Agriculture, Food and Markets as to whether proposed development qualifies as an exempt farm structure.
   c. Farm structures, other than walls or fences used for farming purposes, must meet the setback requirements for the district unless the applicant provides the Land Use Administrator with a written waiver from the Vermont Agency of Agriculture, Food and Markets.
   d. Farm structures are exempt from the bulk and height requirements for the zoning district.
   e. Walls or fences used for farming purposes must form a continuous barrier intended to keep livestock in and/or wildlife out.
   f. Upon finding that the proposed development qualifies as an exempt farm structure, the Land Use Administrator will issue a letter stating that the landowner may build and use the structure for agricultural purposes in accordance with the state's required agricultural practices without a zoning permit, but that a zoning permit is required before the structure may be used for any other purpose.

1.2.5 Group Homes

In accordance with state statute, landowners do not need a zoning permit to operate a group home in a single-family dwelling where the home will:

1. House no more than eight (8) individuals with a handicap or disability;
2. Be operated under and consistent with state licensing or registration requirements.

However, landowners of group homes must obtain a zoning permit for construction or other land development to the same extent that a permit would be required for such activity at any other single-family dwelling.

1.2.6 Limitations for Regulating Government and Community Facilities

1. For the purposes of Section 1.2.6, government and community facilities include the following:

a. Institutions or facilities owned and operated by the town, county or state;
b. Public and private schools or other educational institutions certified by the state;
c. Places of worship or religious institutions owned and operated by a 501(c)(3) (tax-exempt) organization;
d. Public and private hospitals certified by the state; and
e. Waste management facilities certified by the state.

2. Government and community facilities must be permitted conditionally in any zoning district and may be allowed as a permitted use in any district.
3. Development associated with a government or community facility must meet the same standards as comparable types of private development unless the applicant demonstrates that meeting the standards will interfere with the intended function or use of the facility.
4. Landowners must obtain a zoning permit and associated approvals for development associated with a government or community facility unless otherwise exempted in these regulations.

Section 1.3 Prior Approvals and Uses

1.3.1 Prior Applications and Permits

1. Zoning permit applications will be reviewed based on the regulations in effect at the time the Land Use Administrator determined that the application was complete and properly filed.
2. All zoning permits, development approvals, and lawfully filed subdivision plats remain valid irrespective of changes in ownership of a property.
3. Where the Land Use Administrator issued a zoning permit for a development or use before these regulations were adopted or amended, and the applicant does not substantially complete the project or receive an extension before the permit expires, the applicant will need to apply for a new permit under the regulations in effect at the time of the new application.
4. Where an applicant received approval for a phased development, and the applicant does not substantially complete the phased project within the timeline approved, the applicant will need to apply for a new permit under the regulations in effect at the time of the new application.
5. Where an applicant received approval for a proposed development from the Planning Commission or Zoning Board of Adjustment, and the applicant does not obtain a zoning permit for the project within 12 months of approval, the approval will expire, and the applicant will need to apply for new approval under the regulations in effect at the time of the new application.

1.3.2 Change and Expansion of Use

The Land Use Administrator will determine if a change or expansion of use has occurred. That determination is appealable to the Zoning Board of Adjustment. The burden of proof is on the landowner to demonstrate that a change or expansion of use has not occurred.

1. **Change in Use.** A landowner must obtain a zoning permit to change the land use on their property to a new use that is not encompassed within the same use category listed in Table 4-1 as the existing use. A landowner does not need a zoning permit to change the land use on their property if it falls under the same use category listed in Table 4-1 as the existing use. However, in this case any physical site development to accommodate the change in use may be subject to a permit or other approval.
2. **Expansion of Use.** Expansion of a nonresidential use into building or lot areas not previously approved for occupation by the nonresidential use requires a zoning permit and associated reviews. A landowner does not need a zoning permit to expand a residential use within an existing building that the residential use occupies as long as the number of bedrooms or dwelling units remains the same. Addition of bedrooms or dwelling units, including the creation of an accessory dwelling unit, requires a zoning permit.

1.3.3 Discontinued Use

The Land Use Administrator will determine whether a use as been discontinued. That determination is appealable to the Zoning Board of Adjustment. The burden of proof is on the landowner to demonstrate that a use has been operable and not discontinued.

1. **Nonresidential Uses.** To resume a nonresidential use following a period of 18 months of discontinuance, a landowner must obtain a new zoning permit, unless one or both of the following apply:
    a. The use has been discontinued due to structural damage to the building that houses the use, in which case the landowner may resume the use once the property is repaired or rebuilt in accordance with Section 1.3.5.
    b. The landowner can demonstrate that the property is being marketed for sale or lease, in which case the Land Use Administrator may extend the period of discontinuance to 24 months.
2. **Residential Uses.** A landowner does not need a zoning permit to resume residential use of a vacant dwelling unit.
3. **Nonconforming Uses.** If the discontinued use is nonconforming, shall not be resumed pursuant to Section 1.4.1(4).

1.3.4 Abandoned Development

If a permitted development project is abandoned prior to completion, the landowner must remove or otherwise secure any partially completed construction, remove all foreign materials introduced to the site, and restore the site to a mild grade with established groundcover to prevent erosion, all before the expiration date for the zoning permit.

1.3.5 Damaged or Destroyed Structures

1. Landowners must stabilize and secure damaged or destroyed property promptly to protect public health and safety following any event that causes such damage.
2. Within 12 months, the landowner must obtain a zoning permit to rebuild or demolish damaged structures. If the application is duly submitted within this timeframe, the application fee will be waived.
3. The Land Use Administrator may extend the deadline to act to 24 months following the damaging event if the event is a declared disaster or the landowner demonstrates that the deadline cannot be met due to compelling external factors.
4. Failure to secure a damaged structure or obtain a zoning permit for reconstruction or demolition of the structure within the 12-month timeframe constitutes a violation of these regulations.
5. A permit to rebuild a damaged nonconforming structure shall be issued according to Section 1.4.2.

Section 1.4 Nonconformities

1.4.1 Nonconforming Uses

Any nonconforming use of a building or premise which was lawfully existing at the time of adoption of this bylaw, or any amendment thereto, may be continued indefinitely, and is subject to the following regulations:

1. The nonconforming use may not be moved to another location where it would also be nonconforming.
2. A nonconforming use may be changed to another nonconforming use with the approval of the Zoning Board of Adjustment if the applicant can demonstrate that the change will be less objectionable in character than the current nonconforming use.
3. A nonconforming use may be extended or expanded, with the approval of the Zoning Board of Adjustment, provided that said Board shall have found that such extension or expansion will have no adverse effect upon the public health, safety, convenience, and upon property values in the vicinity. In judging the application, the Zoning Board of Adjustment should consider the criteria that would apply to the use if it were in a zoning district in which the use is permitted.
4. A nonconforming use, which has been discontinued or replaced by another use for a continuous period of 12 months, shall not be resumed thereafter.

1.4.2 Nonconforming Structures

Any building, which does not conform to the requirements of this bylaw existing at the time of adoption of this bylaw, or any amendment thereto, may continue to exist unchanged indefinitely, and is subject to the following regulations:

1. The structure may be used for any land use permitted in the applicable zoning district, subject to zoning permit review and approval;
2. The landowner may do normal maintenance and repair of the structure without a zoning permit;
3. The structure shall not be enlarged or substantially altered, unless such enlarged or altered portion conforms to this Bylaw.
4. Conversion of nonconforming, unenclosed features (e.g., porches, decks) to enclosed and/or conditioned space is not permitted. The height of nonconforming portions of the structure may not be increased.
5. Expansion or alteration of a nonconforming structure that increases any nonconformity shall require review and approval by the Zoning Board of Adjustment.

1.4.3 Nonconforming Lots

Any lot in existence on the adoption date of this bylaw, or any amendment thereto, may continue to exist unchanged indefinitely, and is subject to the following standards:

1. The lot may be developed for the purposes permitted in the zoning district in which it is located, even though not conforming to minimum lot size requirements, if:
    a. The lot is legally subdivided and eligible to be conveyed separately from other lots;
    b. Such lot is not less than one-eighth (1/8) acre (5,445 square feet) in area; and
    c. The lot has a minimum width or depth dimension of forty (40) feet.
2. A landowner may develop a lot that does not meet the minimum lot frontage for the applicable zoning district if:
    a. The development meets all other applicable standards of these regulations;
    b. The lot has secured access to a maintained public or private road by way of the lot's frontage or a permanent easement or right-of-way at least 20 feet wide and otherwise complies with Section 5.1.2;
3. A landowner may subdivide a lot that does not meet the minimum lot frontage for the applicable zoning district if:
    a. The development meets all other applicable standards of these regulations;
    b. The lot has secured access to a maintained public or private road by way of the lot's frontage or a permanent easement or right-of-way at least 50 feet wide and otherwise complies with Section 5.1.2;
    c. The lots will be served by a shared driveway.
4. If such nonconforming lot subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot shall not be deemed merged with the contiguous lot unless and until the landowner chooses to legally merge the lots by recorded deed or by boundary line adjustment per Section 3.4.

1.4.4 Creation of a Nonconformity

Any development that would create a nonconformity is strictly prohibited except for:

1. The transfer or taking of property for a public project in the public interest; or
2. Development that is granted a waiver in accordance with Section 3.7, a variance in accordance with Section 3.8, or is part of a Planned Unit Development approved in accordance with Section 3.4.

ARTICLE 2: ADMINISTRATION

Section 2.1 Administrative Roles

2.1.1 Land Use Administrator

The Town Planning Commission shall nominate a Land Use Administrator to be appointed for a term of 3 years by the Selectboard. The Planning Commission may nominate and the Selectboard may appoint an Acting Land Use Administrator who shall execute the role during an absence of the Land Use Administrator or in cases of a conflict of interest. The Selectboard may remove the Land Use Administrator at any time, for cause, following consultation with and/or recommendation by the Planning Commission.

It shall be the Land Use Administrator's duty to administer and enforce this Bylaw and assist applicants in navigating the town's regulatory process. The Land Use Administrator shall:

1. Assist prospective applicants by determining whether a project requires a zoning permit and any associated development approvals;
2. Provide applicants with all forms required to obtain permits or approvals under these bylaws and shall notify applicants of the fees the town may charge for the proposed development;
3. Advise applicants to contact the state's regional permit specialist (and/or use the Vermont Agency of Natural Resources (ANR) Permit Navigator online tool) to assure timely action on any related state permits. However, it is the full responsibility of the applicant to identify, apply for, and obtain all necessary permits;
4. Provide applicants with copies of the state energy standards for residential or commercial buildings as applicable;
5. Refer applications to the Planning Commission or Zoning Board of Adjustment as required under these regulations.

The Land Use Administrator may request and shall receive in so far as it may be necessary in the discharge of their duties, the assistance and cooperation of all Town Officials. They shall maintain files of all applications for zoning permits in the Land Use Administrator's office, which files shall be open to public inspection. The Land Use Administrator shall inspect projects during construction when required as a condition of approval or as necessary to ensure compliance with these regulations.

The Land Use Administrator shall administer the Bylaw literally and shall have no power to permit any land development that is not in conformance with this Bylaw. The Land Use Administrator shall respond to complaints and violations. Concerns about the performance of the Land Use Administrator shall be directed to the town administrator to be brought before the Selectboard.

2.1.2 Planning Commission

The Planning Commission shall consist of 3 to 9 voting members appointed by the Selectboard in accordance with 24 V.S.A. §§4322-4323, and a majority of the Planning Commission shall be residents of the town. Any Planning Commission members may be removed at any time by a unanimous vote of the Selectboard.

The Planning Commission is principally responsible for preparing the municipal plan (pursuant to 24 V. S. A. §4384), bylaws (pursuant to 24 V. S. A. §4442), and related reports, and for conducting public outreach for such projects. The Planning Commission reviews applications and holds public hearings for site plan approval, subdivisions, and planned unit developments in accordance with these regulations, state statute, and its adopted rules of procedure.

2.1.3 Zoning Board of Adjustment

The Zoning Board of Adjustment shall consist of 3 to 9 voting members appointed by the Selectboard in accordance with the requirements of 24 V.S.A. §4460. The Zoning Board of Adjustment may consist of the members of the Planning

Commission or may include one or more members of the Planning Commission. A member of the Zoning Board of Adjustment may be removed for cause by the Selectboard upon written charges and after public hearing.

The Zoning Board of Adjustment reviews applications for appeals of Land Use Administrator decisions, variances, waivers, and conditional uses in accordance with these regulations, state statute, and its adopted rules of procedure.

Section 2.2 Fees and Filing Requirements

2.2.1 Permit Fees

The Selectboard shall authorize a schedule of fees designed to cover the cost of processing applications and administering these regulations, including but not limited to the cost of posting and publishing notices, holding public hearings, recording documents, and conducting inspections. Fees shall be paid by the applicant at the time of filing an application. The Land Use Administrator shall not deem an application complete until all applicable fees have been paid in full.

Section 2.3 Zoning Permits

No land development or new use shall commence without a permit issued by the Land Use Administrator and until the required appeal period has passed. In the event an appeal is properly filed, no land development shall commence until that appeal has been decided. No permit may be issued by the Land Use Administrator except in conformance with the Bylaws.

2.3.1 Application

The applicant shall submit a complete application for a zoning permit to the Land Use Administrator on forms provided by the town, accompanied by all applicable application fees as established by the Selectboard. The applicant shall provide all information necessary to demonstrate compliance with these regulations and certify that all information provided is true and accurate.

Upon receiving an application and fee payment, the Land Use Administrator shall determine if the application is complete within 15 days, unless a longer period of time is agreed upon with the applicant. The Land Use Administrator shall notify applicants of incomplete applications and provide guidance on how to complete the application. The Land Use Administrator shall not approve a zoning permit application unless it conforms to all relevant provisions of these regulations.

The Land Use Administrator may waive an application requirement if they find the information not necessary to determine compliance with these regulations. The Land Use Administrator may also request additional information to determine compliance. The Land Use Administrator shall keep written records of all such waivers and requests.

After an application is deemed complete, the Land Use Administrator has 30 days to approve, deny, or refer the application to the Planning Commission or Zoning Board of Adjustment. This 30-day timeline does not commence until any required additional approvals are secured, such as the receipt of comment from a state agency. If the Land Use Administrator does not act on a complete application within 30 days, the applicant may appeal directly to the Environmental Division of the Vermont Superior Court to recognize that the Land Use Administrator's failure to act constituted a "deemed approval" of the application.

Upon receipt of a complete application for new construction or substantial improvements in the Special Flood Hazard Area, the Land Use Administrator must act by referring the complete flood hazard area proposal application to the National Flood Insurance Program (NFIP) Coordinator.

The Land Use Administrator shall approve or deny applications in writing and provide the following information:

1. Approvals: The applicant must post a notice of the zoning permit (as provided by the Land Use Administrator) within view of the public right-of-way on the property for the duration of the 15-day appeal period. If no location on the property is visible from the public right-of-way, then the applicant shall post the notice within the public right-of-way nearest to the property. For construction projects, a copy of the permit or permit notice must be posted and visible from the public right-of-way for the duration of construction.
2. Denials: The Land Use Administrator shall notify the applicant that the denial may be appealed to the Zoning Board of Adjustment within 15 days of the decision being issued and point the applicant to Section 3.6 of these regulations outlining the process for an appeal.

2.3.2 Issuing a Permit

The Land Use Administrator shall not issue a zoning permit for any development that requires approval of the Planning Commission or Zoning Board of Adjustment until such approval and associated required documentation has been obtained and recorded.

Upon issuing a zoning permit, the Land Use Administrator:

1. May place conditions on the permit as necessary to ensure compliance with these regulations;
2. Must condition the permit on the applicant notifying the Land Use Administrator when any approved construction is completed and before any new structure is occupied or prior to commencement of new use;
3. Must condition any permit for a structure that is subject to the state's commercial or residential building energy standards on the applicant providing a copy of the energy certificate for the structure when construction is completed to the town clerk for recording in the land records;
4. Must condition any permit for development that requires any of the following state permits on the applicant providing a copy of the final permit to the Land Use Administrator prior to the start of construction:
    a. Wastewater Permit
    b. Stormwater Permit
    c. Highway Access Permit

Before issuing a permit, the Land Use Administrator shall inspect the site and certify that the proposed development or use complies with all of the applicable provisions of this Bylaw.

2.3.3 Permit Notice

The Land Use Administrator shall deliver a copy each permit issued to the listers of the town and shall post a copy of the permit at the Town Office within 3 days of issuing a permit. The permit shall remain posted for no less than 15 days from the date of issuance. When a permit is issued by the Land Use Administrator concurrent with Planning Commission or Zoning Board of Adjustment approval, the permit shall remain posted for no less than 30 days from the date of issuance.

The Land Use Administrator shall deliver an original, signed copy of the permit or denial of permit, including those granted or denied by decision of the Planning Commission or Zoning Board of Adjustment, to the Town Clerk for recording within 30 days of issuance. The Land Use Administrator shall also file a copy of the permit or denial of permit as part of the Land Use Administrator's files.

2.3.4 Effective Date and Expiration

A permit shall expire two years from the date the permit takes effect, which is upon the 16th day for an administratively issued permit or the 31st day for a permit issued concurrent with Planning Commission or Zoning Board of Adjustment approval if there is no appeal, unless:

1. The permitted use or construction has substantially commenced prior to the permit expiration date;
2. The Planning Commission or Zoning Board of Adjustment identifies an alternate timeline as a condition of its approval;
3. The applicant requests and receives, prior to the permit expiration date, an extension from the Land Use Administrator of not more than 12 months. An extension may only be granted if the applicant can demonstrate

to the Land Use Administrator that all project activity to date complies with permit conditions and any associated approvals.

The applicant may request that the permit not take effect until other required permits and approvals are obtained, in accordance with the following points:

1. The Land Use Administrator may delay the effective date of a permit no longer than 12 months unless the Planning Commission or Zoning Board of Adjustment approved a longer timeline due to factors beyond the control of the applicant;
2. It is the sole responsibility of the applicant to request to the Land Use Administrator that the zoning permit and associated approvals officially take effect once other permissions have been secured.

If a permit expires before the applicant has substantially completed the construction or initiated the use, the applicant must apply for a new permit and associated approvals.

If the Planning Commission approves a phased development proposal, the Land Use Administrator shall issue permits for the phases sequentially according to the approved phasing plan and schedule. Each zoning permit will be separately issued and administered consistent with these regulations.

2.3.5 Certificate of Compliance

1. **Required.** An applicant must request a certificate of compliance from the Land Use Administrator before occupying or commencing the use of any land development.

2. **Application.** The Land Use Administrator will provide applicants with the necessary form to apply for a certificate of compliance.

3. **Time to Act.** The Land Use Administrator must act on a complete application for a certificate of compliance within 30 days. The Land Use Administrator may:
   a. Require the applicant to submit documentation from a qualified professional certifying that the land development as constructed conforms to the approved plans;
   b. Inspect the subject property and consult with other town or state personnel as necessary to determine compliance; and require the applicant to perform corrective actions to bring the land development into conformance.

4. **Deemed Approval.** If the Land Use Administrator does not act on a complete application for a certificate of compliance within 30 days, the applicant may file an appeal to the Zoning Board of Adjustment to allege that the Land Use Administrator's failure to act within the 30-day period resulted in a "deemed approval" of the application.

5. **Criteria.** Before receiving a final certificate of compliance, the applicant must demonstrate to the Land Use Administrator that:
   a. The land development is complete and conforms to the requirements of the zoning permit, and any associated development approvals, the filed plans, and the applicable provisions of this Bylaw;
   b. All commonly-owned or shared improvements and infrastructure connections are complete and conform to any applicable town specifications, the requirements of the zoning permit, and any associated development approvals, the filed plans, and the applicable provisions of this Bylaw;
   c. All enhanced 9-1-1 addresses are prominently posted on the property visible from the road;
   d. The applicant has recorded all required documents with the town including, but not limited to, building energy standards certificate, as-built drawings, floodplain elevation certificate, flood proofing certificate, wastewater and potable water supply permit, access permit, or stormwater permit; and
   e. The applicant has paid all required fees.

6. **Temporary Certificate.** The Land Use Administrator may issue a temporary certificate of compliance that conditions use or occupancy on full completion of all required improvements by expiration of the permit.

7. **Decisions.** The Land Use Administrator must approve or deny applications for a certificate of compliance in writing. When denying an application, the Land Use Administrator must:
   a. State the reasons for the denial;
   b. Inform the applicant that they may appeal the denial to the Zoning Board of Adjustment within 15 days of the date of the decision; and
   c. Refer the applicant to Section 3.6, which explains the appeal process.

8. **Denials.** If the Land Use Administrator denies an application for a certificate of compliance:
   a. The Land Use Administrator must commence appropriate enforcement action under Section 2.4.1 if s/he determines a violation of these regulations exists.
   b. The applicant may reapply after remedying any conditions identified as the reason for the denial.

9. **Notice & Recording.** The Land Use Administrator shall deliver a copy each certificate of compliance issued to the listers of the town and shall post a copy at the Town Office within 3 days of issuance. The certificate shall remain posted for no less than 15 days from the date of issuance. The Land Use Administrator shall deliver an original, signed copy of the certificate of compliance or denial thereof to the Town Clerk for recording within 30 days of issuance. The Land Use Administrator shall also file a copy as part of the Land Use Administrator's files.

2.3.6 Revoking a Permit

If the Land Use Administrator determines that an applicant omitted or misrepresented a material fact in their application or at a hearing or if the applicant violated the terms of the permit and any associated approvals, then the Land Use Administrator may petition the Environmental Division of the Vermont Superior Court to revoke a zoning permit pursuant to 24 V.S.A. § 4455.

Section 2.4 Violations and Penalties

Any person who violates the provisions of this Bylaw shall be subject to the penalties prescribed in 24 V.S.A. Section 4451 and 4452 or appropriate civil action.

The commencement or continuation of any development or use that is not in conformance with these regulations shall constitute a violation. Each day that a violation continues shall constitute a separate offense subject to a fine. The Land Use Administrator shall undertake appropriate action, following the procedures outlined below, to enforce the provisions of these regulations.

The Land Use Administrator shall investigate all complaints regarding violations of these regulations. The Land Use Administrator shall commence the procedures below upon determining that a violation has occurred. Decisions or actions of the Land Use Administrator in relation to violations may be appealed as per Section 3.6 of these regulations.

2.4.1 Procedure

Upon determining that there has been a violation of these regulations, the Land Use Administrator may first attempt to contact the property owner to informally resolve the violation. If such contact cannot be made or the matter is not resolved to the Land Use Administrator's satisfaction within 15 days, the Land Use Administrator shall issue a formal notice of violation.

Notice of Violation. The Land Use Administrator shall send the property owner a written notice of violation by certified mail. If the violation is occurring on property within the SFHA Overlay District, the Land Use Administrator shall also send a copy of the notice to the National Flood Insurance Program Coordinator (hereinafter NFIP Coordinator) at the Vermont

Agency of Natural Resources and, if related to Regulated Agricultural Practices, to the Secretary of the Vermont Agency of Agriculture. The notice shall:

1. Describe the violation and include a reference to the specific provisions of these regulations under which the property is in violation;
2. Explain that the property owner has an opportunity to cure the violation within 15 days;
3. List the amount of the fine(s) for the violation, as set by the Selectboard, and explain that the fine(s) will be imposed for each day the violation continues after the 15-day period for curing the violation elapses;
4. Notify the property owner that action may be brought without notice and the opportunity to cure if the violation is repeated within the succeeding 12 months.

Legal Action. If the violation is not cured within 7 days after the notice of violation was received, the Land Use Administrator shall consult with the Selectboard to determine how the town will proceed. The Land Use Administrator may negotiate a resolution to violations after the opportunity for cure has elapsed. The Selectboard shall approve such resolutions.

If the violation is occurring within the SFHA Overlay and the violation remains unresolved after the opportunity to cure or appeal elapses, the Land Use Administrator shall submit a declaration to the NFIP Coordinator requesting denial of flood insurance for the property.

Recording. The Land Use Administrator shall submit all notices of violation to the Town Clerk for recording.

2.4.2 Limitations on Enforcement

Enforcement of the provisions of these regulations or of a failure to comply with the provisions of any zoning permit shall be instituted within 15 years from the date the violation first occurred.

No proceeding shall be instituted to enforce a violation of a land use permit issued after July 1, 1998, unless the permit was recorded in the town's land records (see 24 V.S.A. §4454).

ARTICLE 3: DEVELOPMENT REVIEW PROCEDURES

Section 3.1 Administrative Review

3.1.1 Applicability

The Land Use Administrator may render an administrative decision on applications for:

1. Single- and two-family development and uses, including accessory structures;
2. Accessory dwelling units (ADU) according to Section 5.2.2;
3. Customary home occupations (CHO) according to Section 5.2.5 for which there are no exterior manifestations of the business activity and no one outside of the resident family is employed on the premises;
4. On-farm businesses pursuant to Section 5.2.11.
5. Campers, recreational vehicles, or storage trailers in compliance with Section 5.2.3.
6. Boundary line adjustments (BLA) between adjacent parcels of land per Section 5.4.2;
7. A pond or pool in conformance with Section 5.2.12.
8. Signs and sign lighting as outlined in Section 5.1.9;
9. Changes of use in existing buildings where no new impacts as compared with existing uses may reasonably be anticipated;
10. Land development in the SFHA Overlay District in conformance with Section 4.3.11.
11. Amendments to administrative permits where conformance with this Bylaw is found; and
12. Minor amendments to approvals issued by the Planning Commission or Zoning Board of Adjustment where no material changes or impacts are expected, and where conformance with this Bylaw is found.

3.1.2 Authority for Referral

The authority to render an administrative decision does not mean that the Land Use Administrator is required to do so. The Land Use Administrator may refer any application to the Zoning Board of Adjustment and the Planning Commission where commission or board review or interpretation is appropriate or necessary. In such cases, the applicant shall be responsible for any additional fees or submittals needed for board or commission review.

3.1.3 Referral to Planning Commission and Zoning Board of Adjustment

Once the Land Use Administrator determines that an application is complete, and if the application does not meet the criteria for Administrative Review in Section 3.1.1, they must warn a public hearing on the application by the Planning Commission or by the Zoning Board of Adjustment at the next available regularly scheduled meeting for review by the appropriate body following the warning period required by state statute.

Section 3.2 Site Plan Review

All permit applications for commercial uses, industrial uses, customary home occupations not eligible for administrative review and approval, home-based businesses, multi-family, subdivisions, or development in flood hazard areas or wetlands shall be accompanied by a site development plan conforming to the guidelines of Section 3.2. No permits shall be issued for the aforementioned uses until a site development plan, prepared in accordance with Section 3.2, has been approved by the Planning Commission, following a review of the site development plan at a public hearing after public notice.

Applications for uses requiring submission of a site development plan shall not be considered complete and shall not be accepted or scheduled for review at a Planning Commission meeting, until said site development plan has been submitted to the Land Use Administrator.

Site development plans shall contain:

1. Boundaries, dimensions, and area of the lot.
2. Existing and proposed site conditions, including contours, water courses, floodplain areas, wetlands, important natural features, and forest cover.
3. Location, ground coverage, floor area size, and maximum height of all existing and proposed buildings and structures, types of dwelling units and nonresidential structures, and density per type. Also, location of buildings on adjacent lots within 200 feet of the area to be altered or areas of the subject lot in which the use is proposed to be changed.
4. 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. Include curb cuts and driveways within 200 feet of the area to be altered or areas of the property in which the use is proposed to be changed.
5. Location and size of all land areas to be reserved as open space
6. Landscaping details and proposed grading.
7. The proposed treatment to the perimeter of the parcel, including materials and techniques used for buffers and scenery, and integration with adjacent properties, as appropriate.
8. Existing and proposed utility systems, including water supply and fire protection, sanitary sewage, storm drainage, and natural drainage and water courses. Also, wells, springs, and on-site wastewater disposal systems within 300 feet of the area to be altered or areas of the property in which the use is proposed to be changed.
9. Any additional information required to evaluate the character and impact of the proposed development.

Section 3.3 Conditional Use Review

A conditional use may be approved by the Zoning Board of Adjustment only after a public hearing and upon a finding by the board that the proposed use complies with the provisions of this Bylaw for the applicable district and use, and shall not adversely affect:

1. The capacity of existing or planned community facilities;
2. Traffic on roads and highways in the vicinity;
3. Other provisions of ordinances, regulations, and bylaws of the town applicable thereto; or
4. Utilization of renewable energy resources.

In particular, the Board shall consider the following standards in making such findings:

1. That the use will not emit undue noise, odor, smoke, dust, or in other ways be detrimental to the value of neighboring property.
2. That the use will not create dangerous traffic conditions or unduly increase vehicular traffic in the neighborhood.
3. That the use is appropriately located with respect to water supply, fire protection, waste disposal, and similar facilities, and that such facilities and installations comply with state regulations with respect to the individual building or use.

All applications for a conditional use shall be accompanied by a site development plan prepared in conformance with the requirements of Section 3.2 of this Bylaw. Thirty (30) days before the public hearing, the Zoning Board of Adjustment shall refer the application and site plan to the Planning Commission for review and approval pursuant to Section 3.2. Failure of the use to conform to the approved site plan shall constitute a violation of this Bylaw.

In granting a permit for Conditional Use, the Zoning Board of Adjustment may impose such conditions as it feels necessary to make certain that the project, when completed, will meet all applicable requirements and standards set forth in Section 3.3. Once a permit is issued for a particular conditional use, no other use may be established in the building or on the land without the issuance of a new permit covering the newly-proposed use.

Section 3.4 Subdivision Review

3.4.1 Applicability. Property boundaries may not be altered without first recording an approved subdivision plat in the land records of the town in full conformance with this Bylaw. Applications for the subdivision of land shall be reviewed in accordance with the procedures outlined in Section 3.4 and the standards of Section 5.4. Subdivisions shall include the division of a lot into two or more lots, boundary line adjustments, and Planned Unit Developments.

Boundary surveys or corrective deeds to repair boundary metes and bounds or to correct technical errors with previously recorded surveys or deeds for existing parcels are exempt from the permitting requirements of this Bylaw.

3.4.2 Classifications of Subdivisions. For the purposes of efficiently processing subdivision applications, categories of subdivisions are established generally as follows:

1. Realignment, relocation, or elimination of a boundary line between adjoining lots that does not result in the creation of a new lot shall constitute a Boundary Line Adjustment (BLA).
2. A subdivision involving four (4) or less lots with frontage on an existing public street and does not require any new street, street extension, or extension of municipal services shall constitute a *Minor Subdivision*.
3. A subdivision containing five (5) or more lots, requires an Act 250 permit, consists of parcels in two or more towns or zoning districts, Planned Unit Development, or is not determined to be a minor subdivision shall constitute a *Major Subdivision*. Re-division of one or more lots of a minor subdivision within ten years of the approval date of the original subdivision shall be considered a major subdivision if the total number of lots created from the original parcel equals or exceeds five (5) lots.

3.4.3 Review Process.

Boundary Line Adjustments are eligible for administrative review and approval by the Land Use Administrator. Minor subdivisions shall require sketch plan review by the Land Use Administrator and final plat review and approval by the Land Use Administrator without public hearing. Major subdivisions shall sketch plan review by the Land Use Administrator, and preliminary and final plat review and approval by the Planning Commission.

(A) Administrative Review for Boundary Line Adjustment

1. An applicant for a Boundary Line Adjustment shall submit an application to the Land Use Administrator which includes the following information:
   a. A legal description of properties subject to the boundary line adjustment application.
   b. A map showing the following: The date of preparation of the map, an identified north arrow, and the scale of the map, the total area of each lot before and after the proposed boundary line adjustment, the location and dimensions of all structures, driveways, sewage disposal systems, wells, utilities and other improvements on each involved lot.
   c. A signed and notarized authorization from all property owners involved in the proposed boundary line adjustment which includes the names, addresses, and telephone numbers of all property owners.

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2. The Land Use Administrator shall determine whether the proposed boundary line adjustment complies with the requirements of this Bylaw. If the proposed boundary line adjustment complies, the Land Use Administrator shall issue a permit. If the proposed boundary line adjustment does not comply, the Land Use Administrator shall deny the permit. The decision by the Land Use Administrator may be appealed to the Zoning Board of Adjustment.

3. Approval of the boundary line adjustment shall constitute authorization for the applicant to prepare the appropriate deeds and a final Mylar plat prepared by a licensed surveyor. If the boundary line adjustment results in the merger of two or more lots under common ownership, the Land Use Administrator may waive the requirement for a final Mylar plat. The deed(s) and final Mylar plat shall contain the following language: "This [conveyance/survey] is for the purpose of accomplishing a boundary line adjustment. It shall not create any additional lots, tracts, parcels, or divisions."

(B) Sketch Plan Review. Prior to submitting an application for subdivision, the applicant shall submit to the Land Use Administrator a sketch plan of the proposed subdivision, which shall include: existing and proposed property lines; type, location, and size of existing and proposed streets, utilities, and existing structures; name and address of owner of record and applicant; and name of owners of record of adjacent properties. The sketch plan shall be presented at a scale which adequately depicts natural features, proposed improvements, and general site conditions.

The Land Use Administrator shall study the sketch plan to determine whether the proposal:

1. Contains any obvious conflicts with the Town Plan, the zoning regulations, or the Official Zoning Map;
2. Conflicts with development proposed by any public agency, or existing private and public development, facilities, and services;
3. Should employ a Planned Unit Development (PUD) design as described in Section 5.5.

The Land Use Administrator may make specific written recommendations for changes. Such determination shall be made, and any written recommendations provided to the applicant, within 45 days of the meeting at which the review of the sketch plan occurs.

(C) Preliminary Plat Review. The applicant shall, within six months of the sketch plan classification, proceed to file application for preliminary plat review of a major subdivision. In addition, the applicant, with support from the Land Use Administrator, shall notify all adjacent landowners to the proposed subdivision, in writing, of the intent of application, including the date, time, and location of the first public hearing to be held by the Planning Commission; such notification to be mailed or delivered not less than 15 days prior to the first public hearing. The applicant shall submit 4 copies of the preliminary plat that shall conform to the layout of the sketch plan plus any recommendations made by the Land Use Administrator.

The preliminary plat application shall depict, contain, or be accompanied by, the following:

1. Proposed subdivision name or identifying title.
2. Name and address of record owner, with deed identification, subdivider, and designer of the preliminary plat, with said designer being qualified to perform such design under applicable regulations of the State of Vermont.
3. Location and dimensions of all boundaries and area of entire parcel and/or contiguous parcels in single ownership, whether or not all land therein is to be subdivided, along with location and dimensions of proposed lot lines and areas of proposed lots.
4. Location of existing and proposed easements, structures, watercourses and wetlands, wooded areas, and other essential existing physical features.
5. Names of adjacent landowners of record and evidence of notification, such as a certificate of mailing.
6. Location and details of existing or proposed water mains, culverts, sewer lines, drainage ways, and drainage structures;.
7. Applicable zoning designation and district boundaries.
8. Existing street(s) names, rights-of-way boundaries and present widths, private ways, curb cuts and intersections.
9. Proposed street limits, profiles, cross sections and construction specifications/details.
10. Contours in sufficient detail to clearly indicate existing and proposed grades for the Planning Commission to properly evaluate specific aspects of the project such as storm water drainage, landscaping.
11. Proposed connection with existing municipal water supply or proposed location of on-site water supplies.
12. Proposed locations of any wastewater disposal systems, including location and results of test pits and percolation tests.
13. Stormwater management plan, indicating provisions for collection and discharge of storm drainage.
14. Soils that are mapped by USDA Natural Resources Conservation Service (NRCS) as of “prime,” “statewide,” or "local" importance, or any soils in recent agricultural use.
15. Landscaping plan, including new plantings and proposed erosion control procedures.
16. Preliminary designs of any bridges or culverts which may be required.

17. A statement of the anticipated impacts of the development on local services, including fire, emergency services, schools, police, and local government.
18. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
19. The location of all wooded land, open areas, and lands currently in agricultural use on the site and all other natural features or site elements to be preserved.
20. The location of temporary markers adequate to enable the Planning Commission to readily locate and appraise basic site layout in the field.
21. Vicinity map at a scale not greater than 1" = 1500', showing the area within two thousand (2000) feet of any property line of the proposed subdivision, and including the nearest street intersection, if possible.
22. Numerical and graphic scale with plan not to exceed a scale of 1"=100', unless a smaller scale is subsequently approved by the Planning Commission, original and revision dates, magnetic and true north arrows.

In the case where a subdivision creates only one new lot and said lot comprises not more than 10% of gross land area of the original parcel, the preliminary plat requirements shall apply only to the new lot

The Planning Commission shall consider the preliminary plat at a public hearing following a 15-day public notice period, duly advertised and warned. The subdivider, or a duly authorized representative, shall attend the specified meeting of the Commission to discuss the preliminary plat. If the subdivider or representative do not attend this meeting, the plat will not be discussed, and the application will be considered as having been withdrawn. The Commission shall review the subdivision according to the standards set forth in Section 5.4, and Section 5.5 for a Planned Unit Development (PUD), of these regulations, and shall determine that the proposed subdivision:

1. Will not result in undue water or air pollution. In making this determination, consideration shall be given to: elevation of land in relation to flood plains, nature of soils and their ability to adequately support waste disposal, slope of the land and its effect on effluents, provisions for management of stormwater, potential effects of construction and continued activity on air quality, applicable state and local health and resource regulations.
2. Has sufficient water available for reasonably foreseeable needs of the development and will not burden existing water supplies.
3. Will not cause unreasonable soil erosion or undue reduction in the capacity of the land to hold water.
4. Will not cause unreasonable highway congestion or unsafe conditions with respect to use of highways existing or proposed.
5. Will not have undue adverse impact on the scenic or natural beauty of the area, aesthetics, historic sites, prime agricultural soils, or rare and irreplaceable natural areas.
6. Maintains the efficiency of allocation and distribution of streets, public facilities, and utilities.
7. Will not cause unreasonable burden on the ability of the municipality to provide services, including education, fire, rescue and police protection, solid waste disposal, water supply and wastewater disposal, and road maintenance.

The Planning Commission may require reasonable modifications, impose conditions, or mandate appropriate phasing of the proposed subdivision to ensure compliance with these standards.

Within 45 days after the close of the preliminary plat hearing, the Planning Commission shall take action to approve, with or without modifications, or disapprove said preliminary plat. The commission shall state in its records any modifications which it will require, or the grounds for disapproval. The records and preliminary plat shall also reflect the amount, surety, and conditions of any bonds which will be required before final approval. Failure of the commission to act within a 45-day period shall constitute approval of the preliminary plat. Approval of a preliminary plat shall not constitute subdivision approval.

(D) Final Plat Review Within 6 months of the preliminary plat approval for a major subdivision, or sketch plan approval for a minor subdivision, the applicant shall submit 4 copies of the final plat conforming to the layout

shown on the preliminary plat or sketch plan plus any recommendations made by the Planning Commission or Land Use Administrator. If the final application is not submitted within 6 months after the approval of the preliminary plat for major subdivision, the commission may refuse without prejudice to act on the final plat and require resubmission of the preliminary plat. If the final plat application for a minor subdivision is not submitted within 6 months of classification by the Land Use Administrator of the sketch plan as a minor subdivision, the commission may refuse without prejudice to act on the final plat and require resubmission of the sketch plan.

The final plat application shall depict, contain, or be accompanied by, the following:

1. All requirements for a preliminary plat as delineated in 4.4.3(B).
2. For streets intended for dedication to the Town, evidence of acceptance of location, design, and specifications of proposed driveways, private streets and drainage plans by the Selectboard, together with existing and proposed road profiles and cross-sections, construction plans, and specifications.
3. Copies of all required state and federal permits, including but not limited to Vermont Agency of Natural Resources permits regarding the design of water supply and wastewater disposal systems.
4. Copies of such covenants or deed restrictions as are intended to cover all or part of the parcel, and methods of dedication of proposed easements, rights-of way, and open space, which may be required by these regulations. A written acknowledgment of the subdivider's responsibility for maintenance and assumption of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has legally been accepted by the town.
5. If the subdivision abuts a state highway, or if a proposed street intersects a state highway, a statement from the Vermont Agency of Transportation approving the access.
6. If a subdivision is to be served by a public water supply or by public sewers, a statement from the municipal department or company involved, attesting to availability of such service and approval of design and connection.
7. The plat shall contain the following statement: "The subdivision regulations of the Town of Arlington are a part of this plat, and approval of this plat is contingent upon completion of all the requirements of said regulations, excepting only any variances, waivers, or modifications made in writing by the Planning Commission, and attached hereto."
8. The identifying number and date of approval of all applicable state and local permits, including the town subdivision permit number.
9. Space shall be reserved on the plat for endorsement by the Chair of the Planning Commission.

A public hearing on the final plat shall be held by the Planning Commission within 30 days after the time of its submission to the Land Use Administrator. Said hearing shall be advertised and warned in accordance with the 24 V.S.A. S4447. In addition, notice of such hearing shall be forwarded to the Bennington County Regional Commission, and to the clerk of an adjacent municipality in the case of a project located within 500 feet of a municipal boundary, at least 15 days prior to the hearing.

Within 45 days following the close of the public hearing, the Planning Commission shall take action to approve, with or without modifications or conditions, or disapprove, the final plat. The commission shall state in its records any modifications or conditions which it will require, or the grounds for disapproval. Failure to act within 45 days shall be deemed approval.

3.4.4 Performance Guarantee Requirements. To ensure that all required improvements are undertaken and completed in conformance with the final plat, the Planning Commission may require that no zoning permit be issued for any structure on any lot within the subdivision until a licensed professional engineer certifies that all such improvements have been completed. For a subdivision that is to be developed in phases, all required improvements for a phase must be certified complete prior to the issuance of a zoning permit for any structure on any lot within that phase of the subdivision.

Alternatively, the Planning Commission may require that the subdivider follow the procedures set forth below.

1. In an amount set by the Planning Commission and based on a construction estimate submitted by the applicant, the subdivider shall file with the Selectboard a certified check, irrevocable letter of credit, performance bond, or other performance guarantee, to cover the full cost of required improvements. Any such performance guarantee shall be satisfactory to the selectboard and municipal attorney as to form, sufficiency, manner of execution, and surety. The Planning Commission shall fix the term of any bond up to three years. The term of such bond may, with the consent of the developer, be extended to the date of completion of the improvements covered by the bond. For projects to be completed in phases, such performance guarantee may be applied separately to each phase of the project. As improvements are completed, the developer shall be released from all liability except for the portion of the improvements not yet completed.
2. In addition to surety guaranteeing completion of improvements, surety covering maintenance of roads and improvements for a period of two years from completion shall be furnished in an amount not to exceed ten percent (10%) of the cost of the improvement.

3.4.5 Filing of Final Plat. The approved final plat shall be printed be on 18” x 24” Mylar with a margin of 2 inches outside the border lines on the left side for binding. The applicant shall submit and distribute paper copies of the approved final plat, along with a digital PDF, to the Land Use Administrator and the Board of Listers.

No changes, erasures, modifications, or revisions shall be made on any final subdivision plat after approval has been given by the Planning Commission for a subdivision or PUD unless the plat is first resubmitted to the commission and the commission approves any modifications. No changes, erasures, modifications, or revisions shall be made to any final boundary line adjustment plat after approval has been given by the Land Use Administrator unless the plat is first resubmitted to the Land Use Administrator and the Land Use Administrator approves any modifications. In the event a final plat is recorded without complying with this requirement, the plat shall be considered null and void.

Upon securing the signature of the Land Use Administrator for a boundary line adjustment or by the Planning Commission for a subdivision or PUD, on the final Mylar plat, the applicant shall submit it to the Arlington Town Clerk for recording in the Arlington Land Records. Pursuant to VSA 24 § 4463, boundary line adjustment, subdivision, and PUD approvals shall expire if approved signed plats are not recorded in the land records of the town within 180 days of approval.

3.4.7 Public Acceptance of Streets, Recreation Areas. Approval of a final plat by the Planning Commission shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, utilities, park, recreational area, or other open space shown on such subdivision plat. The commission may require the filing of a written agreement between the applicant and the legislative body covering future deed and title, dedication and provision for the cost of grading, development, equipment, and maintenance of such improvement.

Section 3.5 Special Flood Hazard Area (SFHA) Review

3.5.1 Application Requirements. All applications for development shall include:

Site Plan. A site plan that depicts the proposed development, all water bodies, flood hazard areas (SFHA, including the floodway and flood fringe), wetlands and associated buffers, 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.

Project Review Sheet. For eligible projects, a Vermont Agency of Natural Resources (ANR) Permit Navigator Result document may be obtained through the agency’s online portal. For projects not eligible for Permit Navigator, a Project Review Sheet produced by agency staff is required.

Supplemental Application Requirements. Some applications may require additional information based on the location and type of the development. The following information shall be developed and provided with an application:

1. Base Flood Elevation (BFE). BFE information is required for:
    a. Replacement, substantially improved, or substantially damaged structures located within any Flood Hazard Overlay District, including Zone A, where no BFEs have been provided;
    b. Projects requiring elevation or dry-floodproofing above BFE;
    c. Additions to existing historic structures; and
    d. Any accessory structure with building utility systems that will need to be protected from flood waters through elevation above the BFE.

2. Floodway Data. The following information is required for development located in the floodway. All floodway data shall be certified by a registered professional engineer. All submitted proposals shall include electronic input/output files and mapping showing cross-section locations.
    a. Hydraulic calculations demonstrating no rise in BFE or velocity for proposed new or expanded encroachments within the floodway.
    b. In accordance with 44 C.F.R. § 60.3(c)(10), where BFE data has been provided by FEMA, but no floodway areas have been designated (see Section 4.3.XX, the applicant shall provide a floodway delineation that demonstrates that the proposed development, when combined with all existing and anticipated future development, will not increase the water surface elevation of the base flood by more than one foot at any point within the community.

3. Compensatory Flood Storage. The following information is required for applications that require compensatory flood storage:
    a. Designs shall provide equivalent storage volumes during peak flows up to and including the base flood discharge. This No Adverse Impact (NAI) volumetric analysis and supporting data shall be certified by a registered professional engineer.
    b. If it appears that the design may create an undue adverse impact to adjacent landowners or structures, a hydraulic analysis may be required to verify that a proposed development will not increase flood elevations or velocities of floodwaters. Hydraulic analyses and supporting data shall be provided by the applicant and certified by a registered professional engineer.

4. Application Requirement Waivers. Upon written request from the applicant, the Zoning Board of Adjustment may waive specific application requirements when the data or information is not needed to comply with provisions of this Bylaw. A determination to waive the compensatory storage requirement shall include written concurrence from the NFIP Coordinator manager that the project will have only a minimal effect on floodwater storage.

3.5.2 Administration

Referral. Upon receipt of a complete application for a new construction or improvement, the Land Use Administrator shall submit a copy of the application, comments, and supporting information to the National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. §4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner. The Land Use Administrator and ZBA shall consider all comments from ANR.

Any application for a proposed conditional use or a request for a variance from these regulations shall be referred to the Zoning Board of Adjustment in accordance with 24 V.S.A. § 4460.

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 River Management Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the NFIP Coordinator. 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.

Records. The Land Use Administrator shall properly file and maintain a record of:

1. All permits issued for development in Special Flood Hazard Areas;
2. A FEMA 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, replacement, substantially improved, substantially damaged or flood-proofed buildings (not including accessory buildings) in the SFHA; dry floodproofing certificate; as-built volumetric analysis, or as-built floodway encroachment analysis;
3. All floodproofing and other certifications required under this regulation.

Enforcement. This bylaw shall be enforced in accordance with 24 V.S.A. §§ 1974a, 4451, and 4452. All notices of violation shall be provided to the State NFIP Coordinator.

No new flood insurance shall be provided for any property which the NFIP Coordinator finds has been declared to be in violation of local Special Flood Hazard Area regulations. If any appeals have been resolved, but the violation remains, the Land Use Administrator shall submit a declaration to the NFIP Coordinator requesting a denial of flood insurance to the property. The declaration shall consist of:

1. The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
2. A clear and unequivocal declaration that the property is in violation of a cited state or local law, bylaw, regulation, or ordinance;
3. A clear statement that the Land Use Administrator making the declaration has authority to do so and a citation of that authority;
4. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
5. A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

Variances. Variances may be granted in writing by the Zoning Board of Adjustment only in accordance with all the criteria in Section 3.8 (Variances) after a public hearing. If the proposed development is located within the Special Flood Hazard Area (SFHA) Overlay District, the proposal shall comply with 44 C.F.R. § 60.6.

Any variance issued in the Special Flood Hazard Area shall not increase flood heights and shall inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the BFE 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.

Section 3.6 Appeals

3.6.2 Appeals of Land Use Administrator Decisions. Any interested person as defined in 24 V.S.A. §4465 may appeal any decision or act of the Land Use Administrator by filing a notice of appeal with the Secretary of the Zoning Board of Adjustment, or with the Town Clerk, as provided for in 24 V.S.A. Sections 4465 - 4470. The Zoning Board of Adjustment shall:

1. Provide notice of the appeal at least 15 days prior to a hearing to 24 V.S.A. §4468.

2. Conduct a public hearing of an appeal within 60 days of the notice of filing the appeal pursuant to 24 V.S.A. §4468.
3. Render a written decision on the appeal within 45 days of the close of the hearing pursuant to 24 V.S.A. §4464(b)(1).

3.6.3 Appeals of Decisions by a Municipal Panel. Any interested person who has participated in the relevant local regulatory hearing may appeal a decision of the Planning Commission or Zoning Board of Adjustment within 30 days of the issuance of the decision to the Environmental Division of the Vermont Superior Court, as provided for in 24 V.S.A. Sections 4471 and 4472.

3.6.4 Appeals prohibited. For all forms of residential development, conditional use approval may not be appealed where the proposed development lies in a state designated area including the Arlington and East Arlington Designated Village Centers.

Section 3.7 Waivers

3.7.1 Authority. When an applicant proposes land development or use of property that does not meet the dimensional standards of this Bylaw, a waiver may be requested. The Zoning Board of Adjustment may grant waivers in accordance with 24 V.S.A §4414(8) and the following:

1. May grant waivers that authorize an adjustment to a dimensional, performance, or use standard of this Bylaw according to the criteria and review process described in Section 3.7.
2. Must not approve waivers for land development within the Floodway.
3. Must not approve a waiver to allow a use that is specifically prohibited by provisions of this Bylaw.
4. Must not approve a waiver allowing an increase in residential density of greater than 20% except as otherwise allowed by this Bylaw.

3.7.2 Application Requirements. An applicant for a waiver must submit a complete zoning permit application and a written request for a waiver to the Land Use Administrator that includes the following:

1. A brief description of the subject property and proposed land development.
2. A reference to the dimensional standard from which the applicant is seeking a waiver.
3. The specific modification that the applicant is requesting.
4. A response to each of the criteria that the Zoning Board of Adjustment will use to decide whether to approve the waiver (see Section 3.7.4).

3.7.3 Public Hearing. The Zoning Board of Adjustment must hold a public hearing and act on the waiver request in accordance with Section 3.10. If the applicant is requesting a waiver from the setback from a state highway, notice of the hearing must be sent to the Vermont Secretary of Transportation.

3.7.4 Review Criteria. To approve a waiver, the Zoning Board of Adjustment must conclude that all of the following criteria are met:

1. The proposed land development is in keeping with the goals and policies of the Arlington Town Plan.
2. The proposed development will not alter the essential character of the area or district in which the subject site is located.
3. The proposed land development will not substantially or permanently impair the lawful use or development of adjacent property.
4. The proposed land development will not be detrimental to public health, safety, or welfare.
5. The proposed land development is beneficial or necessary for the continued reasonable use of the subject property.

6. The applicant is proposing adequate mitigation of any dimensional encroachment through design, screening, or other remedy.
7. The applicant is proposing the least deviation possible from this Bylaw that will afford relief.

Section 3.8 Variances

3.8.1 Authority. When an applicant proposes land development or use of property that cannot meet the dimensional or performance standards, use standards, or other provisions of this Bylaw, a variance may be requested. The Zoning Board of Adjustment may grant a variance in accordance with 24 V.S.A §4469 and according to the criteria and review process described in Section 3.8.

3.8.2 Application Requirements. An applicant for a variance must submit a complete zoning permit application and written request for a variance to the Land Use Administrator that includes all of the following:

1. A brief description of the subject property and the proposed land development.
2. A reference to the specific provisions of this Bylaw from which the applicant is requesting the variance(s).
3. The specific modification(s) that the applicant is requesting.
4. A response to each of the review criteria that the Zoning Board of Adjustment will use to decide whether to grant the variance(s).

3.8.3 Review Criteria. When a variance from the strict requirements of this Bylaw is requested, the Zoning Board of Adjustment may grant a variance after a duly warned public hearing only if the following facts are found:

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 the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located;
2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. Such unnecessary hardship has not been created by the applicant;
4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor reduce access to renewable energy resources, nor be detrimental to the public welfare; and
5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and the town plan.

In rendering a decision in favor of a variance, the Zoning Board of Adjustment may attach such conditions as it may deem necessary and appropriate under the circumstances, to implement the purpose of this Bylaw and the Town Plan, as duly adopted or amended, to safeguard the public welfare and to maintain property values in the Town.

3.8.4 Renewable Energy Facility. When a variance from the provisions of this Bylaw is requested for a structure that is primarily a renewable energy resource structure, the Zoning Board of Adjustment may grant a variance after a duly warned public hearing if all the following facts are found:

1. It is unusually difficult or unduly expensive for the applicant to build a suitable renewable energy resource structure in conformance with the Bylaw;
2. The hardship was not created by the applicant;
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; and
4. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the Bylaw and the Town Plan.

5. In rendering a decision in favor of an applicant under Section 3.8, the Zoning Board of Adjustment may attach such conditions to variances as it may consider necessary and appropriate under the circumstances to implement the provisions of this Bylaw and the purposes or policies of the Town Plan.

Section 3.9 Consolidated Review

3.9.1 Applicability. When a full application is received for a project requiring multiple review procedures, The Land Use Administrator shall schedule consolidated review to the extent possible, unless the applicant requests in writing that separate reviews be conducted.

3.9.2 Application Requirements. Application requirements for consolidated review shall include all elements required for each type of review relevant to the proposed land use and development.

3.9.3 Review Procedures. Zoning Board of Adjustment and Planning Commission must hold the appropriate public hearing and act on an application for combined review as required for each type of review relevant to the proposed land use and development. The hearing notice must state each type of review that will be addressed.

Section 3.10 Hearing Procedures

3.10.1 Notice of Hearing. The Land Use Administrator must notify the public at least 15 days before a hearing for all conditional use, variance, appeal, and final subdivision applications. The Land Use Administrator must notify the public at least 7 days before a hearing for all site plan, preliminary plat, or waiver applications.

The notice of hearing must include all of the following:

1. Publishing the date, place, and purpose of the hearing in a newspaper of general circulation in the Town of Arlington.
2. Posting the date, place, and purpose of the hearing at the town offices and at least two other public places within the Town of Arlington.
3. Providing the applicant with a notice of public hearing with the date, place, and purpose of the hearing to be posted on the subject property within public view. It will be the applicant's responsibility to ensure that the notice remains posted for the entire warning period and to remove the notice after the close of public hearing.
4. Notifying the owners of all properties adjoining the subject property (including those across roads, rights of way, and rivers or streams) in writing. The notification must include a description of the proposed project and must clearly explain to the recipients where to obtain additional information and that they must participate in the hearing to secure the right to any subsequent appeal.

A defect in the form or substance of the public notice requirements will not invalidate any action or decision under this Bylaw when a reasonable effort has been made to provide adequate posting and notice.

3.10.2 Site Visits. The Planning Commission and Zoning Board of Adjustment may require an applicant allow the commission or board access to a site prior to making a decision on an application when deemed necessary to ensure compliance with this Bylaw. If a quorum of board or commission members will be present, a site visit must be warned in accordance with Vermont's open meeting law. Accordingly, notice must be posted at least 48 hours in advance on the town's website, at the town office, and in at least two other designated public places in town.

3.10.3 Conducting the Hearing

1. The Planning Commission and Zoning Board of Adjustment must hold a public hearing within 60 days of the Land Use Administrator determining that an application is complete unless otherwise specified in this Bylaw or the applicant agrees to a later hearing date.
2. The Planning Commission and Zoning Board of Adjustment must conduct public hearings, hear testimony, and take evidence according to its adopted rules of procedures.

3. All hearings must be open to the public. Any individual or group may appear and participate in a public hearing in person or by authorized representative or counsel or may submit written testimony in advance of the hearing. The Planning Commission and Zoning Board of Adjustment must give all those wishing to participate an opportunity to be heard as is relevant to the proceeding.
4. The applicant or an authorized representative must be present at any public hearing or meeting when the Planning Commission or Zoning Board of Adjustment will be considering their application. The Planning Commission or Zoning Board of Adjustment will continue its consideration of an application to its next regularly scheduled meeting if the applicant or an authorized representative is not present. In the case of such a continuation, the intervening days will not be counted as part of any time period within which the Planning Commission and Zoning Board of Adjustment is required to act.
5. Planning Commission and Zoning Board of Adjustment members must not communicate directly or indirectly with any applicant, interested person, or their representative regarding a matter that is under consideration except during a properly noticed public hearing.

3.10.4 Recessing a Hearing

1. The Planning Commission and Zoning Board of Adjustment may recess a hearing pending submission of additional information necessary to determine compliance with these regulations or upon the applicant's request.
2. If the Planning Commission or Zoning Board of Adjustment recesses a hearing to a specific date and time, the hearing will not have to be warned again when resumed.

Section 3.11 Decisions

3.11.1 Deliberations. The Planning Commission or Zoning Board of Adjustment may deliberate and make a decision on an application either in open public session or in a closed deliberative session.

3.11.2 Time to Act. Within 45 days of closing a hearing, the Planning Commission or Zoning Board of Adjustment must issue a written decision to approve, approve with conditions, or deny the application.

3.11.3 Deemed Approval. If the Planning Commission or Zoning Board of Adjustment does not issue a decision within 45 days of closing a hearing, the application shall be deemed approved pursuant to 24 V.S.A. §4464.

3.11.4 Findings and Conclusions. The written decision must include a statement of the facts upon which the Planning Commission or Zoning Board of Adjustment is basing its decision and a statement of conclusions relating to the applicable review criteria and standards of this Bylaw.

3.11.5 Conditions of Approval. The Planning Commission or Zoning Board of Adjustment:

1. May attach any conditions it deems necessary to an approval to achieve the purposes of this Bylaw including, but not limited to: (a) Specific performance standards such as limitations on hours of operation, noise, light or other off-site impacts; (b) Required improvements to public facilities or infrastructure to serve the proposed development; (c) Schedule or phasing of development; (d) Inspection or monitoring; and (e) Performance guarantee in accordance with Section 3.4.4.
2. Must specifically describe any conditions or limitations in the written decision. Any conditions attached to the approval will be considered part of any subsequent zoning permit issued by the Land Use Administrator for the approved land development.

3.11.6 Submittal of Revised Plans. If the Planning Commission or Zoning Board of Adjustment attaches conditions on an approval that require amendments to a site or subdivision plan, the applicant must submit an amended site or subdivision plan that satisfies those conditions prior to the Land Use Administrator issuing a certificate of compliance. The Planning Commission or Zoning Board of Adjustment may require a revised site plan prior to the issuance of a zoning permit for an approved site plan.

3.11.7 Notification and Filing. The Planning Commission or Zoning Board of Adjustment must:

1. Send a copy of the decision to the applicant and any interested party that testified at the hearing by certified mail which shall include notification that the recipient may appeal the decision to the Environmental Division of the Vermont Superior Court within 30 days of the date of the decision;
2. Send a copy of the decision to all others who participated in the hearing; and
3. File a copy of the decision with the Land Use Administrator.

3.11.8 Effect and Expiration. If the approved land development or use is:

1. Not substantially completed or commenced before the zoning permit expires, the development approval will expire with the zoning permit.
2. Substantially completed or commenced before the zoning permit expires, the development approval will remain in effect unless the use is abandoned or discontinued as defined in Section 6.2.

Planning Commission and Zoning Board of Adjustment approvals and any related conditions run with the land and remain in effect irrespective of whether the property changes ownership.

ARTICLE 4: ZONING DISTRICTS

Section 4.1 Establishment of Districts and Standards

4.1.1 Establishment

1. **Zoning Districts.** For the purposes of this Bylaw, the Town of Arlington is divided into the following zoning districts:

   Village Residential (VR)
   Commercial Residential (CR)
   Commercial Residential Rural (CRR)
   Commercial Industrial (CI)
   Rural (R)
   Forest and Recreation (FR)
   Planned Industrial (PI)

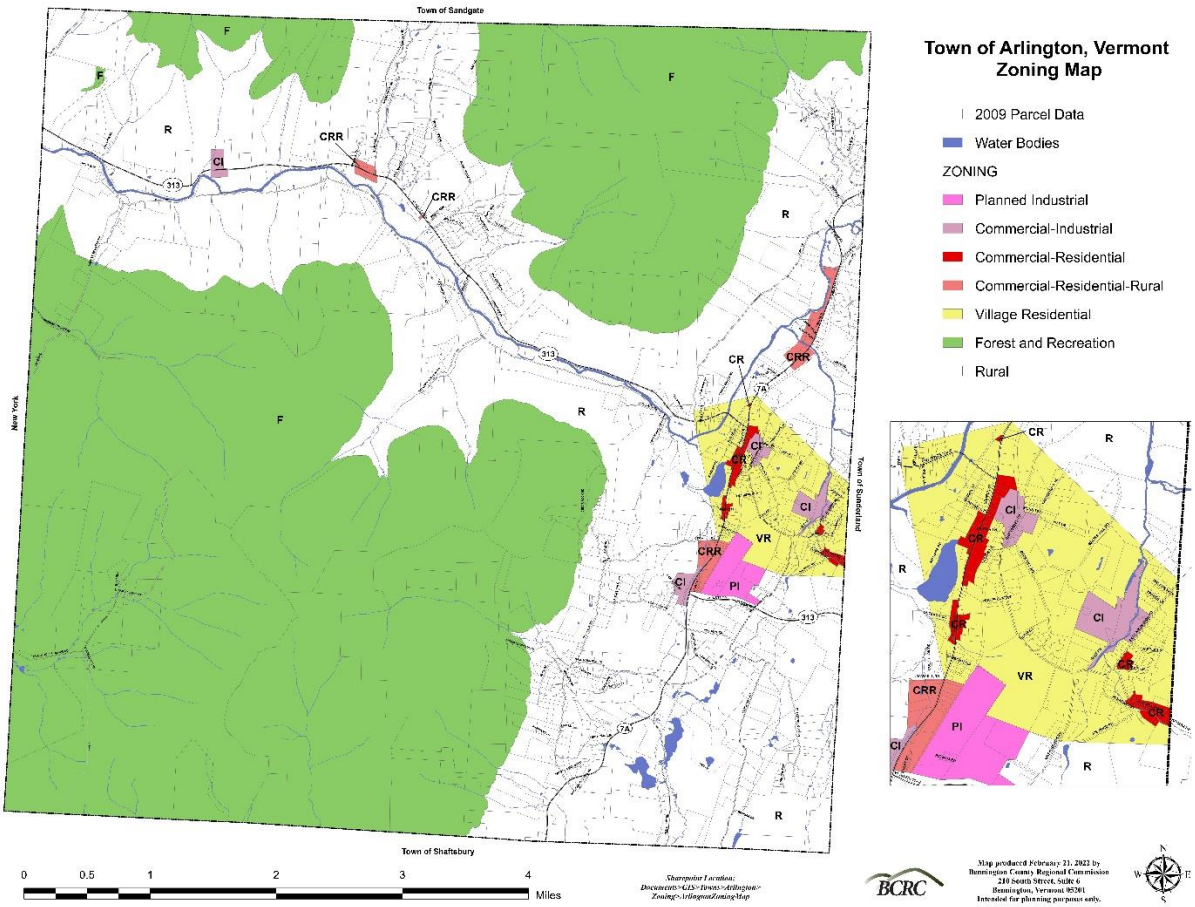
2. **Overlay Districts.** For the purposes of this Bylaw, the Town of Arlington establishes the following overlay district:

   Special Flood Hazard Area (SFHA) Overlay

4.1.2 Official Zoning Map

1. The boundaries of each zoning district in the Town of Arlington are shown on the Official Zoning Map. The Official Zoning Map is available in paper and digital form at the Arlington Town Offices and on the town website (https://arlingtonvermont.org/zoning-planning/).
2. The boundaries of the SFHA Overlay are those depicted on Flood Insurance Rate Maps (FIRM) for the Town of Arlington as published by the Federal Emergency Management Agency (FEMA) for the National Flood Insurance Program (NFIP). These maps are available for viewing at the Arlington Town Offices and on the FEMA website (https://www.fema.gov/flood-maps).

The Official Zoning Map and the FIRM for the Town of Arlington, and any amendments thereto, are hereby adopted by reference and declared to be part of this Bylaw. The map reproduced below are for reference only and may not be up to date. For the most current map see the hyperlink under 4.1.2 (1).



4.1.3 Interpretation of Map

1. **Boundaries** Any uncertainty as to the location of a district boundary line on the Official Zoning Map shall be resolved by the Land Use Administrator with appeals of any such decisions made to the Zoning Board of Adjustment. Any uncertainty as to SFHA overlay district boundaries shall be resolved as described in Section 4.3.5 of this Bylaw.

2. **Rights of Way.** Zoning districts shall include the beds of streets, railroad lines, power lines, and other rights of way lying within them. Where opposite sides of a street, railroad line, power line, or right of way lie in different districts, the boundary shall be deemed the center of the right-of-way.

3. **Land Under Water.** Zoning districts shall include any land under rivers, streams, lakes, or ponds lying within them. Where opposite sides of a river or stream lie in different districts, the boundary shall be the thread of the river or stream. Where a stream or river has two channels, the main thread shall be the boundary. Where opposite sides of a lake, pond, swamp, or water body lie in different districts, the boundary shall be deemed to be the center thereof.

4. **Extension of Standards Beyond District Boundary.** In the case of lots lying in more than one district, the provisions of any one district may be applied for a distance of not more than 100 feet into any other adjacent district.

5. **Lots Crossing Municipal Boundaries.** Where a lot includes land in two or more municipalities, proposed development may extend into the portion of the lot in Arlington only if the development conforms to the

standards of the applicable district. However, the standards of the applicable district can be met by considering the entire lot including portions of the lot not located in Arlington (ex., lot size, frontage and access requirements can be met from land in the adjoining town).

Section 4.2 Base Zoning Districts

4.2.1 Village Residential (VR) District

1. **Purpose.** The purpose of the Village Residential (VR) zoning district is to provide for compact residential development in suitable areas close to the village centers.

2. **Permitted Uses**. Permitted uses for the VR zoning district shall be allowed as established in Table 4-1.

3. **Conditional Uses.** Conditional uses for the VR zoning district shall be allowed as established in Table 4-1

4. **Prohibited Uses.** Uses not allowed in the VR zoning district shall be as indicated in Table 4-1. In addition, uses with drive-through services shall be prohibited.

5. **Dimensional Standards.** Table 4-2 establishes the dimensional standards for the VR zoning district.

4.2.2 Commercial Residential (CR) District

1. **Purpose.** The purpose of the Commercial Residential (CR) zoning district is to promote sound economic development of the Town and to provide for convenient shopping and service areas for Town residents and visitors in a manner that is compatible with compact residential use.

2. **Permitted Uses.** Permitted uses for the CR zoning district shall be allowed as established in Table 4-1.

3. **Conditional Uses.** Conditional uses for the CR zoning district shall be allowed as established in Table 4-1.

4. **Prohibited Uses.** Uses not allowed in the CR zoning district shall be as indicated in Table 4-1. In addition, uses with drive-through services shall be prohibited.

5. **Dimensional Standards.** Table 4-2 establishes the dimensional standards for the CR zoning district.

4.2.3 Commercial Residential Rural District (CRR)

1. **Purpose.** The purpose of the Commercial Residential Rural (CRR) zoning district is to provide limited commercial uses along primary highways serving residents and visitors that is compatible with adjacent low density residential use.

2. **Permitted Uses.** Permitted uses in the CRR zoning district are as established in Table 4-1.

3. **Conditional Uses.** Conditional uses in the CRR zoning district are as established in Table 4-1.

4. **Prohibited Uses.** Uses not allowed in the CRR zoning district shall be as indicated in Table 4-1. In addition, uses with drive-through services are prohibited.

5. **Dimensional Standards** Table 4-2 establishes the dimensional standards for the CRR Zoning District.

4.2.4 Commercial Industrial (CI) District

1. **Purpose.** The purpose of the Commercial Industrial (CI) zoning district is to foster employment opportunities for the residents of Arlington while siting economically beneficial and environmentally sound commercial and industrial development in the most appropriate locations.

2. **Permitted Uses.** Permitted uses in the CI zoning district are as established in Table 4-1.

3. **Conditional Uses.** Conditional uses in the CI zoning district are as established in Table 4-1. Uses with drive-through services shall require conditional use review and approval.

4. **Prohibited Uses.** Uses not allowed in the CI zoning district shall be as indicated in Table 4-1.

5. **Dimensional Standards.** Table 4-2 establishes the dimensional standards for the CI zoning district.

4.2.5 Planned Industrial (PI) District

1. **Purpose.** The purpose of the Planned Industrial (PI) zoning district is to provide suitable locations for industrial development to expand the local tax and employment bases, while maintaining the rural character of the town.

2. **Permitted Uses.** Permitted uses in the PI zoning district are as established in Table 4-1.

3. **Conditional Uses.** Conditional uses in the PI zoning district are as established in Table 4-1. Uses with drive-through services shall require conditional use review and approval.

4. **Prohibited Uses.** Uses not allowed in the PI zoning district shall be as indicated in Table 4-1.

5. **Dimensional Standards.** Table 4-2 establishes the dimensional standards for the PI zoning district.

4.2.6 Rural (R) District

1. **Purpose.** The purpose of the Rural (R) district is to ensure the preservation of the natural rural and scenic qualities of areas which are intended to be predominantly residential and agricultural in character.

2. **Permitted Uses.** Permitted uses in the R zoning district are as established in Table 4-1.

3. **Conditional Uses.** Conditional uses in the R zoning district are as established in Table 4-1.
4. **Prohibited Uses.** Uses not allowed in the R zoning district shall be as indicated in Table 4-1. Uses with drive-through services are prohibited.

5. **Dimensional Standards.** Table 4-2 establishes the dimensional standards for the R zoning district.

4.2.7 Forest and Recreation (FR) District

1. **Purpose.** The purpose of the FR zoning district is to preserve the Town's forest resources and protect the Town's watershed.

2. **Permitted Uses.** Permitted uses in the FR zoning district are as established in Table 4-1.

3. **Conditional Uses.** Conditional uses in the FR zoning district are as established in Table 4-1.

4. **Prohibited Uses.** Uses not allowed in the FR zoning district are as established in Table 4-1. IN addition, drive-through services are prohibited.

5. **Dimensional Standards.** Table 4-2 establishes the dimensional standards for the FR zoning district. Only one primitive camp per 15 acres shall be established on any lot within the FR zoning district.

4.2.8 Use Standards & Table

1. **Allowed Uses.** A proposed land use must be shown on Table 4-1 as a permitted or conditional use in the applicable zoning district unless the subject use constitutes an existing nonconformity and the proposed land development is in conformance with the requirements of Section 1.4.

2. **Prohibited Uses.** A use not specifically listed as permitted or conditional in a zoning district in Table 4-1 below is prohibited unless the applicant demonstrates to the Land Use Administrator that the unlisted use:
   a. Is materially similar to a listed use in the same zoning district in accordance with Section 4.2.8(3) below; or
   b. Is required to be permitted in a zoning district by state or federal law.

3. **Materially Similar Uses.** The Land Use Administrator may make a written determination that a proposed use not shown in Table 4-1 is materially similar to a use listed as permitted or conditional in the applicable zoning district and that it should be allowed to the same extent and subject to the same standards as that permitted or conditional use if it has:
   a. Similar impacts on the neighborhood such as traffic, noise, and lighting as that listed use; and
   b. Similar characteristics such as building type, site arrangement, floor area, number of employees, customer traffic, equipment use, hours of operation, parking, vehicle trips, and signage as that permitted or conditional use.

4. **Mixed or Multiple Uses.** A landowner may combine any mix of uses on a lot or within a structure if the individual uses are permitted or conditional uses allowed in the underlying zoning district.

5. **Accessory Uses.** Except as provided for specific accessory uses in section 5.2, a landowner must obtain a zoning permit to establish one or more accessory uses on a lot in accordance with the standards below:
   a. The total area occupied by all the accessory uses on the lot must not exceed 40% of the total area occupied by the associated principal use. For principal uses conducted primarily indoors, this calculation will be based on gross floor area occupied within the building(s) by each use. For principal uses conducted primarily outdoors, this calculation will be based on lot area occupied by each use.
   b. An accessory use must be:
      i. A permitted or conditional use in the applicable zoning district;
      ii. Specifically authorized as an allowed accessory use to the applicable principal use in this Bylaw; or
      iii. Approved by the Zoning Board of Adjustment in accordance with the procedures for conditional use review.
   c. Accessory retail sales must occur primarily within an enclosed structure and any outdoor display of goods for sale must conform to an approved site plan.
   d. For personal service uses, accessory retail sales must be limited to products associated with the service (for example, sale of hair care products at a salon).
   e. For manufacturing uses, accessory retail sales must be limited to products made or assembled on the premises.
   f. A landowner must also obtain site plan approval for any accessory uses if the principal use of the lot is not a single- or two-family dwelling.

Table 4-1: Use Table							
Use & Description *P = Permitted Use C = Conditional Use – = Use Not allowed*	**VR**	**CR**	**CRR**	**CI**	**PI**	**R**	**FR**
Residential Uses							
Single-family Dwelling A detached single-unit structure for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation.	**P**	**P**	**P**	**P**	**–**	**P**	**–**
Two-family Dwelling A two-unit structure for habitation by two households each that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule. Also known as a duplex.	**P**	**P**	**P**	**P**	**–**	**P**	**–**
Muilti-family Dwelling Use of a structure or part of a structure for habitation by three or more households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule.	**C**	**C**	**C**	**C**	**–**	**–**	**–**
Mobile Home Park A parcel or contiguous parcels of land containing manufactured home lots for rent or sale and operated under the requirements of state law governing mobile home parks (10 VSA, Chapter 153).	**–**	**–**	**–**	**–**	**–**	**C**	**–**
Accessory Dwelling Unit (ADU) Accessory use of single-family residential property for a second dwelling unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule.	**P**	**P**	**P**	**P**	**–**	**P**	**–**
Customary Home Occupation (CHO) Accessory use of a single-family residential property for a small business that does not alter the residential character of the property.	**P**	**P**	**P**	**P**	**–**	**P**	**–**
Family Childcare Home Accessory use of a single-family residential property for a small daycare business (serving six or fewer children) operated by a resident of the dwelling under state license or registration.	**P**	**P**	**P**	**P**	**–**	**P**	**–**
Senior Housing Use of one or more structures to primarily house people who are age 65 or older that: (a) contains multiple dwelling units each intended for habitation by one household and providing complete independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation; and (b) may offer convenience services to residents as an accessory use.	**C**	**C**	**C**	**C**	**–**	**–**	**–**
Group Home Use of single-family residential property to provide housing for up to eight (8) people with disabilities that operates under state license or registration.	**P**	**P**	**P**	**P**	**–**	**P**	**–**
Boarding or Rooming House Use of single-family residential property in which rooms are rented to six or more persons to serve as the boarder's primary residence. Meals, housekeeping, or laundry services may be provided.	**P**	**P**	**P**	**P**	**–**	**P**	**–**
Lodging Uses							
Bed & Breakfast Owner-occupied use of a single-family residential property to provide short-term accommodations for travelers that may have up to five (5) guestrooms.	**P**	**P**	**P**	**–**	**–**	**P**	**–**
Inn Owner-occupied use of one or more structures to provide short-term accommodations for travelers that may have up to 20 guestrooms. It may include accessory uses such as food and drink services, event services, spa, or fitness services.	**C**	**P**	**P**	**–**	**–**	**C**	**–**
Motel or Hotel Use of one or more structures to provide short-term accommodations for travelers. It may also include accessory uses such as food and drink services, convention or event hosting, laundry services, spa, fitness, or recreational services and facilities.	**–**	**P**	**P**	**–**	**–**	**–**	**–**

Use & Description *P = Permitted Use C = Conditional Use – = Use Not Allowed*	**VR**	**CR**	**CRR**	**CI**	**PI**	**R**	**FR**
Community & Government Uses							
Child or Adult Daycare Facility An establishment that cares for: (a) infants and pre-school age children, as well as older children when school is not in session; or (b) for adults for periods of less than 24 hours.	C	P	P	C	C	C	–
Residential Treatment Facility Use of one or more structures to provide housing and 24-hour supervision and care of patients receiving therapy for substance abuse, mental illness, or other behavioral problems.	C	C	C	–	–	C	–
Assisted Living Use of one or more structures to provide housing, board and care to residents who need assistance with daily activities such as dressing, grooming, bathing, eating, etc…, and that operates under state license (includes residential care homes).	C	P	P	–	–	C	–
Skilled Nursing Facility Use of one or more structures to provide housing and 24-hour skilled nursing care to residents that operates under state license (includes nursing homes, convalescent homes, and hospice facilities).	C	P	P	–	–	C	–
Grade School A state recognized institution used to educate children from pre-kindergarten through grade 12.	C	C	C	–	–	C	–
Technical or Trade School An establishment that offers vocational and technical training typically required for specific trades or occupations, and often leading to job-specific certification.	C	C	C	P	P	C	–
Library An establishment that provides collections of books, periodicals, or other media to the public and serves as a hub to connect citizens to information about community services and activities.	C	P	P	–	–	–	–
Museum An establishment that preserves and exhibits art, objects, or natural wonders of historical, cultural, or educational value.	C	P	P	–	–	C	–
Religious Institution An establishment that is primarily designed for worship and religious congregations. It may also include classrooms, residential quarters, and spaces to accommodate social activities as an accessory use.	C	C	C	–	–	C	–
Community Center An establishment that serves as a public gathering place for social, cultural, and educational purposes.	C	P	P	C	–	–	–
Social Service Facility An establishment that provides social assistance services directly to individuals and does not offer residential accommodations.	C	P	P	P	C	–	–
Medical Clinic An establishment from which multiple licensed practitioners provide healthcare services to people as outpatients.	C	C	–	P	C	–	–
Hospital Use of one or more structures staffed and equipped for the diagnosis of disease and treatment of the sick and the injured and for their lodging during this process.	–	C	–	P	C	C	–
Park or Recreation Center An area of land maintained for the enjoyment of the public, having facilities for rest, recreation, sport, or exercise.	P	C	C	–	–	C	C
Cemetery A site designed and used to inter the remains of deceased people or pets.	C	–	–	–	–	C	–
Government Office An establishment used by federal, state, or local government agencies to administer, oversee, and manage public programs and to carry out government functions.	C	P	P	P	P	–	–
Public Safety Facility Use of one of more structures to operate public fire, rescue, police or emergency response services.	–	P	P	P	P	C	–
Highway Maintenance Facility Use of a parcel and any structures thereon to store, maintain, and repair the vehicles, machinery, equipment, and materials necessary for public highway repair and maintenance.	C	–	C	P	P	C	–

Use & Description *P = Permitted Use C = Conditional Use – = Use Not allowed*	**VR**	**CR**	**CRR**	**CI**	**PI**	**R**	**FR**
Transit or Passenger Transportation Service A facility that provides ground transportation services to the public. It may include passenger waiting areas and fleet vehicle parking and maintenance areas.	–	C	C	P	P	–	–
General Commercial Uses							
Home-based Business Use by the owner of a residential property for the storage of tools, vehicles, equipment, and materials for the conduct of a business where work is performed principally off the premises.	C	C	C	C	–	C	–
Personal Service Business An establishment that provides: (a) services on or closely related to the physical person including, but not limited to, laundry, tailoring, sewing, shoe repair, hair solon, nail salon, tanning salon, spa, massage parlor or tattoo parlor; or (b) support services primarily to other businesses such as billing, collection, advertising, telemarketing, copying, mailing or similar services. It may include sales of related products as an accessory use.	C	P	P	P	P	–	–
Laundromat An establishment that provides fee-operated washing machines and dryers to the public for the laundering of personal clothing or other household items.	C	P	P	P	–	–	–
Dry Cleaner An establishment that provide dry cleaning services to the public.	C	C	C	C	C	–	–
Professional Office An establishment that: (a) is used to conduct the affairs of a business, organization, or profession; or (b) provides services that are reliant on the specialized training, expertise, skills, or knowledge of practitioners. Includes financial services or banks but excludes medical clinics and veterinary clinics.	C	P	P	P	P	–	–
Retail Sales An establishment that sells goods directly to the public for personal or household consumption primarily from within an enclosed structure.	–	P	P	P	–	–	–
Furniture or Appliance Sales An establishment that sells household furniture or appliances directly to the consumer. It may include installation, repair, or maintenance services as an accessory use.	–	P	P	P	C	–	–
Fueling Station An establishment that sells gasoline or other vehicle fuels and goods relating to vehicular use and travel. It is commonly combined with: (a) sales of food, drink, or other convenience goods; or (b) an auto repair or service garage.	–	C	C	C	C	–	–
Open Lot Sales or Rentals An establishment that sells or rents large goods such as autos, trucks, boats, equipment, machinery, manufactured homes primarily from an open lot. It may also provide installation, repair, or maintenance services as an accessory use.	–	–	–	C	C	–	–
Lawn Garden and Farm Supply Sales An establishment that sells specialized products and services for farm, lawn, or garden use primarily from outdoor areas or open-air structures. It may also provide installation, repair, or maintenance services as an accessory use.	C	–	–	P	P	C	–
Lumberyard and Building Supply Sales An establishment that sells lumber and building materials and that typically stores stock outdoors or in open-air structures. It may also provide installation, repair, or maintenance services as an accessory use.	–	–	–	P	P	C	–
Restaurant An establishment that prepares and serves meals, snacks, and beverages primarily to seated patrons for immediate consumption on the premises.	–	C	C	–	–	C	–
Take-out Restaurant An establishment with no or limited seating that prepares and serves meals, snacks, and beverages primarily for consumption of the premises.	C	C	C	C	C	–	–
Tavern, Bar or Nightclub An establishment that; (a) primarily prepares and serves alcoholic beverages for immediate consumption on premises, or (b) operates as a place of entertainment with music, dancing, or other live or recorded performance and may serve food and beverages for immediate consumption on the premises.	C	C	C	C	C	–	–

Use & Description *P = Permitted Use C = Conditional Use – = Use Not allowed*	**VR**	**CR**	**CRR**	**CI**	**PI**	**R**	**FR**
Catering or Commercial Kitchen A state-licensed establishment that prepares: (a) food and beverages to be served at off-premises events; or (b) food and beverage products for wholesale.	**C**	**C**	**C**	**P**	**P**	**–**	**–**
Mobile Food Unit An establishment that prepares and serves food and beverages from a motorized vehicle or from a non-motorized cart.	**C**	**P**	**P**	**P**	**P**	**C**	**–**
Funeral Home An establishment that prepares deceased people for burial or cremation and provides funeral services.	**C**	**P**	**P**	**P**	**C**	**–**	**–**
Crematory An establishment that prepares deceased people for cremation and collects and prepares the cremated remains for survivors of the deceased.	**–**	**C**	**C**	**C**	**C**	**–**	**–**
Light Industry or Manufacturing A facility that produces or assembles new goods, materials, or parts without reliance on specialized power, water supply, or waste disposal systems for operation. All such operations must occur within an enclosed building. It may include retail sales of the goods produced on the premises as an accessory use.	**–**	**C**	**C**	**P**	**P**	**–**	**–**
Wholesale An establishment that acquires, stores, and then sells goods in large quantities or lots to retail outlets primarily from within an enclosed structure.	**–**	**–**	**–**	**P**	**P**	**–**	**–**
Mail Order Business An establishment that acquires, stores, and then sells goods to retail outlets or to consumers through online, telephone, or mail order primarily from within an enclosed structure that is not a retail storefront.	**C**	**C**	**C**	**P**	**P**	**C**	**–**
Storage or Warehousing Facility A facility for the storage but not the sale of goods, equipment, or supplies.	**–**	**C**	**C**	**P**	**P**	**–**	**–**
Vehicle Repair Service An establishment that services, repairs, or refurbishes vehicles, including but not limited to automobiles, vans, buses, trucks, boats, motorcycles, snowmobiles, and all-terrain vehicles.	**–**	**C**	**C**	**P**	**P**	**–**	**–**
Printing Facility An establishment that issues copies of works that are usually protected by copyright and that may print, reproduce, distribute, or offer direct access to works such as newspapers, magazines, periodicals, books, calendars, greeting cards, maps, posters, or sound or video recordings.	**–**	**–**	**–**	**P**	**P**	**–**	**–**
Construction Business or Contractor's Yard An establishment that provides storage for vehicles, machinery, equipment and materials used by a contractor in the construction-related trades, which may serve as a business office or include a shop for maintaining or repairing the contractor's vehicles, machinery, or equipment.	**–**	**C**	**C**	**P**	**P**	**C**	**–**
Research or Laboratory Facility An establishment used for research or analysis in the physical, engineering, or life or cognitive sciences.	**–**	**C**	**–**	**P**	**P**	**–**	**–**
Junkyard A site used for the outdoor storage, processing, buying, or selling junk, or as a scrap metal processing facility.	**–**	**–**	**–**	**C**	**C**	**–**	**–**
Domestic Animal Service An establishment that: (a) provides domestic animal or pet care services other than veterinary service such as boarding, grooming, or training; or (b) breeds, sells, or manages the adoption of domestic animals. This includes kennels and may include the sale of pet food or supplies as an accessory use. This does not include a stable or riding facility for horses.	**–**	**C**	**C**	**P**	**P**	**C**	**–**
Veterinary Clinic An establishment where licensed practitioners of veterinary medicine treat animals. It may include grooming, boarding, or other animal services as an accessory use. It may also include sales of pet food or supplies as an accessory use.	**–**	**C**	**C**	**P**	**P**	**C**	**–**

Entertainment & Recreation							
Use & Description *P = Permitted Use C = Conditional Use – = Use Not allowed*	**VR**	**CR**	**CRR**	**CI**	**PI**	**R**	**FR**
Performance or Movie Theater An establishment that: (a) presents live entertainment by actors, dancers, musicians, or other performing artists; or (b) shows movies or other recorded entertainment to an audience.	**C**	**C**	**–**	**P**	**–**	**–**	**–**
Event Facility An establishment used to host conventions, trade shows, corporate meetings, weddings, receptions, reunions, and similar special events that includes large spaces such as auditoriums, banquet halls, exhibitions halls, and meeting rooms. Food and Beverage preparation and service may be provided as an accessory use.	**C**	**P**	**C**	**C**	**–**	**C**	**–**
Indoor Recreation Facility An establishment that offers physical fitness, sports, games, or other leisure activities to the public primarily from within an enclosed structure.	**C**	**C**	**C**	**P**	**P**	**–**	**–**
Outdoor Recreation Facility/Business An establishment that offers physical fitness, sports, games, or other leisure activities to the public primarily outside.	**C**	**C**	**C**	**C**	**C**	**C**	**C**
Golf Course A facility laid out for playing the game of golf and improved with greens, fairways, trees, and hazards. It may include a clubhouse that offers food and beverages to members and guests, restrooms, or a driving range. It may also provide for other recreational activities or retail sales of related merchandise as an accessory use.	**–**	**–**	**–**	**–**	**–**	**C**	**–**
Social or Membership Club A public or private establishment that is the premises of an organization that meets periodically to promote a social, educational, athletic, or recreational service exclusively for members and guests.	**C**	**C**	**C**	**C**	**C**	**C**	**–**
Utility Facilities							
Communications Tower A structure used to support one or more communications antennae and related structures and equipment.	**C**	**C**	**C**	**P**	**P**	**C**	
Utility Facility Structures assembled and maintained to provide the distribution or conveyance of power, water, stormwater, or wastewater services.	**C**	**C**	**C**	**P**	**P**	**C**	
Energy Generation Facility An assemblage that is operated to generate mechanical or electrical power.	**C**	**C**	**C**	**P**	**P**	**C**	**–**
Wind Turbine A tower-like device fitted with a bladed wheel that converts the wind's kinetic energy into electrical energy.	**C**	**C**	**C**	**P**	**P**	**C**	**C**
Solar Collection Facility An assemblage that concentrates sunlight and redirects it to a receiver, where it is converted to heat to generate electrical energy.	**P**	**P**	**C**	**P**	**P**	**P**	**–**
Natural Resource Based Uses							
Nature Reserve A site maintained in a primarily unimproved natural state for passive recreation or conservation purposes.	**P**	**–**	**–**	**–**	**–**	**P**	**P**
Agricultural Center A facility serving as an example of farmstead activities that is open to the public and operated by a non-profit entity.	**C**	**–**	**–**	**–**	**–**	**C**	**C**
Agriculture Cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock.	**P**	**C**	**C**	**P**	**P**	**P**	**P**
On-Farm Business Activity that is accessory to a farm and comprises: (a) the storage, preparation, processing, and sale of qualifying products; or (b) educational, recreational, or social events that feature agricultural practices or qualifying products. Such events may include farm tours, tastings, and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products. This may include “farm stays” by overnight guests participating in activities on the farm that feature agricultural practices or qualifying products.	**P**	**C**	**C**	**P**	**P**	**P**	**P**

Use & Description *P = Permitted Use C = Conditional Use – = Use Not allowed*	**VR**	**CR**	**CRR**	**CI**	**PI**	**R**	**FR**
Nursery A commercial establishment that grows and sells nursey products, nursery stock, trees, shrubs, grasses, flowers or other specimens for landscape planting. It may also provide installation or maintenance services as an accessory use.	**C**	**C**	**C**	**P**	**P**	**P**	**C**
Forestry Operations An establishment that processes trees and logs. Does not include sawmill or wood pellet production.	**–**	**–**	**–**	**C**	**C**	**P**	**P**
Sawmill An establishment that processes timber harvested off-site into wood construction and manufacturing materials such as lumber, veneer, stud wood, plywood, poles, pilings, and wood chips, or an establishment that manufactures wood pellets.	**–**	**–**	**–**	**C**	**C**	**C**	**–**
Primitive Camp A structure primarily used for recreational or hunting purposes, excluding recreational vehicles and tent-trailers. A primitive camp shall not contain sanitation facilities or other structures or facilities that connect to outside services or conveniences. Primitive camps shall not be occupied for more than 21 consecutive days nor for more than 120 days during a single calendar year.	**–**	**–**	**–**	**–**	**–**	**P**	**P**
Campground An establishment designed to accommodate campers and their equipment including tents, tent trailers, and recreational vehicles for outdoor recreational activities and overnight stays. It may provide additional facilities and services such as cabins, sanitary facilities, food services, and organized recreational or educational activities.	**–**	**P**	**P**	**–**	**–**	**C**	**C**
Riding Facility or Stable A commercial establishment to lodge, train, and care for horses, which may also offer riding lessons or organized horseback riding excursions to the public.	**C**	**C**	**–**	**–**	**–**	**C**	**C**
Hunting or Fishing Establishment An establishment providing trap, skeet, sporting clay fields, firearms safety instruction, or fishing techniques instruction. It may include limited retail sales exclusively to users of the onsite facilities of hunting or fishing related merchandise.	**–**	**–**	**–**	**–**	**–**	**C**	**C**
Mining or Quarrying An operation that dredges, quarries, mines, or develops mine sites for crushed and broken stone, limestone, sand, gravel, clay, topsoil, or other nonmetallic earth products. It may include onsite processing of earth materials such as crushing, grinding, washing or screening.	**–**	**–**	**–**	**C**	**C**	**C**	**C**
Outdoor Hydronic Heater A residential or small commercial wood-fired water heater that is located outdoors or separated from the space being heated. Wood burned in a large fire box heats water that is circulated into the structure through underground pipes. Considered an accessory use on the lot.	**–**	**–**	**C**	**P**	**–**	**C**	**–**

4.2.9 Dimensional Standards & Table

1. **Applicability.** Land development must conform to the dimensional standards for the applicable zoning district unless:
   a. A subject lot or structure is a nonconformity and the proposed land development is in conformance with the requirements of Section 4.3.8.
   b. The applicant obtains a waiver (Section 3.7) or variance (Section 3.8) from the Zoning Board of Adjustment; or
   c. The proposed land development will be approved as a planned unit development in accordance with the provisions of Section 5.5 of this Bylaw.

2. **Principal Structures.** Landowners may locate more than one principal structure on a lot in accordance with the following standards:
   a. The total amount of development on the lot must not exceed the maximum density or lot coverage allowed in the district.
   b. There must not be more than two detached single- or two-family dwellings on any lot unless approved as part of a planned unit development in accordance with the provisions of this Bylaw.
   c. Each principal building must meet the applicable dimensional standards of the zoning district.
   d. The distance between principal buildings must not be less than twice the side setback required in the zoning district, unless they are attached.
   e. Approval of multiple principal buildings on a lot will not constitute a right to separately convey those structures unless:
      i. The subject lot will be lawfully subdivided in accordance with the provisions of this Bylaw.
      ii. The buildings will be lawfully converted to condominium ownership.

3. **Accessory Structures.** Except for accessory structures that are exempt from permitting per Section 1.2.2(15) of this Bylaw, a landowner must obtain a zoning permit to locate one or more accessory structures on a lot in accordance with the following:
   a. Accessory structures must meet the front setback requirements shown in the dimensional requirements table (Section 4.18) for the applicable zoning district.
   b. In the VR and CR districts accessory structures with a footprint of not more than 200 square feet and a height of not more than 12 feet must be set back at least 5 feet from rear and side property lines. In all other districts, standard setbacks apply. See table 4.2.
   c. Accessory structures must be located at least 5 feet from any other structure unless they are attached to that structure.
   d. Accessory structures must not exceed a maximum height of 25 feet, except as specifically authorized in this Bylaw.

4. **Lot Size.** Lot size will be regulated in accordance with the following:
   a. Any lot created under this Bylaw must meet the minimum lot size requirement for the applicable zoning district unless approved as part of a planned unit development in accordance with the provisions of Section 5.5.
   b. An existing nonconforming lot may be developed in accordance with Section 4.3.8 irrespective of whether it will comply with the minimum lot size standard for the applicable zoning district.
   c. An existing nonconforming lot must not be reduced in size below the minimum lot size requirement for the applicable zoning district unless the reduction is the result of land being acquired for a public purpose by eminent domain (for example, due to street widening).
   d. A lot that will include land in more than one zoning district must meet the minimum lot size requirement for the zoning district in which the portion of the lot with street frontage is located. If the lot has street frontage in more than one zoning district, the lot must meet the largest minimum lot size requirement for the multiple districts.

5. **Frontage.** All lots must front on a public or private road as specified in each zoning district and in accordance with the following:

a. Existing Nonconforming Lots. An existing lot without the minimum required frontage on a maintained public or private street must have access to such a street over a permanent easement or right-of-way not less than 20 feet wide. If the lot has more than 20 feet of frontage an easement or right-of-way is not necessary.
b. Corner Lots. Lots that front on more than one street will only be required to meet minimum frontage requirements on one street.
c. New Lots. All new lots created under these regulations must have the minimum frontage on a maintained public or private street unless the Zoning Board of Adjustment:
   i. Approves a lot with less frontage as part of a planned unit development in accordance with the provisions of this Bylaw;
   ii. Approves a waiver to reduce the frontage requirement to not less than 20 feet for irregularly shaped lots or lots accessed by a shared driveway; or
   iii. Approves a waiver to reduce or eliminate the frontage requirement for lots restricted to agriculture, forestry or open space uses through a legally enforceable and permanent means such as a conservation easement.

6. **Setbacks.** Setbacks of the applicable zoning district apply as follows:
   a. Corner Lots – Lots with frontage on more than one road must meet front setbacks on each road and side setbacks on remaining sides.
   b. Interior Lots – Lots with no frontage on a road must meet the largest setback (front, side or rear) in the appliable zoning district.
   c. Lots in Common Ownership – Side and rear setbacks are required to be met even where the adjoining lot belongs to the same property owner.
   d. Front Setbacks – Front setbacks shall be measured from the edge of the road right-of-way to the nearest point of the structure. If the width of the road right-of-way is not known, it is assumed to be 25 feet from the centerline of the road consistent with the standard road right-of-way of 50 feet (3 rods). However, all reasonable efforts shall be made to determine the official right-of-way width, which may differ from this standard, along the lot in question.
   e. Surface Water Setbacks – Surface water setback shall be measured from the high-water mark of the surface water feature to the nearest point of the structure.

7. **Height.** No structure subject to this Bylaw may exceed district height limits as specified below unless otherwise specified in this Bylaw:
   a. Building height shall be measured from the average finished grade around the building foundation or base of the structure to the roof deck for buildings with flat roofs, to the average height between the eaves and the peak for sloped roofs, and to the highest point for other structures. This measurement will exclude the elements listed in Section 4.2.9(7)(d) below.
   b. Height of principal structures shall comply with the maximum height restrictions for the underlying zoning district.
   c. Accessory structures must not exceed a height of 25 feet or the maximum allowed height in the underlying zoning district.
   d. Height limits do not apply to:
      i. Belfries, spires, steeples, cupolas, domes or similar architectural features not used for human habitation;
      ii. Skylights, parapet walls, cornices, chimneys, ventilators, bulkheads, or mechanical equipment usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning.
      iii. Flag poles, light poles, antenna support structures and similar freestanding structures not located within public rights-of-way.

8. **Building Coverage.** The area of a lot (expressed as a percentage of total lot area) enclosed by the walls of all buildings, together with the area of all covered porches, and other roofed portions of buildings on a lot shall constitute building coverage.

9. **Lot Coverage.** The area of a lot (expressed as a percentage of total lot area) that is covered by developed features, including structures, buildings, accessory structures, parking areas, loading areas, services areas, swimming pools, paved recreational courts, sidewalks, pathways, roads, driveways, storage areas, exterior display areas for merchandise shall constitute lot coverage. Areas covered by permeable pavement, decks, boardwalks, artificial turf fields, or green roofs may be counted at 50% if installed over a reservoir layer to treat and retain stormwater. Lot coverage includes that portion of a lot that is not covered with woody or herbaceous plantings or mulch materials.

10. **Lot Density.** The number of lots in a proposed subdivision must not surpass the maximum allowed density in the applicable zoning district unless a lot density bonus is approved as part of a planned unit development (PUD). Maximum lot density for a PUD shall be calculated based on the total lot area of the pre-subdivided lot. A lot density bonus of 15% shall be allowed for a PUD that protects from development, as dedicated open space, at least 20% of the original acreage of the pre-subdivided lot or lots. Fractional results greater than or equal to one half shall be rounded up to the next whole number, and fractional results less than one half shall be rounded down to the next whole number.

Table 4-2: Dimensional Standards Table

	VR	CR	CRR	CI	PI	R	FR
LOTS							
Minimum Lot Size	0.5 acre	0.5 acre	1 acre	1 acre	1 acre	1 acre	25 acres
Minimum Lot Frontage	50 ft.	50 ft.	50 ft.	100 ft.	150 ft.	100 ft.	250 ft.
Maximum Lot Coverage	40%	50%	60%	70%	70%	35%	15%
PUD Density Bonus	15%	15%	15%	15%	15%	15%	NA
RESIDENTIAL DENSITY							
Maximum Density (DU=Dwelling Unit)	10 DU/acre	10 DU/acre	10 DU/acre	10 DU/acre	NA	1 DU/acre	NA
Max. Density with municipal water and sewer	10 DU/acre	10 DU/acre	10 DU/acre	10 DU/acre	5 DU /acre	5 DU/acre	5 DU/acre
SETBACKS							
Minimum Front Setback	15 ft.	25 ft.	25 ft.	75 ft.	25 ft.	50 ft.	50 ft.
Minimum R District Setback	NA	NA	NA	50 ft.	75 ft.	NA	NA
Minimum Side Setback	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	35 ft.	50 ft.
Minimum Rear Setback	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	35 ft.	50 ft.
Minimum Surface Water Setback	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
BUILDINGS							
Maximum Building Height	35 ft.	35 ft.	35 ft.	35 ft.	40 ft.	35 ft.	25 ft.

Section 4.3 SFHA Overlay District

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

4.3.2 Applicability. Section 4.3 shall apply to all development in the Special Flood Hazard Areas (hereafter called "SFHA") in the Town of Arlington as described below. These areas include:

Special Flood Hazard Areas (FEMA Zones A, AO, AH, AE, and A1-30): The SFHA identified in and on the most current official flood insurance studies and maps published by the Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP).

Within the SFHA, the risk of inundation and damages differ according to the type of flooding that occurs. Therefore, two subdistricts are delineated on the most recent NFIP maps (see Figure 4.3.1):

1. The floodway portion of the floodplain which is effective in carrying flow, within which this carrying capacity must be preserved and where the flood hazard is generally highest (i.e. where water depths and velocities are the greatest). The floodway should be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.
2. The flood fringe labeled Zones A, AO, AH, AE, and A1-30 outside of the floodway within which are lands that are at or below the base flood elevation. These lands will be inundated during a 1% chance of a flood event. Former versions of this bylaw referred to this as the "100 year floodplain".

Unless one of these sub-districts is specifically named, reference to the SFHA includes both. The SFHA is also known as the 1% annual chance floodplain, formerly referred to as the 100-year floodplain.

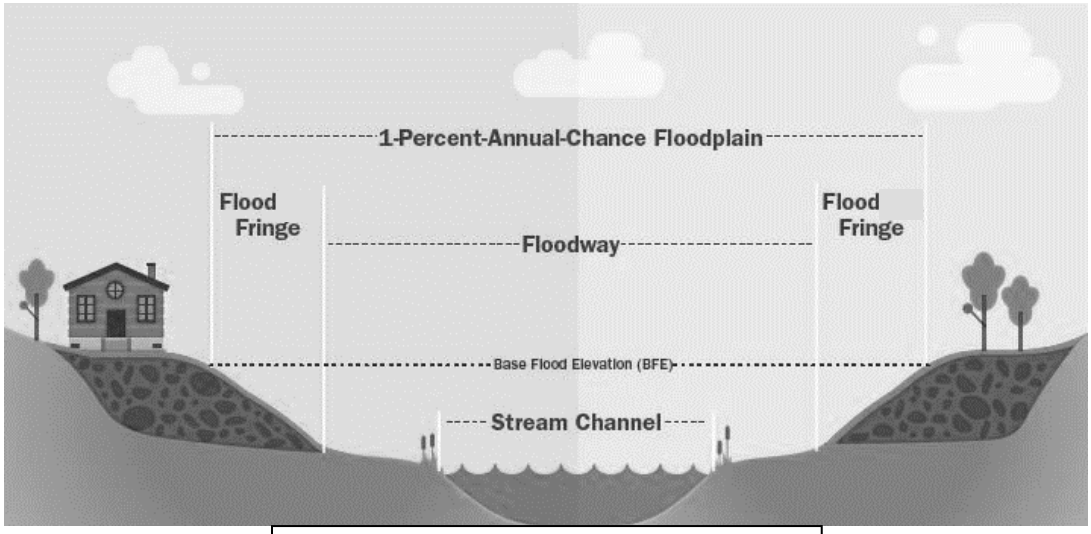


Figure 4.3.1 Floodway vs. Flood Fringe

Land within the SFHA overlay district shall be subject to the use and development constraints of Section 4.3 regardless of the development standards and land uses allowed in the underlaying zoning districts. The regulations for the SFHA overlay district shall be regarded as supplementary to the regulations of any underlying district. When the regulations of the SFHA overlay district and the underlying district conflict, the more restrictive provision shall apply.

4.3.3 Purpose. In addition to the purposes of the zoning district(s) underlying the Special Flood Hazard Area Overlay District, the purpose of Section 4.3 is to:

1. Implement the goals, policies, and recommendations of the Town Plan;
2. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding-related inundation and erosion;
3. Ensure that the selection, design, creation, and use of development within the SFHA Overlay District is reasonably safe, accomplished in a manner that minimizes or eliminates the potential for loss and damage to life and property due to flooding-related inundation and erosion hazards, and does not impair stream equilibrium, floodplain services, or the stream corridor;
4. Manage all Special Flood Hazard Areas designated pursuant to 10 V.S.A. §§ 751 and 753;
5. Make the Town of Arlington, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

4.3.4 Base Flood Elevations and Floodway Limits. 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 the SFHA where base flood elevations or floodway limits have not been provided by the NFIP in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data with the assistance of an appropriately trained engineer. Where available, the applicant shall use data provided by FEMA, or State agencies.

4.3.5 Boundary Interpretation. The information presented on official FEMA maps, adopted by reference, is presumed accurate.

Special Flood Hazard Area: If uncertainty exists with respect to the boundaries of the SFHA or the floodway, the location of the boundary shall be determined by the Land Use Administrator. If available, the Land Use Administrator shall use a FEMA Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) in making a determination. Once issued, the LOMA or LOMR shall constitute proof of the SFHA boundary.

When the Land Use Administrator deems a property is within the SFHA, an applicant seeking to challenge such determination shall have 15 days from the date of receiving the Land Use Administrator's determination to notify the Land Use Administrator of his or her intent to seek proof of the boundary. Upon timely filing of such notification letter by the applicant, the application for the zoning permit shall not be considered complete until the Land Use Administrator has received a LOMA or LOMR issued by FEMA or any other evidence identified in such notice.

4.3.6 Disclaimer of Liability. These regulations shall not be construed to imply that areas outside of the Special Flood Hazard Areas, or land uses permitted hereunder, within such Special Flood Hazard Areas, will be free from flooding or flood damage. No permit issued hereunder, or development permitted in accordance herewith, shall create any liability on the part of the Town of Arlington, or any officer, agent, or employee thereof.

4.3.7 Permits. Except as provided in 4.3.9(6), a permit is required from the Land Use Administrator for all development that is located within the SFHA. Development that requires conditional use, waiver, or variance approval from the Zoning Board of Adjustment (ZBA) under this Bylaw must have such approvals prior to the issuance of a permit by the Land Use Administrator. All permits shall require that a permittee have all other necessary permits from state and federal agencies before work may begin.

4.3.8 Nonconforming Structures and Uses.

1. A nonconforming structure in the SFHA that has been substantially damaged or destroyed may be reconstructed in its original location only if it is rebuilt to comply with all requirements of the National Flood Insurance Program and this Bylaw.
2. Nonconforming structures and uses shall be considered abandoned where the structures or uses are discontinued for more than 18 months. An abandoned nonconforming structure shall not be permitted for re-

occupancy unless brought into compliance with this Bylaw. A nonconforming abandoned use shall not be permitted unless brought into compliance with this Bylaw.

4.3.9 Exempted Development. The following uses or activities are exempt from regulation under these flood hazard regulations:

1. Removal of a building or other structure in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged.
2. Routine maintenance of existing buildings, roads, driveways and rights-of-way, parking areas, sidewalks, bridges, culverts, channel stabilization, and other storm water drainage facilities. Routine maintenance includes actions necessary for retaining or restoring materials, a piece of equipment, or a system to the specified operable condition to achieve its maximum useful life and does not include expansions or improvements.
3. Streambank armoring and stabilization, retaining walls, and abutment work that does not reduce the cross-sectional flow area of the river or stream channel and have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder.
4. Planting projects which do not include any construction or grading activities in accordance with 24 V.S.A. § 4424(c).
5. Subdivision of land that does not involve or authorize other development.
6. In addition, the following activities are exempt from municipal regulation, but may require a permit under the State's "Vermont Flood Hazard Area and River Corridor Rule" (Environmental Protection Rule, Chapter 29):
    a. Activities related to state-owned and -operated institutions and facilities;
    b. Forestry and silvicultural activities conducted in accordance with the Vermont Department of Forests Parks and Recreation's Acceptable Management Practices (AMPs);
    c. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture, Food and Markets' Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer must notify the Land Use Administrator in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.
    d. Public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.
    e. Telecommunications facilities regulated under 30 V.S.A. § 248a.

4.3.10 Prohibited Development. Except as provided in Section 4.3.9(6) the following are prohibited:

1. Within the entire Special Flood Hazard Area:
    a. Fully enclosed areas below grade on all sides, including below grade crawlspaces and basements.
    b. New critical facilities.

2. Within the floodway:
    a. New primary and accessory structures, including recreational vehicles and travel trailers.
    b. New encroachments for existing structures. Minor improvements are permitted to existing structures or relating to bridges, culverts, roads, stabilization projects, public utilities, river and/or floodplain restoration projects that would not affect base flood elevations, or health and safety measures. Minor improvements are those that would not affect base flood elevations.
    c. Storage of materials, including but not limited to hazardous materials, or salvage/junk yards.

4.3.11 Permitted Development

Administrative Review. The following development activities in the Special Flood Hazard Area may receive an administrative permit from the Land Use Administrator following administrative review that confirms compliance with the development standards in Section 5.6.

1. Within the entire Special Flood Hazard Area (Floodway and Flood Fringe):

a. Above grade development located on ground, which has not been elevated by the placement of fill, that is two feet above base flood elevation and documented with field-surveyed topographic information certified by a registered professional engineer or licensed land surveyor.
b. Open fencing elevated on poles or posts that create minimal resistance to the movement of floodwater.
c. At-grade or below grade parking or other at-grade or below grade development that will not create an obstruction to flood flows.
d. Municipal transportation infrastructure improvements designed and constructed by the Vermont Agency of Transportation that have written confirmation from the National Flood Insurance Program Coordinator at the Vermont Agency of Natural Resources (hereinafter NFIP Coordinator) that the project is designed to meet or exceed the applicable standards in this bylaw.
e. River and floodplain restoration projects, including dam removal, that restore natural and beneficial floodplain functions and include written confirmation from the NFIP Coordinator that the project is designed to meet or exceed the applicable standards in this bylaw.

2. Within the Flood Fringe only:
    a. Improvements or repairs from damage to structures that do not expand the existing footprint and do not meet the definition of “substantial improvement” or “substantial damage.”
    b. Accessory structures not greater than 500 square feet.
    c. Development related to on-site septic or water supply systems.
    d. Building utilities.
    e. Recreational vehicles or travel trailers (See Section 5.6.3(6)).
    f. New fill for existing associated transportation and utility networks or to accommodate a replacement on-site septic system, if it can be demonstrated that no other practicable alternative is available.

An applicant must provide copies of all required State and Federal permits to the Land Use Administrator prior to commencing the project.

4.3.12 Conditional Use Review Required. In accordance with Section 3.3, conditional use review and approval by the Zoning Board of Adjustment is required prior to the issuance of a permit by the Land Use Administrator for any activity in the Special Flood Hazard Area that is:

1. Permitted by right or conditionally in the underlying zoning district(s);
2. Not exempt from review under Section 4.3.9;
3. Not prohibited under Section 4.3.10; and
4. Not eligible for administrative review under Section 4.3.11.

ARTICLE 5: DEVELOPMENT STANDARDS

Section 5.1 General

5.1.1 Applicability All land use and development within the Town of Arlington shall conform to the standards of Section 5.1.

5.1.2 Access

1. Applicability. All land being developed must have access from a maintained public or private road in accordance with the provisions of Section 5.1.2.

2. Access Permit. An applicant for development to be served by a new curb cut on a town road or state highway must provide the Land Use Administrator with a copy of an access permit or letter of intent from the town or state for the curb cut as applicable, before the Land Use Administrator may issue a zoning permit.

3. Curb Cuts. New and modified curb cuts must conform to the following:
   a. Width. The width of a curb cut as measured at the edge of the street or highway right-of-way must not exceed the distance specified below, unless otherwise recommended by the Highways Supervisor or Town Administrator (this will include reducing the width of existing nonconforming curb cuts if they are modified):
      i. 12 feet for curb cuts serving single- and two-family dwellings.
      ii. 16 feet for curb cuts serving multi-family dwellings.
      iii. 20 feet for curb cuts serving non-residential uses not frequently accessed by large trucks.
      iv. 24 feet for curb cuts serving non-residential uses frequently accessed by large trucks.
   b. Spacing. New curb cuts must conform to town and state standards unless otherwise recommended by the Highways Supervisor or Town Administrator.

4. Sidewalks. Where a sidewalk exists or will be constructed along the frontage, it must continue across the curb cut (this will include replacement of missing sidewalks across existing nonconforming curb cuts if they are modified).

5. Cross Access. Applicants proposing to subdivide or develop commercial or industrial lots must provide a two-way access connection to abutting undeveloped, commercial, or industrial lots whenever physically feasible (this will not be interpreted to include abutting lots that are in a residential zoning district). As a condition of site plan approval, the applicant may be required to:
   a. Fully construct the cross access to the edge of the property;
   b. Partially construct the cross access to the edge of the property (install the base but not the final surface); or provide an easement and legally binding agreement for construction of the access at a later time (when the access would also be constructed on the abutting property).

6. Class 4 Roads and Other Unimproved Rights-of-Way. A Class 4 road or other unimproved right- of-way is not a maintained road and cannot be used to meet the access requirements of this Bylaw. No provision of this Bylaw shall be interpreted to require the town to maintain a Class 4 road or other unimproved right-of way, or to upgrade a Class 4 road or other unimproved right-of-way to a Class 3 road so that it may serve to provide access to adjoining property. Applicants may propose to upgrade a Class 4 road or other unimproved right-of-way to a Class 3 road at their expense and in accordance with town policies and standards so that it may serve to provide access to proposed land development.

5.1.3 Demolition

Buildings found to be in dangerous condition and liable to collapse or presenting hazardous conditions dangerous to public health or safety, or that might result in serious accident or loss of life, shall be demolished and the debris removed within six weeks of the issuance of an order for such demolition by the Land Use Administrator.

5.1.4 Explosive and Flammable Materials

1. Adequate fire prevention and suppression plans and equipment shall be provided for all uses that employ or store flammable or explosive materials.
2. No highly flammable or explosive materials shall be stored in bulk above ground, unless they are located in anchored tanks at least seventy-five (75) feet from any lot line and public or private street. Underground storage tanks shall be located not less than forty (40) feet from lot lines and streets.

5.1.5 Fences and Walls

1. **Applicability.** All fences and walls not exempted per Section 1.2.2 shall conform to the standards of Section 5.1.6.
2. **Setbacks.** Fences and walls may be located within district setbacks.
3. **Height.** The maximum height of fences and non-retaining walls shall be as follows unless otherwise approved by the Zoning Board of Adjustment to provide adequate screening or security:
   a. Four (4) feet if located in between the street and principal building.
   b. Eight (8) feet if located to the rear or the side yard.
   c. Height restrictions shall not apply to fences within the PI district provided that the fence does not fall within 50 feet of land in another zoning district and does not impair sight distance at any intersection.
4. **Materials.** A fence or wall shall be constructed:
   a. Of permanent material such as wood, chain link, stone, rock, concrete, brick, decorative wrought iron, or other materials of similar durability;
   b. So that support posts are to the inside and the “finished” or “good” side faces out; and
   c. Without barbed wire, razor wire, glass shards, or similar materials capable of inflicting significant physical injury except as required to meet state or federal regulations.
5. **Retaining Walls.** Retaining walls shall be located and designed as follows:
   a. No individual retaining wall shall exceed 15 feet in height except pre-existing retaining walls of more than 15 feet in height may be repaired or reconstructed to their pre-existing height.
   b. All retaining walls of more than 4 feet in height shall be designed by a qualified professional and must be topped by a fence or hedge or similar barrier. For a system of terraced walls only the uppermost shall require a barrier provided the terraced sections below are not accessible from lower portions of the property.
   c. The height of retaining walls shall be measured from the grade at the base o f the face of the wall to the grade at the back of the wall immediately above the location of the wall where those two grades are the furthest apart.
   d. Terracing of retaining wall is encouraged. To be considered separate walls, two retaining walls must be separated by a distance of at least eight (8) feet.

5.1.6 Landscaping and Screening

1. A landscaped buffer at least 15 feet wide, continuous except for approved driveways and existing buildings, shall be established adjacent to any public road. The buffer strip shall be planted with grass, medium height shrubs, and trees. At street and driveway intersections, trees and shrubs shall be set back a sufficient distance from such intersections so that they do not present a traffic visibility hazard.
2. All landscaped areas shall be properly maintained.
3. Open storage areas, exposed machinery, and loading areas shall be visually screened from roads and surrounding land uses. Suitable types of screening include opaque wood fences and dense evergreen hedges of five feet or more in height. Where evergreen hedges are proposed, a temporary fence shall be built to provide

screening until the evergreens are of sufficient height. Where new fencing would create a continuous surface greater than ten feet in length, it shall be softened visually with tree and shrub plantings.

4. No solid fence, wall, hedge, shrubbery, or other structures over three (3) feet in height shall be placed or allowed to grow within twenty (20) feet of a street intersection.

5.1.7 Outdoor Lighting

Exterior lighting, including, but not limited to, lighting of exterior walls of buildings and lighting of walks and drives, shall direct light away from adjacent lots and public ways. No light shall exceed 25 feet in height.

5.1.8 Parking Requirements

1. **Off-Street Parking.** In all districts, any new structure, any increase in total floor area within an existing building, and any enlargement or addition to an existing building, shall require sufficient parking for all existing structures and any such new structure, increase in floor area, enlargement or addition, according to the following standards:
   a. Number of Spaces: The number of parking spaces provided shall be in accordance with the following table:

Table 5-1: Off-Street Parking Requirements

Use	Number of Off-Street Parking Spaces*
Single- and two-family residential in the VR, CR, and CRR districts.	One space per dwelling unit.
Single- and two-family residential in the R district.	One and one half spaces per dwelling unit. If the property is served by municipal water and sewer only one space is required.
Multi-family Residential	One and one half spaces per dwelling unit, except for housing for the elderly, in which case it shall be one space for each two dwelling units. If the property is served by municipal water and sewer only one space is required.
Bed and Breakfast	Two spaces, plus one additional space for each rooming unit
Inn, Hotel or Motel	One space for each sleeping room, plus one space for each 400 square feet of public meeting area and restaurant space.
Restaurant	One space for each four seats.
Retail Stores, Personal Service Establishments, & Professional Offices	One space for each 200 square feet of gross floor area.
Theater, Church, Auditorium, or similar place of public assembly with seating facilities	One space for each five seats of total seating capacity.
Manufacturing or Industrial Establishment	The number of spaces equivalent to the number of employees on the largest shift.
School	One space for each 200 square feet of gross floor area in classrooms and other teaching stations, including space for the gymnasium or auditorium whichever has the larger capacity.
Automobile Service/Filling Station	Two spaces for each bay or one space for each 75 square feet of gross floor area, whichever provides the greater number of parking spaces.
Warehouse or Storage Facility	One space for each 5,000 square feet of gross floor area.

**When determination of the number of parking spaces required by this exhibit results in a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.*

If a proposed use is not specifically included in this table, the Planning Commission shall maintain the authority to prescribe for all permitted or conditionally permitted uses, adequate parking spaces to accommodate the automobiles of occupants, employees, members, customers, clients, and visitors to the premises.

b. Existing Spaces: Parking spaces being maintained in any district in connection with any existing use on the effective date of this Bylaw, or any spaces subsequently provided in accordance with this bylaw, shall not be decreased or in any way removed from service to the use originally intended to be served, so long as said use remains, unless a number of parking spaces is constructed elsewhere, such that the total number of spaces conforms to the requirements indicated in Table 5-1. The maintenance of more parking spaces than indicated in Table 5-1 shall not be required.

c. Location of Spaces:
   i. Required off-street parking spaces shall be provided on the same lot as the principal use which they serve. When practical difficulties exist which prevent their establishment on the same lot, the Planning Commission may allow spaces to be on a lot, the closest point of which is no further than 200 feet from the building to which they are appurtenant.
   ii. Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, subject to approval by the Planning Commission, where it is evident that such facilities will continue to be available for the multiple buildings or uses.

d. Allocation of Spaces: Parking spaces for one use shall not be considered as providing the required facilities for any other use; however, the Planning Commission may allow the reduction of parking space requirements where joint use of the same spaces by two or more uses or establishments is justifiable because the uses or establishments generate peak demand at different times.

e. Dimensional Standards: The following are minimum dimensions required for off-street parking spaces:
   i. Parking spaces shall measure not less than 9 feet in width by 18 feet in length.
   ii. The width of aisles providing direct access to individual parking stalls shall be in accordance with the following table:

Table 5-2: Parking Space Dimensions

Parking Angle	Aisle Width (feet)	
(degrees)	One-Way	Two-Way
0	10	22
30	12	22
45	14	22
60	16	24
90	22	24

f. Design Standards:
   i. Access to parking areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of mobility, ample clearance, and safety of vehicles and pedestrians.
   ii. Parking and loading spaces other than those required for single- and two-family dwellings shall be arranged to prohibit backing of vehicles onto any street.
   iii. The layout of parking areas shall allow sufficient space for the storage of plowed snow unless removal by some other means is provided.
   iv. Parking areas shall be landscaped to minimize noise, glare, and other nuisance characteristics as well as to improve the aesthetic quality of the site and surrounding area. Such landscaping shall include perimeter plantings that screen the parking from public view.

2. **Loading and Service Areas.** Loading and service areas shall be provided in conjunction with parking areas according to the following standards:
   a. Loading areas servicing box trucks shall provide an overhead clearance of at least 10 feet and must not be less than 12 feet wide and 40 feet long, exclusive of access and maneuvering area.
   b. Loading areas servicing tractor-trailer trucks shall provide an overhead clearance of at least 14 feet and must be not less than 12 feet wide and 60 feet long, exclusive of access and maneuvering area.
   c. Loading areas must be designed to allow trucks to enter and exit the lot without backing out onto a street.

5.1.9 General Performance Standards

The following performance standards are applicable to all commercial and industrial uses

2. Lighting: Exterior lighting, including, but not limited to, lighting of exterior walls of buildings and lighting of walks and drives, shall be done in such a manner as to direct light away from adjacent lots and public ways. No light standard shall exceed 25 feet in height.
1. Noise: The maximum sound pressure level radiated by any use or facility (other than transportation facilities) at the property line shall not exceed 65 dBA after 7:00 A.M. and before 10:00 P.M., and shall not exceed 60 dBA after 10:00 P.M. and before 7:00 A.M.
2. Vibration: No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at, or at any point beyond, the lot line.
3. Dust, Fumes, Vapors, Gases, and Odors
   a. Emission of dust, dirt, fly ash, fumes, vapors, or gases which could be injurious to human health, animals, or vegetation; detrimental to the enjoyment of adjoining or nearby properties; or which could soil or stain persons or property, at any point beyond the lot line of the establishment creating that emission shall be prohibited. In addition, no land use or establishment shall produce harmful, offensive, or noxious odors perceptible beyond their lot lines, either at ground or habitable elevation. The location and vertical height of all exhaust fans, vents, chimneys, or any other sources discharging or emitting smoke, fumes, gases, vapors, or odors shall be shown on the site plan, with a description of source materials.
   b. Atmospheric emissions of gaseous or particulate matter shall conform to all current provisions of the Air Pollution Control Regulations of the Vermont Agency of Natural Resources.

5.1.9 Sign Regulations

All signs erected or displayed and legible from a public right of way within the Town of Arlington shall be in conformance with Section 5.1.9 and applicable state statutes. All signs shall be well constructed and maintained in good repair and stable condition.

1. **Purpose.** The purpose of Section 5.1.9 is to control and reduce the proliferation of signs in the Town of Arlington in order to protect economic and scenic values and to prevent hazards to users of the roads in Arlington.

2. **Content Neutrality.** Section 5.1.9 is not intended to and does not restrict speech based on its content, viewpoint, or message. No part of Section 5.1.9 shall be construed to favor commercial speech over noncommercial speech. A noncommercial message may be substituted for any commercial message displayed on a sign, or the content of any noncommercial message displayed on any sign may be changed to a different noncommercial message without the need for approval, permit, or registration, provided neither the size, mounting, nor material composition of the sign is changed. Section 5.1.9 does not prohibit a person from holding a sign on public property, so long as the person holding the sign does not block ingress or egress from buildings and does not create a safety hazard by impeding travel on sidewalks, in bike lanes, or on other public pathways. To the extent that any provision of Section 5.1.9 is deemed ambiguous, it shall be interpreted not to regulate based on the content of the message.

3. **Permit Required.** Before the alteration, construction, or installation of any permanent sign, a zoning permit shall be secured from the Land Use Administrator except as otherwise provided in Section 5.1.9.

4. **Site Plan Review.** Except on parcels with only single- or two-family use, any proposed permanent freestanding sign shall require approval by the Planning Commission as part of the site plan review process.

5. **Administrative Review.** Signs on parcels with only single- or two-family use shall be subject to administrative review by the Land Use Administrator. The Land Use Administrator may also act on an application for a minor modification to an already approved sign. A minor modification shall include only a change that does not increase the size of the sign and retains the same material composition. This may include a change in location of the sign and a change to sign lighting.

6. **No Permit Required.** The following shall not require a permit:
   a. Replacement, repair, or repainting of a damaged or worn sign with one of the same construction, size, material composition and design does not require a permit.
   b. Replacement of panels on a multipaneled sign with panels of the same material composition not resulting in an increase in sign size does not require a permit.
   c. Display of window signs does not require a permit, but such signs must conform to the size restrictions indicated below.
   d. Signs of two (2) square feet or less do not require a permit.
   e. Signs painted on the surface of a paved parking lot do not require a permit.
   f. Display of temporary signs as described in Section 5.1.9(8) does not require a permit.
   g. Display of a sign not exceeding 11” x 17” on a community bulletin board does not require a permit.
   h. Architectural features of a building, such as engraved cornerstones, do not require a permit.
   i. Display of street address numbers in compliance with Enhanced 9-1-1 addressing standards does not require a permit.

7. **Number.** No more than two (2) signs shall be allowed on a premises except temporary signs in conformance with Section 5.1.9(10), signs under 1.5 square feet pursuant to Section 5.1.9(6)(d), and window signs pursuant to Section 5.1.9(6)(c).

8. **Size.** No permanent sign on a parcel with only residential use shall exceed four (4) square feet. No sign on a parcel with nonresidential use shall exceed 32 square feet.
   a. The size of a sign shall be determined by multiplying the full encompassing height by the full encompassing width of the writing, representation, emblems, or physical structure of the sign, whichever is largest. However, the calculated size shall not include posts, cornices, or the base of a monument sign, provided these support structures are proportional to the sign.
   b. The size of nonplanar signs (sculptural, spherical, freeform, or other nonplanar forms) shall equal one half of the sum of the areas of the four equal sides of the smallest six-sided polyhedron (cuboid) that encompasses the sign structure.

9. **Setback.** Signs and their associated support elements shall be set back at least three (3) feet from the inner edge of public sidewalks, and where public sidewalks do not exist, the setback shall be at least seven (7) feet from the traveled way or edge of pavement of the public street or highway.

10. **Temporary Signs.** One temporary sign may be displayed on a premises provided that the sign complies with Sections 5.1.9(11) and (12), does not exceed six (6) square feet, and is displayed for no more than 45 consecutive days.

11. **Sign Lighting.** Sign lighting must meet the following standards:
    a. Lighting on any sign must be directed and shielded to shine only on the subject signage, and to prevent glare offsite, into the sky, or onto adjoining properties or roads and highways.

b. Ground or under mounted lighting is prohibited.
c. No sign may be internally illuminated. Backlighting of opaque or cutout features of a sign is allowed.
d. No lighting of temporary signs shall be allowed.
e. LED fixtures shall not exceed 4000K color temperature.
f. Alterations to existing noncompliant signs or sign lighting must include bringing the lighting into compliance with these lighting standards.
g. The Land Use Administrator may require the adjustment or relocation of any sign lighting to prevent glare and to ensure vehicular and pedestrian safety.

12. **Prohibited Signs.** Unless specifically exempted under Section 5.1.9(13), no sign may be installed or maintained along and intelligible from any town or state maintained traveled way which:
    a. Exceeds twenty (20) feet in height.
    b. Interferes with, imitates, or resembles any official traffic control sign, signal, or device, or attempts or appears to attempt to direct the movement of traffic.
    c. Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic.
    d. Encroaches on a public right-of-way, path of pedestrian or vehicular travel, parking space, building entry or exit, or causes an unsafe condition.
    e. Contains, includes, or is illuminated by any flashing, intermittent or moving lights, or contains or consists of pennants, flags, ribbons, balloons, streamers or spinners, or has any animated or moving parts.
    f. Has any lighting of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or otherwise to interfere with the operation thereof.
    g. Contains any fluorescent paint or material or which is lit by neon.
    h. Is not stable or securely affixed to the ground or a substantial structure.
    i. Is affixed to a utility pole, official traffic control device, guard rail, or bridge structure, or a tree, rock or other natural feature.
    j. Is placed on or mounted from the roof of any building or structure, or extends above the eaves of that part and side of the building to which the sign is attached.
    k. Freestanding signs in the floodway.
    l. Any other sign that is not otherwise permitted or allowed under Section 5.1.9.

13. **Exempt Signs.** The following signs are exempt from the sign provisions of this bylaw:
    a. Signs erected by a government entity compliant with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD).
    b. Signs located on or in a rolling stock of common carriers, provided such rolling stock is not regularly parked in or near a public right-of-way such that the rolling stock becomes the functional equivalent of a permanent sign.
    c. Signs identifying stops or fare zone limits of common carriers provided they do not exceed two (2) square feet.
    d. Signs on registered and inspected motor vehicles, provided such a vehicle is not regularly parked in or near a public right-of-way such that it becomes the functional equivalent of a permanent sign.
    e. Signs erected by the Town of Arlington.
    f. Signs erected by the State of Vermont.
    g. Flags of a nation or state.

5.1.10 Stormwater Management and Erosion Control

1. **Erosion Control.** All construction activities that will disturb the soil shall follow Vermont's Handbook on Erosion and Sedimentation Control for Construction Sites. Accordingly, erosion of soil and sedimentation of watercourses and waterbodies shall be minimized by using the following erosion control practices:
   a. Stripping of vegetation, soil removal, and regrading or other development shall be accomplished in such a way as to minimize erosion. Exposed or disturbed areas shall be permanently stabilized within six months of occupancy of a structure.
   b. During construction, temporary vegetation or mulching shall be used to protect exposed areas from erosion. Until a disturbed area is stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Commission.
   c. All slopes exceeding 15% resulting from site grading shall be either covered with four inches of topsoil and planted with a vegetative cover sufficient to prevent erosion, or be stabilized with retaining walls.
   d. Dust control shall be employed during grading operations if the grading is to occur within 200 feet of an occupied residence or place of business.
   e. If significant site disturbance is planned, the applicant shall contact the U.S. Soil Conservation Service and secure comments regarding erosion control. Permanent erosion control and vegetative plantings shall be in accordance with erosion/sedimentation/vegetative practices recommended by the Soil Conservation Service.

2. **Stormwater Management.** Increases in storm water discharges shall be minimized and detained on-site whenever possible or practicable. If it is not possible to detain water on-site, downstream improvements to drainage ways may be required of the developer to prevent flooding caused by his project. The Planning Commission may require demonstration of conformance with Vermont storm water discharge requirements.

5.1.11 Temporary Structures. Erection, installation, or placement of any temporary structure shall require a permit, except for a tent structure that is removed within one week of erection, or a temporary structure used for private residential purposes on a lot with single- or two-family use.

1. Temporary construction-related structures are permitted in any district on the site of permitted land development or an approved staging area. Temporary construction-related structures may include, but are not limited to, construction offices, construction trailers, construction dumpsters, storage buildings, portable toilets, and fences. The permit for the land development will include approval of any construction-related structures. Construction-related structures must be removed from the property promptly upon completion of work and before the Land Use Administrator may issue a final certificate of compliance in accordance with Section 2.3.5.

2. A permit may be issued by the Land Use Administrator to allow a registered or unregistered storage container, truck box, or trailer to be used temporarily for storage in connection with a permitted use. This permit shall be limited to no more than six (6) months duration, shall not be renewable, and shall require conformance with the setback requirements of the district in which the container is located.

3. Other temporary structures shall be limited to one per lot, for a period not to exceed 12 months. A permit for more than one of temporary structure on a lot, or for a time greater than 12 months but not to exceed 36 months, may only be granted if the Land Use Administrator determines that the temporary structures are not plainly visible from a public road or nearby or adjoining homes.

5.1.12 Trash Storage and Recycling Areas

All land use and development subject to site plan review shall provide suitable facilities for storage of trash and recycling. As follows:

1. Trash storage and recycling areas shall be located within a building or inside an enclosure located outside required setbacks to the side or rear of any building served.
2. All trash and recycling containers shall contain secure lids and be located on a hard and flat surface.

3. Enclosures shall obscure all materials and containers stored within them.
4. Enclosures shall be constructed of durable materials that are compatible in design with the building(s) served.
5. Trash storage and recycling areas must provide adequate space for the maintenance and servicing of containers.
6. All outdoor trash and recycling areas shall be accessible and convenient to building residents/tenants and for waste haulers.

5.1.13 Water Resources Protection

1. **Water Quality Protection:**
   a. All necessary measures shall be taken to ensure that materials, which because of their chemical nature or temperature may contaminate surface or ground waters, are not discharged into a private sewer system, surface watercourse or waterbody, or the ground.
   b. Storage facilities for fuel, toxic chemicals, industrial wastes, and potentially harmful raw materials shall be located on an impervious surface and enclosed in a manner that will prevent any spillage or overflow from leaving the containment area.
   c. Toxic materials that will be used or produced on the site shall be identified, and adequate plans provided for the safe storage, transport, and disposal of such materials.

2. **Surface Water Protection**
   a. No structure shall be placed, and no land shall be excavated, filled, or graded in any Use District within a distance of fifty (50) feet from the shoreline of any natural or artificial pond, lake, wetland, stream, or drainageway, except with the approval of the Zoning Board of Adjustment as a conditional use.
   b. Application for such approval shall be submitted to the Zoning Board of Adjustment with such surveys, maps, and other data as the Zoning Board of Adjustment may require in order to reach its decision. The Zoning Board of Adjustment shall refer all applications and accompanying surveys, maps, and data to the Planning Commission for its report and recommendations.
   c. Prior to granting such approval, the Zoning Board of Adjustment shall have found that the proposed construction, excavation, filling, or grading will not contribute to water pollution, impeded drainage, or increased flood hazard, erosion, silting, or other adverse effect on natural conditions, or stormwater drainage systems in the town.

5.1.14 Water Supply and Wastewater Disposal

All new development shall provide for adequate potable water supply and for wastewater disposal in accordance with all state laws and regulations and either have an approved system design or the appropriate permit in place as a condition of approval.

Section 5.2 Specific Use Standards

5.2.1 Applicability

All uses specifically included in Section 5.2 and defined in Section 6.2 shall conform to the standards of the applicable subsection as follows.

5.2.2 Accessory Dwelling Unit

Pursuant to 24 V.S.A. Section 4412(1)(E) and (F), an accessory dwelling unit, as defined in this bylaw, is permitted as a use subordinate to a single- or two-family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, wastewater, and parking requirements. The accessory dwelling unit may be located in the single- or two-family dwelling structure or in an existing or new accessory structure.

5.2.3 Campers, Recreational Vehicles, and Storage Trailers

1. Nothing herein shall prevent the recreational use of a travel trailer or camper at a campground operated or licensed by the State of Vermont.

2. A permit may be granted for the use of a trailer, manufactured home, or camper temporarily for not over six (6) months as a field office or for storage, as an accessory use to a construction operation on the premises.
3. A camper may be occupied on any lot by a non-paying guest of the occupant of such lot for a period not exceeding thirty (30) days in any twelve-month period.
4. A non-renewable permit may be granted for a trailer used for storage purposes for a period not to exceed six (6) months.
5. Campers, recreational vehicles and storage containers/trailers shall be prohibited in the floodway.

5.2.5 Customary Home Occupation

No provision of this Bylaw shall infringe upon the right of any resident to use a minor portion of a dwelling, or in a building or other structure accessory to a dwelling, for a purpose that is customary in residential areas, which does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

Customary home occupations (CHO) are permitted in all districts where residential uses are permitted such that the use complies with the following criteria:

1. Customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit;
2. Customarily practiced within residential sites in the community
3. Carried on by a member of the family residing in the dwelling unit;
4. Clearly incidental and secondary to the use of the dwelling unit for residential purposes; and
5. Conforms to the following additional conditions:
    a. The occupation or profession is carried on wholly within the building or structure;
    b. Not more than two persons outside the family are working on the premises in the customary home occupation at any point in time;
    c. There is no exterior display or exterior sign except one unlighted identification sign, not more than four (4) square feet in area, no exterior storage of materials, and no other exterior indication of a home occupation or variation from the residential character of the principal building;
    d. No offensive noise, vibrations, smoke, dust, odors, heat, light, or glare are produced;
    e. There are no retail sales, unless the items sold are products of the resident own labor, or are incidental to the products of the resident own labor, or are antiques;
    f. The customary home occupation does not affect the residential character of the neighborhood;
    g. Traffic and parking must satisfy requirements; and
    h. The customary home occupation shall utilize an area not to exceed 40% of the floor area of the principal dwelling unit on the property up to a maximum of 1,500 square feet.

A customary home occupation includes, but is not limited to, the following: antique shops, dress making, catering, teaching, and the skilled practice of an accountant, architect, artist, dentist, photographer, doctor, engineer, insurance agent, lawyer, musician, realtor, barber or beautician, or any other profession or skilled practice carried on within the dwelling occupied by the practitioner.

However, a customary home occupation shall not be interpreted to include the following: commercial stables and kennels, restaurants and tea rooms, garage or shops for repair of motor vehicles.

Where it is determined by the Land Use Administrator that the proposal does not meet the definitions or standards of customary home occupations above, the applicant may apply for a permit under the home-based business provisions (see Section 5.2.7).

5.2.6 Extraction Operations

1. Except as otherwise provided in Section 5.2.6, there shall be no removal of earth, sand, gravel, clay, or stone, from a premises in any district except as surplus material resulting from an approved construction, landscape, or agricultural or logging operation being executed on the premises, and provided that no permanent damage is done to the landscape.

2. The Zoning Board of Adjustment, after a public hearing, may grant an approval for the removal of earth, sand, gravel, clay, or stone, as a conditional use subject to the provisions of Section 3.3 and the following:
   a. The applicant shall submit a plan showing existing grades in the area from which the above material is to be removed, together with the finished grades at the conclusion of the operation.
   b. The operator shall provide for proper drainage of the area of the operation during and after completion, and no bank shall exceed a slope of one foot of vertical rise in two feet of horizontal distance, except in ledge rock. No removal shall take place within twenty (20) feet of a property line, except that where the grade from a property line rises toward the lot where removal is to take place. Material lying above the grade at the property line may be removed.
   c. At the conclusion of the operation, or of any substantial portion thereof, the area where removal has taken place shall be covered with not less than four (4) inches of topsoil, and seeded with a suitable cover crop, except where ledge rock is exposed.
   d. If the extraction is wholly or partly from a stream bed, it shall be carried on in such a manner that there shall be no obstruction or substantial change in normal flow, and at the conclusion of work, there shall be no increase in erosion or flood hazards.
   e. No permit shall be granted for an earth products removal operation, as provided for herein, until it is demonstrated to the satisfaction of the Zoning Board of Adjustment that performance standards of Section 5.1.6 will be met by said operation.

3. Existing sand and gravel or other extractive operations must conform to Section 5.2.6 if extraction has not occurred on the site within the previous 20 years, or if the extractive operations are enlarged to exceed the limits of existing property lines.

5.2.7 Home-Based Business

A home-based business may be permitted as a conditional use, provided that said home-based business is located on the same lot as the business owner's principal residence, and subject to the provisions of Section 3.3 and applicable requirements of the district in which it is located, and further provided that the following criteria are satisfied:

1. Dimensional requirements for a home-based business are as required for the underlying zoning district.

2. Existing nonconforming structures may be approved for home-based business use provided that such structures shall only be enlarged in accordance with the provisions of Section 1.4 and that all requirements of Section 5.2.7 are satisfied.

3. Open Space Requirements: At least 30% of the lot area shall be reserved as open space; such open space shall include a continuous greenbelt along front, side, and rear property lines, not less than 25 feet in depth. The front yard greenbelt may be broken by access roads making up not more than 25% of the total road frontage.

4. Parking Requirements: Parking and access shall always be maintained to avoid backing out onto town or state highways. Two parking spaces for every three employees shall be required. Sufficient loading areas shall be provided to accommodate all anticipated truck maneuvers on the lot. Parking areas shall be screened from the road and adjacent residential uses by buildings or landscaping.

5. Additional Standards:
   a. Lighting: Buildings may be lit at the eaves with downward pointing fixtures. Lighting shall be timed to operate no later than 10 P.M.
   b. Noise: Limited assembly or manufacturing may be allowed at a home-based business. The Zoning Board of Adjustment shall consider the nature of equipment and volume of the business, in assessing the operations in accordance with Section 1.4.

c. Visibility: Screening of buildings and parking areas shall be provided as deemed appropriate by the Zoning Board of Adjustment.
d. Landscaping: Natural vegetation shall be retained whenever possible. Existing and proposed landscaping shall be shown and identified by type and size on the site plan.
e. Buildings: The character of existing residential and agricultural buildings shall be retained.
~~f.~~ Traffic: The home-based business shall not cause unreasonable congestion or unsafe conditions with respect to the use of transportation facilities existing or proposed.
g. Hours of Operation: The Zoning Board of Adjustment may limit the hours of operation of the business – including the hours during which employee and business-related vehicles and equipment may enter, leave, or be operated on the site – as necessary to ensure that nearby residential areas are not disturbed.

5.2.8 Junkyards

1. All junkyards shall be subject to site plan review by the Planning Commission.
2. Junkyards shall be effectively screened from public view by fencing or vegetation of at least eight (8) feet in height.
   a. Any fence shall be of solid rigid construction and shall be maintained neatly and in good repair. Such a fence shall not be used for the display of signs visible from the traveled way of a road.
   b. Any vegetation used for screening shall be of sufficient density to screen the junkyard from view and shall be maintained in a healthy state. If such landscaping becomes diseased or dies, such diseased or dead specimens shall be replaced within one planting season of onset of disease or death with new specimens of at least eight (8) feet tall.

3. An applicant for junkyard use shall secure a certificate of registration from the Secretary of the Agency of Natural Resources pursuant to 24 VSA §§ 2242 and 2247 and a certificate of approved location from the Arlington Selectboard pursuant to 24 VSA §§ 2251-2252.

5.2.9 Manufactured (Mobile) Homes

A manufactured home may be used as a single-family dwelling provided that it is located on a lot meeting all the requirements of this Bylaw applicable to a single-family dwelling in the district in which it is located and is suitably anchored.

A permit is required for the replacement of a manufactured home with a larger manufactured home of a greater volume or square footage.

A permit may be granted for the use of a manufactured home for a temporary period of one year by the owner of a lot provided that such owner is actively constructing a residence thereon for which a valid permit has been received from the Land Use Administrator.

5.2.10 Manufactured (Mobile) Home Parks

1. **Location.** A manufactured home park may be permitted as a conditional use subject to the provisions of Section 5.2.10 within the Rural district.

2. **Minimum Site Size.** A manufactured home park shall be located on a lot containing not less than 2 acres. The site shall be planned as a unit and shall be well drained and with soil and land conditions suitable, in the judgement of the Planning Commission, for the purpose intended.

3. **Development Plan.** No manufactured home park shall be developed, and no manufactured home shall be placed thereon until a site development plan therefor shall have been approved by the Planning Commission. Such plan shall show:

a. The boundaries of the lot,
b. distances to nearest intersecting public streets, existing buildings, including buildings on adjoining lots within 100 feet from the boundaries of the manufactured home park,
c. proposed vehicular and pedestrian circulation, parking spaces, sites for all manufactured homes, open spaces, landscape details,
d. existing and proposed grades, water supply, fire protection, sewage disposal, and storm drainage, together with any other information which the Planning Commission may require.

4. Design Standards.

a. The maximum number of manufactured homes in a manufactured home park shall not exceed six (6) manufactured homes per gross acre of the park.
b. Each individual manufactured home shall be located on a lot containing not less than 5,400 square feet and not less than 45 feet wide. No manufactured home shall be located within 15 feet from the boundary of its individual lot, and no manufactured home shall be located within 50 feet from any boundary of the manufactured home park lot.
c. Each manufactured home space shall abut an interior road not less than 20 feet in width. Such road shall have at least two connections for vehicular travel to and from a public street or streets, located to minimize traffic hazards and congestion.
d. Parking of any motor vehicle in any part of the 20 foot width of an interior road shall be prohibited and enforced by the park operator. Parking spaces shall be provided for all vehicles customarily or occasionally in the park, but in no case shall less than three car spaces for each two manufactured home sites be required. Such car spaces shall average 9 feet wide and 18 feet long with free access to the interior road. Such car spaces shall be on the manufactured home lot, in a parking lot, or may be in parking bays contiguous to an interior road, in which case the width of the road and parking space combined shall be not less than 45 feet.
e. All roads shall be adequately lighted.
f. A landscaped buffer strip shall be provided along all property and street lines of the manufactured home park, not less than 15 feet in width, suitably screened with evergreen plantings, as approved by the Planning Commission.
g. Open space for recreation and playground purposes shall be provided, occupying not less than 10% of the gross manufactured home park area, conveniently located to all individual manufactured home park sites. Such open space shall be suitably landscaped with a protective screen separating such space from roads, parking areas, and service areas, and should be suitably equipped and furnished, in the judgement of the Planning Commission, for recreation and play purpose.

5. Improvements.

a. All roads and parking areas shall be in conformance with municipal street standards.
b. Waste collection stations shall be provided, as approved by the Planning Commission, located not more than 150 feet from each manufactured home site and in compliance with Section 5.1.12.
c. All roads and parking areas, storm drainage, water supply, and sanitary sewer connections to each manufactured home site, all electric services, and all required landscaping shall be completed before any manufactured home is placed in the manufactured home park, except that where landscaping is not completed, the Planning Commission may approve occupancy if the owner of a manufactured home park shall have filed with the Selectboard a surety bond in form and amount approved by the Planning Commission to guarantee completion of the work.

6. Operation.

a. The operator of the manufactured home park shall maintain all parts of the manufactured home park in good condition. The operator shall provide for collection and removal of waste and garbage at least twice every week.
b. The operator shall remove snow from all roads, and shall maintain safe conditions on all roads at all times.

c. The sale of manufactured homes other than those sited on an approved lot within the park or other vehicles in connection with the operation of a manufactured home park is prohibited. No sale of merchandise and no service business shall be carried on within the lot occupied by a manufactured home park, except that the Planning Commission may approve the establishment of a self-service laundry or similar service, or the sale of food or household articles to occupants of the manufactured home park only.

7. **Compliance and Penalty.** Compliance with all of the provisions of this subsection, and the operation and maintenance of services and landscaping, shall be construed to be the requirements of lawful occupancy, and failure to comply shall be considered a violation of this Bylaw, and subject to the penalties provided by law.

5.2.11 On-Farm Business

The Land Use Administrator shall issue a permit for an on-farm business according to the following standards:

1. The on-farm business is operated by the farm owner, one or more persons residing on the farm parcel, or the lessee of a portion of the farm.
2. The farm shall meet the threshold criteria for the applicability of required agricultural practices as determined by the Vermont Agency of Agriculture, Food and Markets.
3. The on-farm business may take place inside new or existing structures or on the land.

5.2.12 Ponds and Pools

A swimming pool or pond with a surface area not in excess of 10,000 square feet may be approved as a permitted use by the Land Use Administrator, provided the front, side, and rear setbacks applicable to the district in which the pond is located are satisfied.

A pond with a surface area in excess of 10,000 square feet may be approved as a conditional use by the Zoning Board of Adjustment after a public hearing, provided that there shall be no adverse effect upon the public health and safety, and surrounding use. No water areas shall be closer than 20 feet to any side or rear lot line, except as approved by the Zoning Board of Adjustment.

Application Requirements. In reviewing a conditional use application for a pool or pond, the Zoning Board of Adjustment shall require plans and specifications, and other information deemed necessary to assess whether the conditional use criteria are met by the proposal. Such information shall include:

1. Map of entire property, showing location of the pool or pond with respect to existing structures, roads, driveways, and boundaries.
2. The nearest building(s) on adjoining land.
3. Specifications for the dam, if one is to be constructed.
4. An estimate of the surface area of the pond or pool, and volume of water.
5. Natural or proposed drainage, and contours.
6. Evaluation and recommendation by the Natural Resource Conservation Service.
7. Evidence that the pond or pool will not present an unreasonable hazard to neighboring persons or property.

Section 5.4 Subdivision Standards

5.4.1 Purpose & Applicability

1. **Purpose.** The purpose of Section 5.4 is to carry out the development goals of the residents of Arlington as articulated in the Town Plan, to provide for moderate and orderly growth, to assure the safety, health, and welfare of the people, to facilitate the efficient maintenance and delivery of municipal services, and to regulate the approval and filing of subdivision plats.

2. **Applicability.** All subdivision of land must conform to the standards of Section 5.4. Subdivisions shall include the division of a lot into two or more lots, boundary line adjustments, and Planned Unit Developments. Except for boundary line adjustments or lot mergers as allowed pursuant to Section 5.4.2, no subdivision of land shall be made, no land shall be sold or offered for lease or sale as a subdivided lot, and no construction shall be initiated until a final Mylar plat has been approved by the Planning Commission and duly recorded in the land records of the town pursuant to Section 4.4.

5.4.2 Boundary Line Adjustments

Criteria for Approval. All boundary line adjustments shall be consistent with the following standards:

1. The boundary line adjustment does not create new lots.
2. The boundary line adjustment shall create parcels meeting all dimensional and area requirements of the underlying zoning district(s) and all applicable land use regulations found in the Arlington Zoning Bylaws.
3. The boundary line adjustment does not increase the nonconformity of any nonconforming lot or structure
4. The boundary line adjustment does not realign lot lines that create directional changes in the orientation of lot(s) that result in nonconforming setbacks.

5.4.3 General Subdivision Standards

1. **Suitability of Land.** All land to be developed shall be, in the judgement of the Planning Commission, suitable for its intended purpose(s), as stated in the application, without danger to public health or safety and without undue adverse impacts to the environment, neighboring properties, or the character of the area as described in the purpose of the zoning district(s) in which it is located in the Arlington Town Plan.

2. **Compatibility with Existing Settlement Patterns.** Subdivisions shall be designed and laid out to achieve the purpose and desired settlement pattern of the district in which they are located. To the extent feasible, new subdivisions of land shall:
   a. Maintain and extend desired settlement patterns, including lot area and configuration, road layout, and building locations, for the neighborhood or district in which they are located;
   b. Maintain contiguous tracts of open land with adjoining parcels; and
   c. Connect to, and extend where appropriate, existing road, path, utility and open space corridors.

3. **Lot Layout and Density.** Density, lot size, and layout shall conform to zoning district standards, and general standards pertaining to frontage, lot and yard requirements, unless modified or waived by the Commission under the PUD provisions below. In addition:
   a. Lower densities of development and/or a reduction in the number of total lots allowed may be required by the Commission based on site limitations.
   b. Lots with frontage on more than one road must have sufficient width to permit a front yard setback from each road.
   c. Side lot lines shall generally be at right angles to straight roads, or radial to curved roads.
   d. Lots with irregular shapes (curves, flag lots, etc.) shall not be created unless warranted by conditions of topography, the location of natural features, or existing roads.
   e. All lots must front on a public road or, with the approval of the Planning Commission, have access to such a road by a private street, permanent easement, or right-of-way of not less than 50 feet in width for lots in a major subdivision and not less than 20 feet in width for lots in a minor subdivision.
   f. Subdivision shall be designed to allow further subdivision on any remaining undeveloped land, lots with further potential, or adjoining undeveloped parcels in a manner that would result in a logical and coordinated development pattern.
   g. Lot layout shall facilitate the positive drainage of stormwater away from building sites via a coordinated stormwater drainage pattern for the subdivision that does not concentrate stormwater drainage from each lot to adjacent lots.

4. **Establishment of Building Envelopes.** All newly created lots shall have a designated development envelope. Development envelopes shall be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development (excluding road and utility rights-of-way or easements, and water and wastewater systems) on one or more portions of a lot. The size and shape of development envelopes shall at a minimum be determined by district setback requirements, unless otherwise specified in these regulations or established by the Commission.

5. **Allowable Uses.** Any permitted use or conditional use allowed in the zoning district(s) in which the subdivision is located will be allowed in the subdivision.

6. **Reserved Strips.** No privately owned reserved strip shall be permitted which controls access to any land dedicated to public use, or which may be so dedicated.

7. **Trees and Plantings.** An appropriate landscaping plan shall accompany the application. The plan should show areas where vegetation will be cleared, where vegetation will be retained, and plantings of new vegetation. Efforts should be made to screen developed areas from off-site views using existing vegetation and/or new plantings when such development would adversely impact scenic vistas. No plantings that would obstruct motorists' vision or otherwise impair traffic safety shall be permitted in the street right-of-way.

8. **Energy Conservation.** Design of subdivisions shall attempt to promote solar access through the locations of lot lines that would enable buildings to take advantage of natural light and solar heating/electrical generation.

5.4.4 Protection of Natural Resources

Subdivision boundaries, lot layouts, the location of roads, driveways and infrastructure, and development envelopes shall be located and configured to avoid undue adverse impact to natural features, scenic points, large trees, and other natural community assets as identified in the Arlington Town Plan and in field evaluations by natural resource professionals.

1. Design Process: All subdivisions shall be prepared with a process that first identifies natural and scenic resources and then lays out the subdivision to preserve the identified resources to the greatest extent feasible.
2. Field Evaluations: The Commission may require an applicant to conduct independent evaluations and mapping where the Commission finds there are likely important natural resource features, habitat or scenic vistas that would be affected by a project and need to be delineated and evaluated to properly include these in the design of a project.
3. Development Envelopes: Development envelopes shall be located and configured to avoid or minimize impact on natural resource features and highly scenic vistas, ridgelines, and knolls that are visible from public vantage points.
4. Clearing Limits: The Commission may establish clearing limits to minimize forest fragmentation, maintain contiguous forest cover, preserve wildlife habitat and travel corridors, and limit the visibility of new development.
5. Resource Fragmentation: Lot lines, infrastructure and road, driveway and utility corridors shall be located to avoid and minimize the fragmentation or destruction of resource features and natural scenic beauty. The design and layout of the project shall complement adjacent preserved lands, conservation easements, and private deed restricted areas.
6. Existing Site Features: Where sites include features such as existing roads, tree lines, mature specimen trees, stone walls, fence lines, trails or paths, streams and wildlife corridors, the design shall work around, conserve or utilize those as appropriate to minimize impacts and preserve desirable elements.
7. Infrastructure: Roads, driveways and utility corridors shall be laid out to minimize impact and shall be shared where practical.

5.4.5 Street Standards *(existing Section 7.6 (Section 3) page 31)*

1. **Streets.** Applicants must design and construct all new streets within a subdivision in accordance with this subsection.

2. **General Provisions.** Applicants must design and construct all new streets to:
   1. Safely accommodate all users (including vehicular, bicycle, and pedestrian traffic).
   2. Provide efficient access to property and avoid congestion.
   3. Logically extend and improve connectivity of the existing road network.
   4. Conform to the landscape and natural terrain to the greatest extent feasible.
   5. Provide for livable neighborhoods and attractive streetscapes.

3. **Design and Construction Standards.** Applicants must design and construct new streets to the *VTrans A-76 Standards for Town and Development Roads* and *VTrans B-71 Standards for Residential and Commercial Drives* except as otherwise specified in Section 5.4.6.

4. **Drainage.** New streets must be designed:
   1. To divert run-off to vegetated areas or other designed water catchment areas. In addition, design and construction of new roads must conform with Municipal Road General Permit standards as established by the Vermont Department of Environmental Conservation.
   2. To establish or maintain a buffer of natural woody vegetation between streets and surface waters at least 50 feet wide. The Commission may waive or modify this requirement due to site-specific conditions.
   3. With culverts that are sized to convey peak volume stormwater flows. Culverts shall be no less than 18 inches in diameter and extend at least 2 feet from the edge of the street.

5. **Grade.** New roads must generally conform to existing topography and must not exceed a maximum grade of 9% for gravel roads and 12% for paved roads as measured over any 100-foot section. The Commission may modify this requirement for short segments that exceed allowable grade due to site conditions.

6. **Street Amenities.** The Commission may require the applicant to provide the following street amenities in the subdivision:
   a. Street lights: In the Village Residential (VR) and Commercial Residential (CR) zoning districts, the applicant may be required to provide street lighting as deemed necessary for safety and security, in particular at intersections and crosswalks. The applicant shall install LED lamps or fixtures of comparable or greater efficiency that do not exceed 16 feet in height.
   b. Street trees: The applicant shall plant trees of mixed species along new roads to enhance street aesthetic;
   c. Sidewalks and Pathways: The applicant may be required to install sidewalks or pathways within any proposed subdivision to connect to existing public sidewalk along a public street or any other type of municipally-maintained pathway.

7. **Street Names.** No new street shall be named in a manner that will duplicate or be confused with the name of an existing street, except for extensions of an existing street. Streets shall be named in accordance with the current version of the Town of Arlington Street Naming Ordinance. All street names are subject to approval by the Selectboard.

8. **Private Streets.** Any new or improved private streets must meet the requirements in the Town's policies and specifications for town highways as established by the Selectboard. In addition, all new or improved private streets constructed in conjunction with a subdivision shall be continuously maintained so as not to fall out of conformance with these standards. A road maintenance agreement designed to guarantee that this condition is satisfied must be provided as part of the application.

9. **Public Streets.** If the access road to a proposed subdivision is less than the class standard for the class of road to be designated, the Commission may require the applicant to improve the access road to the required standards for that classification. The Commission may also require that the applicant make arrangements for maintenance of the access road satisfactory to the Commission until such a time as the Selectboard may reclassify the road. Where a subdivision requires undue expenditures to improve existing town streets to conform to minimum requirements, the Commission may disapprove such subdivision until the Selectboard shall certify that funds for the improvements have been assured.

10. **Dedication to the Town.** Any street intended for dedication to the Town shall be constructed to meet the requirements in the Town's policies and specifications for town highways as established by the Selectboard and implemented by the Highways Supervisor. Acceptance of such streets shall be at the discretion of the Selectboard.

Section 5.5 Planned Unit Development Standards

5.5.1 Applicability

1. **Purpose.** The purpose of Planned Unit Development subdivision is to enable and encourage, by providing an incentive through a lot density bonus, flexibility of design and development of tracts of land so as to promote the most appropriate use of land, to enhance the environmental quality of the area through maximum preservation of open space and protection of sensitive natural or productive lands, and to facilitate the economical provision of streets and utilities.

2. **Applicability.** Planned Unit Development (PUD) may be proposed in all zoning districts except the Forest and Recreation District. The Commission may require that a subdivision adhere to PUD standards when failure to do so would result in one or more of the following:
   a. A significant reduction in the agricultural use potential of the land;
   b. Degradation of the natural visual appeal of a hillside, ridgeline, or open space;
   c. Encroachment upon a natural or historic area, wildlife habitat, or a stream, wetland, or other water resource;
   d. Elimination of access to an important recreational resource or open space;
   e. Cause excessive erosion, ground or surface water contamination, or otherwise endanger environmental quality.

3. **Permitted Uses.** Any permitted use or conditional use allowed in the zoning district in which the Planned Unit Development is located may be allowed in the PUD.

4. **Allowable Lot Density.** In a Planned Unit Development, the Planning Commission may permit densities that exceed those allowed in the underlying district.

5. **Lot Dimensional Requirements.** Individual lots in a Planned Unit Development may be reduced in required area, width, and yard dimensions in conformance with local and state regulations and subject to approval by the Planning Commission.

5.5.2 Open Space Standards

1. **Objectives.** The following objectives shall be used to guide the design of Planned Unit Development (PUD) subdivisions and location of conserved open lands:
   a. Conservation and improvement of natural features and green areas, including areas along roads, the banks of rivers, streams, ponds and wetlands, hillsides, ridgelines, and fields.

b. Retention of important fish and wildlife habitat, and nature observation areas; protection of the quality of water resources.
c. Protection of natural drainage ways and flood water retention areas, and groundwater recharge areas.
d. Provision, in appropriate areas of population concentration, of areas of land for recreational use.
e. The provision of adequate controls to assure the permanence of open space use in areas so designated, through public acquisition of easement or other suitable type of agreement.
f. PUD plans shall be designed to take the greatest possible advantage of all existing natural features noted above, and to make such open land easily available, if not adjacent to all of the lots in the subdivision.
g. Locate wastewater disposal systems on most suitable soils.
h. Concentrate site development on least fertile soils and maximize the usable area remaining for agriculture.
i. Locate building sites within wooded areas or along the edges of open fields rather than in highly visible open tracts of land.
j. Avoid loss or degradation of scenic vistas.
k. Protect important historic sites.
l. Configure lots so as not to preclude access to recreational resources.
m. Minimize potential for environmental pollution.

2. **Lot Density Bonus.** A plan for development that incorporates Planned Unit Development design and includes at least 20% of net developable land area of the subdivision as dedicated open land shall be eligible for a lot density bonus up to 15%. The maximum number of lots permitted shall be calculated using the following formula:
   a. Maximum number of lots = [Net developable land area / Minimum lot size for underlying district] x 1.15.
   b. Fractions greater than or equal to .50 shall be rounded up to the next whole number, and fractions less than .50 shall be rounded down to the next whole number.
   c. Example 1: A 30-acre parcel, which would require a minimum of 6 acres of preserved open developable land to be eligible for a density bonus, located in a non-Forest and Recreation zone with a minimum lot size of one acre, could be divided into a maximum of 35 lots. [(30 acres – 0 acres) / 1 acre per lot] x 1.15 = 34.5 = 35 lots maximum.
   d. Example 2: A 50-acre parcel, which would require a minimum of 10 acres of preserved open developable land to be eligible for a density bonus, 25 acres of which is located in the undevelopable Forest and Recreation zone with the remaining area in a zone with a minimum lot size of one acre, could be divided into a maximum of 29 lots. [(50 acres - 25 acres) / 1 acre per lot] x 1.15 = 28.75 = 29 lots maximum.

3. **Public/Common Open Space**. The Commission may require that the plat show one or more designated areas of character, size, shape, and location suitable to be used as conservation land or park. Such land shall be at least 20 percent of the net developable land area of the subdivision and comply with the following standards:

   a. Such land shall be offered for dedication to the Town for park or conservation purposes or shall be dedicated to a community association or other entity, as herein provided. As a condition of approval of a plan of development which includes community open land, the applicant shall provide for a non-profit community association or cooperative, organized under the laws of the State of Vermont, composed of all present and future owners of lots in such subdivision or project. Each lot shall be entitled to one vote, to be cast by the owner thereof, and membership shall be mandatory for all owners. Each owner shall be liable for his proportionate share of assessments for maintenance, upkeep, and other cost of operations, on the basis of their respective assessed valuations in the grand list of the Town. The open land and other properties and facilities of such association or cooperative shall be held for the benefit of the owners of all lots therein. The charter of such association or cooperative shall be subject to the approval of the Planning commission.

   b. Open land dedicated to the Town shall abut a public street or have direct access to a public street through a right-of-way dedicated to public use. Open land owned by a community association shall be freely accessible to all lot owners within the subdivision. Required rights-of-way shall not be included in any playground area, shall be at least 20 feet wide, and shall be constructed and maintained in a manner suitable for pedestrian

or vehicular traffic, with maximum grade of 10 percent. When a property line of a subdivision abuts existing open land, the Commission may require the new public open land to form a continuation of the existing area to provide a single unified area.

c. Land to be used as public open land shall be maintained in a condition for the purpose intended. Undesirable growth and debris shall be removed from all such areas. Wooded areas and those in proximity to watercourses shall be left in a natural state. Open space with agricultural soils may be kept clear and dedicated to community gardening or other agricultural activity. There shall be no depositing, dumping, or storage of waste, or other natural or man-made material, supplies, or equipment, on any subdivision area designated as open land. No work, removal, or filling shall be done, nor shall the existing natural characteristics of open space land be altered from its original condition, until a site plan, prepared in accordance with final plat procedures, shall have been approved by the Commission.

4. **Private Open Space**. Instead of requiring that designated open land be dedicated to the Town or a community association, the Planning Commission may approve an open space design that includes designated open land located on one or more individual privately owned lots, according to the following standards:
   a. Such open land must be clearly depicted on the plat, include at least 20 percent of the net developable land area of the subdivision, be of a character, size, and location consistent with the objectives of Section 5.5.2, and be approved by the Planning Commission.

   b. To ensure that designated open land remains undeveloped, each lot shown on the plat as containing any portion of the designated open land shall include a building envelope. All primary and accessory structures shall be located within the building envelope and no portion of the building envelope shall lie within the designated open land.

   c. An easement, deed restriction, or other appropriate legal vehicle shall be applied to the designated open land on each lot containing said open land. Such easement or restriction shall provide for land conservation, agricultural use, recreational access, or other purpose deemed appropriate by the Planning Commission.

   d. The Planning Commission may require that provision be made to ensure that designated open land be accessible to all lot owners within the subdivision. The commission also may require, when a property line of the subdivision abuts existing open land, that the newly designated open land be contiguous to the existing open land.

Section 5.6 SFHA Development Standards

5.6.1 Application of Standards. The criteria below are the minimum standards for development in the Special Flood Hazard Area. If the floodway or flood fringe is not specified, the standard applies to the entire Special Flood Hazard Area. Where more than one district is involved, the most restrictive standard shall take precedence.

5.6.2 Dimensional Standards. Dimensional standards within this overlay district will be as specified for the underlying base zoning district.

5.6.3 Special Flood Hazard Area. Throughout the entire Special Flood Hazard Area (Floodway and Flood Fringe) the following standards apply**.**

1. All development, except development that is exempt under Section 4.3.9 shall be:
   a. Reasonably safe from flooding.
   b. Designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure.
   c. Constructed with materials that are 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 located to prevent water from entering or accumulating within the components during conditions of flooding.
f. Adequately drained to reduce exposure to flood hazards.
g. Required to elevate or floodproof any fuel storage tanks to at least two feet above the Base Flood Elevation (BFE). This can be achieved by:
   i. Elevating the fuel storage tank a minimum of two feet above the BFE and securely anchoring the tank to prevent flotation. The tank shall be located on the landward or downstream side of the building and all inlets, fill openings, line connections, and vents shall be elevated two feet above the BFE. Any structure or platform used to elevate the tank shall be designed to withstand anticipated flood loads and forces;
   ii. In places where elevation of the fuel storage tank is not possible due to the location of existing fuel hookup/fuel lines into an existing building. The tank shall be securely anchored to prevent floatation while protecting it from flood forces and debris. Any structure or platform used to anchor and protect the tank shall be designed to withstand anticipated flood forces and debris. The tank vent pipe/valve shall be located at a minimum two feet above the BFE; alternatively, a storage tank may be placed underground if securely anchored and certified by a qualified professional and is protected from flood forces such as scour, erosion, velocity flow, and buoyancy (uplift) force.

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

3. In FEMA Zones AE and A1 – A30 where 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 shall be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

4. For new, replacement or substantially improved structures, or for structures that have incurred substantial damage, fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.

5. New and replacement manufactured homes shall be elevated on properly compacted fill, such that the top of the fill or pad under the entire manufactured home is one foot above the base flood elevation.

6. Recreational vehicles, equipment and boat trailers, portable toilets, construction trailers, and other travel trailers shall:
   a. Be registered, licensed and ready for highway use;
   b. Be on site for fewer than 180 consecutive days;
   c. Meet the requirements for structures contained in Section 5.6.3(12).

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

8. 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.

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

10. The flood carrying capacity within any altered or relocated portion of any watercourse shall be maintained, any alteration or relocation shall not result in any decrease of stream stability.

11. Bridges, culverts and channel management activities, which by their nature shall be placed in or over the watercourse, shall have a Stream Alteration permit from the Agency of Natural Resources, if required.

12. Structural Standards:
    a. New structures, existing structures to be substantially improved or replaced, or that have incurred substantial damage shall be located such that the lowest floor is at least two feet above base flood elevation. This shall be documented in the proposed and as-built condition with a FEMA Elevation Certificate.

    b. New nonresidential structures, and nonresidential structures to be substantially improved, replaced, or that have incurred substantial damage shall:
        i. Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that two feet above the base flood elevation the structure is dry floodproofed, meaning 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.
        ii. A permit for dry floodproofing 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 Section 5.6.3.;
        iii. Dry floodproofing measures used to meet the above floodproofing standard shall work without the use of human intervention at the time of flooding. Exceptions to this standard are when the facility is adequately staffed at all hours with people trained and able to deploy the facility's floodproofing measures, or if the structure is located in a floodplain that has a National Weather Service flood forecast stream gauge that provides adequate advanced warning of potential flooding for the deployment of the floodproofing system.

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

    d. Critical facilities that are to be replaced, substantially improved, or meet the definition of substantial damage shall be constructed so that the lowest floor, including basement, shall be elevated or dry-floodproofed at least two feet above the elevation of the 1% annual flood height (formerly known as the 100-year floodplain), or two feet above base flood elevation, whichever is higher. A critical facility shall have at least one access road connected to land outside the 1% annual chance floodplain that is capable of accommodating emergency services vehicles. The top of the access road shall be no lower than six inches below the elevation of the 1% annual chance flood event.

    e. For historic structures that would meet the definition of substantial improvement or substantial damage if not for their historic structure designation, the improved or repaired building shall meet the following mitigation performance standards for areas below the base flood elevation:
        i. Any future damage to enclosures below the lowest floor shall not result in damage to the foundation, utility connections, or elevated portions of the building or nearby structures;

ii. Utility connections (e.g., electricity, water, sewer, natural gas) shall be protected from inundation and scour or be easily repaired;
iii. The building foundation shall be structurally sound and reinforced to withstand a base flood event;
iv. The structure's historic designation shall not be precluded;
v. The likelihood of flood waters entering the structure during the base flood is reduced; and
vi. There shall be no expansion of uses below base flood elevation except for parking, storage, building access, or, in the case of nonresidential buildings, where the space is dry floodproofed.

f. Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, shall:
   i. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and
   ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs shall be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: (1) 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; and (2) the bottom of all openings shall be no higher than one foot above adjacent grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices if they permit the automatic entry and exit of floodwaters; and
   iii. Include a signed non-conversion agreement with the permit application in which the owner of the structure guarantees that the enclosed area below the BFE shall not be converted to any use not listed in Section 5.6.3(12)(f)(i) above and that the Land Use Administrator shall retain the authority to inspect the exterior and interior of the enclosed area for compliance with the standards laid out in the non-conversion agreement.

g. A small accessory structure of 500 square feet or less need not be elevated to the base flood elevation, provided the structure is placed on the building site to offer the minimum resistance to the flow of floodwaters and shall meet the standards of Section 5.6.3(1-4).

5.6.4 Floodway. Within the floodway, the following standards apply:

1. New encroachments and development are prohibited within the floodway, except for the following, which also shall comply with all provisions of this Section:
   a. New encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects.
   b. New encroachments relating to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if no other practicable alternative is available.

2. For all proposed new encroachments and above-grade development, a hydraulic analysis must be provided for review. The analysis should be 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 during the occurrence of the base flood;
   b. Not increase base flood velocities; and
   c. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

3. For development that is either below grade or will not result in any change in grade, the hydrologic & hydraulic analyses may be waived, where the applicant will provide pre- and post-development elevations demonstrating that there will be no change in grade, and that the development will be adequately protected from scour.

4. For any new encroachment that is proposed within the floodway where a hydraulic analysis is required, the applicant may provide a FEMA Conditional Letter of Map Revision, in lieu of a hydraulic analysis, to demonstrate that the proposed activity will not have an adverse impact.

5.6.5 Flood Fringe. Within the flood fringe, the following standards apply:

1. Compensatory Flood Storage: New development or redevelopment shall not decrease flood storage capacity. Therefore, except as noted below [Compensatory Flood Storage Requirement Exceptions] below, development that displaces floodwater storage in the flood fringe shall provide compensatory storage to offset the impacts of the proposal. This is required when the development will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows up to and including the base flood discharge. Compensatory flood storage designs shall not materially impact adjacent landowners or structures.

2. Compensatory Flood Storage Requirement Exceptions:
   a. The No Adverse Impact (NAI) compensatory storage requirement may be waived for proposed designs that have no more than a minimal effect on floodwater storage and will not result in diverting floodwaters onto an adjacent property or structure. Examples of designs that have a minimal effect on floodwater storage include an open foundation design; utility work that is largely or completely located below grade; minor aboveground improvements such as fences or poles that minimally displace or divert floodwaters; and development that will not result in any change to the pre-development ground elevations. A determination to waive the NAI compensatory storage requirement shall include written concurrence from the NFIP Coordinator stating that the project will have only a minimal effect on floodwater storage.
   b. For remediation of properties with contaminated soils, such as brownfields sites, the NAI compensatory storage requirement may be waived, if hydraulic analysis demonstrates that the remediation will not increase flood elevations and velocities. Hydraulic analyses and supporting data shall be provided by the applicant and certified by a registered professional engineer.
   c. The NAI compensatory storage requirement may be waived for a replacement structure if:
      i. There is no increase in the structure's footprint, or
      ii. An open foundation design is used. Examples include using compliant flood vents or openings, or elevating the structure on posts, piers, or pilings with no structural foundation walls below the design flood elevation.
   d. The NAI compensatory storage requirement may be waived for associated transportation and utility networks and replacement on-site septic system proposals if the applicant demonstrates that the placement of fill cannot be mitigated.

ARTICLE 6: DEFINITIONS

Section 6.1 Terms and Usage

Defined terms are indicated in boldface throughout the text of Article 6. Guidelines of intent, and usage are as follows:

1. All words used in the present tense include the future tense.
2. All words used in the plural include the singular and words used in the singular include the plural, unless the context of the wording indicates otherwise.
3. The word "lot" includes the terms "plot," “parcel,” “tract of land,” or “piece of land.”
4. The word "structure" includes the word "building."
5. The words "shall" and “must” are mandatory, not directory or permissive.
6. The words “may” and “should’ are permissive.
7. The word "used" shall be deemed to include "designated," "intended," "arranged," or "designed to be used."
8. The word "Town" means the Town of Arlington, Vermont.
9. The terms "Selectboard," "Planning Commission," and "Zoning Board of Adjustment" mean those bodies and officials of the Town of Arlington, Vermont.
10. Words or terms specifically defined in Article 6 or elsewhere in this Bylaw shall have the meaning so defined whenever the words are used in this Bylaw, unless such definition is expressly limited in its meaning or scope.
11. Words or terms not specifically defined in Article 6 shall have their plain and commonly accepted meaning.
12. Definitions contained in Title 24, Chapter 117, Vermont Statutes Annotated, shall be applicable throughout this Bylaw.

Section 6.2 Definitions

Abandoned Development: The abandonment, for a period of more than 210 days, of permitted construction or other land development activity before completion or expiration of the permit.

Abandoned Structure: Any structure that us unoccupied, untenanted, or deserted, and where any use permitted on the property has not been undertaken for a period greater than 365 days.

Accessory Apartment: See **Accessory Dwelling Unit (ADU).**

Accessory Dwelling Unit (ADU): Efficiency or one bedroom dwelling unit located within or appurtenant to single- or two-family dwelling that is clearly subordinate to the single- or two-family dwelling, which has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, and has sufficient water supply and wastewater capacity.

Accessory Structure: 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.

Accessory Use: A use subordinate to and incidental to the principal use of a **building** or property.

Adult Daycare: A facility providing professional care that supports the general health and nutritional, social, and daily living needs of adults in group settings outside of their homes for periods of less than 24 hours per day.

Agriculture (also **agricultural activities**, **practices** or **use**, see also **farm**): For the purposes of this Bylaw, agriculture shall mean:

a) The cultivation or other use of land for growing food, fiber, trees, or horticultural and orchard crops; or
b) The raising, feeding or management of livestock, poultry, equines, fish or bees; or
c) The operation of greenhouses; or
d) The production of maple syrup; or
e) The onsite storage, preparation and sale of agricultural products principally produced onsite; or
f) The onsite production of fuel or power from agricultural products or wastes produced onsite.

Assisted Living: Use of one or more structures to provide housing, board and care to residents who need assistance with daily activities such as dressing, grooming, bathing, and eating, and that operates under state license (includes residential care homes).

Automobile Service Station: A service **business** and/or retail **establishment**, designed and operated for the sale of gasoline and other allied products, for the servicing of motor vehicles, and similar activities. The term does not include mechanical car washes, facilities for the storage of automobiles, or used car lots.

Base Flood: 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): The elevation of the water surface elevation resulting from a **flood** that has a one 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.

Base of Operations: See Home-based Business.

Bed and Breakfast: An owner-occupied residential structure designed and intended for the accommodation of not more than twenty transient guests at one time and with a dining capacity equivalent to the number of guest sleeping accommodations.

Boarding House: Use of single-family residential property in which rooms are rented to six or more persons to serve as the boarder's primary residence. Meals, housekeeping, or laundry services may be provided.

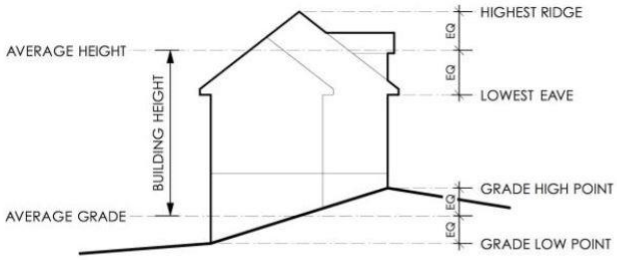
Boundary Line Adjustment: The relocation or dissolution of a common property boundary where an additional **lot** is not created and where any existing **lot** reduced in size by the adjustment complies with the dimensional requirements of this Bylaw.

Building: Any **structure** having a roof and intended for the housing or enclosure of persons, animals, or materials. Also any **structure** more than eight feet high; excluding an electric light, utility pole, highway or railroad bridge, or flagpole. A building also means a walled or roofed **structure**, including a gas or liquid storage tank that is principally above ground.

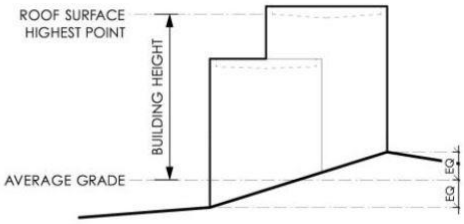
Building Coverage: The ground area enclosed by the walls of a **building**, together with the area of all covered porches, and other roofed portions. **Building coverage** may be expressed as a percentage of the total area of a **lot**.

Building Envelope: Defined areas in which clearing for construction and **development** may occur.

Building Height: The vertical distance of a **building** or **structure** as measured from the average of the highest and lowest elevations of the finished grade at the foundation or base to the highest point of the roof surface for flat roofs or to the average height between eaves and the highest ride for other types of roofs.



SLOPED ROOF



FLAT ROOF

Business: A legally-permitted usage of land or premises engaged in commercial, industrial or professional activities. A **business** can be a for-profit entity, a non-profit organization (such as a charity), a not-for-profit organization (such as a credit union), or a social purpose **business** in which profits are invested into the community or to alleviate a social problem.

Bylaw (also **ordinance**): A provision of this ordinance, a regulation.

Camp: See **Primitive Camp.**

Camper: A mobile unit intended for over-night **camping**, but not for permanent residential occupancy. Examples include a **travel trailer**, tent trailer, pick-up truck camper, or motor home.

Campground: A facility, area or place that is used for **camping**; a place where people can put up a tent or park a **camper** and that often has toilets, sinks, and showers.

Camping: Overnight transient lodging within or under temporary or mobile **structures** such as tents, tarps, lean-tos, **campers** or **recreational vehicles**.

Cemetery: Land used for the burial or interment of the remains of deceased people or pets and open to use by a community of people or the general public. A family burying ground is one in which no lots are sold to the public and in which interments are restricted to a group of persons related to each other by blood or marriage.

Certificate of Compliance: A certificate issued by the **Land Use Administrator** certifying that a permitted project or use is in compliance with the permit, any applicable approvals by the **Planning Commission** or **Zoning Board of Adjustment**, and this Bylaw.

Certificate of Occupancy: For the purposes of floodplain management, a certificate issued by the **Land Use Administrator** allowing occupancy or use of a **building**, **structure** or premises after it has been determined that all requirements of applicable permits and ordinances have been met.

Change of Use: The modification of a use of an existing **building** or **parcel** of 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.

Channel: An area that contains continuously or periodic flowing water that is confined by banks and a streambed.

Childcare (See also **Family Childcare Home**, and **Daycare**): A facility providing developmentally appropriate care, protection, and supervision designed to ensure wholesome growth and educational experiences for children outside of their homes for periods of less than 24 hours per day.

Clubhouse: Building or use catering exclusively to the members of an organization and their guests for recreational

purposes and not operated primarily for profit.

Commercial Use: Nonresidential use of property for commerce or for the activity of buying and selling.

Commission: See **Planning Commission**

Common Plan of Development: The scheduled plan for refurbishing a **structure** over a period of time. Such work might be planned unit by unit.

Community Care Home: A residential facility traditionally utilized by the elderly, which provides custodial care and includes room and board, plus additional personal services and supervision for the residents' protection. Five Community Care Home **residents** shall constitute one **family** unit.

Compensatory Flood Storage: means a volume not previously used for flood storage and which shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream, or creek.

Conditional Letter of Map Revision (CLOMR): FEMA's comment on a proposed project that would, upon construction; result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA. The CLOMR does not revise an effective FIRM; rather, it indicates whether the project, if completed as proposed, would be eligible for a LOMR. A CLOMR is required when proposed changes will cause any increase the BFE where a regulatory floodway has been identified or will cause an increase of greater than one foot in SFHAs where no regulatory floodway has been identified.

Conditional Use: Certain uses which may be permitted in any **district** only by approval of the **Zoning Board of Adjustment** (ZBA) upon a determination that the general and specific standards enumerated in this **bylaw** are satisfied.

Condominium: Privately owned units as defined in the **condominium** ownership act of the State of Vermont.

Critical Facilities: Facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, 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.

Customary Home Occupation: An occupation or business, carried on within a principal or accessory **dwelling** by the resident that is customarily incidental and secondary to the use of the premises for residential purposes, that does not substantially alter the residential character of the area, and that meets the conditions and requirements of Section 5.2.5.

Daycare: A facility operated as a **business** or service on a regular or continuous basis that provides care for children, the elderly, or individuals with special needs for periods of less than 24 hours.

Development: **Development** shall include the following: the division of a **parcel** into two or more **parcels**; the construction, reconstruction, conversion, **structural alteration**, installation, relocation, or enlargement of any **building** or other **structure**; any mining, excavation or **land fill**; or any **change of use** of any building or other **structure**, or land, or extension of use of land.

Discontinued Use: The cessation of a use, excluding temporary or short-term interruptions for the purpose of remodeling, maintaining or otherwise improving a property. A use shall be deemed as discontinued when such use is suspended as evidenced by the cessation of activities or conditions that constitute the principal use of the property for more than 18 consecutive months.

District: The term shall be deemed to mean all the land within the boundaries of a particular use district as established by this **bylaw**.

Driveway: A private access-way over privately owned land or by permanent easement.

Dwelling, Multi-family: A **building** containing separate residential units for three or more **families**. Considered a permitted use regardless of rules in Table 4.1 where municipal water and sewer are present.

Dwelling, Single-family: A **building** designed for, or occupied, or customarily intended to be occupied solely as a residence by one **family**, except other uses that shall be considered single-family uses of homes as defined throughout this **bylaw**.

Dwelling, Two-family: A **building** designed for, or occupied, or customarily intended to be occupied as a residence by two **families**.

Dwelling Unit: Any **structure** or part of a **structure** designed for permanent residency by one **family**, having complete living facilities with private entrance for the exclusive use of the occupants.

Easement: An acquired right of or upon the property of another for a specified purpose.

Energy Generation Facility: An assemblage that is designed and operated to generate mechanical or electrical power, or to generate heat.

Encroachment: The advancement of structures, roads, railroads, improved paths, utilities, and other development, into natural areas including floodplains, river corridors, wetlands, lakes and ponds, and the buffers around these areas. The term encroachment also encompasses the placement of fill, the removal of vegetation, or an alteration of topography into such natural areas.

Establishment: A legally-permitted occupant of land or premises (see also **business**).

FAA: Federal Aviation Administration.

Fall Zone: The additional **setback**, equal to the height of the **tower**, required for wireless **telecommunications** towers.

Family: Any number of individuals related by blood, marriage, or adoption, or not more than five unrelated individuals living together as a single housekeeping unit.

Family Childcare Home: A state licensed home-based **daycare** serving six or fewer children in the residence of the licensee where the licensee is one of the primary caregivers.

Farm: Any tract of land used for dairying or for the raising of agricultural products, horticultural or agroeconomic products, forest or **silvicultural** products, livestock, poultry, or carrying out other practices associated with accepted **silvicultural** practices or **agricultural practices**, and which may include **accessory structures** for the sale of such products from the premises where produced, and which may include **farm structures**.

Farm Stand: A temporary or seasonally-used **structure** for the display and sale of locally grown agricultural products. May also include the accessory sales of other unprocessed foodstuffs, homemade crafts, and home processed food products (e.g., jams, jellies, pickles, sauces, baked goods, etc.).

Farm Structure: A **building**, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted **agricultural practices**, including a silo, but excluding a **dwelling** for human habitation.

FCC: Federal Communications Commission.

FEMA: Federal Emergency Management Agency

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

Fill: 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: **Flood** can mean one of two possibilities:

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 that results in flooding.

Flood Fringe: means the area that is outside of the floodway but still inundated by the designated base flood (the flood having a one percent chance of being equaled or exceeded in any given year).

Flood Insurance Rate Map (FIRM): 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: 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: Any land area susceptible to being inundated by water from any source (see **flood**). Also referred to as flood-prone area.

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

Floodway: The channel of a river or other watercourse and adjacent land areas that must be reserved to discharge the **base flood** without cumulatively increasing the water surface elevation more than one foot at any point. Note that **special flood hazard areas** and **floodways** may be shown on separate map panels.

Forestry: The science and craft of creating, managing, using, conserving, and repairing forests, forest products such as timber. See also **silviculture** and **forestry operations**.

Forestry Operations: Woodlot and off-woodlot processing of trees and logs and the manufacture, assembly, drying, storage, sale and distribution of forest products such as maple syrup, lumber, pulpwood, mulch, veneer, bolt wood, stud wood, poles, pilings, wood chips, fire wood, fuel wood, wood pellets, biomass, Christmas trees, wreaths, bough material and cones.

Frontage: A width of a **lot** along its front bordering on and parallel to a private road or public **right-of-way**.

Funeral Home: An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funeral services.

Greenbelt: A continuous landscaped belt of land of at least 25 feet width within the setbacks of a lot, which may be broken by a single access drive.

Green Space: (See also **Open Land** and **Open Space**) That portion of a **lot** that does not include **buildings**, **structures**, driveways, parking facilities or other paved areas and that is vegetated and landscaped. Pedestrian paths or walkways and approved vehicular ingress/egress from a public highway may be allowed in **green space** areas and shall be counted in calculations of required **green space** area.

Group Home: A single-family residential property used to provide room, board, and personal care to up to eight (8) people with disabilities unrelated to the homeowner or caregiver and that operates under state license or registration.

Guest House: A **single family dwelling** on the same **lot** as another dwelling, but designed to be used by the occupant of the principal dwelling for the housing of guests.

Historic Structure: 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.

Home-Based Business: A business located on the same lot as the business owner's principal residence, and that meets the conditions and requirements of Section 5.2.7. A home-based business involves use of land or a **structure** for the storage of tools, vehicles, equipment, and materials used in the conduct of a professional service business, where work is performed principally off the premises. Such uses may include: lawn and driveway maintenance contractors, refuse haulers, excavation and construction contractors, electrical contractors, and similar uses deemed appropriate by the **Planning Commission**. Such use may include facilities for the congregation and dispatch of employees.

Home Occupation: See **Customary Home Occupation**

Hotel: A building, group of separate **buildings**, or a part of a **building** designed to provide lodging for persons on a transient basis with common access and egress controlled and which provides 24-hour desk service and one or more of the following services: housekeeping, telephone, bellhop, laundry, or dry cleaning. Allowable accessory uses may include restaurants, bars, lounges, public banquet halls, ballrooms, meeting rooms, swimming pools, spas, and fitness facilities. Kitchen facilities may be included in rooms.

Industry: The processing of raw materials and the manufacture of marketable goods.

Inn: An owner-occupied building or group of buildings used to provide overnight accommodations, and one or more meals to guests for short periods of stay (e.g., tourists).

Interested Person: An interested person is either (1) a person having status to appeal a decision of the **Land Use Administrator** as defined in 24 VSA §4465(b) or (2) a person who has participated in a municipal regulatory proceeding who may appeal a decision rendered in that proceeding by an appropriate municipal panel to the environmental court pursuant to 24 VSA §4471. 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.

Junk: Old or discarded scrap metal or materials including but not limited to tires, household appliances, power tools, furniture, glass, plumbing fixtures, rubber and construction debris, or any wrecked, scrapped, discarded or dismantled motor vehicle or parts thereof.

Junkyard: Any place or facility of outdoor storage or deposit used for storing, keeping, processing, or selling junk or as a scrap metal processing facility. Junkyard also means any outdoor area used for the operation of an automobile graveyard. It does not mean a garage where wrecked or disabled vehicles are stored for less than 90 days for inspection or repairs.

Land Fill: Land approved by the State of Vermont for the sanitary disposal of garbage, refuse, debris, and other solid and liquid wastes in accordance with State laws.

Land Use Administrator: Any person duly appointed pursuant to 24 VSA §4448 with the authority to administer the provisions of this Bylaw by the issuance of **zoning permits**, certificates of compliance, administrative opinions, notices or citations of **violation**, or any other actions necessary to administer the provisions of this Bylaw.

Letter of Map Amendment (LOMA): Is a letter issued by **FEMA** 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**.

Lodging House: See **Boarding House.**

Lot: A plot or **parcel** of land under single ownership occupied or designed to be occupied by a **building** and its **accessory buildings**, including such **open spaces** as required by this Bylaw. In the case of multiple **dwellings** and public, institutional, commercial, industrial, or **agricultural** buildings, a group of **buildings** on the same or contiguous premises, all under the same ownership, may be considered as occupying the same **lot**. For purposes of this Bylaw, the term does not include any portion of a dedicated **right-of-way**.

Lot Coverage: The area of a **lot** (expressed as a percentage of total lot area) that is covered by developed features, including **structure**s, **building**s, **accessory structure**s, parking areas, loading areas, services areas, swimming

pools, paved recreational courts, sidewalks, pathways, roads, driveways, storage areas, and exterior display areas for merchandise. Areas covered by permeable pavement, decks, and boardwalks may be counted at 50% if installed over a reservoir layer to treat and retain stormwater. **Lot coverage** includes that portion of a **lot** that is not covered with woody or herbaceous plantings or mulch materials.

Lowest Floor: 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 to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Manufactured Home: Means a dwelling unit, transportable in one or more sections, which is built by a certified manufacturing plant on a permanent chassis, designed for use with or without a permanent foundation when connected to the required facilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufacturing: Shall include fabricating, assembling, treating, processing, and similar operations performed on any materials permitted to be worked upon by the terms of this **bylaw**.

Manufactured Home Park (or **mobile home park**): A parcel (or contiguous **parcels**) of land divided into two or more **manufactured home lots** for rent or sale, operated under the requirements of the laws of the State of Vermont governing **mobile home parks** (see 10 V.S.A., Chapter 153).

Mobile Home: A **structure** or type of **manufactured home**, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

Motel: A **building** or group of separate **buildings**, designed for overnight occupancy by tourists and travelers, consisting of sleeping rooms each having its own separate entrance and sanitary facilities. Kitchen facilities may be included in the rooms.

Motor Vehicle: Any conveyance propelled by engine or other self-propelled device, typically used to transport passengers and their cargo along the ground, including but not limited to passenger cars, trucks, buses, **recreational vehicles**, motorcycles, snowmobiles, and all-terrain vehicles. For the purposes of these **bylaws**, a motor vehicle shall not include tractors or any other farm or forestry related equipment, boats, or aircraft. The chassis, cab, or detached body of a motor vehicle shall be considered an entire vehicle.

Net Developable Land Area: For the purposes of **Planned Unit Development (PUD) subdivision**, net developable land area refers to total land area to be subdivided minus total land area in the Forest and Recreation zoning **district** and the **special flood hazard areas**.

Net Zero Energy Building: A **building** or group of buildings designed and operated to produce an amount of energy from renewable sources on site equal to or greater than the amount of energy that the **building** or group of buildings consumes annually.

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

No Adverse Impact: A standard set forth by the State of Vermont in its No Adverse Impact Standard (NAI) of the

Vermont Agency of Natural Resources (ANR) Flood Hazard Area & River Corridor (FHARC) Rule following rules set forth in technical documentation associated with the rule's implementation.

Nonconforming Lot (or **parcel** or setbacks): A **lot** or **parcel** that does not conform to the present **bylaws** covering dimensional requirements but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present **bylaws**. This includes a **structure** improperly authorized as a result of error by the **Land Use Administrator** or **Zoning Board of Adjustment**.

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

Nonconforming Use: The use of land or a **structure** that does not conform to the present **bylaws** but did comply with all applicable laws, ordinances, and regulations prior to the enactment of the present **bylaws**. This includes a **structure** improperly authorized as a result of error by the **Land Use Administrator** or **Zoning Board of Adjustment**.

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

Nonresidential: Use of a **structure** or land that is not residential in nature including, but is not limited to, **agricultural**, commercial, educational, governmental, health care, industrial, recreational, religious, **silvicultural**, or social services use.

Nuisance: An annoying, unpleasant, or obnoxious noise, odor, thing, or practice.

Nursery (also **tree farm**): Establishment or use of land for the growing of woody or herbaceous plants for sale. A stand for the sale of products produced on the premises only shall be considered a part of this use.

Nursing Home: A facility in which highly skilled nursing and residential care is provided to people with chronic physical or mental impairments.

On-Farm Business: Activity that is accessory to a farm and comprises one or both of the following: (1) the storage, preparation, processing, and sale of qualifying products, provided that more than 50 percent of the total annual sales are from qualifying products that are produced on the farm at which the business is located; (2) educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products. This may include "farm stays" by overnight guests participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both.

Open Land: (See also **Green Space** and **Open Space**) Land without developed structures.

Open Space: (See also **Green Space and Open Land**) Land designated to remain undeveloped in its natural or cultivated state and open to a homeowner community or the public at large.

Outdoor hydronic heaters (formerly referred to as outdoor wood boilers or OWBs): Residential or small commercial wood-fired water heaters that are located outdoors or are separated from the space being heated. The wood burned in the large fire boxes heats water that is circulated into a structure through underground pipes.

Parcel: See **Lot**.

Park: Any land owned by the public or open for use by the general public for active or passive recreational uses or as a refuge for wildlife.

Planned Unit Development (PUD): **Development** of a site in which **buildings** or **lots** may not conform to the dimensional standards of the underlying zoning district in exchange for provision of a public good such as open space protection, affordable housing, recreational amenities, or others. A PUD allows for creativity in site design not possible with conventional **subdivision** and land **development** practices. A PUD may have a mix of residential and **nonresidential** land uses. In exchange for design flexibility, developers are better able to provide amenities and infrastructure improvements and to accommodate environmental and scenic attributes of the site.

Planning Commission: The municipal body of the Town of Arlington that prepares the town plan, drafts zoning bylaws, and reviews site plan and subdivision applications pursuant to state statute and this Bylaw.

Plat: The final map or representation, prepared by a licensed surveyor, indicating the manner in which property is to be subdivided, or in which a **lot** line is to be adjusted, or in which **lots** are shown as merged.

Pond: A relatively small body of water that exists in a declivity that is the result of glaciation or created by a dam, dike, barrier or other artificial impoundment, or resulting from excavation, which retains water year-round.

Preliminary Plat: The preliminary drawings indicating the proposed layout of a **subdivision** to be submitted to the **Planning Commission** for its consideration.

Primitive Camp. A structure primarily used for recreational or hunting purposes, excluding recreational vehicles and tent-trailers. A primitive camp shall not contain sanitation facilities or other structures or facilities that connect to outside services or conveniences. Primitive camps shall not be occupied for more than 21 consecutive days nor for more than 120 days during a single calendar year.

Principal Structure: A **structure** on a **lot**, designed for the principal use for which a **zoning permit** may be issued, as distinguished from an **accessory structure**.

Recreational Vehicle: A vehicle which is built on a single chassis designed to be self-propelled or permanently towable by a light duty truck, and designed for use as a temporary living quarters for recreational, **camping**, travel, or seasonal use.

Resident: A part-time or full-time occupant of a rented or owned **dwelling unit**.

Restaurant: Any food service establishment subject to Vermont Health Regulations where food and beverages are prepared and served for consumption; and where the service of alcoholic beverages is incidental to the consumption of food (less than 50% of the gross sales receipts from the **business**).

Retail: A **building**, property, or activity where the principal use or purpose of which is the sale or rental of goods, products, wares, or merchandise directly to the consumer.

Right of way: The legal right, established by usage or grant, to pass through the grounds of property belonging to another.

Rooming House: See **Boarding House**.

Salvage Yard: See **Junkyard**.

Sawmill: A facility for the sawing and other processing of logs, including the sale of lumber or cord wood in excess of 20 cords a year. Portable sawmills in use on a site for less than 40 days shall not be considered sawmills subject to permitting pursuant to this Bylaw.

Scenic Vista: An open vista, within view of one or more public vantage points, which includes natural or cultural features that are considered visually significant.

Scour: The removal by hydrodynamic forces of granular bed material in the vicinity of structures located in and adjacent to areas where moving water is present.

Septic System: An underground **wastewater** treatment system.

Setback: The distance between a **building** or **structure** and any **lot** line or water resource, measured from the furthest projection of that **building** or **structure** on each side. Setbacks are also referred to as the yard or **green space** required between a **building** or **structure** and the front, side, and rear property lines, or water resource.

Sewage: Water-carried waste that is intended to be removed from a community. Also known as **wastewater**, it consists mostly of greywater (from sinks, tubs, showers, dishwashers, and clothes washers), blackwater (the water used to flush toilets, combined with the human waste that it flushes away), soaps and detergents, and toilet paper.

Sewer: A conduit, usually underground, for carrying waste matter and used water from sinks and toilets away from a **building** to a treatment facility.

Sign: Any **structure**, wall display, device or representation designed or used to advertise or call attention to or direct a person to a **business**, association, profession, commodity product, institution, service, entertainment, person, place or thing, or activity of any kind, and is visible or audible to the public. It does not include the flag of any nation or state on a single pole.

Silviculture: The practice of controlling the establishment, growth, composition, health, and quality of forests to meet diverse needs and values.

Site Plan: A scaled map of a **lot** or site that indicates all significant features including, but not limited to, site improvements, **structures**, boundaries, parking, drives, walkways, and landscaping.

Solar Collection Facility: An assemblage that concentrates sunlight and redirects it to a receiver, where it is converted to heat to generate electrical energy.

Solid Waste: As defined in Vermont Solid Waste Management Rules, any discarded garbage, refuse, septage, sludge from a **wastewater** treatment plant, water supply plant, or pollution control facility and other discarded material including solid, liquid, semi-solid or contained gaseous materials resulting from industrial, commercial, mining, or **agricultural** operations and from community activities, but does not include animal manure and absorbent bedding used for soil enrichment or dissolved materials in industrial discharges that are point sources regulated under 10 VSA Chapter 47.

Special Flood Hazard Area (SFHA): The **floodplain** within a community subject to a one 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, ZA, AH, AE, or A1-A30 in the most current **flood insurance studies** and from 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. Note, where **floodways** have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

Special Flood Zone Map Zone:
A Special Flood Hazard Area ("SFHA") shown on a community's Flood Insurance Rate Map ("FIRM"). There are five types of A Zones:

A: SFHA where no base flood elevation is provided.

A#: Numbered A Zones (e.g., A7 or A14), SFHA where the FIRM shows a base flood elevation in relation to National Geodetic Vertical Datum ("NGVD").

AE: SFHA where base flood elevations are provided. AE Zone delineations are now used on new FIRMs instead of A# Zones.

AO: SFHA with sheet flow, ponding, or shallow flooding. Base flood depths (feet above grade) are provided.

AH: Shallow flooding SFHA. Base flood elevations in relation to NGVD are provided.
National Geodetic Vertical Datum ("NGVD") The national datum of 1929 used by the National Flood Insurance Program based on mean sea level.

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

Storage Container: A structure generally of metal construction and rectangular in shape, which may or may not have wheels or a roof and which is typically used for storage and/or transport of goods and waste materials. Storage containers intended for use as a habitation shall be regulated as a dwelling unit and must adhere to the associated definition. Storage containers are conditional use except for temporary storage or waste removal purposes, not to exceed 6 months.

Storage Facility: A **structure** used for the placement and retrieval of goods by persons other than the owner of the property upon which such facility is located.

Stormwater: The portion of rainfall, melted snow, or irrigation water that flows across ground surfaces and is eventually returned to a water body such as a river, stream, **pond**, or reservoir.

Street: Any road, highway, avenue, **street**, land, or other way between **right-of-way** lines whether publicly or privately owned, used, or to be used for vehicular traffic.

Structure: An assembly of materials for occupancy or use including, but not limited to, a **building**, **mobile home** or **manufactured home**, driveway, trailer, storage container or tank, **sign**, wall, or **fence**.

Structural Alteration: Any change to the supporting members of a building including foundations, bearing walls, or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls. Also, any rearrangement, change of location, or addition to a **building**, **structure**, or **sign**, other than repairs to its features, equipment, and general maintenance. Includes any interior alteration when new **conditional use**, or expansion of usable floor area of a permitted use, is involved.

Subdivider: Any person, firm, corporation, partnership, or association having an interest in land who shall lay out for the purpose of sale, lease, or **development** any interest, **lot**, unit, or **plat** in a **subdivision**.

Subdivision: The division of a **parcel** of land into two or more **lots**, or other divisions of a **parcel**.

Subdivision, Major: Any **subdivision** containing 5 or more **lots**, or that requires an Act 250 permit, or that consists of **parcels** in two or more towns or zoning districts, or that is not considered to be a **minor subdivision**. Re-division of one or more **lots** of a **minor subdivision** within ten years of the approval date of the original **subdivision** shall be considered a **major subdivision** if the total number of **lots** created from the original **parcel** equals or exceeds five **lots**.

Subdivision, Minor: Any **subdivision** of 4 **lots** or less lots that have **frontage** on an existing public **street**, and which does not require any new **street**, **street** extension, or extension of municipal services.

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: Any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this **Bylaw**, the cost of which, over three years, or over 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. The 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 specifications which have been identified by the local code enforcement official and which are the minimum necessary to 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**."

Telecommunications Facility: A tower, pole, antenna, or other **structure** intended for receipt or transmission of radio, telephone, or television signals or other electromagnetic signals by a telecommunications or wireless service provider. This includes all appurtenant equipment and infrastructure, including but not limited to access trails or roads, guy wires, **buildings**, or other equipment or **structures**.

Temporary: Unless otherwise defined by law, shall mean up to but not exceeding 90 days.

Temporary Structure: Any structure designed, erected, or used for purposes that are relatively impermanent in nature, not attached to a permanent foundation, and not connected to electrical power, heating, cooling, water, or wastewater systems. These may include, but are not limited to, box trailers, storage pods, Quonset huts, tents, tipis, yurts, and hoop houses.

Thread: The thread of a stream or river is the deepest groove or trench in the bed of the flow channel, the last part of the bed to run dry.

Tourist Home: See **Bed and Breakfast**.

Tower: A **structure** more than 20 feet in height above the ground elevation built for the purpose of support, elevation, or placement of antennae for broadcast services or wireless services.

Travel Trailer: See **Camper** and **Recreational Vehicle.**

Tree Farm: See **nursery**.

Variance: The relaxation or deviation of the terms of this Bylaw in compliance with Section 3.8 and 24 VSA §4469, whereby, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulation would result in unnecessary and undue hardship.

Violation: The failure of a **structure** or other **development** to be fully compliant with this **bylaw**. For the purposes of the Flood Hazard Area Regulations of this **bylaw**, a structure or other development without elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in **violation** until such time as that documentation is provided.

Waiver: The relaxation or deviation of the terms of this Bylaw granted by the Zoning Board of Adjustment in compliance with Section 3.7 and pursuant to VSA 24 § 4414(8).

Warehouse: A **building** where raw materials or manufactured goods may be stored before distribution for sale or use.

Wastewater: Any water that has been adversely affected in quality by human activities. **Wastewater** can originate from a combination of residential, industrial, commercial, **agriculture** or **forestry** activities, surface runoff or **stormwater**, and from **sewer** inflow or infiltration.

Wetland: Those 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 that grow food or crops in connection with **farming** activities.

Wind Turbine: A tower-like device fitted with a bladed wheel that converts the wind's kinetic energy into electrical energy.

Zoning Board of Adjustment: A quasi-judicial decision-making board created pursuant to 24 VSA Chapter 117 §4460 to review and issue decisions on **development** proposals or to hear appeals to decisions by the **Land Use Administrator**. Appeals of decisions made by the **Zoning Board of Adjustment** are heard by Vermont Superior Court Environmental Division.

Zoning Permit: A document signed and issued by the **Land Use Administrator** authorizing land use or **development** pursuant to the requirements of this Bylaw.