

## **Town of Lyndon Notice of Public Hearing**

Notice is hereby given to the residents of the Town of Lyndon that the Lyndon Selectboard will hold a public hearing via Zoom on **Wednesday, April 14th, 2021 at 6:00 pm**. This hearing will be held for public review and comment on the proposed revisions to Lyndon's Zoning Bylaws pursuant to Title 24 VSA, Chapter 117, the statute that regulates planning and zoning. If and when it is adopted, the proposed Bylaws will affect all lands within the Town of Lyndon.

The Town of Lyndon's Bylaws have been revised to provide more flexibility to property owners within the Town's existing Special Flood Hazard Areas and River Corridors, while maintaining full compliance with the regulatory requirements of FEMA's National Flood Insurance Program (NFIP), thus allowing Lyndon property owners to continue obtain flood insurance through this federal program. Additionally, by adopting language pertaining to the regulation of River Corridors found in the Vermont Agency of Natural Resources' (ANR's) 2018 Model Bylaws, these revised bylaws will continue to allow Lyndon to participate in the Vermont Emergency Relief and Assistance Fund (ERAF) at the highest reimbursement rate available.

Specific changes to the Town of Lyndon's Bylaws include the following:

- The revised bylaws will allow the conditional use of fill within those portions of the Special Flood Hazard Areas that are outside the floodway limits, provided that specific development standards are met, and the fill is being proposed in conjunction with the development or redevelopment of a land parcel, or is being proposed contemporaneously with the removal of a building or structure. (Art. 11.4.D.2)
- The revised bylaws will allow for new structures, other than critical facilities, within those portions of the Special Flood Hazard Areas that are outside the floodway limits, provided that such proposed structures meet certain development standards. (Art. 11.4.D.1, Art. 11.5)
- More specifically after the first Selectboard hearing, under the revised bylaws, a permit applicant proposing development within those portions of the Special Flood Hazard Areas that are outside the floodway limits, will be required to demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood water surface elevation within the cross sections in which the property is located, by more than the increase established in "Table 2" ("Floodway Data") of the Flood Insurance Study ("FIS") prepared by the Federal Emergency Management Agency ("FEMA"). The demonstration shall include a copy of the Flood Insurance Rate Map ("FIRM") identifying the upstream and downstream cross sections; the FIS Table 2, identifying the upstream and downstream cross sections and associated established increases. Such demonstration must be supported by technical data that conforms to standard hydrological engineering principles and is certified by a licensed hydrological engineer; or Alternatively, an applicant that cannot so demonstrate will be required to provide compensatory storage for floodwater to offset the impacts of their proposal. (Art. 11.5.A.3.b)

- New development within the River Corridors will also be allowed, if they meet specific development standards, which have been incorporated from ANR's 2018 Model Bylaws. More specifically, new development in the River Corridors will be allowed if the proposed development constitutes "in-fill development" or "shadow area development" as defined by the revised bylaws. (Art. 11.5.C)
- The revised bylaws will simplify the permitting of certain non-substantial improvements to existing structures outside the floodway, but within a Special Flood Hazard Area and/or a River Corridor, by eliminating the need for conditional use review. Proposed decks, patios, additions or accessory structures with footprints of 500 square feet or less will be able to obtain administrative permits from the Town's Administrative Officer, provided that such improvements to existing structures comply with the development standards appropriate for the particular hazard area in which they are located. (Art. 11.4.C.1.a-b)
- The revised bylaws will allow septic and water supply systems outside the floodway to receive administrative permits from the Administrative Officer as opposed to needing conditional use approval. (Art. 11.4.C.1.c) Such systems within the floodway, however, will continue to need conditional use approval, as is presently the case. (Art. 11.4.D.10)
- Proposed at-grade parking for existing structures within the floodway would be allowed through administrative permits, as opposed to requiring conditional use approval by the Development Review Board. (Art. 11.4.C.1.e)
- The placement of a mobile home upon an existing lot within a mobile home park will be allowed through an administrative permit from the Administrative Officer. (Art. 11.4.C.1.g)
- River or floodplain restoration projects that do not involve fill, structures, utilities, or other improvements, will be permitted through an administrative permit upon written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in the Town's bylaw. (Art. 11.4.C.1.f)
- The revised bylaws adopt several new definitions. (Art. XVII) The revised bylaws incorporate definitions for "existing manufactured home park or subdivision," "expansion to an existing manufactured home park or subdivision," and "new manufactured home park or subdivision," as required to comply with FEMA's National Flood Insurance Program. The revised bylaws adopt the definition for "watercourse" used in ANR's Stream Alteration Rule, and the definition for "reach" used by the U.S. Geological Survey. Definitions from ANR's 2018 Model Bylaws have been adopted for the terms "designated center," "equilibrium condition," "infill development," "river," "top of bank," and "top of slope." Additionally, the definition of "critical facilities" has been changed to match that found in ANR's 2018 Model Bylaws.
- Sections of the existing flood hazard regulations that are redundant of other provisions within Lyndon's zoning bylaws have either been eliminated or combined. In particular, the definition section of the current flood hazard regulations has been combined with the definition section applicable to the Town's zoning bylaws generally. (Art. XVII) The sections on variances, statutory authorization, precedence, validity and severability, and

certificates of occupancy, within Article XI have been eliminated, and where appropriate, combined with their generally applicable counterparts found elsewhere in Lyndon's zoning bylaws. (See, e.g., Art. 4.6, Art. 1.1, Art. 14.4).

- The section in the current version of Article XI that lists types of development that are prohibited has been eliminated. Rather than identifying what development is prohibited, the revised bylaws simply identify what development is permitted, and then everything else automatically becomes prohibited. (Art. 13.2.1)
- Inconsistencies between the Summary Table and the text of Article XI have been corrected. (Art. 11.4.A) More specifically, the current Summary Table's approach to water supply and septic systems and recreational vehicles are inconsistent with the actual text of the current bylaws. (Art. 11.4.A.6, 14)
- In addition, some terminology has "Administrator" or "ZA" have been replaced throughout with "Administrative Officer" or "AO" to be consistent with Lyndon's bylaws more generally.
- Finally, corrections have been made to various statutory citations within the bylaws.

**The particular Town of Lyndon's Zoning Bylaw Articles to which revisions have been made include the following:**

Article I: Adoption: Purpose  
Article II: Zoning Districts  
Article III: District Objectives and District Regulations  
Article IV: General Provisions  
Article V: Non-Conforming Uses  
Article XI: Flood Hazard Regulations  
Article XIII: Administration and Enforcement  
Article XIV: Amendments, Interpretation, Effective Date  
Article XVII: Definitions

Copies of the proposed revisions to Lyndon's Zoning Bylaws (**with proposed Selectboard changes in Redline**) will be available NO LATER THAN April 5<sup>th</sup>, 2021 at the Lyndon Town Clerk's office, as well as online at <http://www.lyndonvt.org/>.

**Please use the following Zoom log-in information:**

Join Zoom Meeting

<https://us02web.zoom.us/j/81914359312?pwd=ZTF3Q0pwKzhlWkp4amNuQ0dwYTMwdz09>

Meeting ID: 819 1435 9312

Passcode: 840458

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

Dated in Lyndon, Vermont,  
March 30, 2021.

**Town of Lyndon Selectboard**