

Town of Ludlow, Vermont

Zoning and Flood Hazard Regulations

(Amended)



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Amended December 2, 2007

The Planning Commission of the Town of Ludlow, Vermont dedicates this document to the memory of Nicholas Gulli. Without Nick's tireless efforts, determination and persistence development of these Town Zoning Regulations would not have been possible.

Planning Commission of the Town of Ludlow, Vermont:

Peter Crowley
George Dunnett
Mark Gauthier
Fred Glover
Alan Isaacson
Norm Vanesse

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ARTICLE 1 - ENACTMENT, PURPOSE AND APPLICATION

SECTION 110 - ENACTMENT

In accordance with Title 24, Chapter 117, Subchapter 6 of the Vermont Statutes Annotated the Vermont Planning and Development Act, hereinafter referred to as the "Act", there are hereby established Zoning Regulations for the Town of Ludlow, Vermont, which are set forth in the text and map that constitute these Regulations. These Regulations shall be known and cited as the "Town of Ludlow Zoning and Flood Hazard Regulations".

SECTION 120 - PURPOSE

It is the purpose of these zoning regulations to implement and be consistent with the Town and Village of Ludlow, Vermont, Municipal Development Plan, hereinafter referred to as "the Plan", and to provide for the orderly community growth, to provide for public health, safety, and welfare, and the purposes established in the ACT, Section 4302.

SECTION 130 - EFFECTIVE DATE

These Regulations shall take effect in accordance with the procedures contained in Section 4442 of the Act.

SECTION 140 - INTERPRETATION

In their interpretation and application, the provisions of the Regulations shall be held to be minimum requirements adopted for the promotion of public health, safety, comfort convenience, and general welfare. Except where these Regulations specifically provide to the contrary, it is not intended by these Regulations to repeal, annul, or in any way impair any regulations or permits previously adopted or issued; provided, however, that where these Regulations impose a greater restriction upon the use of land or a structure, the provisions of these regulations shall control. These Regulations supersede the Town of Ludlow Zoning and Flood Hazard Regulations, amended March 6, 1990.

SECTION 150 - AMENDMENTS

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

SECTION 160 - SEPARABILITY

The invalidity of any Article or Section of the Regulations shall not invalidate any other Article or Section thereof.

SECTION 170 - APPLICATION OF REGULATIONS

Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof, shall be occupied or used unless in conformity with these Regulations for the district in which it is located. Any use not permitted by these Regulations shall be deemed prohibited.

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ARTICLE 2 - ADMINISTRATION AND ENFORCEMENT

SECTION 210 - ADMINISTRATIVE OFFICER

The Administrative Officer is hereby appointed to administer these Regulations, as provided for in section 4448 (a) of the Act. Said Officer shall literally enforce the provisions of these Regulations and in so doing shall inspect development, maintain records and perform all other necessary tasks to carry out the provisions of these Regulations.

An Acting Administrative Officer may be appointed as provided in Section 4448 (b) of the Act and shall have the same responsibility as the Administrative Officer in his or her absence.

SECTION 220 - ZONING PERMIT

No land development may commence, nor shall any new or altered structure be used, extended in any way or be occupied, unless a Zoning Permit shall have been duly issued by the Administrative Officer, with the following exceptions for single family dwellings:

A Permit shall not be required for the placement or construction of a tool shed, pump house, doghouse, or other such accessory structures, provided that the floor space does not exceed one hundred forty-four (144) square feet and provided that such structure is in compliance with required setbacks.

A Permit shall not be required for the placement of a satellite dish of 2 feet or less in diameter.

A Permit shall not be required for any interior structural alteration that does not change the use of the structure, or the number of bedrooms.

A Permit shall not be required for any exterior renovation or repair of a structure that does not change the use therein or increases the exterior dimensions of the structure.

A permit shall not be required for an above ground swimming pool that does not exceed thirty-six (36) inches in depth without a deck.

SECTION 221 - APPLICATIONS

All applications for a Zoning Permit, along with the required fees shall be submitted to the Administrative Officer. The application shall be accompanied by:

For single family residence:

Two (2) copies of a plot plan showing the dimensions of the lot to be built on, and the location of the building and any accessory structures, showing set backs, to be erected.

An elevation drawing showing the elevations of the buildings.

Proof that, either sewer connections have been approved, or a Wastewater and Potable Water Supply System have been issued under 10 V.S.A. Chapter 64.

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Any other prerequisite approvals as required by these regulations and any other such information as may be necessary to determine and provide for the enforcement of these Regulations, including, but not limited to, the requirements set forth by “REFERRAL TO STATE AGENCIES”, and Article 6 “FLOOD PLAIN MANAGEMENT ORDINANCE” of these Regulations.

Locations, identifications, and any specific directions shall be the responsibility of the Applicant.

For all others:

All the items listed above for single-family residence.

Any other prerequisite approvals as required by these Regulations and any other such information as may be necessary to determine and provide for the enforcement of these Regulations, including, but not limited to, the requirements set forth in Section 260, “CONDITIONAL USES” - SECTION 222 - ISSUANCE OF PERMIT
The Administrative Officer shall issue a permit only upon finding that the proposed application conforms to these Regulations.

If application for a permit is denied, the Administrative officer shall so notify the Applicant, in writing, stating the reasons therefore.

If the Administrative Officer fails to act with regard to a complete application, whether by issuing a decision or making a referral to the DRB for a permit within thirty (30) calendar days, a permit shall be deemed issued on the thirty first (31st) day.

Within three (3) working days following the issuance of a zoning permit the Administrative Officer shall:

- a. Deliver a copy of the permit to the Listers.
- b. Post a copy of the permit in at least one public place in the municipality until the expiration of fifteen (15) days from the date of issuance of the permit.

The Administrative Officer shall file a copy of a permit issued for land development in the Flood Hazard Area with the Secretary of the Agency of Environmental Conservation, and the Regional Planning Commission, within ten (10) days of issuance.

The Administrative Officer shall cause a copy of the Zoning Permit issued for land development to be recorded in the Town of Ludlow Land Records within thirty (30) days of issuance, with the applicant responsible for paying the recording fees.

The applicant shall be required to post a notice of permit within view of the public right-of-way most nearly adjacent to the subject property until the time of appeal in section 4465 has passed.

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SECTION 223- APPEALS

Each Zoning Permit issued by the Administrative Officer under this section shall contain a statement specifying the period of time within which an appeal to the Development Review Board (DRB), under Section 251, may be made.

SECTION 224 - EXPIRATION OF PERMIT

If land development has not started within one year from the date of the issuance of a Zoning Permit, the zoning permit shall expire on the anniversary date of its issuance. If a zoning permit has expired prior to the start of land development, then a new zoning permit must be applied for and granted before development may commence. For there to be a “start of land development” a substantial amount of work on the project must have been accomplished.

Except for the construction of a single family residence or other use that is a “permitted use” within any zoning district, if the zoning permit is approved, all activities authorized by its issuance shall be completed within two years from its date of issuance or the zoning permit shall become null and void.

SECTION 225 - EFFECTIVE DATE

No Zoning Permit shall take effect until the 15 day period for appeal to the DRB has passed, or in the event that a notice of appeal is filed properly, such Permit shall not take effect until and unless a positive decision for the applicant is issued by the Development Review Board.

Zoning Permits shall be issued by the Administrative Officer after a decision by the Development Review Board and shall become effective immediately.

SECTION 226- MORATORIUM ON PERMITS APPLIED FOR DURING BYLAW AMENDMENT PERIOD

If a public notice for a first public hearing pursuant to subsection 4442(a) of this title is issued under this chapter by the Board of Selectmen of the Town of Ludlow with respect to the adoption or amendment of a bylaw submitted by the Planning Commission, the administrative officer, for a period of 150 days following such notice, shall review any new application filed after the date of the notice, under the proposed bylaw or amendment and applicable existing bylaws. If the new bylaw or amendment has not been adopted by the conclusion of the 150-day period, or if the proposed bylaw or amendment is rejected, then the permit shall be revised under existing bylaws. An application that has been denied under a proposed bylaw or amendment, that has been rejected, or that has not been adopted within the 150-day period, shall be reviewed again, at no cost, under the existing bylaws, upon request of the applicant. Any determination by the administrative officer under this section shall be subject to appeal as provided in section 4465 of this title. (See V.S.A. 4449(d))

SECTION 227 - CERTIFICATES OF OCCUPANCY

Prior to the use or occupancy of any land or structure, including single-family dwellings, or part thereof, created, erected, changed, converted, or partially altered or

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enlarged in its use or structure, the Administrative Officer shall issue a Certificate of Occupancy stating that the proposed use of the structure or land conforms to the application and the requirements of these Regulations.

SECTION 228 - RECORDS

The Administrative Officer shall maintain a complete record of all the applications, reviews, decisions, appeals and variances made under these Regulations and any administrative actions pursuant thereto.

All Zoning Permits and Certificates of Occupancy issued by the Administrative Officer, and all variances, and conditional use approvals issued by the Development Review Board, shall be recorded in the Town of Ludlow Land Records, with the applicant responsible for paying the recording fees.

SECTION 240 - VIOLATIONS

Any person who violates these Regulations shall be fined not more than one hundred dollars (\$100.00) for each offense. No action may be brought under this Section unless the alleged offender has had at least seven (7) days notice, by certified mail, from the Administrative Officer that a violation exists. The seven day warning notice shall state that a violation exists that the offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

An action may be brought without the seven day notice and opportunity to cure if the alleged offender repeats the violation of these Regulations after the seven-day notice period and within the next succeeding twelve months.

In default of payment of the fine, such person, the members of any partnership, or the principal officers of such corporation shall each pay double the amount of such fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of these Regulations shall be paid over to the Town of Ludlow. (See Sec. 4451)

SECTION 250 - DEVELOPMENT REVIEW BOARD

In accordance with Section 4461 of the Act and by Resolution dated June 1995, the Board of Selectmen of the Town of Ludlow has created a five member (plus two alternates) Development Review Board (DRB).

250.1- POWERS OF THE DEVELOPMENT REVIEW BOARD

The Development Review Board shall have the following powers:

To hear and decide appeals including, without limitation, where it is alleged an error has been committed in any order, requirement, decision or determination made by the Administrative Officer in connection with the enforcement of these Regulations;

To hear and grant, grant with conditions or deny a request for a variance;

To hear and grant, grant with conditions, or deny a request for a conditional use

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approval;

To hear and grant, grant with conditions, or deny proposed subdivisions;

To conduct Flood Hazard Reviews;

To hear and grant, grant with conditions, or deny requests for modification of the District Regulations for a Planned Unit Development; under Section 270.

250.2 - GOVERNING RULES

The Development Review Board will be governed by the following:

All applicable State Statutes;

All municipal zoning, subdivision and other bylaws;

The Municipal Administrative Procedures Act;

Rules of Procedure as adopted by the Development Review Board.

SECTION 251 – APPEALS OF DECISIONS OR ACTS OF ZONING ADMINISTRATOR

251.1 Who May Appeal

An interested person (see definition) may appeal any decision or act taken by the Administrative Officer by filing a notice of appeal, along with any required fee, with the Secretary of the Development Review Board. If the appeal is taken with respect to a decision or act of the administrative officer, such notice of appeal must be filed within fifteen days of the date of such decision or act, and a copy of the notice of appeal shall be filed with such officer. (See sec.4465)

251.2 Basis and Form of Appeal

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

251.3 Flood Hazard Areas

For appeals for variances within flood hazard areas, the appellant shall file a notice of appeal with the Secretary of the Agency of Natural Resources, Department of Environmental Conservation and the Regional Planning Commission with certification thereof to the Development Review Board.

251.4 Hearings

In accordance with Title 24, Section 4468 of the Act, the Development Review Board shall set a date and place for a public hearing on an appeal, which shall be within sixty

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(60) calendar days of the filing of the notice of appeal. For an appeal of a variance within a flood hazard area, the Development Review Board shall give notice of the date and place of the hearing to the Agency of Natural Resources, Department of Environmental Conservation.

251.5 Decisions

The Development Review Board may recess the proceedings on any application pending submission of additional information. The panel should close the evidence promptly after all parties have submitted the requested information. The panel shall adjourn the hearing and issue a decision within 45 days after the adjournment of the hearing, and failure of the panel to issue a decision within this period shall be deemed approval and shall be effective on the 46th day. Decisions shall be issued in writing and shall include a statement of the factual bases on which the appropriate municipal panel has made its conclusions and a statement of the conclusions. The minutes of the meeting may suffice, provided the factual bases and conclusions relating to the review standards are provided in conformance with this subsection.

SECTION 252- VARIANCES

252.1 Basic Requirements

Pursuant to Title 24, Section 4469 of the Act, on appeal under Section 4465 or Section 4471 of Title 24 of the Act wherein a variance from the provisions of these Regulations is requested for a structure that is not primarily a renewable energy resource structure, the Development Review Board shall grant variances, and render a decision in favor of the appellant, if all of the following facts are found and the findings are specified in its decision:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located;

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

That the unnecessary hardship has not been created by the appellant;

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy sources, nor be detrimental to the public welfare; and

That the variance, if authorized, will represent the minimum variance that will afford

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relief and will represent the least deviation possible from the zoning regulation and from the plan.

252.2 Conditions

In rendering a decision in favor of an appellant under this Section, the Development Review Board may attach such conditions to such variances as it may consider necessary and appropriate under the circumstances to implement the purposes of the municipal plan and these Regulations.

252.3 Decision

The Board shall render its decision, which shall include findings of fact, within forty-five (45) calendar days after closing the hearing, and shall within that period send to the appellant, by certified mail, and to all interested parties at the hearing, a copy of the decision. A copy of the decision will be filed with the Administrative Officer and the Town Clerk of the municipality. If the Board does not render its decision within forty-five (45) calendar days, the Board shall be deemed to have rendered a decision in favor of the appellant.

252.4 Decision Appeal

An interested person(s) may appeal a decision of the Board within thirty (30) calendar days of such decision to the Environmental Court. (See Sec. 4465 & 4471)

252.5 Renewable Energy Resource Structure Variance

Pursuant to Title 24, Section 4469 of the Act, on appeal under Section 4465 or Section 4471 of Title 24 of the Act wherein a variance from the provisions of a these Regulations is requested for a structure that is primarily a renewable energy resource structure, the Development Review Board may grant such variances, and render a decision in favor of the appellant, if all of the following facts are found and the findings are specified in its decision:

It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the regulations; and

That the hardship was not created by the appellant; and

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy sources, nor be detrimental to the public welfare; and

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

SECTION 260 - CONDITIONAL USES

(In accordance with sec. 4414 (3) (2))

In any zoning district the conditional uses specified in these Regulations as “Conditional Uses” are permitted only by approval of the Development Review Board, if, after public notice and public hearing, the Development Review Board grants site

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plan approval and determines that the proposed use shall conform to the general and specific standards prescribed in this Section. In granting such conditional use, the Development Review Board may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of the municipal plan and these Regulations.

260.1 Application Procedure

With an application for conditional use approval, the owner shall submit to the Development Review Board: (a) two sets of site plan maps, drawn in an appropriate scale, acceptable to the Development Review Board, and (b) supporting data, which shall include the following information:

Name and address of the owner of record of the property, or valid sales agreement, names of owners of adjoining lands, name and address of person or firm preparing map, scale of map, north arrow and date.

Acceptable survey or plot plan of property.

Site plans shall show or designate the following:

- The acreage of entire parcel
- The location, height, and spacing of existing and proposed structures;
- Open spaces and their landscaping;
- Streets;
- Driveways;
- Off-street parking spaces;
- All other physical features, including surface waters and wetlands, stone walls and fences;
- Areas designated by the Vermont Agency of Natural Resources as critical wildlife habitat or as known locations of endangered or threatened species.

260.2 Site Plan Approval

As a prerequisite to conditional use approval, the approval of the site plan by the Development Review Board is required.

In reviewing the site plans, the Development Review Board shall consider and may impose appropriate conditions and safeguards only with respect to the adequacy of traffic access and circulation, parking, landscaping, and screening.

The DRB shall review the site plan and supporting data before approval, approval with stated conditions, or disapproval, is given, and shall take into consideration the following objectives.

Maximum safety of vehicular circulation between the site and the street network. Particular considerations shall be given to visibility at intersections, traffic flow and control, pedestrian safety and convenience, and access in case of emergency.

Adequacy of traffic circulation, parking, and loading facilities. Particular consideration

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shall be given to the items in (1.) above and effect of glare, noise, or odors on adjoining properties. Refuse and service areas should be included in this consideration. Provisions for snow removal should also be made.

Landscaping and screening. The Board may set conditions to achieve maximum compatibility and protection to adjacent property. The Board may require as a condition of approval that the landscaping as approved, be strictly adhered to. The Board shall give particular consideration to preservation of existing vegetation, visibility of unsightly or incompatible areas from the road and adjoining properties, the use of fencing to satisfy conditional use, and the adequacy of landscaping materials to meet seasonal conditions, soils conditions, and light on and off the site.

260.3 General Standards

The Development Review Board must find that the proposed conditional use shall not result in an undue adverse effect on any of the following:

The capacity of existing or planned community facilities.

The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.

- Traffic on roads and highways in the vicinity.
- Bylaws and ordinances then in effect.
- Utilization of renewable energy resources.

260.4 Specific Standards

The Development Review Board must find that proposed conditional use shall meet the following requirements:

- Minimum lot size of the zoning district;
- Setbacks of the zoning district;
- The standards under PERFORMANCE STANDARDS, Section 550 of these Regulations;
- Minimum off-street parking and loading facilities;
- Any other requirements of these Regulations pertinent to the proposed conditional use.

A nonconforming structure shall not be required to meet the Specific Standard(s) that address those aspects of the structure that are the reason for its non-compliance.

260.5 Decision

The Development Review Board shall act to approve or disapprove any such requested conditional use within forty five (45) days after the date of the final public hearing held under this Section, and failure to so act within such period shall be deemed approval.

260.6 Bond Term and Forfeiture

A performance bond or other surety may be required by the Development Review

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Board pursuant to Conditional Use Review. The suggested amount, term, and conditions of forfeiture, shall be stated in the decision, which requires the surety shall be reflected in the contract. The surety contract shall be filed with the Town Clerk, and shall be satisfactory to the legislative body as to the dollar amount and form, sufficiency, and manner of execution.

SECTION 261 – NONCONFORMING USES

(In accordance with sec.4412 (7))

It is the purpose of this Section to regulate the expansion and undue perpetuation of nonconforming uses.

261.1 “Nonconforming Use” Definition

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

261.2 Conditions of Continuation and/or Change of Nonconforming Use

Any nonconforming use may be continued or the nonconforming use changed subject to the following:

- No nonconforming use may be changed, except to a conforming use or with a conditional use approval from the DRB, to a use which, in the opinion of the Board, is of the same or a more restrictive nature or another nonconforming use which is no more objectionable in character.
- A nonconforming use, once it has been changed to or replaced by a conforming use, shall not be changed back to a nonconforming use.
- A nonconforming use, which has been abandoned or discontinued for a period of six (6) months, shall not be resumed without conditional use approval from the Development Review Board. A nonconforming use which has been abandoned or discontinued for more than 1 year may not be reestablished.
- A nonconforming use may be extended or expanded only with conditional use approval from the Development Review Board, which shall have determined that no greater detrimental effect upon the community or the neighborhood will result. For the purposes of this section only, an existing residential use shall not be considered a nonconforming use. For extension or expansion of a non-complying structure see Section 262.
- Nothing in these Regulations shall prevent the maintenance or repair of a complying structure containing a nonconforming use, provided such maintenance or repair does not cause the structure to become nonconforming.
- In the event the structure, containing a nonconforming use, has been unintentionally damaged or destroyed, such structure may be reconstructed or

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restored, and the nonconforming use reestablished subject to conditional use approval from the Development Review Board, provided an application for a conditional use permit is filed with the Zoning Administrator within one (1) year of the date of the damage or destruction.

SECTION 262 - NONCONFORMING STRUCTURES

It is the purpose of this Section to regulate the expansion and undue perpetuation of nonconforming structures.

262.1 “Nonconforming Structure” Definition

“Nonconforming structure” means a structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

262.2 Continuation of Nonconforming Structure

Any nonconforming structure may be continued subject to the following:

- Nothing in these Regulations shall prevent the maintenance or repair of a nonconforming structure.
- Any expansion including vertical and/or enlargement to a nonconforming structure must comply with all aspects of the Regulations.
- This Section shall not be construed to permit any unsafe structure, or to affect any proper procedures to regulate or prohibit the unsafe use of a structure.
- A nonconforming structure that is unintentionally destroyed by fire, disaster, act of God or other unintentional cause may be reconstructed or restored, to its original form provided a zoning permit for the reconstruction or restoration is filed with the Zoning Administrator within one year of the date of the damage or destruction.

Section 263 – nonconforming lots or parcels

It is the purpose of this Section to regulate the expansion and undue perpetuation of nonconforming lots and parcels.

263.1 “Nonconforming lots or parcels” Definition

“Nonconforming lots or parcels” means lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

263.2 Continuation of Nonconforming LOTS OR PARCELS

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of 1973 of the original Town Zoning

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Regulations or any lot that is shown on a survey and/or created in a deed and filed in the town land records after 1973 and prior to the adoption date of these bylaws may be developed for the purposes permitted in the district in which it is located, even though nonconforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty (40) feet. Provided, however:

Yard dimensions and other building requirements not involving area or frontage of the lot shall conform to the Regulations for the district in which the lot is located.

This section constitutes a variance of lot requirements for certain existing small lots; the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaws and from the plan.

SECTION 270 - PLANNED UNIT DEVELOPMENT

In accordance with the provisions set forth in Section 4417 of the Act, and where permitted in the Zoning Districts, the modification of the District Regulations by the Development Review Board is permitted simultaneously with Subdivision Plat Approval, under the following procedures:

The Planned Unit Development (PUD) approval process is divided into two (2) separate steps:

Under this section (Section 270), the developer and the DRB, at public hearing, previously warned, will review the concept of the proposed project. The DRB will determine the allowed modifications and the different areas of land required for each use. These will be shown on the approved Subdivision Plat; then

The developer will apply for Conditional Use Approval for the proposed project under procedures defined in Section 260.

(Note: The developer may request an informal concept review of the project, to be held at a public meeting, prior to step 1 above)

270.1 Purpose

The purpose of the Planned Unit Development (PUD), provisions is to encourage clustering of buildings and development of land in a manner that provides the most appropriate use of land, to facilitate the adequate and economic provision of streets and utilities, to preserve the natural and scenic qualities of "Open Space", and to provide for a mixture and variety of housing types and/or commercial uses at different densities. PUD indicates a mixed development. PUDs are allowed in the Town Residential District, the Town R-C (R-C), the Mountain Recreation District and the Industrial District.

270.2 Application Procedure

All applications for PUD Subdivision Plat Approval shall be submitted to the Administrative Officer, along with the appropriate fees and accompanied by:

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- ✓ Two (2) sets of preliminary plats for the PUD shall be submitted and will show:
- ✓ Number of acres within the proposed PUD, location of property lines, existing easements, proposed areas for commercial and/or industrial uses, natural and scenic areas, watercourses, and other major physical features;
- ✓ Names of owners of record of adjacent acreage;
- ✓ Width, grade, and location of existing and proposed roads within the area of the PUD;
- ✓ Location of connection with existing municipal water supply, if applicable;
- ✓ Location of connection with existing municipal sewerage system, if applicable;
- ✓ Statement describing all proposed modifications of the Zoning Regulations requested;
- ✓ Description of the financing and membership of any management organization that will be responsible for the ownership, use, and maintenance for the commonly owned property, or facilities;
- ✓ A plat showing the number of dwelling units, commercial units, and commercial areas that could be permitted if the land were subdivided within the District in strict conformance with the requirements of zoning and subdivision regulations for the district.

270.3 Modifications

In a PUD the DRB may modify the Regulations to allow for the clustering of dwelling units, commercial and industrial units, or any combination thereof, where such clustering is not otherwise permitted within the district and on lots where they do not conform in lot size, lot coverage, setbacks within the PUD, and required open space for the District. In all other respects, buildings shall conform to zoning district standards.

270.4 DRB Review

The DRB shall review the preliminary plat and the requested modifications and determine:

- a. The areas of land required for commercial and industrial buildings and any land required for commercial use;
- b. The land to be dedicated to common land;
- c. The land to be dedicated to common accessory use;
- d. Any land the DRB determines is not suitable for development;
- e. The allowable modifications.
- f. The number of dwelling units allowed.

270.5 Standards for Review

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The following general standards shall be met in order for the Development Review Board to approve the application:

The PUD is consistent with the Municipal Plan.

The allowed uses shall be limited to those permitted and conditional uses within the district in which the PUD is proposed.

The overall density of the project shall not exceed the number of residential, commercial, and industrial units permitted if the land were subdivided into lots in accordance with the District Regulations.

The PUD is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision for preservation of streams and stream banks, steep slopes, wet areas, soils unsuitable for development, forested areas, and unique natural man-made features.

Mixed uses are arranged so as to be compatible and insure visual and aural privacy for residents of the project.

The development plan is proposed over a reasonable period of time in order that adequate municipal facilities and services may be provided.

The commercial and industrial units' acreage shall not be included in the density calculation for the residential part of the project. Density shall be calculated by assuming the footprint of the building is the maximum percent coverage allowed or the minimum lot area, whichever is greater.

The commercial acreage without buildings shall not be included in the density calculation for the residential part of the project.

The common accessory use land shall be a maximum of 20% of the total common land.

The minimum project size shall be 10 acres.

No building shall be built within 50 feet of the overall project property boundary.

270.6 Conditions of Approval

The Development Review Board shall attach conditions to PUD preliminary Subdivision Plat approval, including but not limited to:

The DRB shall establish, as a condition of approval, a procedure for the developer to transfer title of the common land to a management association, homeowners association or a similar entity, that will be responsible for the ownership, use, management, maintenance, and financing of all commonly owned property or facilities; this association or similar legal entity will have clear legal authority to maintain and exercise control over such common areas and facilities and will have the power to compel contributions from its members.

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The DRB may, with the approval of the developer, attach conditions on the manner in which the “Common Open Space” may be used, as defined hereafter.

The DRB shall establish such conditions on the ownership and financing of the commonly held land and facilities so as to ensure the common land is preserved in its intended state.

270.7 Decision

The DRB shall hold noticed public hearings on the PUD preliminary Subdivision Plat Approval application and the requested modifications.

The DRB shall review the preliminary plat and the requested modifications and shall preliminarily grant, modify and grant, or deny the plat and the requested modifications.

After the DRB’s preliminary approval, the developer shall submit for final approval, at a public hearing, a recordable Subdivision Plat (mylar). The approval of this Plat shall be the final approval.

Failure by the Development Review Board to act upon such plat within forty-five days (45) after the final public hearing has been closed shall be deemed approval.

Upon DRB approval, the applicant shall submit the subdivision Plat, a mylar suitable for recording, and any appended material, to the Town Clerk to be recorded in the Ludlow Land Records. Upon filing, which shall represent the final decision of the DRB, the Plat and the appended material shall become a part of the Town of Ludlow Zoning Regulations.

270.8 Appeals

An interested person may appeal the final decision within thirty (30) days from the date of the final decision, to the Environmental Court under 24 V. S. A. 4471.

270.9 Conditional Use Approval

Upon final Subdivision Plat Approval the applicant may submit to the DRB an application for conditional use approval for the PUD under Section 260.

280 – LOCAL ACT 250 REVIEW

Local Act 250 Review of municipal services as set forth under § 4420 of the Act:

1. The Development Review Board is hereby authorized to undertake local Act 250 review of municipal impacts caused by a "development" and/or a "subdivision," as such terms are defined in 10 V.S.A. Chapter 151.

2. With respect to such "developments" and/or "subdivisions," the Development Review Board, pursuant to the procedures established under 24 V.S.A. Chapter 36 (the Municipal Administrative Procedures Act or "MAPA"), shall hear applications for local Act 250 review of municipal impacts at a duly warned public hearing.

ZONING AND FLOOD HAZARD REGULATIONS (AMENDED)

3. All applicants for Act 250 permits for such "developments" and/or "subdivisions" located in the Town of Ludlow shall go through this review process, unless all of the following apply:
- a. The applicant can establish to the satisfaction of the Development Review Board that the applicant relied on a determination by the Natural Resource Board's local district coordinator that Act 250 jurisdiction did not apply to the development or subdivision in question, and based upon that reliance, the applicant obtained local permits without complying with this Section.
 - b. The Natural Resource Board's local district coordinator's jurisdictional ruling was later reconsidered or overturned on appeal, with the result that Act 250 jurisdiction does apply to the development or subdivision in question.
 - c. The Development Review Board waives its jurisdiction under this Section in the interest of fairness to the applicant.
4. Determinations by the Development Review Board regarding whether or not to waive its local Act 250 review jurisdiction shall not be subject to review.
5. In the Development Review Board's local Act 250 review proceedings, the applicant shall demonstrate to the satisfaction of the Board that the proposed development and/or subdivision:
- a. Will not cause an unreasonable burden on the ability of the municipality to provide educational services.
 - b. Will not cause an unreasonable burden on the ability of the municipality to provide municipal or governmental services.
 - c. Is in conformance with the Municipal Plan as adopted in accordance with the Act.
6. A violation of the provisions of this Section shall be subject to enforcement as a violation under Section 240 of this Bylaw.
7. At the request of the Planning Commission, the Development Review Board may provide comments to the Planning Commission on all other Act 250 criteria for any "development" and/or subdivision within the Town of Ludlow undergoing state Act 250 review.

ZONING AND FLOOD HAZARD REGULATIONS (AMENDED)

ARTICLE 3: ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

SECTION 310 - ESTABLISHMENT OF ZONING DISTRICTS

The Town of Ludlow is hereby divided into the following Zoning Districts as shown on the Official Zoning Map:

"Aquifer"	Aquifer Protection District - Watershed Area
"MunCon"	Municipal Conservation District
"Lakes"	Lakes District
"Res"	Town Residential District
"R-C"	Residential/Commercial District
"Vil"	Village District
"MtRec"	Mountain Recreation District
"Ind"	Industrial District

(Note: A government recreation area may exist in any district)

SECTION 320 - ZONING MAP

The location and boundaries of Zoning Districts are established as shown on the attached Official Zoning Map entitled "Zoning Map of Ludlow L01". The Official Zoning Map is hereby made a part of these Regulations, together with all future amendments. No amendment to this ordinance, which involves matter portrayed on the Official Zoning Map, shall become effective until after such change and entry has been made on said map, signed by the legislative body, and attested to by the Clerk of the municipality. No changes of any nature shall be made in the Official Zoning Map, except in conformity with Section 4441 and 4442 of the Act. Regardless of the existence of copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map (which shall be located in the office of the Clerk of the municipality) shall be the final authority as to the current zoning status of land and water areas.

SECTION 330 - INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Map, the following rules shall apply:

Boundaries indicated as approximately following the center lines of roads, streams, transportation and utility rights-of-way, shall be construed to follow such center lines.

Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines.

Boundaries indicated as following shorelines shall be construed as the normal mean water level.

Boundaries indicated as parallel to or extensions of features in 1 through 3 above shall be interpreted by the Administrative Officer, whose decision may be appealed to the DRB for interpretation.

ZONING AND FLOOD HAZARD REGULATIONS (AMENDED)

Where district boundary descriptions are referenced to a tax map, those descriptions will take precedent.

Where circumstances are not covered by 1 through 5 above, the Development Review Board shall interpret the district boundaries.

ZONING AND FLOOD HAZARD REGULATIONS (AMENDED)

ARTICLE 4: ZONING DISTRICT REGULATIONS (PURPOSES AND STANDARDS)

SECTION 410 - Aquifer Protection District

The purpose of the Aquifer Protection District, located in the southwestern corner of Ludlow, is to protect high elevations that have shallow soils and other limitations for development, fragile and limited vegetation, and to provide significant recharge to the ground and surface water supplies of the municipality and region. Specifically, Ludlow’s major aquifer protection area is included in this District. Due to the resources and limitations to development in these areas, no community facilities and services will be provided and only limited compatible land development will be permitted.

Description: Zoning Map is official delineation of District.

Permitted Uses

1. Single-Family Dwelling
2. Home Occupation
3. Accessory Uses or Building
4. Wildlife Refuge
5. Accessory Apartment
6. Group Home
7. Home Child Care
8. Governmental Recreation Area
9. Upgrading

Conditional Uses

1. Two Family Dwelling
2. Outdoor Recreation Use

District Standards

Lot Area Minimum	5 acres per dwelling unit
Lot Frontage Minimum	200 Feet
Building Front Yard Setback	50 Feet
Side Yard Setback Minimum	20 Feet
Rear Yard Setback Minimum	20 Feet
Coverage Maximum	5 %
Building Height Maximum	35 feet or 3 stories, whichever is less
Accessory Building Height Maximum	25 feet
Minimum Setback from any body of water or stream	100 feet

ZONING AND FLOOD HAZARD REGULATIONS (AMENDED)

SECTION 420 - Municipal Conservation District

The Municipal Conservation District in the Town of Ludlow is located in the Pleasant Street Extension area. One section of the land is known as the Sportsman Park, currently used as a Little League field. This is bounded by Pleasant Street Extension on the east, the Black River on the north, and several single-family parcels on the south. This land was deeded to the Village of Ludlow Water Department for a well site to provide water to the Village of Ludlow water users. This land is to remain in its present state. The District also includes the parcel of land currently owned by the Village of Ludlow, which is the site of the Waste Water Treatment Facility.

ZONING AND FLOOD HAZARD REGULATIONS (AMENDED)

SECTION 430 - Lakes District

The specific purpose of the Lakes District is to preserve and enhance high quality waters, to provide for the beneficial use of public waters by the general public, to protect shore lands of waters that are unsuitable for development, to maintain a low density of development, and to maintain high standards of quality for permitted development.

Description: Zoning Map is official delineation of District.

The Lake District shall include all land within the following boundaries:

A line along State Route 100 North, commencing where the southern boundary of the Buswell Property (Parcel 200201) meets the boundary of State Route 100 North and running southerly to the intersection of State Route 100 North and Town Road 4; thence southeasterly as shown on the Zoning Map to a point 500 feet southeasterly of Town Road 4; thence running northerly 500 feet easterly of Town Road 4 to its intersection with Town Road 5; thence running northerly 500 feet easterly of Town Road 5 to its terminus; thence northwesterly to the northwesterly corner of Parcel 010013; thence westerly, southerly, westerly, as shown on the Zoning Map, to the point of beginning, excepting there from the R-C District portion east of Route 100 North in the Tyson area.

<u>Permitted Uses</u>	<u>Conditional Uses</u>
1. Single-Family Dwelling	1. Two Family Dwelling
2. Home Occupation	2. Residence with Professional Office
3. Governmental Recreation Area	
4. Accessory Uses or Building	
5. Accessory Apartment	
6. Group Home	
7. Home Child Care	
8. Upgrading	
District Standards	
Lot Area Minimum	40,000 Sq ft/dwelling unit
Lot Frontage Minimum	100 Feet
Lot Depth Minimum	100 Feet
Waterfront Setback Minimum	50 Feet
Building Front Yard Setback	55 Feet
Side & Rear Yard Setback Minimum	15 Feet each
Coverage Maximum	20 %
Building Height Maximum	35 feet or 3 stories, whichever is less
Accessory Building Height Maximum	15 feet

Waterfront lots may have a one-story boathouse and/or dock for the sole purpose of boat storage and/or normal water facility; one end may extend into the water ten (10) feet beyond the high water mark. Width of the boathouse is not to exceed twelve (12) feet; height not to exceed ten (10) feet above the high water mark.

ZONING AND FLOOD HAZARD REGULATIONS (AMENDED)

SECTION 450 - Town Residential District

The purpose of the Residential District is to provide for residential and other compatible uses at densities appropriate with the physical capability of the land, and the availability of community facilities and services on lands outside the urban-village areas. Planned Unit Developments, open space preservation and other techniques for preserving the rural character of these areas are encouraged.

Description: Zoning Map is official delineation of District.

<u>Permitted Uses</u>	<u>Conditional Uses</u>
1. Single-Family Dwelling	1. Mobile Home Park
2. Accessory Uses or Building	2. Campground
3. Home Occupation	3. Outdoor Recreation Uses
4. Home Child Care	4. Professional Residence-Office
5. Accessory Apartment	5. Two Family Dwelling
6. Group Home	6. Bed and Breakfast
7. Governmental Recreation Area	7. Inn
8. Upgrading	8. Day Care
	9. Animal Hospital, Veterinary Office
	10. PUD
	11. Sand or gravel pit

PUD is allowed in the Town Residential District subject to Conditional Use Review and Site Plan Approval.

District Standards

	Residential Uses	Non-residential Uses
Lot Area Minimum	120,000 Sq ft/dwelling unit	120,000 square feet
Lot Frontage Minimum	100 Feet	100 Feet
Lot Depth Minimum	100 Feet	125 Feet
Building Front Yard Setback	55 Feet	75 Feet
Side & Rear Yard Setback Minimum	15 Feet each	50 Feet Each
Coverage Maximum	10 %	10 %
Building Height Maximum	35 feet or 3 stories, whichever is less	35 feet or 3 stories, whichever is less
Accessory Building Height Maximum	25 feet	25 feet

ZONING AND FLOOD HAZARD REGULATIONS (AMENDED)

SECTION 460 - Town R-C District

The purpose of the Town R-C District is to provide for limited commercial uses in areas where there is residential development to serve primarily the needs of those residents. The character of the area should be protected and enhanced with the provision of shopping facilities.

Description: Zoning Map is the official delineation of District.

The Town R-C District shall include all land within the following boundaries:

Route 103 and Route 100 North and South: as it appears on the Zoning Map, except where the map follows physical features or lot lines, the district is 500 feet on either side of the center line, excluding the area within the Lakes District (from the south boundary of the Buswell property to the intersection of Route 100 North, and Town Road 4.

North of the Village: North of the Village on the easterly side of Route 100 North, from the village line to the northerly boundary of Parcel No. 040162 and including Parcel Nos. 040162, 040231, 32 and 33, 030323, 24, 24.1, 30 and 31.

Route 100 North, Tyson: 500 feet on the east side of Route 100 North, from the Plymouth-Ludlow Town line, to the southerly boundary of the Buswell property (Parcel No. 200201).

Mountain Road: 500 feet on both sides of the road from Pond St. to the base of Okemo, as shown on the Map.

Pleasant St. Extension Area: As it is on the Zoning map.

East Hill: As it is on the Zoning map.

Grahamsville Area: 500 feet northerly of the Rod and Gun Club Road, and bounded westerly, southerly, and easterly, by Route 103 and Route 100 North, excepting the "Tucker Gravel Pit".

The portion of Parcel 070202 which is North of the Black River, containing 35.84 acres identified on a survey entitled "Boundary Survey in Ludlow, Windsor County, Vermont for Okemo Mountain, Inc.", dated November 10, 1998, prepared Bruno Associates, Inc., P.C., identified as Drawing No. 98247\8247-BO, which survey is to be recorded in the Ludlow Land Records.

Permitted Uses

1. Single-Family Dwelling
2. Accessory Uses or Building
3. Home Occupation
4. Home Child Care

Conditional Uses

1. Two Family Dwelling
2. Retail Service (including Car Wash)
3. Retail Store (excluding Adult Bookstore/Adult Entertainment)
4. Personal Service

ZONING AND FLOOD HAZARD REGULATIONS (AMENDED)

- | | |
|---------------------------------|---|
| 5. Accessory Apartment | 5. Professional Service |
| 6. Group Home | 6. Business Office |
| 7. Governmental Recreation Area | 7. Restaurant/Bar |
| 8. Upgrading | 8. Health Care Facility/Nursing Home |
| | 9. Private Club |
| | 10. Day Care Center |
| | 11. Funeral Home |
| | 12. Multiple Family Dwelling |
| | 13. Municipal or Private Parking Area |
| | 14. Professional Residence Office |
| | 15. Inn |
| | 16. Veterinary Office - Animal Hospital |
| | 17. B & B |
| | 18. Motel |
| | 19. Tourist Home |
| | 20. Outdoor and Indoor Recreational Use |
| | 21. Gas Stations on Route 103 (outside Village) |
| | 22. Enclosed Storage |
| | 23. Equipment Storage |
| | 24. Real Estate Office |
| | 25. Financial Institutions |
| | 26. Theaters (excluding Adult Entertainment) |
| | 27. Nursery and Landscaping |
| | 28. Auto Service Station on Route 103 |
| | 29. Sand or gravel pit |
| | 30. PUD |

District Standards

	Residential Uses	Non-residential Uses
Lot Area Minimum		40,000 square feet
One Family Dwelling	40,000 Sq ft	
Two Family Dwelling	40,000 Sq ft	
Multi-Family Dwelling	20,000 Sq ft/dwelling unit, with 60,000 sq. ft. minimum lot area	
Lot Frontage Minimum	100 Feet	100 Feet
Lot Depth Minimum	100 Feet	100 Feet
Building Front Yard Setback	55 Feet	75 Feet
Side & Rear Yard Setback Minimum	15 Feet each	20 Feet Each
Coverage Maximum	25 %	20 %
Building Height Maximum	35 feet or 3 stories, whichever is less	35 feet or 3 stories, whichever is less
Accessory Building Height Maximum	25 feet	25 feet

ZONING AND FLOOD HAZARD REGULATIONS (AMENDED)

SECTION 470 - Mountain Recreation District

The purpose of the Mountain Recreation District is to provide for the orderly growth of the existing ski resort in the Town of Ludlow. Future uses of land within the District are envisioned to be those which are consistent with the direct operation of the ski area facilities, as well as those which complement ski area activities. Clustering of buildings is encouraged in order to maintain open space and protect fragile areas.

Description: The Zoning Map depicts the official delineation of this district which is bounded westerly by Okemo State Park, southerly by Saunder’s Brook, and easterly and northerly by the R-C District along Route 100, Route 103, and Mountain Road.

Permitted Uses

- 1. Single Family Dwelling
- 2. Accessory Use or Building
- 3. Home Child Care
- 4. Accessory Apartment

- 5. Group Home

- 6. Government Recreation Area
- 7. Upgrading

Conditional Uses

- 1. Two Family Dwelling
- 2. Indoor Recreational Uses
- 3. Restaurant/Bar
- 4. Retail Service/Stores associated with recreation, e.g., pro shops
- 5. Outdoor Recreational Uses including golf course
- 6. Home Occupation
- 7. PUD
- 8. Condominium (Condominiums shall be developed as part of a PUD. The Condominium may include a rental office for the purpose of renting condominium units. The Condominium shall comply with District Density Standards for the Residential Dwelling Units.)
- 9. Real Estate Sales Office
- 10. Conference Center

District Standards

	Residential Uses	Non-residential Uses
Lot Area Minimum	40,000 Sq ft/dwelling unit	80,000 Square feet
Lot Frontage Minimum	100 Feet	100 Feet
Lot Depth Minimum	100 Feet	125 Feet
Building Front Yard Setback	55 Feet	75 Feet
Side & Rear Yard Setback Minimum	15 Feet each	50 Feet each
Coverage Maximum	25%	20%
Building Height Maximum	35 feet or 3 stories, whichever is less	
Accessory building Height Maximum	25 feet	

ZONING AND FLOOD HAZARD REGULATIONS (AMENDED)

SECTION 475 – Jackson Gore RECREATIONAL District

The purpose of the Jackson Gore Recreational District is to provide for a resort growth center that encourages innovation of design and layout and more efficient use of land through the clustering of units and buildings. Through the clustering of units and buildings, open lands become available for recreational uses including alpine skiing and golf. The Jackson Gore Recreational District shall provide for 326 residential dwellings units, four season recreation facilities, including a Recreation/Health Center, and other uses and structures which compliment a destination resort and recreation area. The Jackson Gore Recreational District shall include Public Use Lands consisting of 51.16 acres of open undeveloped land.

Description: The Zoning Map is the official delineation of this district. The Jackson Gore Recreational District is bounded on the west and north by the Green Mountain Railroad, the east by Route 103 and the south by the north boundary of Parcels No. 03037 and 03039. All lands formerly within the Jackson Gore PUD of 165.84 acres will now constitute a separate zoning district.

Permitted Uses

1. Single Family Dwelling
2. Accessory Use or Building
3. Upgrading

Conditional Uses

1. Two Family Dwelling
2. Multiple Dwelling Unit Building
3. Indoor Recreational Uses
4. Outdoor Recreational Uses
5. Restaurant/Bar
6. Retail Service/Stores associated with recreation, e.g., pro shops, child care, etc.
7. Real Estate Sales Office
8. Conference Center

District Standards

District Density Ceiling	
Residential Uses	326 Dwelling Units
Non-residential Uses	8 buildings
Building Front Yard Setback Minimum (from property line)	10 Feet
Side & Rear Yard Setback Minimum (from property line)	10 Feet
Building Height Maximum*	45 feet
Coverage Maximum	25 %

*The vertical distance measured from the average elevation of the proposed finished grade around the building to the average height between the eaves and ridges of the roof.

District Density Standards

The Jackson Gore Recreational District shall include 165.84 acres. This district provides for 326 residential dwelling units, 8 non-residential buildings including a Recreation/Health Center.

District lands, with the exception of Public Use Lands, may also be used for commercial recreation including golf and skiing, as well as for parking, roads and

ZONING AND FLOOD HAZARD REGULATIONS (AMENDED)

utilities, and accessory uses and buildings.

Public Use Lands

This district also provides for 51.16 acres of open undeveloped land for the use and benefit of the public with unimproved paths for walking, biking, and cross-country skiing with limited picnic sites.

Accessory use structures as defined in the Regulations, including sewage and water pump stations, and recreational use structures, including outdoor basketball courts and pools, ski lifts and other similar structures shall not be considered a building for the purposes of determining the total number of non-residential buildings within the Jackson Gore recreational District.

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SECTION 480 - Industrial District

The purpose of the Industrial District (Ind) within the Town of Ludlow is to make provisions for uses inappropriate for other commercial or residential districts in a clearly defined area to ensure orderly growth, and encourage the provision of year round employment in the Town of Ludlow. The uses within the District shall be subject to performance standards set forth elsewhere in these Zoning Regulations. Other uses incompatible with Industrial Uses shall not be permitted for health, safety and the welfare of the community.

Description: The Industrial District is located south of the Village of Ludlow on Route 103 and comprises the “Dean R. Brown, Jr. Industrial Park” and the Luzenac properties. The parcels in this District are: On Map Page 23, in Block 8, Parcels 1, 4, 5, and 6, and on Map Page 7, in Block 2, the Parcel 1, that portion of Parcel 2 that is southerly of the Black River (Okemo Rec. Property), Parcels 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 29, 52 and 59, and on Map Page 10, in Block 2, Parcels 12, 13, 14, 15, 16, and 17; additionally, the 53.7 acres, which is Parcel No. 030167 (Map 3, Block 1, Parcel 67), known as the “Tucker Gravel Pit”, is included in this district.

Additional industrial areas may be considered for future development and growth of industrial sites within the Town, and a conditional use may be considered by the Development Review Board whereupon the applicant petitions the Board for an industrial plant or facility location which may be constructed, provided all conditions for the Ind District are met by the applicant.

Permitted Uses

1. Accessory Use or Building
2. Upgrading
3. Recreational Use

Conditional Uses

1. Enclosed manufacturing industries
2. Enclosed warehouse or wholesale use
3. Enclosed service and repair
4. Machinery and transportation equipment, sales, service and repair
5. Enclosed industrial processes and service
6. Freight or trucking terminal
7. Impoundment and storage of inert mineral processing wastes
8. Commercial Parking Operations
9. Mine, quarry, sand or gravel pit
10. Retail uses associated with industrial uses
11. Private power generation and distribution
12. Junkyards (See Section 490.1)
13. Other industrial uses upon finding by the Development Review Board that such use if of the same general character as those permitted, and which will not be detrimental to other uses within the District or to the adjoining land uses.
14. Adult Book Store
15. PUD

ZONING AND FLOOD HAZARD REGULATIONS (AMENDED)

District Standards	
Lot Area Minimum	40,000 Sq ft
Lot Frontage Minimum	100 Feet
Lot Depth Minimum	150 Feet
Building Front Yard Setback	50 Feet
Side & Rear Yard Setback Minimum	50 feet abutting residential districts, 20 feet otherwise
Coverage Maximum	40 %
Building Height Maximum	55 feet

NOTE: Refer to Section of Performance Standards in ARTICLE 5: GENERAL AND SPECIFIC REGULATIONS for other regulations affecting the Industrial District.

480.1 Junkyards

Junkyards are allowed in the Industrial District only, as a Conditional Use, provided they first have the required Certification of Approval from the governing body and a license to operate from the State, all in accordance with Chapter 51, Subchapter 10 of Title 24 of the Act.

ZONING AND FLOOD HAZARD REGULATIONS (AMENDED)

ARTICLE 5: GENERAL REGULATIONS

The provisions of these Regulations shall be subject to such additions, modifications or exceptions as herein provided by the following general Regulations.

SECTION 510 - REQUIREMENTS OF THE ACT

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

510.1 - HOME OCCUPATIONS

No provision of these Regulations shall infringe upon the right of any resident to use as a permitted use a minor portion of the residence or use an accessory structure for an occupation which is customary in residential areas and which does not change the character of the residential area, after request for and receipt of a Zoning Permit for the use, providing all of the following standards are met:

Signs shall comply with these Regulations for signs for Home Occupation.

No traffic shall be generated in a volume that alters the essential character of the neighborhood or substantially impairs the use of the adjacent property;

The Performance Standards set forth in Section 550 of these Regulations must not be exceeded;

Parking shall be provided off-road. Parking will not be allowed in setback areas;

Exterior storage of materials used in the home occupation is not permitted.

There shall be no potential risk to public health from the home occupation such as toxic emissions, on-site disposal of hazardous wastes, or overburdening of existing septic systems;

The home occupation may occupy up to 25% of the dwelling and/or attached accessory structure, but may not occupy a non-attached structure.

Home occupation shall not include servicing or repairing of any type of automobile or truck.

510.2 - REQUIRED FRONTAGE ON, OR ACCESS TO, PUBLIC ROADS OR PUBLIC WATERS

No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right-of-way at least 20 feet in width.

510.3 - SPECIAL PUBLIC USE EXCEPTIONS

The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to

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the extent that regulations do not have the effect of interfering with the intended functional use:

State- or community-owned and operated institutions and facilities.

Public and private schools and other educational institutions certified by the state department of education.

Churches and other places of worship, convents, and parish houses.

Public and private hospitals.

Regional solid waste management facilities certified under 10 V.S.A. chapter 159.

Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

The following standards shall be considered by the DRB in reviewing public uses under Section 260 Conditional Use Review:

Unightly or incompatible land uses, such as substations, parking lots and refuse areas, shall be screened with landscape materials suitable to local environmental conditions and be composed of materials that will screen the structure.

Adequate circulation, parking and loading facilities shall be provided with particular consideration to visibility at intersections, traffic flow and control, pedestrian safety, and access in case of an emergency.

To protect the privacy of adjoining property owners, additional yard space or setbacks of the use from the property line other than what is already required in the district may be required.

The density, size, or height of buildings may be increased or decreased as needed to ensure compatibility with established patterns of land use in the district, and to ensure orderly growth and development in the community.

510.4 - SPECIAL AGRICULTURAL/SILVICULTURAL EXEMPTION FROM REGULATION:

Pursuant to 24 V.S.A. §4413, nothing in these regulations shall restrict excepted agricultural/silvicultural practices including the construction of farm structures, as such practices are defined by the Commissioner of Agriculture, Food, and Markets, or the Commissioner of Forest, Parks, and Recreation.

A person shall notify the Administrative Officer of the intent to build a farm structure, and shall abide by setbacks approved by the Commissioner of Agriculture, Food, and Markets.

No municipal permit for a farm structure shall be required.

SECTION 520 - MISCELLANEOUS REQUIREMENTS

520.1 - ABANDONMENT OF STRUCTURES

Within six months after work on an excavation for a building has begun or within six months after a permanent or temporary building or structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owner.

520.2 - BUILDING COVERAGE, OPEN PORCHES, CARPORTS, AND GARAGES

In determining the percentage of building coverage of a lot or the size of yards, porches or carports open at the sides but roofed, and all principal and accessory buildings, shall be included.

520.3 - DWELLINGS ON LOTS

There shall be only one residential building, an accessory residence and its accessory structures on a lot unless otherwise approved under the Planned Unit Development.

520.4 - GRADING

No grading cut or fill shall be carried out in any district, which leaves the slope of the finished grade in excess of one to two.

520.5 - LANDFILL

In any district, dumping of refuse and waste material for landfill is prohibited, except in an approved sanitary landfill. Loam, rock, stone, gravel, sand, cinders and soil may be used for landfill to grades approved by the Administrative Officer, after approval by the Development Review Board under Site Plan Review.

520.6 - LOTS IN TWO ZONING DISTRICTS

Where a district boundary line divides a lot of record at the time such line is adopted, the Regulations for the less restricted part of such lot shall extend not more than thirty (30) feet into the more restricted part, provided the lot has frontage on a street in the less restricted district.

520.7 - MOBILE HOME STORAGE AND STORAGE TRAILERS

The Administrative Officer may issue a temporary zoning permit for one year from the effective date of the permit for the storage of a mobile home or trailer used for storage purposes. Such mobile homes or storage trailers may not be connected to water or sewer facilities and may not be used as a dwelling for the duration of the permit. These permits may be renewed.

520.8 - REDUCTION OF LOT AREA

No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of these Regulations shall be smaller than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for

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public purpose.

520.9 - REQUIRED AREA OR YARDS

Space required under these Regulations to satisfy area, yard, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.

520.10 - TEMPORARY USES AND STRUCTURES

Temporary permits may be issued by the Administrative Officer for a period not exceeding one year, for nonconforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

520.11 - YARDS ON CORNER LOTS

Any yards adjoining a street shall be considered a front yard for the purposes of these Regulations, and shall meet the minimum front yard requirements.

520.12 - FENCES AND HEDGES

Fences and hedges shall comply with the following standards. No permit is required to install a fence or hedge.

All fences and hedges shall conform to the provision of 24 VSA Section 2817 which states that a person shall not erect or maintain an unnecessary fence or other structure for the purpose of annoying the owners of adjoining property by obstructing their view or depriving them of light and air.

A fence or hedge may be erected on a boundary line if it can be erected and maintained from the property of the person erecting it.

The maximum height of fences and hedges shall 6.5 feet. This restriction does not apply to trees.

520.13 - WIRELESS COMMUNICATIONS FACILITIES

See existing Town of Ludlow ordinance on Communications Facilities.

SECTION 530 - PARKING AND LOADING REQUIREMENTS

530.1 OFF-STREET PARKING SPACE REQUIREMENTS

For every building hereafter erected, extended or changed in use, there shall be provided off-street parking spaces at least as set forth below. A required driveway shall be at least twenty (20) feet clear in width, except for one and two-family uses.

Residential uses: single-family, two-family and multifamily dwelling units: two parking spaces for each unit. Professional residence-office: one parking space, plus one additional parking space for every three hundred (300) square feet of office space.

Hotel, Motel, Tourist Home, Boarding House: one space per bedroom.

Dormitory, Nursing Home, Hospital: one space for every two beds.

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Places of Public Assembly: Every structure used as a theater, amusement facility, auditorium, community center, club, stadium, library, museum, church, lodge hall, or other place of public or private assembly, which provides facilities for seating people: one parking space for every five seats. Where there are not seats provided, one parking space shall be provided for every two hundred (200) square feet of floor area.

Business, Professional and Medical Offices: one space for every two hundred (200) square feet of office space.

Commercial, Business and Unspecified Uses: one parking space for every motor vehicle used in the business, plus one parking space for every two hundred (200) square feet of floor area used for retail, service, or other customer-related purposes.

Restaurant, Eating and Drinking Establishments: one parking space for every one hundred and fifty (150) square feet of seating area.

Industrial, Wholesale, Warehouse, Storage, Freight and Trucking uses: one parking space for every motor vehicle used in the business; one parking space for every two employees.

Recreation: As required by the Development Review Board.

530.2 OFF-STREET LOADING SPACE REQUIREMENTS

For every building hereafter erected, altered, extended or changed in use for the purpose of business, trade, or industry there shall be provided paved or gravel off-street space for loading and unloading of vehicles as set forth below:

Hotels, Motels, Hospitals, Commercial, Business, Service and Industrial Establishments: one off-street loading space for every ten thousand (10,000) square feet of floor area.

Wholesale, Warehouse, Freight and Trucking Uses: one off-street loading space for every seven thousand five hundred (7,500) square feet of floor area.

530.3 ADDITIONAL PARKING SPACE REQUIREMENTS

The Development Review Board may require additional off-street parking and loading spaces for any use, if they find that minimum spaces are not sufficient.

With the approval of the Development Review Board, parking spaces may be provided by the applicant on other property, provided such land lies within three hundred (300) feet of an entrance to the principal building.

Parking spaces for any number of separate uses may be combined in one parking lot, but the required space assigned to one use may not be assigned to another at the same time, except upon approval of the Development Review Board.

When a change of use is requested where parking and/or loading spaces were assigned

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to the prior use, the Development Review Board will consider the previous use in requiring parking spaces and consider, within reason, credit for that which was previously allowed. The Development Review Board should consider needs of parking and feasibility of parking being provided on the property, near the property, municipal parking lots or on the street. Traffic generated should also be considered. If change of use is from a business to same or like business, then no new parking need be provided. Shared parking spaces shall require a written agreement between parties concerned.

The Development Review Board may, where appropriate, require that one (1) or more parking spaces be designated as “Handicapped Parking.” Such spaces shall be a minimum of ninety-six (96) inches wide by two hundred forty (240) inches long, and will have an adjacent access aisle of at least sixty (60) inches. This access aisle may be shared with another “Handicapped Parking” space immediately adjacent.

SECTION 540 – SIGNS

540.1 Purpose

The purpose of this section is to promote and protect the public health, safety and welfare by regulating existing and proposed signs in the Town of Ludlow.

It is further intended hereby to control and reduce the proliferation of signs in order to protect the economic and scenic value of the municipality and in order to prevent hazards to users of the roads in the municipality.

540.2 Regulations and Restrictions

Off-Premise Signs: No person may erect or maintain an off-premise sign except as provided in 10 VSA, Chapter 21.

On-Premise Signs: On-premise signs constructed in accordance with this section shall be considered accessory structures. No on-premise signs shall be permitted except as hereinafter provided.

In the Town R-40 Districts

One home occupation sign not exceeding six (6) square feet.

One sign for any non-residential use permitted in these districts, not exceeding fifteen (15) square feet.

Temporary real estate signs not exceeding six (6) square feet and temporary construction signs not exceeding twenty-five (25) square feet.

Directional signs such as “Entrance” or “Exit” not exceeding two (2) square feet.

Temporary signs for such irregularly scheduled public events as auctions, suppers, and meetings shall be promptly removed when the purpose or activity has concluded.

In the Town R-C Districts

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All signs as permitted under Number 1 above.

One additional sign for a non-residential use not exceeding fifteen (15) square feet.

The original sign allowance of fifteen (15) square feet for a non-residential in Number 1 above may be combined with the additional sign allowance of fifteen (15) square feet under this section for a non-residential use to allow one sign not exceeding thirty (30) square feet in total area.

In the IND Districts

Maximum sign area in the industrial area to be determined by the DRB on an individual basis.

In all Districts

All signs shall be subject to the following restrictions:

- No sign shall be permitted within ten (10) feet of a property line or within the right-of-way of a public road.
- No sign shall hang less than ten (10) feet above a public walkway.
- No sign shall exceed twenty-five (25) feet in height in the R-C Districts or ten (10) feet in other Districts, if free standing or extended above a roof or a parapet if attached to a building.
- No sign shall be permitted which appears to direct the movement of traffic or which interferes with, imitates or resembles any official traffic directional or route sign, signal or device.
- No sign shall be permitted which prevents a clear and unobstructed view of official signs and approaching or merging traffic.
- No sign or display shall be flashing, oscillating, revolving, or internally lit.
- No sign shall produce such glare or visual obstacle as to constitute a traffic hazard.
- No sign shall be erected, attached or maintained upon trees, or drawn or painted on rocks or other natural features, or upon utility poles.
- No advertising material may be attached or placed upon any property, including but not limited to cars, fences, walls, and buildings, by anyone other than the owner or tenant of such property or his authorized agent.

The size of signs permitted herein will be considered the square footage of one face of the sign, and shall include the area of other signs attached beneath the main device. If one sign is requested for a group of uses, it shall be considered one of the signs permitted for each of those uses, and shall not exceed fifty (50) square feet in size in the R-C and IND Districts and fifteen (15) square feet in size in the Res District.

All signs must be the subject of a valid permit issued by the Administrative Officer.

SECTION 550 - Performance standards

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550.1 Noise

The sound pressure level is not to exceed the following decibel levels at the property line:

General External Exposures – dB (A) (Decibels in a scale perceptible to the human ear)

Unacceptable:

Exceeds 80 dB (A) 60 minutes per 24 hours

Exceeds 75 dB (A) 8 hours per 24 hours

Discretionary, Normally Unacceptable:

Exceeds 65 dB (A) 8 hours per 25 hours

Loud repetitive sounds on site

Discretionary, Normally Acceptable:

Does not exceed 65 dB (A) more than 8 hours per 24 hours.

Land Use Category:

Tracts of land in which serenity and quiet are of extraordinary significance and serve an important public need, and where the preservation of those qualities is essential for the area to continue to serve its intended purpose. Such areas could include amphitheatres, particular parks, or portions of parks, or open spaces which are dedicated to, or recognized for, activities requiring special qualities of serenity and quiet. Decibel Level – 60 dB(A)

Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, picnic areas, recreation areas, playgrounds, active sports areas, and parks. Decibel Level – 70dB (A).

Developed lands, properties or activities not included in categories A and B above (See General External Exposure Levels).

550.2 Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution

No emission shall be permitted which can cause damage to health, animals, vegetation, or other forms of property that can cause any excessive soiling, at any point on the property of others.

550.3 Vibration

No activity shall be permitted which shall cause or result in any noticeable, clearly apparent vibration of or on the property of another landowner under normal conditions.

550.4 Glare, Lights, Reflection

No glare, lights or reflection shall be permitted which could impair the vision of a driver of any motor vehicle, or which are detrimental to public health, safety and welfare.

550.5 Fire, Explosive or Safety Hazard

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No fire, explosive or safety hazard shall be permitted which significantly endangers other property owners, or which results in a significantly increased burden on municipal facilities.

550.6 Storage of Flammable Liquids

Refer to the Vermont Department of Labor and Industry and uphold their present B.O.C.A. Regulations, or any new regulations when and as may be adopted referring to storage of flammable liquids such as liquid propane gas, fuel oil, gasoline, etc. All State regulations must be found to have been met as part of permit review procedure.

550.7 Electrical Interference or Heat

No excessive electrical interference or heat that is detectable at the boundaries of the property shall be generated.

550.8 L.P. Gas (Liquid Propane Gas)

Sales and storage of liquid propane fuel shall be subject to the Vermont Department of Labor and Industry's standards and regulations and shall be restricted to areas where the safety, health, and welfare of the public will not be compromised.

SECTION 560 - CAMPING TRAILERS

560.1 Applications

It shall be unlawful for any person to park a camping trailer, travel trailer, pickup coach, or motor home on any public or private property, except in accordance with these regulations as follows:

In an approved campground.

In an approved camping trailer sales lot.

The owner of a trailer may park it on his own property, in the rear or side yards, providing that the trailer is parked behind the front face of the principal building (exception may be made by the Administrative Officer when terrain or permanent obstructions or lack of property makes this impossible) and no closer than six (6) feet to any lot line. This provision does not allow for commercial storage of camping trailers, travel trailers, pickup coaches, or motor homes.

A property owner or guest may use a camping trailer or RV as temporary living quarters for a period not to exceed 45 days of a calendar year, provided it meets all building and yard setback minimums. Exception to the 45 days may be made by the Administrative Officer if the owner is using the trailer or RV for living quarters for a reasonable period of time while building his residence, provided that it has a self-contained septic system, or is properly hooked to the waste-water system on the lot, and the Health Officer approves the temporary hookup.

560.2 Campground Permits

No person or persons shall construct or operate a campground without first obtaining a Conditional Use Permit, under section 260, from the Development Review Board.

Application for a campground site plan approval shall be made to the Development

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Review Board. The application shall be accompanied with a site plan and drawings prepared by a professional engineer, showing the property lines and area of the park, a contour map, a layout of the roads, walkways, trailer lots, parking areas, garbage collection stations, electrical distribution, water lines, sanitary sewer facilities and storm sewer drainage facilities.

560.3 Campground Standards

The following regulations shall apply in respect to all campgrounds:

A campground shall have an area of not less than three (3) acres.

Campgrounds shall provide for individual trailers, access driveways and parking.

Each trailer site shall be at least 2,500 square feet in area, and have a compacted gravel pad at least twenty feet in width.

There shall be an undeveloped area of not less than 100 feet in depth between all camping trailer and tent sites and the traveled portion of any adjacent highway, and any other boundary of the campground shall be landscaped with existing or newly planted trees or other plant materials. The DRB may reduce or waive the requirement of this subsection when after hearing it has found and determined that:

- Such a reduction or waiver will make it possible to preserve an attractive view from the site.
- Granting of the reduction or waiver will be in the public interest.
- Each lot shall be located in a dry and well-drained area.

SECTION 570 - MOBILE HOME PARKS

All mobile home parks are subject to the State Regulations for mobile home parks. An application to the municipality for a mobile home park shall be made under the Planned Unit Development procedures set forth under the section describing process for Planned Unit Development. The following standards must be met before a mobile home park is approved:

A minimum of 8,000 square feet of lot area shall be provided for each mobile home, including at least 5,000 square feet for each mobile home site, plus at least 3,000 square feet for each mobile home in common open space, exclusive of roads. Such common space shall be accessible to all residents of the mobile home park, and shall have a minimum dimension of thirty (30) feet.

Site Planning improvements shall provide for:

- Facilities and amenities appropriate to the needs of the occupants and meeting minimum state requirements;
- Safe, comfortable and sanitary use by the occupants under all weather

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conditions and meeting minimum state requirements;

- Practical and efficient operation and maintenance of all facilities and meeting all state requirements.

Provision shall be made for adequate setting of mobile homes to maximize energy conservation, protect existing vegetation and prevent development in environmentally sensitive areas, such as steep slopes, wet areas, shallow soils and other unique or fragile areas for the health, safety and welfare of the occupants and the entire community.

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ARTICLE 6: FLOOD PLAIN MANAGEMENT ORDINANCE

Authority: to effect the purposes of 10 V.S.A. chapter 32, and in accordance with 24 V.S.A. § 4424, there is hereby established an ordinance for areas of special flood hazard in the Town of Ludlow, Vermont.

These regulations shall apply to all areas in the Town of Ludlow, Vermont identified as areas of special flood hazard, also referred to as Special Flood Hazard Areas (SFHA), in and on the most current flood hazard insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. §753, which are hereby adopted by reference and declared to be part of these regulations.

The Flood Insurance Study and maps are on file in the office of the Zoning Administrator in the Ludlow Town Offices.

610.1 – PURPOSE

It is the purpose of these regulations to:

- a. 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 and other flood related hazards; and
- b. Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and
- c. Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and
- d. Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.
- e. Maintain wise use of agricultural land in flood prone areas; and
- f. Make Ludlow eligible for Federal Flood Insurance at the lowest rates possible.

SECTION 610.2 – DEFINITIONS FOR FLOODPLAIN MANAGEMENT

AREA OF SHALLOW FLOODING: a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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AREA OF SPECIAL FLOOD HAZARD: the land in the flood plain within a community subject to a one percent to greater chance of flooding in any given year. The area may be designated as Zone A or FHBM. After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, or A99.

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

BASE FLOOD ELEVATION (BFE): the height of the base flood, 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.

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

BUILDING: See STRUCTURE

DEVELOPMENT: the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

DEVELOPMENT means, for floodplain management purposes, any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD: means (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the

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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 rover of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

FLOOD HAZARD AREA: the land subject to a one percent or greater chance of flooding 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 hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (GENERIC): means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examinations, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

FLOOD INSURANCE STUFY (FIS): is the official hydraulic & hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FHBM (where applicable) and the water surface elevation of the base flood.

FLOODPLAIN OR FLOOD-PRONE AREA: means any land area susceptible to being inundated by water from any source (see definition of “flood”).

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.

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

FUNCTIONALLY DEPENDENT USE: manes a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term included only docking facilities, port facilities, that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HISTORIC STRUCTURE: means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the

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Interior) or preliminary 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 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.

LEGISLATIVE BODY: means the selectboard in the case of a town, the trustees in the case of an incorporated village, and the mayor, alderpersons, and city council members in the case of a city, and the supervisor in the case of an unorganized town or gore.

LEGISLATIVE BODY: means the selectboard in the case of a town, the trustees in the case of an incorporated village, and the mayor, alderpersons, and city council members in the case of a city, and the supervisor in the case of an unorganized town or gore.

LOWEST FLOOR: the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

MANUFACTURED HOME: a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL: means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. [NAVD for DFIRMs]

NEW CONSTRUCTION: means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after

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the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE: a vehicle which is (i) built on a single chassis, (ii) 400 square feet or less when measured at the largest horizontal projections, (iii) designed to be self propelled or permanently towable by a light duty truck, and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

SPECIAL FLOOD HAZARD AREA: is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, ARIAO, AR/AH, ARIA, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

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

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means: (a) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) A manufactured home ("a manufactured home," also known as a mobile home,

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is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

SUBSTANTIAL DAMAGE: means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure". For the purposes of determining "substantial improvement" value and exceptions in (a) only and for no other purpose, the Zoning Administrator is "the local code enforcement official."

VIOLATION: means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

SECTION 610.3 - DEVELOPMENT PERMIT REQUIRED

A permit is required, to the extent authorized by State law, for all proposed construction or other development, including the placement of manufactured homes, in areas of special flood hazard. Conditional use approval by the DRB is required for:

- New buildings;
- Substantial improvement of existing buildings; and,
- Development in a floodway; prior to being permitted by the Zoning Administrator. All development and subdivisions shall be reviewed to assure that such proposals minimize potential flood damage, public facilities and utilities such as sewer, gas, electrical, and water systems are constructed so as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

SECTION 610.4 - REVIEW PROCEDURES

Prior to issuing a permit a copy of the application and supporting information shall be submitted by the Zoning Administrator to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section 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.

Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, and River Management Section shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

Applications and Hearings

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All applications for permits for development in the SFHA must be heard as a conditional use by the DRB. Those hearings shall be scheduled, noticed and heard using the same procedures as other conditional uses under these Zoning Regulations.

Submission Requirements - Applications for Flood Hazard Review shall include:

- ✓ Two (2) copies of a map drawn to scale showing:
- ✓ The dimensions of the lot;
- ✓ The location of existing and proposed structures;
- ✓ The elevation of the lowest floor, including basement, either in relation to mean sea level where base flood elevation data in relation to mean sea level is available, or in relation to the elevation determined pursuant to Section 610.5b, or
- ✓ if neither (a) or (b) apply for lack of a determined elevation, in relation to highest adjacent grade of all new or substantially improved structures and notations as to whether or not such structures contain a basement; and
- ✓ The relationship of the above to the stream bank and, based upon the best information available (including Federal Insurance Administration data, if issued), the elevation and limits of the SFHA.
- ✓ If any portion of the proposed development is within a designated Floodway, the application must show that the development standards in 610.6 a. and b. are met.
- ✓ If the proposed development is in the Floodway Fringe Area(s), the application must show that the development standards in 610.6 a. and c. are met.
- ✓ All permits required for the proposed development by municipal law.
- ✓ The applicant shall contact a permit specialist at ANR and request the specialist to complete a permit review for the project. The permit review sheet, which informs the applicant of all governmental agencies from which permit approval for the proposed development is required by federal or state law, shall be filed as a required attachment to the Town permit application.

3. Review Procedure

The Development Review Board shall review the application, comments from the State National Floodplain Insurance Program Coordinator at the Vermont Department of Environmental Conservation, River Management Section, if available, and other pertinent information available to insure compliance with the development standards set forth in 610.6 Development Standards, below.

The DRB shall review the application and assure that all permits required for the proposed development by municipal law have been received by the applicant.

If the DRB approves the proposed project, among other conditions, the DRB shall, in its decision, make the approval contingent on the applicant obtaining all permits required by federal or state agencies, as shown on the project review sheet.

The permit issued by the Zoning Administrator after the DRB approval shall contain, among other conditions, a statement that the validity of the permit is contingent on the

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applicant obtaining all permits required by federal or state agencies, as shown on the project review sheet.

Applicant is required to obtain the legally required permits from the entity indicated on the permit review sheet, or, if it is determined by that agency that a permit is not required, a letter so stating from the agency, and as received provide copies of the permit or letter to the Zoning Administrator for the applicant's file.

SECTION 610.5 – BASE FLOOD ELEVATIONS AND FLOODWAY LIMITS

- A. Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, referred to in Section 610, shall be used to administer and enforce these regulations.
- B. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, the Administrative Officer shall obtain and reasonably utilize base flood elevations and floodway data provided by FEMA or available from State or Federal agencies or other sources, including data developed pursuant to Section 610.6 c. 3 or 4., to administer and enforce these regulations. "Available" base flood elevations and floodway data means existing and readily available from State or Federal agencies or from data previously obtained pursuant to Section 610.6 c. 3 or 4. The reference for this action is to be FEMA 265 "Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base Flood Elevation," dated July 1995.
- C. In special hazard areas with base flood elevations (Zones AE and AI – A30) but without floodways, no encroachments, including fill material or structures, shall be permitted unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification must be supported by technical data that conforms to standard hydraulic engineering principles.

SECTION 610.6 - DEVELOPMENT STANDARDS

a. All Development - All development shall be reasonably safe from flooding and: Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;

Constructed with materials resistant to flood damage;

Constructed by methods and practices that minimize flood damage; and,

Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

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b. Floodway Areas - Development within the regulatory floodway, as determined by Section 610.5, is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a Vermont registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.

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

All development in the regulatory floodway shall meet the standards of Section 610.6c.

c. Floodway Fringe Areas (i.e., special flood hazard areas outside of the floodway)

Residential Development:

A. New construction and existing buildings to be substantially improved that are located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated one foot above the base flood elevation. New construction and existing buildings to be substantially improved that are located in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in the feet on the community's FIRM or at least two feet if no depth number is specified.

B. Manufactured homes to be placed and existing manufactured homes to be substantially improved that are located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement during the occurrence of the base flood. The required elevation and adequate anchoring must be certified in writing by a Vermont registered professional engineer.

If located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist floatation, collapse, and lateral movement. The required elevation and adequate anchoring must be certified in writing by a Vermont registered professional engineer.

C. Residential construction located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

Nonresidential Development:

A. New construction located in Zones A1-30, AE, and AH shall have the lowest floor,

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including basement, elevated one foot above the base flood elevation. New construction located in Zone AO shall have the lowest

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floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in the feet on the community's FIRM or at least two feet if no depth number is specified.

Existing buildings to be substantially improved located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated one foot above the base flood elevation or together with attendant utility and sanitary facilities be designed so that below one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Existing buildings to be substantially improved located in AO zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM or at least two feet if no depth number is specified or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A permit for a building proposed to be flood proofed shall not be issued until a Vermont registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

Nonresidential construction located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

Residential and Nonresidential Development in SFHA where BFE or floodway data is not available.

When base flood elevation data or floodway data are not available in accordance with Section 610 and Section 610.5b., in Special Flood Hazard Areas without Base Flood Elevation Data, new construction or substantial improvements of residential structures and new construction of nonresidential structures shall be elevated, and substantially improved nonresidential development shall be elevated or flood proofed, to elevations adopted / established by the community. If flood proofed as provided in the previous sentence, the flood proofing shall be to the standards of c.2.B. and C. of this Section 610.6. The Administrator Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 6 of this ordinance. The reference for this action is to be FEMA 265 "Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base Flood Elevation", dated July 1995.

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Subdivisions:

New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data.

Subdivisions (including manufactured home parks) shall be designed to assure:

Such proposals minimize flood damage within the flood-prone area;

Public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,

Adequate drainage is provided to reduce exposure to flood hazards.

Enclosed Areas Below the Lowest Floor:

Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking of vehicles, building access, or storage.

New construction and existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Recreational Vehicles: Recreational Vehicles placed on sites with special flood hazard areas shall either:

Be on the site for fewer than 180 consecutive days;

Be fully licensed and ready for highway use; or,

Be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in section B.2.(b).

Accessory Structures: A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the building meets the following requirements:

The structure must only be used for parking or storage,

The structure must have the required openings to allow floodwaters in and out,

The structure must be constructed using flood resistant materials below the Base Flood Elevation,

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The structure must be adequately anchored to resist flotation, collapse, and lateral movement, and all building utility equipment including electrical and heating must be elevated or flood proofed.

Water Supply Systems: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
Sanitary Sewage Systems: New and replacement 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.

On-Site Waste Disposal Systems: On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
Watercourse Carrying Capacity: The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, such facilities shall be located a minimum of one foot above the Base Flood Elevation; Bulk or individual fuel storage tanks. All fuel storage tanks shall be located a minimum of one foot above the Base Flood Elevation and be tied down to prevent flotation. No underground fuel storage tanks are allowed.
All development. Until a regulatory floodway is designated in Zones AI-30 and AE the requirements of Section 610.5c shall be met.

SECTION 610.7 – ADMINISTRATION

Designation of the Zoning Administrator for These Flood Hazard Regulations: The Selectboard of the Town of Ludlow hereby appoints the Zoning Administrator to administer and implement the provisions of these regulations.

Duties and Responsibilities of the Zoning Administrator: The Zoning Administrator is hereby authorized and directed to enforce the provisions of this ordinance. The Zoning Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

- ✓ Duties of the Zoning Administrator. Duties of the Zoning Administrator shall include, but not be limited to:
- ✓ Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- ✓ Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that
- ✓ copies of such permits be provided and maintained on file with the development permit.
- ✓ Notify adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section at least 30 days prior to issuing

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any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

- ✓ Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

Where base flood elevation (BFE) data in relation to mean sea level are available per Section 7 from the Flood Insurance Rate Map (FIRM) or other available data, verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, and verify that actual elevation of the lowest floor is in compliance with Section 610.6. When no elevation data is available as provided in Section 610.5, in AO Zones and A Zones without elevations, verify and record the elevation of the lowest floor of the proposed structure in relation to highest adjacent grade and verify that the elevation of the lowest floor exceeds by one foot the elevation determined pursuant to Section 610.7b.1.J., below.

- ✓ Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been floodproofed, in accordance with Section 610.6, except as provided in Section 610.6 c 3.
- ✓ Review certified plans and specifications for compliance.
- ✓ Where interpretation is needed as to the exact location of boundaries of the areas of special flood (determination of the horizontal limits only, not vertical) the Zoning Administrator shall make the necessary preliminary interpretation. The person contesting the location of the boundary may appeal the interpretation to the DRB.
- ✓ When base flood elevation data or floodway data have not been provided in accordance with Section 610, then the Administrative Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data that is available from a federal, state or other source, as provided in Section 610.5, in order to administer the provisions of Section 610.6
- ✓ When an application for a permit for development in a SFHA is received by the Administrative Officer, the Administrative Officer shall submit a copy of the application and supporting information to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. § 4424(2)(D). 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.
- ✓ Provide information, testimony, or other evidence, as needed, during variance request hearings.
- ✓ When damage occurs to a building or buildings, the following actions shall be conducted:
- ✓ Determine whether damaged structures are located within the Special Flood

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- Hazard Area;
- ✓ Conduct damage assessments for those damaged structures located in the SFHA; and,
- ✓ (iii) Make a reasonable attempt to notify owner(s) of damaged structure(s) of the requirement to obtain a building permit / floodplain development permit prior to repair, rehabilitation, or reconstruction.
- ✓

Responsibilities: Record Keeping

The Zoning Administrator shall maintain a record of:

- ✓ All permits issued for development in areas of special flood hazard;
- ✓ The elevation (consistent with the datum of the elevation on the NFIP maps for the community) in relation to mean sea level, or where base flood elevation data is not available, in relation to the highest adjacent grade, of the lowest floor, including basement, of all new or substantially improved buildings;
- ✓ The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been flood proofed;
- ✓ All flood proofing certifications required under this regulation; and
- ✓ All variance actions as specifically required in Section 601.9, including justification for their issuance.

Duties and Responsibilities of the Development Review Board: The Development Review Board shall review the submitted application, maps and plats and approve only those that comply with the following standards set forth in 610.6, above.

SECTION 610.9 - VARIANCE TO THE DEVELOPMENT STANDARDS

Variances shall be granted by the DRB only in accordance with 24 V.S.A. § 4469 and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations.

1. Matters to be considered in Variance Procedures

- ✓ In passing upon such applications, in addition to the requirements of said § 4469, the DRB shall consider all technical evaluations, all relevant factors, standards specified in other sections of these regulations, and:
- ✓ The danger that materials may be swept onto other lands to the injury of others;
- ✓ The danger of life and property due to flooding or erosion damage;
- ✓ The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- ✓ The importance of the services provided by the proposed facility to the community;
- ✓ The necessity to the facility of a waterfront location, where applicable;
- ✓ The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- ✓ The compatibility of the proposed use with existing and anticipated development;

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- ✓ The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- ✓ The safety of access to the property in times of flood for ordinary and emergency vehicles;
- ✓ The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- ✓ The costs of providing governmental services during and after flood
- ✓ conditions, including maintenance and repair of public utilities and
- ✓ facilities such as sewer, gas, electrical, and water systems, and streets and
- ✓ bridges; and,
- ✓ Upon consideration of factors listed above, and the purpose of these regulations, the DRB may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

2. Procedures for Variance Hearings.

In addition to the requirements of 24 VSA § 4469, in considering variances to these flood hazard area regulations, the DRB shall follow the following procedures, which include the procedures for the granting of variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations:

3. No-Impact Certification within the Floodway. Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result. A No-Impact Certification within the Floodway from a Vermont registered professional engineer is required to satisfy this prohibition set forth in 44 CFR, Section 60.6(a)(1).

4. Variances may be issued for new construction and substantial improvement to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures set forth in 610.9 B. (3), (4), (5) and (6) herein.

Variances shall only be issued when there is:

- ✓ A showing of good and sufficient cause;
- ✓ A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- ✓ A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

5. Any applicant to whom a variance is granted shall be given written notice

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over the signature of a community official that:

- a. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and, such construction below the base flood level increases risks to life and property.
- b. A copy of the notice shall be recorded by the Zoning Administrator in the Office of the Town Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

6. The Zoning Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's annual or biennial report submission to the Federal Emergency Management Agency or State NFIP Coordinator upon request.

7. Historic Structures. Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

8. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- a. The criteria of paragraphs 610.9 B (1) through (4) of this section, above, are met; and
- b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

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SECTION 610.10 - DISCLAIMER OF LIABILITY

These Regulation do not imply that areas outside the flood hazard area or land uses permitted within such districts will be free from flooding or flood damages. These Regulations shall not create liability on the part of the Town of Ludlow or any town official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 610.11 – VALIDITY AND SEVERABILITY

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

SECTION 610.12 – PRECEDENCE OF ORDINANCE

The provisions of these regulations shall not in any way impair or remove the necessity of compliance with any other applicable ordinances. Where these regulations impose a greater restriction, the provisions of these regulations shall take precedence.

SECTION 610.13 – ENFORCEMENT AND PENALTIES

It shall be the duty of the Zoning Administrator to enforce the provisions of these regulations. Whenever any development occurs contrary to these flood hazard area regulations, the Zoning Administrator, in his/her discretion, shall institute appropriate action in accordance with the provisions of 24 V.S.A. §1974a or pursuant to 24 V.S.A. § 4451 or 24 V.S.A. § 4452 to correct the violation. No action may be brought unless the alleged offender has had at least a seven-day warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period and within the next succeeding twelve months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

If the structure is still noncompliant after the opportunity to cure has passed, the Administrator Officer shall submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The declaration shall consist of: (a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance, (c) a clear statement that the public body making the declaration has authority to do so and a citation to that authority, (d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE 7: DEFINITIONS

Except where specifically defined herein, all words used in these Regulations shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural; the word “lot” includes “plot;” the word “building” includes “structure;” the word “shall” is mandatory; “occupied” or “used” shall be considered as though followed by “or intended, arranged, or designed to be used or occupied;” “person” includes individual,

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partnership, association, corporation, company, or organization. Any doubt as to the precise meaning of any word used in these Regulations shall be clarified by the Development Review Board.

ACCESSORY DWELLING UNIT:

(A) In accordance with the Act [4412(E)] a unit that is located within or appurtenant to a single-family dwelling. An accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

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

ACCESSORY USE OR BUILDING: A use or building customarily incidental and subordinate to the principal use or building and located on the same lot, but not including home occupations.

ACT, The: Refers to the “Vermont Municipal and Regional Planning and Development Act”.

ADULT BOOKSTORES/ENTERTAINMENT: An establishment that, as its primary business, imports, sells, lends, circulates, distributes, or exhibits a book, magazine, print, picture, movie, or videotape which contains sexually explicit materials either by print, pictures, figures, or description. This will include an establishment which gives or presents a show or entertainment containing sexually explicit activities.

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

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

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

AGRICULTURAL USE: Accepted agricultural or farming practices, or accepted silvicultural practices, including the construction of farm structures, as such practices are defined by the Commissioner of Agricultural, Food and Markets, or the Commissioner of Forests, Parks, and Recreation, respectively.

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ALTERATION: Structural changes, rearrangement, change of location or addition to a building, other than repairs or modifications in building equipment.

ANIMAL HOSPITAL: A building used by members of the veterinary medical profession for the diagnosis and treatment of animal ailments.

AREA OF SHALLOW FLOODING: A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A or the FHBM. After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, or A99.

AUTO SERVICE STATION: An establishment at which motor vehicles are serviced, which may or may not include fuel sales.

Base Flood: Is the flood having a 1 percent chance of being equaled or exceeded in any given year.

Base Flood Depth (BFD): The depth shown on the Flood Insurance Rate Map (FIRM) for Zone AO that indicates the depth of water above highest adjacent grade resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year.

Base Flood Elevation (BFE): The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year.

Basement: Any area of a building which has its floor sub-grade (below ground level) on all sides.

BED AND BREAKFAST: An owner occupied home, in which the owner rents guest rooms and serves breakfast only to those guests as part of the room rent.

BEDROOM: Any space in the conditioned (heated) area of a dwelling unit which is primarily used for sleeping which is seventy square feet or greater in size and has an exterior wall, shall be counted as a bedroom.

BOARDING HOUSE/ROOMING HOUSE: Buildings in which rooms are rented, with some or all meals provided, to three (3) or more persons. A boarding house shall have no more than eight (8) sleeping rooms for rent. See Lodging House.

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BUILDING: A walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, including a building in the course of construction, alteration, or repair, and a manufactured (mobile) home on a foundation; also a building that is located in a participating community and has not been declared by a state or local government to be in violation of its floodplain management requirements.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade to the highest point of the roof on flat or mansard roofs, and the mean height between eaves and ridges of other roofs.

BUILDING FRONT YARD SET BACK: The distance from a structure to the centerline of a public right-of-way (see each district for requirements).

BUSINESS OFFICE: An office from which a commercial or industrial enterprise is operated. (also see OFFICE)

BYLAWS: means municipal regulations applicable to land development adopted under the authority of chapter 117.

CAMPER TRAILER: Includes any vehicle used as sleeping or camping or living quarters, mounted on wheels or a camper body usually mounted on a truck, and any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, boats or as an office.

CAMPGROUND: Land on which are located one or more cabins, trailers, shelters, houseboats or other accommodations suitable for seasonal or temporary living purposes.

CAR WASH: A retail establishment for self-service or attendant operated washing of motor vehicles and travel trailers.

CLINIC: An office building used by members of the medical or dental profession for the diagnosis and outpatient treatment of human ailments.

COMMERICAL ACREAGE: Non-residential land used for revenue generating enterprises.

COMMON ACCESSORY USE LAND: A parcel or parcels of land or an area of water, or a combination of both, within the Common Land of a development site, designed and intended for the use and enjoyment of the owners, occupants, and guests of PUD. Such land shall include all accessory buildings, access roads, utility easements, parking areas, sidewalks, swimming pools, playgrounds, tennis courts, club houses, and other recreational facilities.

COMMON LAND: Land owned and for the use and enjoyment of the association of a planned development.

COMMON OPEN SPACE: Land not encumbered by any substantial structure which is (as of the date development began) in its natural state. The land may be developed for trails for walking, riding, and jogging and picnic areas. The developer may allow the common open space to be used by the public at large by a grant of easement to the Town, if accepted by the Town.

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COMMUNITY CENTER: Includes public or private meeting hall, place of assembly, museum, library, or church, not operated primarily for profit.

Conditional uses: These uses may be allowed only by approval of the Development Review Board.

CONDOMINIUM: Single or multi-unit dwelling or dwellings, including detached, semi-detached, or multistory structures, or any combination thereof, each of whose residents (unit owners) enjoys exclusive ownership of his individual apartment or unit while retaining an undivided interest, as a tenant in common in the common, facilities and areas of the condominium property.

CONDOMINIUM ASSOCIATION: The community association which administers and maintains the common property, and the elements, of a condominium.

CONFERENCE CENTER: A building or set of buildings used for the purposes of group meetings, seminars, professional workshops, and related business or organizational gatherings, of large numbers of persons.

CONFORMANCE WITH PLAN: Means a proposed implementation tool, including a bylaw or bylaw amendment that is in accord with the municipal plan in effect at the time of adoption, when the bylaw or bylaw amendment includes all the following:

- (A) Makes progress toward attaining, or at least does not interfere with, the goals and policies contained in the municipal plan.
- (B) Provides for proposed future land uses, densities, and intensities of development contained in the municipal plan.
- (C) Carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan.

CONVALESCENT HOME: See HEALTH CARE FACILITY

COVERAGE: That percentage of the lot area covered by the footprint of the building area.

DAY CARE: Means care in lieu of parental care given for part of the twenty-four (24) hour day to children under six (6) years of age away from their homes, but does not include child care furnished in places of worship during religious services.

DAY CARE CENTER: Means any premises operated for profit in which child day care is provided simultaneously for seven (7) or more children who are not relatives of the operator.

DELICATESSAN: A retail establishment where food is prepared and sold for consumption off site.

DENSITY: The number of dwelling units allowed per lot.

DEVELOPMENT: See LAND DEVELOPMENT

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DOCK: Structure providing moorings for boats.

DRIVE-IN/DRIVE-THROUGH USE: An establishment which by design, physical facilities, service (such as bank), or by packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicle.

DWELLING UNIT: One or more rooms designed as a separate living quarters with cooking, sleeping, and sanitary facilities provided within the dwelling unit. The term “dwelling unit” shall not include the rooms in a structure that is designed for transient use. Each dwelling unit shall constitute a separate unit for purposes calculating the Lot Area Minimum required in the zoning district.

DWELLING, SINGLE-FAMILY: means a detached building consisting of one dwelling unit.

DWELLING, TWO-FAMILY: is a detached building consisting of two dwelling units.

DWELLING, MULTIPLE-FAMILY: A detached building containing three or more dwelling units.

DWELLING, SEASONAL: A residential building used for casual and intermittent occupancy such as, but not limited to, a second home, vacation home, summer cottage, cabin, mobile home, or similar dwelling. A seasonal dwelling shall not be the principal place of residence of the occupant.

FARM STRUCTURE: A building for housing livestock, raising horticultural/agronomic plants, or for carrying out other practices associated with agriculture or farming practices, including a silo, but excluding a dwelling for human habitation.

Federal Emergency Management Agency (FEMA): The federal agency under which the National Flood Insurance Program (NFIP) is administered.

Federal Insurance Administration (FIA): The federal entity within FEMA that directly administers the National Flood Insurance Program (NFIP).

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from:

Overflow of inland or tidal waters.

The unusual and rapid accumulation or runoff of surface waters from any source.

Mudslides (i.e., mudflows) which are proximately caused by flood, as defined above, and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

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 the cyclical levels which results in flood, as defined above.

FLOOD HAZARD AREA: (See section 4424) means the land subject to flooding from the base flood.

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FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain: Any land area susceptible to being inundated by floodwaters from any source.

Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

FLOOD PROOFING: means any combination of structural and nonstructural additions, changes, or adjustments to properties and structures that substantially reduce or eliminate flood damage to any combination of real estate, improved real property, water or sanitary facilities, structures, and the contents of structures.

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

FLOOR AREA: Sum of the gross horizontal area of the floors of a building, excluding basement floor areas. All dimensions shall be measured between interior faces of walls.

FLUSH MOUNTED SIGN: A sign attached to and mounted parallel to the face of a building or structure, where architectural features, such as covered entryways or other building elements except where otherwise prohibited, are clearly designed to accommodate a sign mounted parallel to the building face.

FREE STANDING SIGN: means a sign supported by one (1), or more, poles, columns, or supports placed in or on the ground and not attached to any building or structure.

FRAGILE AREA: An area of land or water which has unusual or significant features of scientific, ecological, or educational interest. These areas of natural ecosystem are vulnerable and could be destroyed, severely altered, or irreversibly changed by man-made development or pre-development activities.

FRONT YARD: An open space between the buildings and the street, extending the full width of the lot or, in the case of a corner lot, extending along all streets.

FUNERAL HOME: A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

GAS STATION: An establishment at which retail vehicle fuel sales are conducted.

GOVERNMENT RECREATION AREA: A Town Recreation Area that may be financed by

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Town, State or Federal Funds, but not operated as a private enterprise.

GRADE, FINISHED: Completed surfaces of grounds, lawns, walks, paved areas and roads brought to grades as shown on plans related thereto.

GROUP HOMES: A group home is defined as a state licensed residential care home serving not more than 6 persons who are developmentally disabled or handicapped. In accordance with the Act [4412(1)], a group home shall be considered by right to constitute a permitted single family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another group home.

HAZARD AREA: means land subject to landslides, soil erosion, earthquakes, water supply contamination, or other natural or human-made hazards as identified within a “local mitigation plan” in conformance with and approved pursuant to the provisions of 44 C.F.R. sections 201.6.

HEALTH CARE FACILITY: Includes sanatorium, clinic, rest home, nursing home, convalescent home, home for the aged, and other places for the diagnosis and treatment of human ailments, except professional office.

HOME CHILD CARE: (A) In accordance with the Act [§4412(5)], a state registered or licensed child care home serving six or fewer children on a full time basis and up to four additional children on a part time basis, which is conducted within a single family dwelling by a resident of that dwelling, shall be considered a permitted use of the single family residence. No zoning permit is required for home child care providing it meets the requirements of this section.

HOME OCCUPATION: [4412(4)] Any nonresidential use conducted entirely within a primary residential dwelling or outbuilding and carried on wholly by members of the family living on the premises, with the exception of one part-time, non-family member employee.

Indoor Recreational Uses: Those types of uses commonly considered recreational in nature or are related to improving physical fitness, that may occur inside of a building or enclosure including but not limited to swimming and water activities, racket sports, weight training, aerobic training, skating.

INN: A commercial facility for the housing of transients, and which may offer meal service.

INTERESTED PERSON: As defined by §4465 of Title 24, an interested person is one of the following:

A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.

A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person’s interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the

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plan or bylaw of that municipality.

Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

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

JUNKYARD: Land or building used for the collection, storage, and/or sale of waste paper, rags, scrap metal, or discarded material, or for the collection, wrecking, dismantling, storage, salvaging, and/or sale of machinery parts or vehicles not in running condition.

LAND DEVELOPMENT: The division of a parcel into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure; or of any mining, excavation or landfill; or any change in the use of any building or other structure, or land, or extension of use of land. Note: See “Structure.”

LANDFILL SITE: is land used for disposal by abandonment, dumping, burial, or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

LEGISLATIVE BODY: means the Board of Selectmen of the Town of Ludlow in the case of a town, the trustees in the case of an incorporated village.

LIBRARY: See COMMUNITY CENTER.

LIGHT INDUSTRY: The assembly, manufacture, processing, packaging, or other industrial operations conducted in such a manner that all resulting cinders, dust, electrical interference, fumes, gas, odors, smoke, and vapor are effectively confined to the premises, or disposed of so as to avoid any air pollution, and conducted in such a manner that the noise level at the property line will not exceed eighty (70) decibels, and objectionable flashing lights and vibrations will not occur.

LOADING SPACE: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking space.

LOCK-OUT ROOM: A bedroom with a bath and its own separate entrance, and which can be locked-off from a dwelling unit and separately rented. Each dwelling unit may contain no more than one lock-out room.

LODGING HOUSE: Is a building in which the rooms are rented, without meals, to three (3) or more persons. A lodging house shall have no more than eight (8) sleeping rooms for rent. See Boarding House/Rooming House

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

LOT DEPTH: The mean horizontal distance from the street line of the lot, to its opposite rear line, measured at the right angles to the street line.

LOT FRONTAGE: Distance measured along the width of a lot at the street line.

LOT LINE: The established division line between lots, or between a lot and the street right-of-way.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 610.

MANUFACTURING: Any process whereby the nature, size, or shapes of articles or raw materials are changed or articles are assembled and/or packaged. Processing of produce where it is raised shall not be considered manufacturing.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. 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, recreational vehicles and other similar vehicles.

MEAN SEA LEVEL: Means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

MOBILE HOME: A prefabricated dwelling unit which:

- (1) is designed for long term and continuous residential occupancy;
- (2) is designed to be moved on wheels, as a whole or in sections;
- (3) upon arrival at the site, is complete and ready for occupancy, except for incidental unpacking, assembly, connections with utilities, and placing on supports; or
- (4) contains the same water supply and waste water disposal as immovable housing.

MOBILE HOME PARK: A parcel of land under single or common ownership or control, which contains, or is designed, laid out, or adapted to accommodate three (3) or more mobile homes.

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MOTEL: A building containing rooms that are rented as a series of sleeping units for vehicle transients, each sleeping unit consisting of at least a bedroom and bathroom.

Multiple Dwelling Unit Building: A structure containing two or more residential dwelling units, including detached, semi-detached, or multistory structures, or any combination thereof. Unit ownership within a Multiple Dwelling Unit Building may be either whole ownership, fractional ownership or any other form of common interest ownership. Some or all of a unit in a Multiple Dwelling Unit Building may be rented to transients.

MUSEUM: See COMMUNITY CENTER.

NEW CONSTRUCTION: Means construction of structures or filling commenced on or after the effective date of the adoption of a community's flood hazard bylaws.

Nonconforming lots, or parcels: Means lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

NONCONFORMING STRUCTURE: Means a structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

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

NORMAL MEAN WATER MARK: Acting under the rule-making authority given in the Vermont Statutes Annotated, the Vermont Water Resources Board shall determine normal mean water marks for those waters of the State for which the State has the role of trustee.

NORMAL WATER FACILITIES: Any docks, wharves, floats, or boat houses.

NURSERY: Shall be any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

NURSING HOME: See HEALTH CARE FACILITY.

OFF PREMISE SIGN: A sign which directs attention to a business, profession, commodity, service, or entertainment that is not carried on, sold, or offered on the same premises.

OFFICE: A room or building designed or used in which a person transacts his business or carries on his stated occupation.

ON PREMISE SIGN: A sign which directs attention to a business, profession, commodity, service, or entertainment carried on, or sold, or offered on the same premises.

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OPEN SPACE: Land which is set aside from development and designated to remain in its natural state, open (woodland, meadowland, wetland, etc.), for agricultural uses, or for active or passive outdoor recreation uses.

PARKING AREA: Is defined as an off-street area containing one or more parking spaces, with passageways and driveways appurtenant to. In general, there shall be an average of at least 350 square feet of parking area per parking space to insure adequate aisle widths.

PARKING SPACE: Off-street space used for the temporary location of one (1) registered motor vehicle, which is at least nine (9) feet wide and twenty-two (22) feet long, not including an access driveway, and having direct access to a street or approved right-of-way.

PERSONAL SERVICES: Includes barber, hairdresser, beauty parlor, shoe repair, shoe shine, laundry, laundromat, dry cleaner, photographic studio, and businesses providing similar services of a personal nature.

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

PLAZA: A building or development, which sits back from the street on which it fronts, so that signs on the individual business establishments are not readily visible to persons passing by in their motor vehicles, and which is designed to contain and contains three (3) or more business establishments, each business being under separate and unaffiliated ownership.

POSTER: A temporary, on premise or off premise, sign; printed, lettered, or drawn on non-permanent cardboard or paper, advertising a specific event or occurrence at a particular time and place.

PREMISE: The lot, building, or set of related buildings comprising the location of one or more businesses or other ventures.

PRINCIPLE USE: The primary purpose or function that a lot serves or is intended to serve.

PRIVATE CLUB: A club restricted to members and their guests.

PROFESSIONAL RESIDENCE-OFFICE: Primary residence in which the occupant has a professional office, including, but not limited to, that of an architect, accountant, dentist, doctor of medicine, land surveyor, real estate or insurance broker, etc., which is clearly secondary to the dwelling use for living purposes, and does not change the residential character thereof.

PROJECTING SIGN: A sign attached to, and projecting away from, the face of a building or structure.

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PUBLIC NOTICE: Means the form of notice prescribed by sections 4444, 4449, or 4464 of this title, as the context requires.

REAL ESTATE OFFICE: A business office engaged in the conduct of real estate sales, rentals, and related management activities.

REAR YARD: An open space between the building and the rear lot line, extending the full width of the lot.

RECREATIONAL USE: For the purposes of these Regulations, this will include all those activities commonly considered to be recreational in nature, and will also include as examples, but not limited to, the following: skiing, golf courses, horseback riding and polo fields, hunting and fishing, picnic areas, playing fields (such as baseball, soccer, etc.), shooting or archery ranges, snowmobile trails, swimming areas, tennis courts, walking and/or nature trails. This will also include buildings which are accessory to the above activities.

RECREATIONAL VEHICLE (RV): A vehicle which is (i) built on a single chassis, (ii) 400 square feet or less when measured at the largest horizontal projections, (iii) designed to be self propelled or permanently tow able by a light duty truck, and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. This definition was added to the NFIP so that a differentiation could be made between Recreational Vehicles and Manufactured Homes.

RESIDENTIAL SIGNS: A sign, not more than one and one half (1 ½) square feet in area, for identification of the residents.

REST HOME: See HEALTH CARE FACILITY.

RESTAURANT: An establishment where food and drink is prepared served and consumed primarily within the principal building.

RETAIL USE: Includes enclosed restaurant, café, shop and store for the sale of retail goods, personal service shop and department store; and shall exclude drive-up service, free-standing retail stand, gasoline service and motor vehicle repair, new and used car sales and service, trailer and mobile home sales and service.

RIGHT OF WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; or Generally the right of one to pass over the property of another.

SANATORIUM: See HEALTH CARE FACILITY.

SAND AND GRAVEL PIT: An area that is used for the extraction of soil, sand, gravel, stone or other materials for transport off the parcel from which it is extracted. These activities usually involve heavy equipment and may cause high levels of noise and dust.

SATELLITE DISH ANTENNA: For the purposes of these Regulations, and in the accordance

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with Title 24, Chapter 117, of the Vermont Statutes Annotated, a satellite dish antenna more than two (2) feet in diameter shall be considered a structure.

SIGN: Any structure, wall display, device, or representation which is designed, or used to advertise, or calls attention or directs 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 from a highway or other right-of-way open to the public. It does not include the flag of any nation or state on a single pole.

SOFFIT SIGN: A sign hung from and within an overhang which is attached to a building or structure, and which covers a walkway serving that building or structure.

STORAGE ENCLOSURE/BUILDING: An area or building for holding or safekeeping in a warehouse or other depository to await the happening of some future event or contingency which will call for the removal of the goods.

STRUCTURE: means an assembly of materials for occupancy or use, including a building, mobile home or trailer, sign, wall, or fence. .

SUBSTANTIAL AMOUNT OF WORK: Completion of twenty-five (25) percent of the permitted project.

SUBSTANTIAL IMPROVEMENT: means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. However, the term does not include either of the following:

- (i) Any project or improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions.
- (ii) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

SWIMMING POOL: A water-filled structure, permanently constructed, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool having a depth of more than thirty-six (36) inches, designed, used and maintained for swimming and bathing.

TECHNICAL DEFICIENCY: Means a defect in a proposed plan or bylaw, or an amendment or repeal thereof, correction of which does not involve substantive change to the proposal, including corrections to grammar, spelling, and punctuation, as well as the numbering of sections.

THEATER: A building or part of a building devoted to showing moving pictures or stage productions on a paid admission basis.

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

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TRANSFER STATION: Land used for the collection and temporary storage of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

VETERINARY CLINIC/OFFICE: See ANIMAL HOSPITAL.

UPGRADING: The privilege of the property owner to improve the utility of his building, if it does not change the overall use or size of said building. Example: relocating doors or windows, or replacing the siding of a building.

WATERFRONT SETBACK: The distance measured from the mean level to the nearest building, excluding normal waterfront facilities.

WETLANDS: Means those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

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

WINDOW SIGN: Any sign affixed to the inside or outside of a window or door, or a sign placed within a building so as to be plainly visible and legible through a window or door. Small signs incorporated into a window display of merchandise, totaling no more than one hundred (100) square inches, shall not be considered a window sign.

WIRELESS COMMUNICATIONS FACILITY: Equipment for the distribution of wireless communications, such as cell phones, which may include towers, antennas, equipment shed(s) or housing(s), and electronic equipment.

YARD: Space on a lot not occupied with a building or structure. Porches and decks, whether enclosed or not enclosed, shall be considered as part of the main building and shall not project into a required yard. Minimum yard dimensions are the minimum perpendicular setback of a structure from a lot line.

Note: Any definition not covered in these Regulations shall be

(1) based on the definition found in the Act, if available, or

(2) if not found in these Regulations nor in the Act, interpreted by the Development Review Board, based on commonly-accepted usage, as required;

Otherwise, these definitions are not to be modified nor altered by the Administrative Officer or Development Review Board.
