

ZONING BYLAWS

EFFECTIVE NOVEMBER 6, 1996 | AS APPROVED BY THE VOTERS ON NOVEMBER 5, 1996

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INCORPORATES CHANGE 2, EFFECTIVE DECEMBER 1, 1997

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Article I ADOPTION & PURPOSE

1.1 Adoption

In accordance with 24 V.S.A. Chapter 117 §§ 4411, §4414, and 4424, 10 V.S.A. Chapter 32, and 24 VSA Chapter 59, the Town of Lyndon, Vermont hereby establishes the following ordinance as its zoning bylaws for the Town of Lyndon and adopts the official zoning map for the Town of Lyndon. Except as additionally described below, all administrative procedures follow municipal procedures under 24 VSA Chapter 117, (hereinafter referred to as "the Act").

1.2 Purpose

It is the purpose of these bylaws to provide for the orderly development of the Town of Lyndon in accordance with and to carry out the Lyndon Town Plan; to regulate the subdivision and uses of land and buildings in the town; to preserve and conserve the natural environment within the Town of Lyndon; to mitigate the burden of property taxes on agricultural, forest and other open lands; to protect residential, agricultural and other areas from undue concentrations of population and buildings and overcrowding of land, from traffic congestion, and from the loss of peace, quiet and privacy that presently characterizes the town; to maintain the historic settlement pattern within the town, and to promote the growth of the town consistent with that traditional settlement pattern; to foster a strong and diverse economy providing satisfying and rewarding job opportunities and to expand economic opportunities within the town while at the same time maintaining high environmental standards; to maintain and enhance the recreational opportunities within the town; to encourage and strengthen agricultural and forest industries and related businesses; to promote the availability of safe, sanitary, decent and affordable housing for all residents of the town; and to manage areas at risk of flood and fluvial erosion damage in the Town of Lyndon.

Article II ZONING DISTRICTS

2.1 Establishment of Zoning Districts

Establishment of Zoning Districts. The Town of Lyndon is divided into the following eight (8) zoning districts and three (3) overlay districts:

2.1.1 Rural Residential
2.1.2 Residential Neighborhood
2.1.3 Village and Main
2.1.4 Park
2.1.5 Industrial
2.1.6 Commercial
2.1.7 Lyndon Corner Industrial
2.1.8 Institutional Control Overlay District
2.1.9 Industrial/Commercial District
2.1.10 Flood Hazard Overlay District
2.1.11 Design Review Overlay District

Article III District Objectives and District Regulations

3.1 Rural Residential

The Rural Residential District contains land that has and should retain a low density of use, and which should be primarily restricted to agricultural, forestry, outdoor recreational and residential use. The Rural Residential District is characterized by the lack of a network of improved roads, municipal services such as water supply and sewage treatment and disposal, and the remoteness of the district from commercial centers.

The following are the permitted and conditional uses that are allowed in the Rural Residential District:

3.1.1 Permitted Uses

- 3.1.1.1 Agriculture*
- 3.1.1.2 Forestry*
- 3.1.1.3 Single-household dwelling (and up to one (1) Accessory Dwelling Unit)
- 3.1.1.4 Two-household dwelling
- 3.1.1.5 Multi-household dwelling (up to four units on Class 1 lots)
- 3.1.1.6 Home occupation
- 3.1.1.7 Recreational camp or Cabin

3.1.2 Conditional Uses

- 3.1.2.1 Multi-household dwelling (5 or more units on a Class 1 lots, and 3 or more units on Class 2 and 3 lots)
- 3.1.2.2 Public building or facility*
- 3.1.2.3 Outdoor recreation
- 3.1.2.4 Light industry
- 3.1.2.5 Planned Unit Development
- 3.1.2.6 Extraction of earth resources
- 3.1.2.7 Bed and Breakfast
- 3.1.2.8 Childcare facility
- 3.1.2.9 Mobile home park
- 3.1.2.10 Campground
- 3.1.2.11 Church*
- 3.1.2.12 School*
- 3.1.2.13 Hospital*
- 3.1.2.14 Emergency Shelter*
- 3.1.2.15 Medical clinic
- 3.1.2.16 Private club
- 3.1.2.17 Cemetery
- 3.1.2.18 Fairgrounds
- 3.1.2.19 Personal Wireless Service Facilities
- 3.1.2.20 Any use substantially, materially, and outwardly similar to those set forth above in Sections 3.1.1 and 3.1.2.

* In accordance with 24 VSA Section 4413

3.2 Residential Neighborhood

The Residential Neighborhood Districts consist of land presently developed primarily for single household dwellings, and the surrounding areas. Future residential development in the Town should be encouraged and can be expected to occur in the residential neighborhoods that presently exist. The maximum residential development in any one neighborhood should not exceed the capacities of sewage disposal and water systems as they exist from time to time, police protection services, fire department services, utilities, and present or planned municipal facilities.

The following are the permitted and conditional uses that are allowed in the Residential Neighborhood Districts:

3.2.1 Permitted Uses

- 3.2.1.1 Single- household dwelling (and up to one (1) Accessory Dwelling Unit)
- 3.2.1.2 Two- household dwelling
- 3.2.1.3 Multi-household dwellings (up to four units on Class 1 lots)
- 3.2.1.4 Home occupation

3.2.2 Conditional Uses

- 3.2.2.1 Multi- household dwelling (5 or more units on Class 1 lots, and 3 or more units on Class 2 and 3 lots)
- 3.2.2.2 Public building or facility*
- 3.2.2.3 Planned Unit Development
- 3.2.2.4 Childcare facility
- 3.2.2.5 Outdoor recreation
- 3.2.2.6 Mobile home park
- 3.2.2.7 Church*
- 3.2.2.8 Personal Wireless Service Facilities
- 3.2.2.9 Agriculture*
- 3.2.2.10 Forestry*
- 3.2.2.11 School*
- 3.2.2.12 Emergency Shelter*

* In accordance with 24 VSA Section 4413

3.3 Village and Main

The Village and Main District is composed of North Main Street and the Village Center. This was the first section of Lyndonville to be developed and contains many buildings of historical, architectural, and social value with a mixture of commercial and residential uses. Future development in this district should follow Smart Growth principles of mixed land use, compact building design, walking and biking connections, design elements that create a sense of place, connection to opens space and natural beauty, and provide a range of housing, shopping, and eating choices.

Commercial, mixed-use buildings in the district must be at least two (2) stories tall, meet the Design Overlay features when within the Design Review Overlay District, provide active ground floor use in mixed-use buildings, and provide usable space on the upper floors of commercial buildings. The Town should continue to seek opportunities to provide incentives to the owners of land and buildings in this District to improve the Village Center and Main Street's appearance and vitality as a great place to live, work, and play.

The following are the permitted and conditional uses that are allowed in the Village and Main District:

3.3.1 Permitted Uses

- 3.3.1.1 Retail store or service
- 3.3.1.2 Single- household dwelling (and up to one (1) Accessory Dwelling Unit)
- 3.3.1.3 Multi-household dwelling (up to 4 units on Class 1 lots)
- 3.3.1.4 Two-household dwelling
- 3.3.1.5 Office
- 3.3.1.6 Restaurant
- 3.3.1.7 Bar/Cocktail lounge/Tavern/Brewery
- 3.3.1.8 Lodging establishment
- 3.3.1.9 Indoor recreation/arts/community facility
- 3.3.1.10 Funeral home
- 3.3.1.11 Home occupation

(Village and Main *Conditional uses*, next page)

3.3.2 Conditional Uses

3.3.2.1 Planned Unit Development

3.3.2.2 Public building or facility*

3.3.2.3 Car wash

3.3.2.4 Fuel distribution/Gas Station

3.3.2.5 Childcare facility

3.3.2.6 Adult care facility

3.3.2.7 Church*

3.3.2.8 Bank/Financial Institution

3.3.2.9 School*

3.3.2.10 Emergency Shelter*

3.3.2.11 Medical clinic

3.3.2.12 Private club

3.3.2.13 Personal Wireless Service Facilities

3.3.2.14 Agriculture*

3.3.2.15 Forestry*

3.3.2.16 Multi-household dwelling (5 or more units on a Class 1 lots, and 3 or more units on Class 2 and 3 lots)

3.3.2.17 Any use substantially, materially, and outwardly similar to those set forth above in Sections 3.3.1 and 3.3.2.

* In accordance with 24 VSA Section 4413

3.4 Park

The Park District is the area surrounding the Village Green and extending southerly on Park Avenue from Maple Street to Center Street. The Park District is of vital historical and architectural importance to the Town of Lyndon and must be counted as one of the major assets of the Town and the Northeast Kingdom. The physical appearance of the Park District should be preserved. The present buildings in the Park District were originally constructed as single-household dwellings, but these buildings have, with the passage of time, become inefficient and expensive to occupy and maintain. Other uses that will enable the owners of property in the Park District to earn income from these buildings, but are compatible with the present appearance of and uses in the Park District, should be allowed so that the Town will not cast an unfair economic burden on the owners of property in the Park District if those owners are going to be obligated to help preserve the Park District's present appearance. When authorizing a use other than a single household dwelling in the Park District, the DRB should give primary consideration to the preservation of the architectural features and the population density of the Park District in its present form. All structures in the Park District shall have not less than two stories of living or other usable space at and above street level.

The following are the permitted and conditional uses that are allowed in the Park District:

3.4.1 Permitted Uses

- 3.4.1.1 Single- household dwelling (and up to one (1) Accessory Dwelling Unit)
- 3.4.1.2 Two- household dwelling
- 3.4.1.3 Home occupation
- 3.4.1.4 Multi-household dwelling (up to 4 units on Class 1 lots)

3.4.2 Conditional Uses

- 3.4.2.1 Office
- 3.4.2.2 Multi-household dwelling (5 or more units on a Class 1 lots, and 3 or more units on Class 2 and 3 lots).
- 3.4.2.3 Bed and breakfast
- 3.4.2.4 Personal Wireless Service Facilities
- 3.4.2.5 Agriculture*
- 3.4.2.6 Forestry*
- 3.4.2.7 Public building or facility*
- 3.4.2.8 School*
- 3.4.2.9 Emergency Shelter*
- 3.4.2.10 Church*
- 3.4.2.11 Any use substantially, materially, and outwardly similar to those set forth above in Sections 3.4.1 and 3.4.2, and that is compatible with the architectural features of the Park District.

* In accordance with 24 VSA Section 4413

3.5 Industrial

The Industrial Districts are designed to provide locations for establishing new industry in the town and permitting the growth of existing industry in the town in areas appropriate to such land use. Land in the Industrial Districts (a) must have good access to transportation facilities, (b) must not interfere with surrounding land uses, (c) must be near readily available utilities, and (d) have feasible access to municipal sewage disposal and water facilities.

The following are the permitted and conditional uses that are allowed in the Industrial District:

3.5.1 Permitted Uses

- 3.5.1.1 Office
- 3.5.1.2 Self-storage facility
- 3.5.1.3 Light industry
- 3.5.1.4 Wholesale storage of non-hazardous materials

3.5.2 Conditional Uses

- 3.5.2.1 Trucking terminal
- 3.5.2.2 Public building or facility*
- 3.5.2.3 Manufacturing & fabricating
- 3.5.2.4 Research or testing laboratories
- 3.5.2.5 Salvage yard
- 3.5.2.6 Lumber yard
- 3.5.2.7 Fuel distribution/Gas Station
- 3.5.2.8 Slaughterhouse
- 3.5.2.9 Asphalt or cement or aggregate plant
- 3.5.2.10 Wholesale storage of hazardous materials
- 3.5.2.11 Hazardous waste management facility*
- 3.5.2.12 Recycling center / Regional solid waste management facility*
- 3.5.2.13 Incinerator
- 3.5.2.14 Motor vehicle repair
- 3.5.2.15 Telecommunications and Teleprocessing facilities
- 3.5.2.16 Extraction of earth resources
- 3.5.2.17 Personal Wireless Service Facilities
- 3.5.2.18 Agriculture*
- 3.5.2.19 Forestry*
- 3.5.2.20 Church*
- 3.5.2.21 School*
- 3.5.2.22 Hospital*
- 3.5.2.23 Emergency Shelter*
- 3.5.2.24 Any use substantially, materially, and outwardly similar to those set forth above in Sections 3.5.1 and 3.5.2.

* In accordance with 24 VSA Section 4413

3.6 Commercial

The Commercial District contains land where commercial development should be located. The Commercial District has access to good roads, sewage disposal and water supplies, utilities, parking, and other facilities necessary to sustain commercial activity. The uses in the District should not interfere with surrounding land uses. Future development in the District should follow Smart Growth principles of mixed land use, compact building design, walking and biking connections, design elements that create a sense of place, connection to open space and natural beauty, and provide a range of housing, shopping, and eating choices. Mixed-use buildings in the district should provide active ground floor use, and provide useable space on the upper floors of commercial buildings for residences, offices, retail, or lodging.

The following uses are the permitted and conditional uses that are allowed in the Commercial District:

3.6.1 Permitted Uses

- 3.6.1.1 Single- household dwelling (and up to one (1) Accessory Dwelling Unit)
- 3.6.1.2 Two-household dwelling
- 3.6.1.3 Restaurant
- 3.6.1.4 Bar/Cocktail lounge/Tavern/Brewery
- 3.6.1.5 Retail store or service
- 3.6.1.6 Office
- 3.6.1.7 Bank/Financial Institution
- 3.6.1.8 Indoor recreation/arts/community facility
- 3.6.1.9 Lodging establishment
- 3.6.1.10 Home Occupation
- 3.6.1.11 Multi-household dwelling (up to 4 units on Class 1 lots)

(Commercial *Conditional uses*, next page)

3.6.2 Conditional Uses

3.6.2.1 Multi- household dwelling (5 or more units on a Class 1 lots, and 3 or more units on Class 2 and 3 lots)

3.6.2.2 Mobile home park

3.6.2.3 Self-storage facility

3.6.2.4 Truck terminal

3.6.2.5 Car wash

3.6.2.6 Wholesale storage of non-hazardous materials

3.6.2.7 Childcare facility

3.6.2.8 Motor vehicle repairs

3.6.2.9 Telecommunications and Teleprocessing facilities

3.6.2.10 Funeral home

3.6.2.11 Fuel distribution/gas station

3.6.2.12 Light industry

3.6.2.13 Lumber yard

3.6.2.14 Medical clinic

3.6.2.15 Private club

3.6.2.16 Extraction of earth resources

3.6.2.17 Personal Wireless Service Facilities

3.6.2.18 Public building or facility*

3.6.2.19 Agriculture*

3.6.2.20 Forestry*

3.6.2.21 School*

3.6.2.22 Hospital*

3.6.2.23 Emergency Shelter*

3.6.2.24 Church*

3.6.2.25 Any use substantially, materially, and outwardly similar to those set forth above in Sections 3.6.1 and 3.6.2.

* In accordance with 24 VSA Section 4413

3.7 Lyndon Corner Industrial

The Lyndon Corner Industrial District is located at the west end of York Street in Lyndon Corner. It is occupied by a successful furniture manufacturing company providing substantial employment. It is bordered on the south and west by rural land, and on the north and east by a residential area. The purpose of the zone is to minimize the adverse effects of a manufacturing facility in a residential and rural area, to protect the capital investment in the property and the employment opportunities it provides to the community, and to control the growth of the industrial use of the property.

The following are the permitted and conditional uses that are allowed in the Lyndon Corner Industrial District:

3.7.1 Permitted Uses

3.7.1.1 There are no permitted uses in this District

3.7.2 Conditional Uses

3.7.2.1 Manufacturing, upon the condition that, in addition to the customary standards provided in Section 4.2, each of the performance standards in Section 4.2.5 shall be specifically considered.

3.7.2.2 Agriculture*

3.7.2.3 Forestry*

3.7.2.4 School*

3.7.2.5 Church*

3.7.2.6 Public building or facility*

* In accordance with 24 VSA Section 4413

3.8 Institutional Control Area Overlay District

The Institutional Control Area is the area identified in the document titled "Class IV Groundwater Area as approved by the Secretary of the Agency of Natural Resources on November 6, 2003 and shown in Attachment B of the August 23, 2003 Finding of Fact and Reclassification Order, Proposed Groundwater Reclassification at the Parker Landfill, Lyndon, Vermont". The Institutional Control Area is generally described as a 250-acre area located on the southeast side of the Lily Pond Road, which includes the 25-acre area known as the Parker Landfill. The 250-acre area includes a zone where 95% confidence-level statistics indicate that groundwater is contaminated above the Vermont Groundwater Enforcement Standards (VGES), and a 200-foot buffer around the upgradient and crossgradient areas of the contamination zone. The downgradient boundary of the reclassification area is the Passumpsic River. Land development in the Institutional Control Area shall be controlled by the Zoning District in which it is located, and by the restrictions set forth in sections 3.8.1 through 3.8.4 below. This overlay district is intended solely to prohibit (a) land development in any Solid Waste Disposal Area, and (b) the use of ground water taken from the Institutional Control Area, pursuant to the recommendations made in the Reclassification Order identified in this Section 3.8.

3.8.1 No land development may take place in any Solid Waste Disposal Area nor in any Industrial Waste Disposal Area shown in Attachment B of the August 23, 2003 Finding of Fact and Reclassification Order, Proposed Groundwater Reclassification at the Parker Landfill, Lyndon, Vermont, which was approved by the Secretary of the Agency of Natural Resources.

3.8.2 No permit shall be issued for any land development within the Institutional Control District unless the permit prohibits the taking of water for any industrial, commercial, household, agricultural or other use from any well, spring, stream, pond or other ground water source within the Institutional Control District.

3.8.3 No person shall take water from any spring, well, stream, pond or other groundwater source located within the Institutional Control District.

3.8.4 The Development Review Board (DRB) may, after notice and hearing, waive the application of the special restrictions imposed in the Institutional Control District if the applicant establishes and the DRB finds that the proposed use of water from a water source located within the Institutional Control District does not pose any threat to the health, safety or welfare of the public or any member of the public.

3.9 Industrial/Commercial District

The Industrial/Commercial District is one suitable for the location of industry and the development of commercial enterprises because this District satisfies the criteria set forth in Sections 3.5 and 3.6. Lot size and setback requirements for land development in this District shall be the same as those for either the Industrial or Commercial Districts dependent on the category of development proposed.

3.9.1 Permitted Uses

3.9.1.1 Any use designated as a permitted use in an Industrial District section 3.5 or a Commercial District section 3.6.

3.9.2 Conditional Uses

3.9.2.1 Any use designated as a conditional use in an Industrial District section 3.5 or a Commercial District section 3.6.

3.10 Flood Hazard Overly District

The Flood Hazard Overlay district and the relevant regulations and development standards are fully described in Article XI.

3.11 Design Review Overlay District

The Design Review Overlay district and the relevant regulations and development standards are fully described in Article XVII.

Article IV General Provisions

4.1 District Boundaries

4.1.1 If any district boundary is a road, stream or transportation right of way, the boundary shall be the center line thereof. The abandonment of such roads or other lines shall not hereafter affect the location of district boundaries. In the event of any question regarding the location of a district boundary, the location of such boundary as shown on the official zoning map entitled "Town of Lyndon Zoning District Map, October 2026", shall control. When the Administrative Officer (AO) cannot determine the location of a district boundary, the Planning Commission shall determine the location of such district boundary with reference to the official zoning map and the purposes set forth in all relevant provisions of this by-law.

4.2 Permitted and Conditional Uses

4.2.1 Any use identified as a "Permitted Use" in the table relating to a particular zoning district may be commenced, enlarged or altered in such district provided that all of the applicable provisions of these zoning bylaws are satisfied. Unless a variance or other special action by the Development Review Board must first be obtained, a zoning permit shall be obtained from the Administrative Officer pursuant to this by-law.

4.2.2 Any Development identified as a "Conditional Use" in a particular zoning district may be commenced, enlarged or altered in such district only after the applicant obtains approval for such Development from the DRB pursuant to Section 4414 (3) of the Act, after public notice and hearing, and all other necessary approvals. No Conditional Use permit shall be granted unless the applicant affirmatively establishes and the DRB finds that the proposed Conditional Use will not adversely affect:

- 4.2.2.1 The capacity of existing or planned community facilities.
- 4.2.2.2 The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
- 4.2.2.3 Traffic on roads and highways in the vicinity.
- 4.2.2.4 By-laws and Ordinances then in effect.
- 4.2.2.5 Utilization of renewable energy resources.
- 4.2.2.6 Performance standards pursuant to Section 4414 (5) of the Act and Section 4.4.5 of this bylaw.

4.2.3 When determining whether a proposed conditional use will adversely affect the character of the area involved, the DRB shall give weight to the well-founded opinions with respect to such proposed use of any interested person as defined in Section 4465 (b) of the Act.

4.2.4 When granting Conditional Use Approval, the DRB may, in addition to those requirements and standards specifically authorized by this by-law, impose other conditions it finds are necessary to protect the best interests and property values of adjacent properties, the affected neighborhood, or the town, including:

4.2.4.1 increasing the required lot size or yard dimensions in order to protect adjacent properties;

4.2.4.2 limiting the coverage or height of buildings because of obstructions to the view from, reduction of light and air to, and/or to minimize fire hazards to, adjacent property;

4.2.4.3 controlling the location and number of vehicular access points to the property;

4.2.4.4 increasing the street width;

4.2.4.5 increasing the number of off-street parking or loading spaces required;

4.2.4.6 regulating the number, location, design and size of signs;

4.2.4.7 requiring suitable landscaping to reduce noise and glare, to shield a property from view, and/or to maintain the property in a character in keeping with the surrounding area;

4.2.4.8 specifying time limits for construction, alteration, or enlargement of a structure housing a conditional use;

4.2.4.9 requiring that any future enlargement or alteration of a conditional use be reviewed by the DRB to permit the specifying of new conditions; and

4.2.4.10 such additional reasonable conditions and safeguards as are necessary to achieve the purposes of the Act and these zoning bylaws.

4.2.5 With respect to Conditional Uses within a district which were existing therein prior to the time they became conditional uses under this by-law or any predecessor hereto, any change in use, expansion or contraction of land area, or alteration of structures or uses shall hereafter be subject to all of the requirements hereof pertaining to conditional uses.

4.2.6 Notwithstanding Section 4.2.2.2, a multiunit dwelling project consisting of four or fewer units located in a district allowing multiunit dwellings may not be denied solely due to an undue adverse effect on the character of the area affected.

4.3 Classification of Lots: Source of Water and Sewage Service

4.3.1 Lots are classified as follows:

CLASSIFICATION	WATER & SEWAGE DISPOSAL
Class 1	Off-lot water and sewage disposal
Class 2	Off-lot water or sewage disposal
Class 3	On-lot water and sewage disposal

4.3.2 Upon the filing of an application for a permit for any use, the Administrative Officer shall determine the classification of the lot and whether the lot satisfies the minimum size requirements applicable to such lot.

4.3.3 Upon the filing of an application for a permit for a two- or multi-household dwelling, the Administrative Officer shall determine the classification of the lot and whether the lot satisfies the minimum size requirements applicable to such lots, with specific reference to the maximum number of dwelling units that may be located on such lot by dividing the area of the lot by the minimum area per household allowable in the district. In all cases, the result of such division shall be rounded up to the nearest whole number, (with a maximum of 5 units per acre in the Rural Residential, Residential Neighborhood, and Commercial Zoning Districts).

4.4 Application of District Regulations

4.4.1 No part of any yard or other open space required to surround any building shall be included as a part of a yard or other open space required for another building.

4.4.2 Lots

4.4.2.1 Lots which abut on more than one street shall have the required frontage along every street.

4.4.2.2 No structure shall project into any minimum front, side, or rear yard unless Conditional Use Approval is granted therefor.

4.4.3 Lot coverage, minimum lot size, and front, side and rear yard requirements that apply to entire districts fail by their nature to account for all of the different conditions that exist within each district. Such requirements should not be conclusive and binding land use requirements subject to the inflexible requirements of Section 4469 of the Act. Therefore, any proposed Development in a particular zoning district that fails to satisfy lot coverage, minimum lot size, or front, side or rear yard requirements in that district may be allowed as a Conditional Use in that district, if the applicant affirmatively establishes that (a) the conditions established in Sections 4.4.5.1 through 4.4.5.6 inclusive are satisfied, (b) the degree to which the proposed Development fails to meet such requirements is no greater than the degree to which properties in the immediate vicinity also fail (if at all) to meet such requirements, and (c) the proposed Development is a Permitted Use or a Conditional Use in that district. The maximum amount of lot coverage that may be considered under conditional use provisions is 125% of the maximum listed by district in the chart depicting "Town of Lyndon Minimum Requirements for Development". For example, if a maximum lot coverage in a particular district is 20%, the Development Review Board may approve lot coverage of over 20%, up to a maximum of 25%, if the proposal satisfies conditional use criteria.

4.4.4 In determining the front yard of a parcel, the front yard requirement shall be measured from the edge of the travelled portion of the right-of-way in those cases where no sidewalk is present, and from the edge of the sidewalk most distant from the travelled portion of the right-of-way in those cases where a sidewalk is present.

4.4.5 Performance Standards. Pursuant to Section 4414 (5) of the Act, the following performance standards, and all applicable state-imposed standards, shall be satisfied for any Conditional Use in all Districts. The DRB shall, after notice and hearing, decide whether a proposed Development satisfies the performance standards set forth herein. No Development shall:

4.4.5.1 create noise in excess of 70 decibels at any property line;

4.4.5.2 emit any offensive odor except in connection with agriculture;

4.4.5.3 discharge dust, dirt, soot, ash or any other offensive material onto nearby property owned by others;

4.4.5.4 emit any gases or other substances which might endanger the health, comfort, safety or welfare of any person, or which might injure or cause damage to property;

4.4.5.5 cause vibrations beyond any property line that have the potential to cause damage to property; or

4.4.5.6 create a fire, explosion or safety hazard.

4.5 Primitive/Recreational Cabins or Camps

For the purposes of this section, "primitive/recreational camp or cabin" means a structure, such as a hunting camp, that is intended to be and is in fact occupied only for recreational purposes and that lacks one or more of the following: (i) inside running water, (ii) insulation, (iii) interior heat, or (iv) a wastewater disposal system. The occupancy shall not exceed 3 consecutive weeks per calendar year nor exceed a total of 60 days per calendar year. Primitive camps may contain a composting or incinerating toilet that does not yield a liquid provided its contents are disposed of in compliance with § 1-929, of the Vermont State wastewater permit. A conversion of a recreational camp to a residence shall require a new application for a permit and a Certificate of Occupancy before it can be occupied as a residence.

4.6 Variances

Applications for a variance from the provisions of this bylaw shall be governed by, and granted or denied in accordance with, the provisions of 24 V.S.A. §4469, after a public hearing noticed as described in § 13.12 of these bylaws.

4.6.1 Any variance issued in the Special Flood Hazard Area must additionally comply with all the criteria 44 CFR § 60.6 and shall not increase flood heights. Pursuant to 44 CFR § 60.6(a)(5), the AO shall notify the applicant in writing that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required by 44 CFR § 60.6 (a)(6).

4.6.2 A variance for development within the River Corridors may be allowed if, based on a review by the Vermont Agency of Natural Resources (ANR), it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.

4.7 Sewage Disposal Systems

This by-law is not intended to create requirements for sewage disposal systems that are different from state requirements that are in effect from time to time. All sewage disposal systems other than municipal sewage disposal facilities shall comply with the requirements of Chapter 1 *Wastewater System and Potable Water Supply Rules* for the State of Vermont, as amended from time to time.

4.8 Accessory Buildings

In any District where residential uses are allowed, unattached buildings that are accessory to a residential building may be allowed. All requirements of this zoning bylaw shall apply to such residential and accessory buildings.

4.9 Recreational Vehicles at Construction Sites

No permit will be required for a recreational vehicle placed on the construction site of a new residence for which a permit has been issued to be occupied by the person(s) who will occupy the new dwelling. Recreational Vehicles are designed only for recreational use and not as a primary residence or for permanent occupancy. Occupancy shall be for not more than a one-year period, but may be extended by the DRB, after notice and hearing, for good cause shown.

4.10 Division of Fire Safety

A copy of the Fire Inspection Results Report or copy of the State Construction permit letter from the Division of Fire Safety, must be provided to the Administrative Officer prior to receiving a Certificate of Occupancy.

4.11 Density Bonus for Affordable Housing Developments

4.11.1 In any zoning district served by municipal water and wastewater infrastructure that allows residential development, an affordable housing development, as defined in 24 V.S.A. § 4303(2), including a mixed-use development containing such affordable housing, may exceed the density limitations otherwise applicable to residential development in that district by up to 40 percent.

4.11.2 A development qualifying under Section 4.11.1 may exceed the maximum height limitation otherwise applicable in that district by one floor, provided the structure complies with the Vermont Fire and Building Safety Code.

4.11.3 As a condition of approval, the Development Review Board shall require that the affordability of units created under this Section be maintained through income qualifications for renters or purchasers and regulation of the price, rent, or resale price of the affordable units for a period of not less than 15 years, consistent with the definition of “affordable housing development” under 24 V.S.A. § 4303(2).

Article V NONCONFORMITIES

5.1 Applicability

Unless more specific rules exist elsewhere in these regulations regarding particular nonconformities, the following will apply to all nonconforming parcels, nonconforming structures, and nonconforming uses.

5.2 Nonconforming parcel

A parcel that is legally subdivided, and existed as of the effective date of these regulations, may be developed even if the parcel no longer conforms to one or more dimensional standards of the district in which it sits due to the adoption or revision of these regulation or due to the transfer or taking of land for a public purpose (e.g., road widening), provided:

5.2.1 Where a parcel is served by, and able to connect to, sewer **and** water service, such development is in accordance with all other applicable provisions of these regulations.

5.2.2 Where a parcel is served by, and able to connect to, sewer **or** water service, such development is in accordance with all other applicable provisions of these regulations and shall comply with the requirements of Chapter 1 Wastewater System and Potable Water Supply Rules for the State of Vermont as well as all applicable federal regulations.

5.2.3 Where a parcel is not served by, and unable to connect to, sewer and water service, such development is in accordance with all applicable provisions of these regulations and shall comply with the requirements of Chapter 1 Wastewater System and Potable Water Supply Rules for the State of Vermont, as well as all applicable federal regulations.

5.3 Nonconforming structures

The following rules apply to nonconforming uses:

5.3.1 In any district other than a Flood Hazard Overlay District, a nonconforming structure may be maintained or repaired provided such action does not create a horizontal, vertical, or volumetric increase to portions or features of a structure that are nonconforming. The performance of normal repair and maintenance does not constitute “development” or “land development” as defined by these by-laws.

5.3.2 No person shall commence the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any nonconforming structure without first obtaining a permit pursuant to these bylaws.

5.3.2.1 Any proposed Development in a particular zoning district that fails to satisfy lot coverage, minimum lot size, or front, side or rear yard requirements in that district may be allowed as a Conditional Use in that district, if the applicant affirmatively establishes that (a) the conditions established in Sections 4.4.5.1 through 4.4.5.6 inclusive are satisfied, (b) the degree to which the proposed Development fails to meet such requirements is no greater than the degree to which properties in the immediate vicinity also fail (if at all) to meet such requirements, and (c) the proposed Development is a Permitted Use or a Conditional Use in that district. The maximum amount of lot coverage that may be considered under conditional use provisions is 125% of the maximum listed by district in the chart depicting "Town of Lyndon Minimum Requirements for Development". For example, if a maximum lot coverage in a particular district

is 20%, the Development Review Board may approve lot coverage of over 20%, up to a maximum of 25%, if the proposal satisfies conditional use criteria.

5.3.2.2 When granting Conditional Use Approval, the DRB may, in addition to those requirements and standards specifically authorized by this by-law, impose other conditions it finds are necessary to address public safety concerns associated with the original nonconforming structure and to protect the best interests and property values of adjacent properties, the affected neighborhood, or the town.

5.3.3 If a nonconforming structure is substantially damaged or destroyed, the structure may be rebuilt and used as before provided that the applicant can affirmatively establish and the DRB finds that:

5.3.3.1 The criteria outlined in section 5.3.2 are met; and

5.3.3.2 The applicant submitted their application for reconstruction within 12 months of the structure being damaged or destroyed.

5.3.4 Substantial improvements to nonconforming structures in a Flood Hazard Overlay District must meet the development standards in Subsection 11.5.

5.4 Nonconforming uses

The following rules apply to nonconforming uses:

5.4.1 Nonconforming uses shall not be enlarged, extended, expanded, or intensified except as allowed below:

5.4.1.1 An applicant may request conditional use approval to allow for a nonconforming use (a) to move within, and/or utilize more of, the structure in which it is located, or (b) to move within, and/or utilize more of, the parcel upon which it is located, provided that the applicant can affirmatively establish and the DRB finds that the moved or expanded nonconforming use meets the performance standards in Subsection 4.4.5 of this bylaw.

5.4.1.2 An applicant may request conditional use approval to allow a nonconforming use to be changed to another nonconforming use. Such a request will be allowed only if the applicant affirmatively establishes, and the DRB finds, the following:

5.4.1.2.1 That the proposed use is no more intensive in nature than the existing nonconforming use; and

5.4.1.2.2 The proposed use is more substantially, materially, and outwardly similar to the uses allowed in the applicable zoning district than the existing nonconforming use.

5.4.1.3 Subsection 5.4.1.2 does not apply to applications proposing to change from a nonconforming use to a conforming use. Once a nonconforming use has been made conforming, it shall not be made nonconforming again.

5.4.2 Abandonment

A use shall be considered abandoned if the use has been discontinued for a period of one year. Intent to resume a use shall not confer the right to do so.

5.4.2.1 An extension to the one-year period may be granted by the DRB after a public hearing and on the basis of documented evidence of an ongoing, good faith effort to reestablish the nonconforming use. Such evidence may include but not be limited to application(s) to the DRB, bid documents, records of expenditures, newspaper advertisements, and/or real estate listings. Any request for such an extension shall be submitted in writing prior to the expiration of the one (1) year time limit specified in Subsection 5.4.2.

5.4.2.2 A nonconforming use shall not be re-established if it has been abandoned or replaced with a new use except:

5.4.2.2.1 If the nonconforming use was in a damaged structure or destroyed structure then the use may be re-established if the structure is repaired or rebuilt, provided that the applicant demonstrates and the DRB finds that re-established nonconforming use will be no more intensive in nature than it was originally.

Article VI Off-street Parking Regulations

6.1 Village and Main District

6.1.1 An applicant for a permit affecting property in the Village and Main District is not required to provide off-street parking if the applicant establishes and the DRB finds either:

6.1.1.1 that the proposed use will not create an undue burden on the parking facilities then existing in the Village and Main District, or

6.1.1.2 the applicant's proposed use does not require a greater number of parking spaces than the prior use of the property according to the chart set forth below, and

6.1.2 The proposed use is a Permitted Use in the Village and Main District.

6.2 All Other Districts

In all other cases, in all districts, an applicant for a permit shall demonstrate in the application that the property for which the permit is sought has the capacity to provide parking as follows:

Use	Parking Spaces Required
Lodging Establishment	1 per lodging unit
Accessory Dwelling Unit (1 bedroom or less)	1 per ADU unit
Accessory Dwelling Unit (2 bedrooms ~~or more)~~	2 per ADU unit (1 per unit on Class 1 lots)
Residential 1-2 household	1.5 per dwelling unit (1 per unit on Class 1 lots)
Multiple household dwellings	1.5 per dwelling unit (1 per unit on Class 1 lots)
Church, school	1 per 3 seats in principal assembly room
Private club or lodge	1 per 6 members
Theater	1 per 6 seats
Hospital, nursing & convalescent home	1 per 3 beds and 1 for each employee
Professional office, business service and medical clinic	1 per every 250 square feet of gross area
Retail store or service	1 per every 350 square feet of gross area
Restaurant or Bar/Cocktail lounge/Tavern/Brewery	1 per every 3 seats
Industrial	1 per each 1.2 employees, based on the highest expected employee occupancy in the 10-year period following the date of the application
Funeral home	1 per every 75 square feet of floor space
Other uses	As required by the Development Review Board (DRB) after site plan review.

6.2.1 In any district that is served by municipal sewer and water infrastructure that allows residential uses, a municipality shall not require more than one parking space per dwelling unit, consistent with 24 V.S.A. § 4414(4).

6.3 General

6.3.1 An applicant for a permit may request the Development Review Board to authorize the issuance of a permit waiving the physical development of all of the off-street parking spaces required in accordance with the foregoing chart. If the Development Review Board finds, after hearing, that the applicant has demonstrated that the applicant's requirement for physically developed parking spaces will be fewer in number than the number computed according to the foregoing chart, then the Development Review Board may authorize the issuance of a permit requiring such lesser number of parking spaces as the Development Review Board finds is appropriate. If the Development Review Board authorizes the issuance of a permit pursuant to this section, it shall be a condition of the permit that if the physically developed parking spaces prove in actual practice to be insufficient to accommodate the applicant's parking requirements, the Development Review Board shall require the physical development of additional parking spaces sufficient to meet the actual parking requirements but not to exceed the number required by the foregoing chart.

6.3.2 It is the purpose of this section to prevent the parking of motor vehicles on streets and roads and to require property owners to provide parking for motor vehicles sufficient to accommodate parking requirements created by the applicant's proposed use of property.

6.4 Minimum Parking Lot and Parking Stall Requirements

MINIMUM PARKING LOT AND PARKING STALL REQUIREMENTS				
All Residential On-site Parking Stalls Shall be a Minimum of 9'W X 18'L All other On-site Parking Stalls Shall be a Minimum of 9'W X 20'L 90˚ parking stalls assumes two-way traffic in the aisles. 30˚, 45˚, 60˚ parking stalls assumes one-way traffic in the aisles.				
Parking Angle:	30˚	45˚	60˚	90˚
Minimum Aisle Width:	11'	13'	20'	25'

Pursuant to State Statute Title 24, Chapter 117, Subchapter 007 (24 V.S.A. **§** 4428):

6.4.1 Parking space size standards. For the purpose of residential parking, a municipality shall define a standard parking space as not larger than nine feet by 18 feet, however a municipality may allow a portion of parking spaces to be smaller for compact cars or similar use. A municipality may require a larger space wherever American with Disabilities Act-compliant spaces are required.

6.4.2 Existing nonconforming parking. A municipality shall allow an existing nonconforming parking space to count toward the parking requirement of an existing residential building if new residential units are added to the building.

6.4.3 Adjacent lots. A municipality may allow a person with a valid legal agreement for use of parking spaces in an adjacent or nearby lot to count toward the parking requirement of a residential building. (Added 2023, No. 181 (Adj. Sess.), § 54, eff. June 17, 2024.)

Article VII Subdivision Regulations

7.1 Adoption and Purpose

The Town of Lyndon hereby adopts the following Subdivision Bylaw pursuant to 24 V.S.A. §4418 et seq. This Bylaw is intended to be A Subdivision Bylaw within the meaning of 10 V.S.A. §6001(3). This Subdivision Bylaw is adopted for the purpose of assuring the orderly and coordinated development of land within the town. It is also the purpose of this Subdivision Bylaw to prevent the creation, by subdivision, of lots that do not comply with all of the lot requirements in the zone in which the lot is located. It is also the purpose of this Subdivision Bylaw to provide a mechanism for the accurate description of lots of land when they are created as the result of a subdivision.

7.2 Definition of Lot

For the purpose of this Subdivision Bylaw, a lot is defined as a parcel of land upon which improvements can be constructed. Parcels of land that cannot be so improved because of this Subdivision Bylaw, the Zoning Bylaws, the physical characteristics of the lot, any deed restriction or any governmental regulation shall not be deemed to be a lot for the purposes of this Subdivision Bylaw.

7.3 An Overview of the Subdivision Review Process

Action	Who does it, and when
All Subdivisions start with a Sketch Plan Review	
1. Sketch Plan is submitted to the Administrative Officer (AO)	Subdivider at any time.
2. Sketch Plan Review	Development Review Board (DRB) will review the Sketch Plan at the next regularly scheduled meeting on a first-come, first-served basis. Subdivider (and/or his or her authorized representative) must attend if requested.
3. Proposed subdivision is classified as a Minor or Major Subdivision.	DRB, within 45 days of the conclusion of the Sketch Plan Review. Classification is issued in writing.
Minor Subdivisions (Proceed to Final Subdivision Review)	
1. Final Subdivision Plan submitted to AO	Subdivider- must submit final plan within 180 days of receiving classification as a minor subdivision.
2. Final Subdivision Review	AO- after receipt of the Final Subdivision Plan, Zoning Application, and fees, shall review and approve, approve with conditions, or deny the Final Subdivision Plan within 30 days OR warn the application for the next regularly scheduled DRB Hearing date. ***Applicant must attend the hearing.**
3. Final Subdivision Plan is approved or disapproved.	If sent to the next regularly scheduled DRB Hearing date: DRB- Within 45 days of the close of the Final Subdivision Review Hearing. Decision is issued in writing.
4. Approved Final Subdivision Plan gets recorded in the Town Clerk's Office	Subdivider- Within 180 days of receiving Final Subdivision Plan Approval in accordance with § 4463(b) of the statute.
Major Subdivisions (Proceed to Final Subdivision Review)	
1. Final Subdivision Plan submitted to AO	Subdivider- must submit final plan within 180 days of receiving classification as a major subdivision.
2. Final Subdivision Review	AO- after receipt of the Final Subdivision Plan, Zoning Application, and fees, shall warn the application for the next regularly DRB Hearing date or within 45 days, whichever comes first. *** Applicant must attend the hearing.**
3. Final Subdivision Plan is approved or disapproved.	DRB- Within 45 days of the close of the Final Subdivision Review Hearing. Decision is issued in writing.
4. Approved Final Subdivision Plan gets recorded in the Town Clerk's Office	Subdivider- Within 180 days of receiving Final Subdivision Plan Approval in accordance with § 4463(b) of the statute.

7.4 Minor Subdivision

A minor subdivision is a subdivision of a parcel of land into not more than eight lots in a continuous ten-year period.

7.5 Major Subdivision

A major subdivision is a subdivision of a parcel of land into nine or more lots in a continuous ten-year period.

7.6 Regulations Governing Minor Subdivisions

7.6.1 A person shall not create a minor subdivision without a permit.

7.6.2 A person desiring to create a minor subdivision shall begin with Sketch Plan Review. The subdivider and/or his or her authorized agent shall submit a Sketch Plan of the proposed subdivision to the Administrative Officer. The Sketch Plan shall include the following information:

- 7.6.2.1 Name and address of the landowner and/or applicant.
- 7.6.2.2 Names of all abutting property owners and those immediately adjacent to the subdivider.
- 7.6.2.3 Name and address of any municipality located within 500 feet of the proposed subdivision.
- 7.6.2.4 Map drawn to Scale showing the location of the development parcel in the town.
- 7.6.2.5 Any easements or rights of way.

7.6.3 The Administrative Officer may require additional information before recommending that the applicant proceed with the application.

7.6.4 Upon receipt of the complete Sketch Plan, the Administrative Officer shall forward the Sketch Plan to the DRB for review at their next regularly scheduled meeting. In the Sketch Plan Review the DRB shall review the Sketch Plan and accompanying information for compliance with these regulations. The subdivider and/or his or her authorized representative shall attend the meeting of the DRB to discuss the requirements if requested by the AO or DRB. The DRB may schedule additional meetings to continue the Sketch Plan Review. Within forty-five (45) days of conclusion of the Sketch Plan Review hearing, the DRB shall determine, based on the information provided, whether the proposed subdivision is to be classified as a major subdivision or a minor subdivision in accordance with these regulations.

7.7 Minor Subdivision (Final Plan Review)

7.7.1 Within 180 days from receipt of Sketch Plan Review Approval the subdivider shall submit to the AO the following:

- 7.7.1.1 A completed Zoning Application with fee and a survey map of the subdivision prepared and certified by a land surveyor duly licensed by the Board of Land Surveyors established under Chapter 45 of Title 26, Vermont Statutes Annotated. (if the applicant is a person different from the owner, the owner of the parcel must also sign the application.)

- 7.7.1.2 The names and addresses of all adjoining property owners and any municipalities located within 500 feet of the proposed subdivision.

7.7.1.3 Any additional information requested by the AO

7.7.1.4 Any additional information requested by the DRB as a result of the Sketch Plan Review.

7.7.2 The Administrative Officer, after receipt of the Final Subdivision Plan, Zoning Application, and fees, shall review and approve, approve with conditions, or deny the Final Subdivision Plan within 30 days OR warn the application for the next regularly scheduled DRB Hearing date.

7.7.3 If sent to the next regularly scheduled DRB Hearing date, the DRB shall approve, approve with conditions, or deny the Final Subdivision Plan within 45 days of the close of the Final Subdivision Review Hearing. The Decision shall be issued in writing.

7.7.4 The applicant shall record a mylar copy of the survey map in the map records in the Town Clerk's Office within 180 days of Final Subdivision Plan Approval. In accordance with § 4463 (b) failure to record a mylar copy of the survey of the Final Subdivision Plan will result in an expired final approval and the Applicant will have to re-submit for final subdivision approval from the DRB subject to any changes in the zoning regulations. The AO may extend the date for filing the plat by an additional 90 days, if final local or State permit approvals are still pending.

7.8 Regulations Governing Major Subdivisions

7.8.1 A person shall not create a major subdivision without a permit.

7.8.2 A person desiring to create a major subdivision shall begin with Sketch Plan Review. The subdivider and/or his or her authorized agent shall submit a Sketch Plan of the proposed subdivision to the Administrative Officer. The Sketch Plan shall include the following information:

7.8.2.1 Name and address of the landowner and/or applicant.

7.8.2.2 Names of all abutting property owners and those immediately adjacent to the subdivider.

7.8.2.3 Name and address of any municipality located within 500 feet of the proposed subdivision.

7.8.2.4 Map drawn to Scale showing the location of the development parcel in the town.

7.8.2.5 Any easements or rights of way.

7.8.3 The Administrative Officer may require additional information before recommending that the applicant proceed with the application.

7.8.4 Upon receipt of the complete Sketch Plan, the Administrative Officer shall forward the Sketch Plan to the DRB for review at their next regularly scheduled meeting. In the Sketch Plan Review the DRB shall review the Sketch Plan and accompanying information for compliance with these regulations. The subdivider and/or his or her authorized representative shall attend the meeting of the DRB to discuss the requirements if requested by the AO or DRB. The DRB may schedule additional meetings to continue the Sketch Plan Review. Within forty-five (45) days of conclusion of the Sketch Plan Review hearing, the DRB shall determine, based on the information provided whether the proposed subdivision is to be classified as a major subdivision or a minor subdivision in accordance with these regulations.

7.9 Major Subdivisions Final Plan Approval

7.9.1 Within 180 days from receipt of Sketch Plan Approval the subdivider shall submit to the AO the following:

7.9.1.1 A completed Zoning Application with fee and a survey map of the subdivision prepared and certified by a land surveyor duly licensed by the Board of Land Surveyors established under Chapter 45 of Title 26, Vermont Statutes Annotated. (if the applicant is a person different from the owner, the owner of the parcel must also sign the application.)

7.9.1.2 The names and addresses of all adjoining property owners and any municipalities located within 500 feet of the proposed subdivision.

7.9.1.3 Any additional information requested by the AO

7.9.1.4 Any additional information requested by the DRB as a result of the Preliminary Sketch Review.

7.9.2 The Administrative Officer, after receipt of the Final Subdivision Plan, Zoning Application, and fees, shall warn the application for the next regularly scheduled DRB Hearing date or within 45 days, whichever comes first.

7.9.3 The DRB shall approve, approve with conditions, or disapprove the Final Subdivision Plan within 45 days of the close of the Final Subdivision Review Hearing. The Decision shall be issued in writing.

7.9.4 The DRB may, as conditions to approval of an application, determine standards for the design and layout of streets, curbs, gutters, street lights, fire hydrants, shade trees, water, sewage and drainage facilities, public utilities and other necessary public improvements. Such standards shall not exceed, in the case of:

7.9.4.1 Streets, more than 50 feet in width of right-of-way nor more than 26 feet of traveled right-of-way;

7.9.4.2 Curbs, no more than 6 inches in height of curbing, and then only if the adjacent street and the adjacent walkway are paved;

7.9.4.3 Street lights, no more than 1 street light per 100 feet of street length;

7.9.4.4 Fire hydrants, as recommended by the Fire Marshall of the State of Vermont;

7.9.4.5 Shade trees, no more than 1 shade tree per 50 feet of street length;

7.9.4.6 Water, municipal water supply requirements when the municipal water supply will be utilized;

7.9.4.7 Sewage and drainage facilities, separated municipal sewer disposal facilities and stormwater drainage facilities, when the municipal sewer disposal facilities and stormwater drainage facilities will be utilized;

7.9.5 In certain circumstances, the failure to complete a major subdivision according to the terms and specifications of any permit may impose a financial burden on the Town or Village, on purchasers of lots in the subdivision, and/or on surrounding landowners. Such circumstances can arise when an applicant's failure to complete a subdivision according to the terms and specifications of a permit will require an expenditure of money to make the subdivision conform to the terms and specifications of the permit. Whenever such circumstances can arise, the DRB may require as a condition of any permit that the applicant provide financial security for completion of the subdivision in the form of a bond, a letter of credit, a deposit of cash, or in such other form approved by the DRB, in an amount not greater than that required to ensure the completion of the subdivision according to the terms and specifications of the permit as approved.

7.9.6 The applicant shall record a mylar copy of the survey map in the map records in the Town Clerk's Office within 180 days of Final Subdivision Plan Approval. In accordance with § 4463 (b)failure to record a mylar copy of the survey of the Final Subdivision Plan will result in an expired final approval and the Applicant will have to re-submit for final subdivision approval from the DRB subject to any changes in the zoning regulations. The AO may extend the date for filing the plat by an additional 90 days, if final local or State permit approvals are still pending.

7.10

No lot that is part of a subdivision with respect to which a permit has been granted shall be sold, transferred, or otherwise conveyed in any manner whatsoever except as shown on the survey map and in accordance with the subdivision permit.

7.11

Whenever a proposed subdivision is adjacent to a State highway, the application for subdivision approval shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed subdivision and determined whether a permit is required under 19 V.S.A. § 1111. If the Agency determines that a permit for the proposed subdivision is required under 19 V.S.A. § 1111, then the letter from the Agency shall set out any conditions that the Agency proposes to attach to the permit required under 19 V.S.A. § 1111.

Article VIII MISCELLANEOUS

8.1 Regulations Required by the Act

8.1.1 Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of this by-law, may be developed for the purposes allowed in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a width or depth dimension of no less than 40 feet.

8.1.2 No land development may be permitted on any lot which does not either have frontage on a public road or public waters or, with the approval of the Development Review Board, access to such road or waters by a permanent easement or right-of-way of record at least 50 feet in width. The requirement of a 50-foot right-of-way may be waived by the Development Review Board with respect to land development on a lot having a right-of-way in existence prior to the effective date of these Regulations.

8.1.3 These bylaws shall not infringe upon the right of any resident of Lyndon to use a minor portion of his or her dwelling for an occupation which is customary in residential areas, and which does not change the character thereof.

8.2 Lots in Two Zoning Districts

If a district boundary divides a lot of record on the effective date of these bylaws, no land development may take place on a portion of the lot other than in conformity with the requirements of the district in which such portion is located.

8.3 Dwellings on Lots and Foundation Requirements

There shall be only one dwelling on a lot unless otherwise approved pursuant to this bylaw. All dwellings shall be erected on permanent foundations.

8.4 Building Coverage Includes Open Porches, Carports and Garages

Porches, carports open at the sides but roofed, and all principal and accessory buildings shall be considered when determining the percentage of building coverage or the size of yards.

8.5 Reduction of Lot Area

No lot shall be so reduced in size that the area, yard, lot width, frontage, coverage or other dimensional requirements of these bylaws are smaller than herein for the district in which such lot is located. This Section shall not apply when a portion of a lot is taken for a public purpose.

8.6 Yards on Corner Lots

Any yard adjoining a street shall be a front yard.

8.7 Projection into Setback Areas

Every part of a required yard shall be open from grade level to the sky and shall be unobstructed except for the ordinary projections of sills, cornices, pilasters, chimneys and eaves, provided that no such ordinary projections may extend more than two feet into any required setback distance from any adjoining property or road.

8.8 Abandonment of Structures or Work in Progress

If a foundation remains uncovered for twelve months after construction is commenced, or a structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site, and any remaining excavation shall be covered over or filled to the normal grade by the owner. The DRB may grant a waiver to this Section 8.8 for good cause shown after notice and hearing.

8.9 Height Regulations

No structure shall exceed a height of 35 feet above ground level unless Conditional Use Approval is granted by the DRB.

8.9.1 Notwithstanding Section 8.9, the following structures shall not be regulated under this bylaw unless mounted on a structure that does not otherwise comply with these bylaws:

(a) wind turbines with blades less than 20 feet in diameter; and

(b) rooftop solar collectors less than 10 feet high on sloped roofs, where "sloped roof" means a roof having a slope of more than five degrees.

8.9.2 The regulation of antennae that are part of a telecommunications facility, as defined in 30 V.S.A. § 248a, is exempt from review under this bylaw to the extent provided in that section.

8.10 Storage of Unregistered Motor Vehicles

Unlicensed or inoperable motor vehicles shall be stored so that they are not visible from any road nor from any property other than the property on which they are stored.

8.11 Storage of Flammable Liquids Above Ground

8.11.1 All flammable liquids stored in tanks above ground shall comply with all government and industry regulations, codes and standards applicable thereto.

8.11.2 All tanks having a capacity greater than 275 gallons shall be properly retained with dikes having a capacity of not less than one hundred and ten percent of the capacity of the tanks surrounded.

8.12 Extraction of Soil, Sand or Gravel for Sale or Use on Another Lot

8.12.1 In accordance with Section 4464 b (2) of the Act, the removal of soil, sand or gravel for sale or for use on another lot may be allowed only after the DRB approves, after public notice and hearing, a plan for the operation and rehabilitation of the site, unless such removal is incidental to and does not exceed the requirements of construction of a structure on the same lot. Any plan shall satisfy the following requirements:

8.12.2 As a condition for approval of any such plan, the applicant shall post a letter of credit, performance bond or other financial instrument satisfactory to the Development Review Board, fixed by the Development Review Board in an amount sufficient to ensure that upon completion of the removal the site will be restored to a safe, attractive and useful condition in accordance with the plan.

8.12.3 The removal of all material shall be carried out such that the contours of the land are not degraded. Digging pits shall not be allowed unless the rehabilitation plan provides for refilling or suitable grading of such pits.

8.12.4 Upon completion of the extraction operations, the site be graded smooth and left in a neat condition. Open slopes and spoil banks shall not be allowed to remain after soil, sand or gravel has been removed from a particular area. The site shall be fertilized, mulched and seeded from time to time so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion.

8.12.5 All surface drainage shall be controlled to prevent debris and other loose materials from filling any drainage course, street or private property.

8.12.6 No removal of soil, sand or gravel, blasting, or stripping of vegetation, shall occur within one hundred feet of any street or property line. The DRB may permit such activity within one hundred feet of any road or property line if it finds that such permission will not deprive the adjoining property or road of lateral support, and if it finds that it is desirable to do so for aesthetic reasons.

8.12.7 No power-activated sorting machinery or equipment shall be located within 100 feet of any street or property line. All such machinery shall be equipped with satisfactory and functioning dust and noise suppression devices.

8.12.8 All excavated slopes over three feet in height having a slope in excess of one on two shall at all times be adequately fenced as determined by the Development Review Board.

8.12.9 Extension of a removal operation that is in existence on the effective date of the adoption hereof shall not be allowed, except after compliance with all of the provisions of this Section 8.12.

8.12.10 The Development Review Board may attach any additional conditions to the plan that it finds necessary to protect the public health, safety or welfare including hours of operation, a limitation on the quantity of material that may be removed from the site in any one day, and other appropriate conditions.

8.13 Walls, Fences and Similar Structures

No person shall construct any wall, fence or similar structure within the right of way limits of any town highway, including class 4 town highways, without the approval of the Selectboard.

8.14 Road Frontage

No lot may be developed unless it has frontage on a public highway or public waters not less than the applicable frontage. The applicable frontage for lots in each district are those shown on the "Town of Lyndon Minimum Requirements for Development" charts which are a part hereof and appear in the appendix of these bylaws. This Section 8.14 shall not apply to lots developed on a private right of way pursuant to Section 8.1.2. Section 8.14 also does not apply to lots that are developed with access from a cul-de-sac in any district. Lots that are developed around a cul-de-sac shall have a minimum of 50 feet of frontage on the circumference of the cul-de-sac.

8.15 Accessory Dwelling Unit

One accessory dwelling unit that is located within or appurtenant to an owner-occupied single-household dwelling shall be allowed as a permitted use in districts where a single- household dwelling is a permitted use except for flood hazard, river corridor, and fluvial erosion areas. An accessory dwelling unit under 24 V.S.A. § 4412 (1) (E) is defined as a distinct unit that is clearly subordinate to a single- household dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all of 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--household dwelling or 900 square feet, whichever is greater. (iii) Applicable setback, coverage, and parking requirements specified in the bylaws are met.

8.16 Residential Care, Group Home, or Recovery Residence

A residential care home or group home as defined under 24 V.S.A. § 4412 (1) (G) which is to be operated under state licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501, or a recovery residence serving not more than eight persons, shall be considered by right to constitute a permitted single-household residential use of property.

8.17 Home Child Care Facility

A "family childcare home or facility" as used in this subdivision means a home or facility where the owner or operator is to be licensed or registered by the state for childcare. A family childcare home serving six or fewer children shall be considered to constitute a permitted single-household residential use of property. A family child care home serving no more than six full-time children and four part-time children, as defined in subdivision 33 V.S.A. § 4902(3)(A), shall be considered to constitute a permitted use of property, but requires site plan approval based on local zoning requirements.

8.18 Poultry Accessory Use

The purpose and intent of Article 8.18 is to allow the raising of backyard chickens for personal use and to protect the rights of abutters in more densely populated zoning districts. Agricultural operations that qualify as a farm subject to Required Agricultural Practices defined by the Secretary of Agriculture, Food and Markets are exempt from this section, in accordance with 24 V.S.A. § 4413. An applicant claiming exemption from local review under 24 V.S.A. § 4413 is required to provide the Zoning Administrator a determination of farm status from the Agency of Agriculture Food and Markets.

8.18.1 Any structure used for the raising of chickens requires a permit for the accessory structure on the property. Accessory structures must meet the same minimum development standards as all other forms of accessory structures in the respective district.

8.18.2 No permit is required in the Rural Residential district for the **accessory use** of land for the raising of poultry. There are no limitations on the number of poultry birds kept.

8.18.3 A permit is required in the Residential Neighborhood, Village and Main, Commercial, Park, and Institutional Control districts for the accessory use of single- and two- household dwellings for the raising of poultry. Applicants that meet the requirements in 8.18.4 shall be issued a permit by the Administrative Officer.

8.18.4 Applicants for a poultry accessory use permit in the Residential Neighborhood, Village and Main, Commercial, Park, and Institutional Control zoning districts shall meet the following guidelines:

8.18.4.1 No more than 8 hens and 0 roosters are kept on the property.

8.18.4.2 Hens shall be enclosed in a coop and run to prevent straying onto other properties.

8.18.4.3 Chicken food shall be kept in tightly covered and vermin-proof storage containers.

8.18.4.4 Chicken waste shall be disposed of in a manner that does not emit offensive odors.

8.18.5 A variance can be requested to any of these requirements after notice and hearing by the DRB.

8.19 Emergency Housing Assistance in Hotels and Motels

No zoning permit, Certificate of Occupancy, or other approval under these bylaws shall be required, and no provision of these bylaws shall have the effect of prohibiting or penalizing a hotel from renting rooms to provide housing assistance through the State of Vermont's General Assistance program, or to any person whose room is rented with public funds. In this subsection, the term "hotel" has the same meaning as in 32 V.S.A. 9202(3).

8.20 Hotel or Motel Converted to Permanently Affordable Housing

A hotel or motel converted to a permanently affordable housing development, as described in 24 V.S.A. § 4413(a)(1)(H), may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent such regulation does not interfere with the intended functional use of the development.

8.21 Solar Energy Devices

8.21.1 Notwithstanding any other provision of these bylaws, no permit shall be required for, and these bylaws shall not regulate, the installation, operation, or maintenance of a solar energy device that heats water or space or generates electricity, on a flat roof of an otherwise complying structure. For purposes of this Section, "flat roof" means a roof having a slope of five degrees or less.

8.21.2 These bylaws shall not prohibit, nor have the effect of prohibiting, the installation of solar collectors not exempted under Section 8.21.1, clotheslines, or other energy devices based on renewable resources.

8.22 New Accessory on-farm businesses

8.22.1 No provision of these bylaws shall have the effect of prohibiting an accessory on-farm business at the same location as a farm.

8.22.2 Definitions. As used in this Section:

(a) “Accessory on-farm business” means activity on a farm, the revenues of which may exceed the revenues of the farming operation, comprising one or both of the following: (i) the storage, preparation, processing, and sale of qualifying products produced on the farm, the sale of products that name, describe, or promote the farm or accessory on-farm business, or the sale of bread or baked goods; or (ii) educational, recreational, or social events that feature agricultural practices or qualifying products, including farm tours, farm stays, tastings and meals, and classes or exhibits in the preparation, processing, or harvesting of qualifying products.

(b) “Farm” means a parcel or parcels owned, leased, or managed by a person, devoted primarily to farming, and subject to the Required Agricultural Practices (RAP) Rules.

(c) “Farming” has the same meaning as in 10 V.S.A. § 6001.

(d) “Qualifying product” means an agricultural, horticultural, viticultural, or dairy commodity, maple syrup, livestock or cultured fish or a product thereof, a product of poultry, bees, an orchard, or fiber crops, or a product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.

(e) “RAP Rules” means the rules on required agricultural practices adopted pursuant to 6 V.S.A. chapter 215, subchapter 2.

8.22.3 Eligibility. To be eligible for the benefit of this Section, an accessory on-farm business shall (a) be operated by the farm owner, one or more persons residing on the farm parcel, or the lessee of a portion of the farm; and (b) be located on a farm meeting the threshold criteria for applicability of the RAP Rules.

8.22.4 An accessory on-farm business may take place inside new or existing structures or on the land.

8.22.5 Activities of an accessory on-farm business that are not exempt under 24 V.S.A. § 4413 may be subject to site plan review pursuant to Article IX and shall meet the performance standards adopted in Section 4.4.5 for similar commercial uses.

Article IX SITE PLANS

9.1 Site Plan Approval

9.1.1 Application for site plan approval shall be made to the Development Review Board. Unless otherwise specifically provided for herein, site plan approval shall be granted only after public notice and hearing.

9.1.2 Except as provided in Section 9.1.3, no zoning permit or Conditional Use Approval shall be granted unless the site plan has been approved by the Development Review Board.

9.1.3 Site plan approval shall not be required for the following applications:

- 9.1.3.1 One- and two- household dwellings.
- 9.1.3.2 Agricultural uses or structures.
- 9.1.3.3 A proposed use or structure that is determined by the Development Review Board, upon recommendation of the Administrative Officer at a DRB meeting, to have no effect on the adequacy of (1) traffic access, (2) circulation and parking, (3) landscaping and screening, (4) protection of the utilization of renewable energy resources.

9.1.4 An applicant seeking site plan approval shall submit to the Development Review Board two sets of site plan maps and supporting data which shall include the following information:

- 9.1.4.1 Name and address of the owner of record of the land in question and of all adjoining lands.
- 9.1.4.2 Name and address or person or firm preparing the map.
- 9.1.4.3 Scale and date of map, and north arrow.
- 9.1.4.4 Survey of the land in question showing existing features, contours, structures, large trees, streets, utility poles, easements of record, rights-of-way, and land use and deed restrictions.
- 9.1.4.5 Site plan showing proposed structures, location and elevations thereof and use to be made of other land subject to application; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening.
- 9.1.4.6 Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.

9.1.5 When considering whether to approve or disapprove any site plan the Development Review Board shall consider the following matters:

- 9.1.5.1 Maximum safety of vehicular circulation between the site and the adjacent street network,
- 9.1.5.2 Adequacy of circulation, parking and loading facilities with particular attention to safety,
- 9.1.5.3 Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility with and protection of adjacent property, and
- 9.1.5.4 Protection of the utilization of renewable energy resources.

9.1.6 When approved, the notice of decision for the site plan shall be signed and dated by the Chair of the Development Review Board. No site plan may be altered, modified, changed, or amended without the written approval of the Development Review Board, after public notice and hearing, except upon a finding by the Development Review Board that the proposed amendment does not affect the adequacy of traffic access, circulation and parking, landscaping and screening, or the protection of the utilization of renewable energy resources.

9.1.7 Pursuant to 24 V.S.A section 4416(b), whenever a proposed site plan involves access to a State highway or other work in the State highway right-of-way such as excavation, grading, paving, or utility installation, the application for site plan approval shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and determined whether a permit is required under 19 V.S.A. § 1111. If the Agency determines that a permit for the proposed site plan is required under 19 V.S.A. § 1111, then the letter from the Agency may set out conditions that the Agency proposes to attach to the permit required under 19 V.S.A. § 1111.

Article X MANUFACTURED/ MOBILE HOME PARKS

10.1 Manufactured/ Mobile Home Parks

10.1.1 No person shall develop or operate a manufactured/ mobile home park without first obtaining site plan approval from the Development Review Board pursuant to Article IX hereof and a zoning permit from the Administrative Officer pursuant to this bylaw. Before issuing a manufactured/mobile home park permit, the Development Review Board shall require a performance bond, letter of credit or other financial instrument acceptable to the Development Review Board from the developer or operator of the park in an amount sufficient to assure that the park is developed and operated in accordance with any approvals and permits granted hereunder.

10.1.2 Application for site plan approval for a manufactured/ mobile home park shall be made to the Development Review Board pursuant to Article IX hereof. The application shall be accompanied by a plan and drawings prepared by a registered professional engineer, showing (in addition to the other requirements of the bylaws) the property lines and area of the park, a contour map showing the proposed grading of the park upon completion, and a plan showing the layout of the roads, walkways, manufactured/mobile home lots, parking areas, water lines, sanitary sewer and storm sewer drainage facilities, telephone lines, cable television lines and electrical distribution lines, the names and addresses of all owners of adjoining property and, where adjoining property is not occupied by the owner thereof, the name and address of such occupier.

10.1.3 The Development Review Board may approve the site plan, approve the site plan with conditions, or reject the site plan. If the Development Review Board approves the plan with conditions, or rejects the plan, it shall state its reasons therefor.

10.2 Manufactured/ Mobile Home Park Standards

10.2.1 The following requirements shall apply in respect to all manufactured/ mobile homes in manufactured/ mobile home parks and to any proposed manufactured/ mobile home park.

10.2.1.1 Subject to the provisions of Section 10.2.1.9, a manufactured/mobile home park shall have an area of not less than 2.5 acres, or 8,000 square feet per manufactured/ mobile home lot, whichever is greater.

10.2.1.2 Manufactured/mobile home park shall provide for individual manufactured/ mobile home lots, access driveways, parking and recreation open space.

10.2.1.3 Each manufactured/mobile home lot shall be at least 8,000 square feet in area, and at least 60 feet wide by at least 120 feet in depth, and shall front on an access driveway.

10.2.1.4 All driveways providing access to the manufactured/mobile home park shall be at least 20 feet in width and have an asphalt or concrete surface, or gravel surface treated with calcium chloride or other appropriate treatment, at least 20 feet in width and 12 inches in depth of compacted gravel.

10.2.1.5 ~~Two~~ One parking space~~s~~, ~~each~~ at least ~~10~~ 9 feet wide by ~~22~~ 18 feet long, shall be provided for each manufactured/mobile home lot.

10.2.1.6 At least twenty percent of the total area of the manufactured/mobile home park shall be reserved for recreation and open space purposes.

10.2.1.7 A suitable pad shall be provided for each manufactured/mobile home.

10.2.1.8 Each manufactured/mobile home lot shall have an attachment for water supply. The water supply source for the park shall be approved by the appropriate State Agency, or by the Planning Commission if no State Agency is empowered to grant such approval.

10.2.1.9 Each manufactured/mobile home lot shall have an attachment for sewage disposal. The method of sewage disposal shall be in compliance with applicable state regulations. No sewage disposal system for an individual manufactured/ mobile home shall be located on a manufactured/mobile home lot unless the dimensions of the lot satisfy the regulations applicable to the district in which the lot is located.

10.2.1.10 No manufactured/mobile home lot, office building or service building shall be located closer than 50 feet to a public street right-of-way line or a property line.

10.2.1.11 A buffer strip of land at least 25 feet in width shall be maintained as a landscaped area abutting all manufactured/mobile home park property lines.

10.2.1.12 Space for an accessory building of at least 100 square feet shall be provided with each individual manufactured/mobile home lot.

Article XI FLOOD HAZARD REGULATIONS

11.1 Statement of Purpose

It is the purpose of this bylaw to:

A. Implement the goals, policies, and recommendations in the current municipal plan;

B. Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding related inundation and erosion;

C. Ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair stream equilibrium, flood plain services, or river corridors,

D. Manage all flood hazard areas designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan; and make the Town of Lyndon, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

11.2 Warning of Disclaimer of Liability

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

11.3 Lands to Which these Regulations Apply

A. Regulated Flood Hazard Areas

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

1. The River Corridors as published by the Vermont Agency of Natural Resources including the Statewide River Corridors, refinements to that data based on field-based assessments, and VT DEC approved administrative areas which are hereby adopted by reference. Where River Corridors are not mapped, the standards in § 11.5.C shall apply to the area measured as fifty (50) feet from the top of the stream bank or slope.

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

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

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

C. Interpretation

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

1. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Administrative Officer (AO). If the applicant disagrees with the determination made by the AO, a Letter of Map Amendment from FEMA shall constitute proof.

2. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary shall be determined by the AO. If the applicant disagrees with the determination made by the AO, a letter of determination from the Vermont Agency of Natural Resources shall constitute proof.

11.4 Development Review in Hazard Areas

A. Summary Table:

#	ACTIVITY	HAZARD ZONE		
	P Permitted **C** Conditional Use Review **X** Prohibited **A** Exempted	Special Flood Hazard Area Outside Floodway Limits	Special Flood Hazard Area Within Floodway Limits	River Corridors
1	New Structures	C	X	C
2	Storage	C	X	C
3	Improvements to Existing Structures	P, C	C	P, C
4	Small Accessory Structures	P	X	P
5	At Grade Parking for Existing Structures	P	C	P
6	Water supply or septic systems	P	C	P
7	Fill as needed to elevate existing structures	C	C	C

8	Fill	C	X	C
9	Grading	C	C	C
10	Road maintenance	A	A	A
11	Road improvements	C	C	C
12	Bridges and culverts	C	C	C
13	Channel management	C	C	C
14	Recreational vehicles	P	P	P
15	Forestry	A	A	A
16	Agriculture	A	A	A

All development as allowed pursuant to this summary table shall meet the minimum standards set forth below. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

B. Exempted Activities

The following are exempt from regulation under this bylaw:

1. The removal of a building or other structure in whole or in part;

2. Maintenance of existing sidewalks, roads, parking areas, and storm water drainage;

3. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,

4. Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Required Agricultural Practices (AAP). Prior to the construction of farm structures, the farmer must notify the AO in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

5. Planting projects that are considered to have a permit by operation of law under 10 V.S.A. § 4424(c). As used in this subsection, "planting project" means planting vegetation to restore natural and beneficial floodplain functions, as defined in 42 U.S.C. § 4121(a), that include floodwater storage, water quality improvement, and supporting riparian and aquatic habitat.

C. Permitted Development

1. For the purposes of review under these regulations, the following development activities outside the floodway, but within the Special Flood Hazard area and/or the River Corridors, require only an administrative permit from the AO, provided that they meet the Development Standards in § 11.5:

    a. Non-substantial improvements (limited to 500 square feet or less in the River Corridor);

    b. Accessory structures (limited to 500 square feet or less in the River Corridor);

c. Development related to on-site septic or water supply systems;

d. Building utilities;

e. At-grade parking for existing structures;

f. River or floodplain restoration projects that restore natural and beneficial floodplain functions, and that do not involve fill, structures, utilities, or other improvements, and which have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw; and

g. The placement of a mobile home upon an existing lot within a mobile home park.

2. The placement of a recreational vehicle within the Special Flood Hazard and/or River Corridors, requires only an administrative permit from the AO, provided it meets the Development Standards in § 11.5.

D. Conditional Use Review

Conditional use review is required prior to the issuance of a permit by the AO for all development within the hazard areas, other than those activities which either are exempt under § 11.4.B or require only an administrative permit under § 11.4.C. The following proposed development may be permitted within the hazard areas, provided that the DRB finds that the applicant has complied with the Development Standards in § 11.5:

1. New structures, other than critical facilities, outside the floodway;

2. The use of fill outside the floodway when either

   a. used in conjunction or association with a new or existing structure; or

   b. used contemporaneously with the removal of a building or other structure, but limited to the structure's footprint or foundation hole.

3. Substantial improvement, elevation, relocation, or flood proofing of existing structures;

4. New or replacement storage tanks for new or existing structures;

5. Non-substantial improvements (i.e., decks, patios, additions, or accessory structures) with a footprint of 500 square feet or less to existing structures in the floodway;

6. Grading, excavation; or the creation of a pond;

7. Improvements to existing roads;

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed ***and may also include interior renovations***.

8. Storage outside of the floodway;

9. Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;

10. Development related to on-site septic or water supply systems within the floodway;

11. Public utilities

12. At grade parking within the floodway; and

13. Building utilities in the River Corridors.

11.5 Development Standards

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

A. Special Flood Hazard Area

1. *All development* shall be:

   a. Reasonably safe from flooding;

   b. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;

   c. Constructed with materials resistant to flood damage;

   d. Constructed by methods and practices that minimize flood damage;

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

   f. Adequately drained to reduce exposure to flood hazards;

   g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,

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

2. In Zones AE, AH, and A1 – A30 *where base flood elevations and/or floodway limits have not been determined*, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than 1.00 foot at any point within

the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer.

3. *Development in the special flood hazard area, but outside floodway limits,* must not unduly increase base flood elevations or flood velocities. Such development shall not be permitted unless:

    a. it is demonstrated 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 hydraulic engineering principles and is certified by a licensed professional engineer; or,

    b. the proposal provides compensatory storage for floodwater (in the same reach and at elevations up to and including the base flood elevation) to offset the impacts of the proposal. The net post-construction flood storage capacity shall not be less than the pre-construction capacity. A volumetric analysis and supporting data must be provided by the applicant and certified by a licensed professional engineer.

4. Analyses required under § 11.5.A.2 and § 11.5.A.3 will be waived for replacement or relocated primary structures where the proposal indicates no new fill and no increase in the structure's footprint (or an open foundation design).

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

6. *New non-residential structures and non-residential structures to be substantially improved shall*:

    a. Meet the standards in § 11.5.A.5 or,

    b. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; a permit for flood proofing shall not be issued until a licensed 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.

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

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

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

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

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

10. A *small accessory structure* of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in § 11.5.A.8 (above).

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

12. *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.

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

14. *The flood carrying and sediment transport capacity* within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability.

15. Access to new subdivisions and new planned unit developments must be located on dry land outside the special flood hazard area.

B. Floodway Areas- Additional Requirements

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

    a. Not result in any increase in flood levels (0.00 feet) during the occurrence of the base

flood;

b. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

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

C. River Corridors

1. Development within designated centers shall be allowed within the River Corridors if the applicant can demonstrate that the proposed development will not be any closer to the river than pre-existing adjacent development.

2. Development outside of designated centers shall meet the following criteria:

a. In-Fill Between Existing Development: Development must be located no closer to the channel than the adjacent existing primary structures, within a gap that is no more than 300 feet, or

b. Down River Shadow: An addition to an existing structure, or an accessory structure that is adjacent to an existing structure, shall be located in the shadow area directly behind and further from the channel than the existing structure, or within 50 feet to the downstream side and no closer to the top of bank. Below-ground utilities may also be placed within the same shadow dimensions of an existing below-ground system.

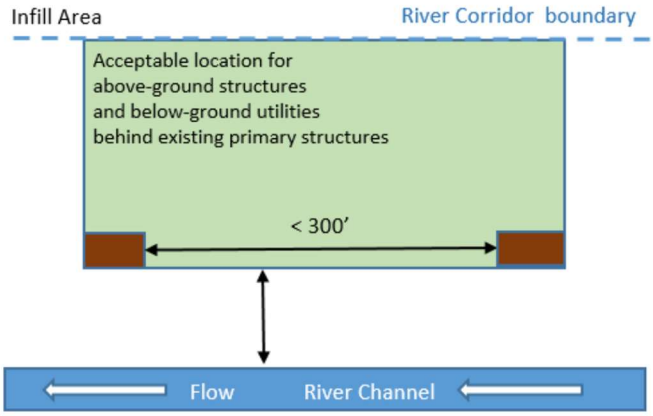


Figure 1 In-fill Development Standard

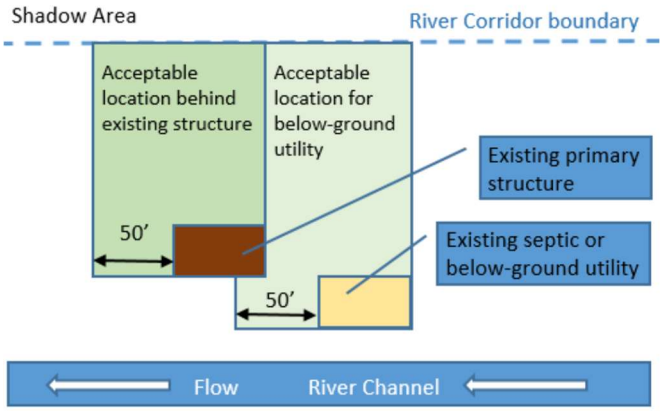


Figure 2 Shadow Area Development Standard

3. River Corridor Performance Standard

a. Proposals that do not meet the infill or shadowing criteria in section § 11.5.C.2 must demonstrate and the DRB must find that the proposed development will:

i. not be placed on land with a history of fluvial erosion damage or be imminently threatened by fluvial erosion;

ii. not cause the river reach to depart from or further depart from the channel width, depth, meander pattern, and slope associated with natural stream processes and equilibrium conditions; and

iii. not result in an immediate need or anticipated future need for stream channelization solely as a result of the proposed development, that would increase flood elevations and velocities or alter the sediment regime triggering channel adjustments and erosion in adjacent and downstream locations.

b. Proposals that meet the infill or shadowing criteria in § 11.5.C.2 are presumed to meet the River Corridor Performance Standard. However, The DRB has the option to require an applicant to demonstrate that a proposal meets the River Corridor Performance Standard if there is a concern that the proposed development is at particular risk from fluvial erosion or may increase fluvial erosion, based on location or past flood damage.

11.6 Administration

A. Application Submission Requirements

1. Where applicable, applications for development shall include a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, River Corridors, the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;

B. Referrals

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

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

C. Records

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

1. All permits issued in areas covered by Article XI;

2. An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood-proofed buildings (not including accessory buildings) in the Special Flood Hazard Area;

3. All flood proofing and other certifications required under this regulation; and,

4. All decisions of the DRB (including variances and violations) and all supporting findings of fact, conclusions, and conditions.

11.7 Enforcement and Penalties

A. This bylaw shall be enforced under the municipal zoning bylaw in accordance with 24 VSA Chapter 117 § 4451, § 4452 and 24 VSA Chapter 59 §1974a, A copy of the notice of violation will be mailed the State NFIP Coordinator.

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

C. Violations of the Required Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. § 4992.

Article XII PLANNED UNIT DEVELOPMENTS

12.1

In accordance with the provisions of 24 V.S.A. 4417, Planned Unit Developments are hereby permitted in order to encourage flexibility and innovation in the design and layout of residential developments, and more efficient use of land; to facilitate the adequate and economical provisions of streets and utilities, to maximize energy conservation, and to preserve the natural and scenic qualities of the open land of the Town. Accordingly, the Development Review Board may modify the operation of these By-laws to an application for a permit for a Planned Unit Development, subject to the conditions set forth herein.

12.2 PUD Approval

12.2.1 Upon receipt of the completed Sketch Plan, the Administrative Officer shall forward the Sketch Plan to the DRB for review at their next regularly scheduled meeting. In the Sketch Plan Review the DRB shall review the Sketch Plan and accompanying information for compliance with these regulations. The developer and/or his or her authorized representative shall attend the meeting of the DRB to discuss the requirements if requested by the AO or DRB. The DRB may schedule additional meetings to continue the Sketch Plan Review.

12.2.2 Within forty-five (45) days of conclusion of the Sketch Plan Review hearing, the DRB shall determine, based on the information provided what details the developer will need to provide to the DRB for final review.

12.3 PUD Final Plan Approval Process

12.3.1 Within 180 days from receipt of Sketch Plan Approval the developer shall submit to the AO the following:

12.3.1.1 A completed Zoning Application with fee and a survey map of the Planned Residential Development prepared and certified by a land surveyor duly licensed by the Board of Land Surveyors established under Chapter 45 of Title 26, Vermont Statutes Annotated and any additional engineering plans, or landscaping plans required by the DRB as part of the sketch plan approval process. (if the applicant is a person different from the owner, the owner of the parcel must also sign the application.)

12.3.1.2 The names and addresses of all adjoining property owners and any municipalities located within 500 feet of the proposed subdivision.

12.3.1.3 Any additional information requested by the AO

12.3.1.4 Any additional information requested by the DRB as a result of the Preliminary Sketch Review.

12.3.1.5 If the Applicant cannot complete the survey and provide the additional information requested within 180 days they Applicant may request an extension to complete the necessary work, the DRB may approve an extension for good cause.

12.3.2 The Administrative Officer, after receipt of the Final PUD Plans, Zoning Application, and fees, shall warn the application for the next regularly scheduled DRB Hearing date or within 45 days, whichever comes first.

12.3.3 The DRB shall approve, approve with conditions, or disapprove the Final PUD Plan within 45 days of the close of the Final PUD Review Hearing. The Decision shall be issued in writing.

12.3.4 The DRB may, as conditions to approval of an application, determine standards for the design and layout of streets, curbs, gutters, street lights, fire hydrants, shade trees, water, sewage and drainage facilities, public utilities and other necessary public improvements. Such standards shall not exceed, in the case of:

12.4 General Standards

12.4.1 A Planned Unit Development shall comply with the following standards and conditions:

12.4.1.1 It will not result in undue water or air pollution. In making this determination the Development Review Board shall consider with respect to the Planned Unit Development (1) the availability and capacity of municipal sewer facilities, or the nature of the applicable soils and subsoils and their ability to support waste disposal adequately, (2) the relation of the land to the flood hazard areas, (3) protection of ground and surface water through appropriate vegetative buffers, retention structures and other techniques and devices, and (4) all applicable regulations of the Health Department and other State agencies.

12.4.1.2 It will have sufficient potable water available for the reasonable foreseeable needs of the development.

12.4.1.3 It will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

12.4.1.4 It will not cause unreasonable highway congestion or unsafe conditions with respect to use of existing or proposed highways.

12.4.1.5 It will not cause an unreasonable burden on the ability of the Town to provide educational services and facilities.

12.4.1.6 It will not cause an unreasonable burden on the ability of the Town to provide other municipal or governmental services and facilities.

12.4.1.7 It will not have a material adverse effect on natural resources including streams, wetlands, scenic views, wildlife habitats, forests or farms.

12.4.1.8 It will not have a material adverse effect on the scenic or natural beauty of the affected area, will be aesthetically compatible with surrounding developed properties, and will protect rare or irreplaceable natural areas and any historic sites.

12.4.1.9 It will provide convenient allocation and distribution of common open space in relation to proposed development.

12.4.1.10 It will provide an efficient layout and high-quality installation, construction, and maintenance of streets and public facilities.

12.4.1.11 It will provide for cooperation with adjoining properties where necessary for the extension of roadway, drainage facilities, and utility lines.

12.4.1.12 It will conform to the Town Plan.

12.5 Density Calculations

12.5.1 Maximum density for a Planned Unit Development shall not exceed the density permitted in the district in which the development is located. The permitted density for a development shall be determined as provided below:

12.5.1.1 A base maximum density shall be established by establishing the buildable area of the land to be developed (excluding areas with excessively steep slopes, excessive wetness, and within flood hazard areas), subtracting 15% for roadways, and multiplying the remaining area times the permitted density per acre for the district. For the purposes of this subsection, excessively steep slopes shall be defined as those having a slope of 1:1 or greater. Excessive wetness shall be defined as areas of standing water (e.g., ponds) and wetlands as classified in the National Wetlands Inventory.

12.5.1.2 The Development Review Board shall have the authority to permit densities greater than those allowed in Section 12.5.1.1 above according to the degree to which the development satisfies the general standards listed in Section 4.4.5 and the specific standards for a Planned Unit Development in a given district.

12.6 Open Space

Open space or common land shall be in a location or locations, size and configuration approved by the Development Review Board. Any open space resulting from a Planned Unit Development shall be protected by appropriate devices, legally enforceable by the Town and any affected parties, to insure its maintenance and appropriate use. Such restrictions may include, but are not limited to, one or more of land use covenants, homeowners' associations, transfer or dedication for municipal use (e.g. parkland, underground utility easements, pedestrian easements, etc.), long term lease for recreational uses or for agriculture, or other appropriate devices.

12.7 Miscellaneous Provisions

12.7.1 The application for a Planned Unit Development shall specify reasonable time periods within which each section of the development may be started and completed. The timetable shall be approved by the Development Review Board.

12.7.2 Each application shall be prepared in accordance with the specifications of the applicable subdivision regulations, site plan requirements (including landscaping requirements), and other such data or information as the Development Review Board may require.

12.7.3 A Planned Unit Development shall be reviewed under the standards for the district in which it is proposed.

12.7.4 An application for a Planned Unit Development shall specify all land owned or controlled by the applicant which will be included in and be made subject to any Planned Unit Development approval. Calculation of maximum allowable density and maximum allowable building coverage shall be based on the total land area specified in the Planned Unit Development and not on the individual lots, if any, within the Planned Unit Development.

Article XIII ADMINISTRATION AND ENFORCEMENT

13.1 Administrative Officer; Fees

13.1.1 The Administrative Officer shall administer these bylaws pursuant to Section 4448 of the Statute. The Administrative Officer shall enforce these Regulations literally and in so doing shall inspect developments, maintain records and perform all other tasks necessary to carry out the provisions of these bylaws. Appeals from any decision or act taken by the Administrative Officer shall be made as provided for in Sub-chapter 10 of the Statute.

13.1.2 The Town of Lyndon currently operates with a Planning Commission and a Development Review Board often referred to as the Appropriate Municipal Panels (AMP). Each AMP has a distinct set of responsibilities for which it is responsible.

13.1.2.1 The primary function of the Planning Commission is to prepare and amend the municipal plan (town plan) and the zoning by-laws, and also to advise on amendments that are made by others. The Planning Commission is charged with providing long-term perspective to day-to-day decision-making. The Planning Commission has a role of bringing the community together to see that the public's interest and general welfare of the community are put ahead of personal interests. In addition to drafting the municipal plan and zoning by-laws the Planning Commission also has the following powers: 1. Prepare and present a capital budget; 2. Undertake capacity studies and make recommendations on matters of land development, urban renewal, transportation, economic and social development; 3. Require information from other departments of the municipality that relates to the work of the Planning Commission; 4. Participate in the regional planning program; 5. retain staff and consultant assistance; and 6. perform such other tasks as it deems necessary or appropriate in order to fulfill the duties and obligations imposed by Chapter 117 of Title 24.

13.1.2.2 The primary function of the Development Review Board (DRB) is to perform development review. When performing development review the DRB is acting in a quasi-judicial capacity because it is applying the by-laws to a specific application, and is in effect acting like a court. The DRB is responsible for hearing all applications for development review including site plan, sub-division, variance, conditional use, administrative officer (AO) appeals, and other reviews authorized by the by-laws.

13.1.3 Fees shall be established by the Selectboard.

13.2 Applications for Permits

13.2.1 No person shall commence development without first obtaining a permit therefor pursuant to these bylaws. Any land development not specifically authorized by, or exempt from, this bylaw is prohibited. A person who wishes to undertake development shall first apply in writing to the Zoning Administrator for a permit with:

13.2.1.1 The name of the owner of the land affected by the development

13.2.1.2 If different, the name of the person who wishes to develop the land

13.2.1.3 The precise location of the land

13.2.1.4 The district or districts in which the land is located

13.2.1.5 The book and pages where the latest deed or deeds to the land in question is recorded

13.2.1.6 A brief written description of the proposed development

13.2.1.7 The dates the development will commence and will be completed

13.2.1.8 The estimated cost of the development

13.2.1.9 The identity of any contractor who will perform the proposed development

13.2.1.10 A plot plan, drawn to scale, showing:

(i) the boundary lines of the land;

(ii) the location of the development;

(iii) existing and proposed set-backs from other buildings (if any) on the land and from the boundary lines of the land;

(iv) the exact location of on-site water and/or on-site sewage disposal facilities, if any;

(v) the exact location of off-site water and/or off-site sewage disposal facilities, if any;

(vi) the size, location, design and construction of any proposed sign; and

(vii) the location of any land affected by the application that lies within a flood hazard area or is in the National Wetlands Inventory;

13.2.1.11 Any other additional information the Zoning Administrator may reasonably require to be included in the Application.

13.2.1.12 All required permit application fees.

13.3

In addition to the information to be included in the written application for a permit, the applicant shall mark on the ground the location of all improvements to be constructed on, or otherwise made to, the affected land.

13.4

The procedure for granting or denying permits shall be as provided in Subchapter 9 of Chapter 117, Title 24, Vermont Statutes Annotated.

13.5

An application shall be denied immediately if any required fee, plot plan, or any required approval from the DRB is not submitted with the application.

13.6

The Administrative Officer shall, no later than 30 days after submission of the application, either issue, deny, or refer a zoning permit.

13.7

The Administrative Officer shall notify the applicant in writing whether the permit is approved or denied and shall state the reasons therefor. Any permit issued within the Special Flood Hazard Area will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

If the zoning permit is approved, all activities authorized by its issuance shall be completed within two years of its date of issue, or the zoning permit shall become null and void.

13.8

In connection with the issuance of zoning permits, the Administrative Officer shall comply with all of the provisions of Section 4449 of the Act.

13.9 Certificates of Occupancy

13.9.1 No person shall use or occupy, or permit the use or occupancy, of any land or structure that is created, erected, converted, changed, altered or enlarged after the effective date of this by-law, unless upon completion the Administrative Officer certifies in accordance with the Act that the location and proposed use of the structure or land conforms to the requirements of the zoning permit that was granted in connection therewith.

13.9.2 Application for a Certificate of Occupancy shall be made to the Administrative Officer on forms provided by the Town for that purpose.

13.9.3 Before issuing any Certificate of Occupancy, the Administrative Officer shall first be satisfied that the location and proposed use of the structure or land, as completed, conforms to the requirements of the applicable zoning permit.

13.9.4 The DRB may, after notice and hearing and with such conditions as seem appropriate to the DRB, authorize the use or occupancy of a structure or land prior to the issuance of a Certificate of Occupancy.

13.10 Penalties

Any violation of these bylaws is subject to penalty as provided in Sections 4451 and 4452 of the Act.

13.11 Appeals

13.11.1 Zoning Administrator Decisions

In accordance with § 4465 of the Act, an interested person may appeal any decision or act taken by the administrative officer in any municipality by filing a notice of appeal with the secretary of Development Review Board of that municipality or with the clerk of that municipality if no such secretary has been elected. This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the administrative officer.

13.11.2 Notice of Appeal

In accordance with § 4466 of the Act, a notice of appeal shall be in writing and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant, and the alleged grounds why the requested relief is believed proper under the circumstances.

13.11.3 Hearing on Appeal

The Development Review Board shall conduct a hearing of the appeal, as provided in Section 4468 of the Act, and such hearing shall be held within sixty (60) days of the filing of the notice of the hearing. In accordance with Section 4464 of the Act, the DRB shall render a decision within forty-five (45) days after completing the hearing.

13.11.4 Development Review Board Decisions

In accordance with section 4471 of the act, an Interested Person who has participated in a proceeding of the Development Review Board may appeal a decision rendered in that proceeding within 30 days of such decision to the Vermont Environmental Court

13.11.4.1 Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

13.11.4.2 The notice of the appeal shall be filed by certified mailing, with fees, to the Vermont Environmental Court and by mailing a copy to the administrative officer, who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

13.11.5 Appeals based on Character of the Area

Under the provision that gives any 10 voters, residents, or property owners in a town the ability to appeal a zoning decision, prohibits the ability to appeal the character of the area for affordable development.

13.12 Public Notice

Any public notice required by these bylaws, whether or not required by any provision of the Act, and whether applicable to the DRB, shall be given by the publication of the date, place and purpose of such hearing in a newspaper of general publication in Lyndon and the posting of such notice in one or more public places within the municipality not less than 15 days prior to the date of the public hearing. The day of publication and the day of hearing are not included in the 15 days. In every case in which public notice is required, such public notice shall include a brief summary of the purpose of the hearing.

Article XIV Amendments, Interpretation, Effective Date

14.1 Amendments

These bylaws may be amended according to the requirements and procedures established in 24 V.S.A. §§4441 & 4442.

14.2 Interpretation

14.2.1 These bylaws shall be interpreted to be minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general welfare.

14.2.2 The provisions of these bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Except as is provided in 24 V.S.A. §4413(c), and where it is specifically provided to the contrary in these bylaws, these bylaws are not intended to repeal, annul or in any way impair any regulations or permits previously adopted or issued, provided, however, that where these bylaws impose a more stringent requirement upon use of a structure or land than are required by any other statute, ordinance, rule, regulation, permit, easement or agreement, the provisions of these bylaws shall control.

14.3 Effective Date

The effective date of these bylaws shall be determined according with 24 V.S.A. §4442.

14.4 Validity and Separability

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

14.5 Repeal

The ordinance entitled the "Zoning Ordinance of the Town of Lyndon," adopted in accordance with the now superseded provisions of 24 V.S.A. Chapter 59, together with all changes and amendments thereto is repealed as of the effective date of these bylaws.

Article XV Personal Wireless Service Facilities

15.1 Applicability

The regulations contained in article 15 are in addition to and do not replace other sections of these bylaws that may apply to personal wireless services and facilities required to provide such services.

15.2 Purpose

The purpose of this Article 15 is to:

15.2.1 encourage the development of personal wireless services in the Town of Lyndon (the "Town") to accommodate the needs of its residents and businesses;

15.2.2 protect the health, safety and welfare of the Town by requiring owners and operators of personal wireless service facilities to (i) prevent unauthorized access to their facilities, and (ii) construct facilities so that they do not pose a danger to the physical safety of nearby property;

15.2.3 encourage the co-location of facilities consistent with the provisions of Section 15.2.1;

15.2.4 protect and preserve the scenic, historic, environmental and natural resources of the Town;

15.2.5 authorize the Town to regulate the location, design, appearance, construction, monitoring, modification, and removal of facilities; and

15.2.6 discourage the location of facilities in the Park District, Residential Neighborhood Districts, residential areas and parks.

15.3 Authority

Pursuant to Chapter 117 of Title 24 of the Vermont Statutes Annotated, the Development Review Board ("the DRB") is hereby authorized to review, to approve with or without conditions, and to deny applications for approval of site plans and for zoning permits to establish personal wireless service facilities in the Town. A DRB is authorized to hire persons and firms to conduct independent technical reviews of and investigations into an application on its behalf to advise the DRB about such applications, and to require an applicant for approval of a site plan or for a zoning permit to establish personal wireless service facilities to pay the reasonable costs thereof. In the event an applicant will be required to pay for such services, the DRB shall first notify the applicant thereof in writing. The notice shall also inform the applicant of the estimated cost of such services and the identity of the firm or person that will provide them.

15.4 Certain Requirements of Federal Law

In addition to other findings required by this Article XV and these Bylaws, a DRB shall find that any decision it makes about an application for a zoning permit or approval of a site plan for personal wireless service facilities is consistent with federal laws and regulations. The DRB shall not:

15.4.1 prohibit the establishment of personal wireless service facilities in the Town;

15.4.2 unreasonably discriminate between or among providers of functionally equivalent personal wireless service services; or

15.4.3 deny a permit to establish or regulate personal wireless services on the basis of the environmental effects of radio frequency emissions if the personal wireless services and facilities comply with all applicable federal laws and regulations concerning such emissions.

Notwithstanding the foregoing, telecommunications facilities may be located in the Park District, the Main Street District, or a park only if the applicant shows that the proposed location of the facilities will provide personal wireless services that are superior to the services that can be provided from other locations that are or may be available for the location of telecommunications facilities. Such facilities shall be installed inside a structure approved by the DRB and shall not be visible from outside the structure. In a Residential Neighborhood District

and residential areas facilities shall be installed inside a structure approved by the DRB, and/or shall have minimal visual impact from outside the structure.

15.5 Permits

A facility may be permitted as a conditional use in any district in the Town if it satisfies all of the requirements of this Article 15. An applicant for a permit to establish a facility must (i) be a provider of personal wireless services, or (ii) include in its application for approval of a site plan or for a zoning permit a copy of a binding contract with a provider of personal wireless services to utilize its facility. No person shall commence construction or installation of or modification to any facility without first obtaining site plan approval and conditional use permit from the Development Review Board.

15.6 The Application

In addition to all other information required by these bylaws, an applicant for approval of a site plan or a zoning permit to establish a facility shall include the following information in or with the application:

- 15.6.1 the landowner(s) of record of the applicable site;
- 15.6.2 if the applicant is not a natural person, the state in which it is organized and the street and mailing addresses of its principal office;
- 15.6.3 the name(s), address(es) and telephone number(s) of the person(s) to be contacted about the application;
- 15.6.4 the person(s) authorized to act on the applicant's behalf in the event of an emergency affecting the facility;
- 15.6.5 engineering reports addressed to the DRB from qualified and licensed engineers, each bearing the engineers' signatures, stamps or seals, and registration numbers:
    - 15.6.5.1 describing the height, design and elevation of the facilities;
    - 15.6.5.2 certifying the height above grade for all proposed mounting positions for any antennas to be located on a structure and the minimum separation distances between the antennas;
    - 15.6.5.3 describing the capacity of a proposed structure, including the number, height, width and type of facilities that the applicant expects the structure to accommodate;
    - 15.6.5.4 describing how the applicant will avoid radio frequency interference with any existing or approved personal wireless services in the Town and surrounding areas including information demonstrating there will be no interference, and evidence that the information has previously been provided to public safety agencies and other providers or users of telecommunications services that might be affected by the applicant's facilities;
    - 15.6.5.5 demonstrating that no existing facilities or other structures, whether within or outside of the Town, can reasonably be used or modified to enable the applicant to provide adequate personal wireless services in the Town;
    - 15.6.5.6 identifying changes to existing facilities or sites in their current state that would enable the applicant to provide adequate personal wireless services in the Town;
    - 15.6.5.7 describing the output frequency, number of channels, power output per channel, signal pattern and area of coverage for each proposed facility;

15.6.5.8 if applicable, stating reasons for seeking capacity in excess of the applicant's immediate requirements, as well as plans the applicant has for the development of additional personal wireless service or facilities within the Town or within a radius of 15 miles of the Town;

15.6.5.9 describing the radio frequency radiation at the site, whether the personal wireless services the applicant proposes to provide are regulated by any state or federal agency, and the evidence on which the statement is based; certifying that the personal wireless services and facilities will comply with all applicable federal and state laws and regulations; and

15.6.5.10 providing any other information required by the DRB with respect to a particular application for a permit;

15.6.6 a binding commitment obligating the applicant, the landowner and its, his, her or their successors to permit shared use of a proposed structure at commercially reasonable cost if additional users agree to satisfy reasonable terms and conditions for shared use including compliance with all applicable Federal and State regulations and the standards and requirements of this Article XV;

15.6.6.1 in the case of an application to install a facility on an existing structure, a copy of the applicant's contract with the owner of the existing structure; and

15.6.6.2 if one is required by the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 4347, a copy of the Environmental Assessment final report.

15.7 Requirements for Applications for Site Plan Approval

In addition to the requirements found elsewhere in this ordinance, site plans for proposed personal wireless services and facilities shall include the following information:

15.7.1 a copy of a portion of the most recent USGS Quadrangle map showing the area within a five-mile radius of the proposed site;

15.7.2 a map showing the area within a 1250-foot radius of the site drawn at the scale of one (1) inch equals one hundred (100) feet, including the facilities, topography, public and private roads and driveways, buildings and structures, bodies of water, wetlands, landscape features, historic sites and wildlife habitats. This map shall show the property lines of the proposed site and all easements or rights of way needed for access from a public way to the facilities;

15.7.3 proposed site plans of the personal wireless service facilities showing all improvements including but not limited to landscaping, utility lines, guy wires, screening, building footprints and roads;

15.7.4 building elevations of all facades indicating all exterior materials and colors of the personal wireless service facilities;

15.7.5 in the case of a proposed site for a tower, the average height of the existing vegetation within 200 feet of the base of the tower;

15.7.6 sequence and time schedule for completion of the construction of each phase of the facilities; and

15.7.7 such other information required by the DRB with respect to a particular application.

15.8 Design Requirements for Personal Wireless Service Facilities

15.8.1 Proposed facilities shall be designed to minimize any adverse effect on the view from any vantage point within the surrounding area. The height and mass of personal wireless service facilities shall not exceed those which are essential for its intended use and public safety. In no event shall the height of a personal wireless service facility exceed 140 feet above grade.

15.8.2 Towers, antennas and any structures shall be designed to the extent possible to blend into the surrounding environment, except in cases in which state or federal authorities have imposed contrary requirements.

15.8.3 All structures (except for utility poles where specifically exempted by the DRB) shall satisfy the setback requirements of the zoning district in which the proposed facility is to be located. In the case of an application to install a tower, if the setbacks in the applicable zoning district are less than 150% of the height of the tower, the minimum distance from the base of the tower to any property line shall be not less than 150% of the height of the tower.

15.8.4 The Development Review Board may impose conditions requiring that ground mounted equipment, antennas and structures be screened from view.

15.8.5 The Development Review Board may require construction of fences or other devices that will prevent unauthorized entry onto a facility.

15.8.6 The Development Review Board shall require that a facility be maintained in a good state of repair at all times. If a permittee fails to maintain a personal wireless service facility in a good state of repair, the Town may perform such maintenance at the sole expense of the permittee.

15.9 Changes to Existing Personal Wireless Service Facilities

An alteration of or addition to a previously approved facility shall require a permit amendment when any of the following are proposed:

15.9.1 a change in the number of structures or facilities on the permitted site;

15.9.2 a material change in the technology used at the facility; or

15.9.3 the addition of or change to any equipment resulting in greater visibility, structural wind loading or height that was not authorized in the original permit

15.10 Lighting, Signs and Noise

Facilities shall not be illuminated by artificial means unless such lighting is required by federal or state law or regulation. Any lighting shall be subject to review and approval by the DRB. The DRB may require that the design of a proposed facility be altered to eliminate the need for lighting. No signs or lettering shall be placed on a tower or antenna unless required by federal or state law or regulation. Noise created by the existence or from the operation of any facility shall be undetectable at the perimeter of the site on which facilities are located.

15.11 Temporary Wireless Communication Personal Wireless Service Facilities

Any personal wireless service or facility designed for temporary use is subject to the following:

15.11.1 a person shall apply for a permit to install a facility or provide personal wireless services for temporary use;

15.11.2 temporary personal wireless services or facilities may be permitted for no longer than ten days. A permit for or site plan approval of a temporary facility may be renewed for good cause shown;

15.11.3 a temporary facility shall not exceed 50 feet in height from grade; and

15.11.4 temporary personal wireless services and facilities shall be subject to all other applicable sections of these regulations.

15.12 Abandoned Personal Wireless Facilities

15.12.1 Abandoned facilities shall be removed as follows: a facility or an element thereof shall be deemed to have been abandoned if (i) it is not placed in service within two (2) years of the date on which a zoning permit for the facility was issued, or (ii) if it is not used for more than 180 days in any calendar year other than the first year of its operation; and

15.12.2 abandoned personal wireless service facilities shall be removed within 180 days of cessation of use unless an extension of time is granted by the DRB for good cause shown. In the event a personal wireless service facility is not removed within 180 days of the cessation of use, the Town shall notify the permittee and the owner of the affected land and the Town may remove any or all of the facilities. Costs of removal shall be assessed against and paid by the property owner and the owner of the personal wireless service facilities.

15.13 Communications Antennae and Facilities

15.13.1 Except to the extent bylaws protect historic landmarks and structures listed on the state or national register of historic places, no permit shall be required for placement of antennae used to transmit, receive, or transmit and receive communications signals on that property owner's premises if the aggregate area of the largest faces of the antennae is not more than ~~eight~~ 15 square feet, and if the antennae and any mast support does not extend more than 12 feet above the roof of that portion of the building to which the mast is attached.

15.13.2 If an antenna structure is less than 20 feet in height and its primary function is to transmit or receive communication signals for commercial, industrial, institutional, nonprofit or public purposes, it shall not be regulated under this chapter if it is located on a structure located within the boundaries of a downhill ski area and permitted under this chapter. For the purposes of this subdivision, "downhill ski area" means an area with trails for downhill skiing served by one or more ski lifts and any other areas within the boundaries of the ski area and open to the public for winter sports.

15.13.3 The regulation of a telecommunications facility, as defined in 30 V.S.A. § 248a, shall be exempt from municipal approval under this chapter when and to the extent jurisdiction is assumed by the public service board according to the provisions of that section.

15.13.4 A municipality may regulate communications towers, antennae and related facilities in its bylaws provided that such regulations do not have the purpose or effect of being inconsistent with subdivisions (A) through (C) of this subdivision (8).

15.14 De minimis telecommunications impacts

An officer or entity designated by the municipality shall review telecommunications facilities applications, and upon determining that a particular application will impose no impact or de minimis impact upon any criteria established in the bylaws, shall approve the application. (Added 2003, No. 115 (Adj. Sess.), § 95; amended 2005, No. 172 (Adj. Sess.), § 5, eff. May 22, 2006; 2007, No. 79, § 15; 2007, No. 79, § 15, eff. June 9, 2007; 2009, No. 54, § 45, eff. June 1, 2009.)

15.15 Bond

The Development Review Board shall require, as a condition of any zoning permit to install a facility, that the Permittee post a bond, irrevocable letter of credit, or other security reasonably satisfactory to the DRB, with such terms and conditions that the DRB may require, as security for the payment of any costs incurred by any person under Sections 15.8.1 and 15.12.

15.16 Ancillary Improvements and Communications Lines

Except as necessary to ensure compliance with the National Flood Insurance Program, these bylaws shall not regulate:

(a) an ancillary improvement, as defined in 30 V.S.A. § 248a(b), that does not exceed a footprint of 300 square feet and a height of 10 feet; or

(b) the following improvements associated with the construction or installation of a communications line, meaning a wireline or fiber-optic cable communications facility that transmits and receives signals to and from a local, state, national, or international network used primarily for two-way communications for commercial, industrial, municipal, county, or state purposes:

(i) the attachment of a new or replacement cable or wire to an existing electrical distribution or communications distribution pole; or

(ii) the replacement of an existing electrical distribution or communications distribution pole with a new pole, so long as the new pole is not more than 10 feet taller than the pole it replaces.

Article XVI SIGNAGE

16.1 Purpose

The purpose of these sign regulations is to ensure businesses, activities, events, or products are provided with sufficient opportunity for identification and promotion while also 1) protecting public safety, 2) promoting effective identification, communication, and wayfinding, and 3) maintaining and enhancing a visual environment that is compatible with the small-town setting of Lyndon.

16.2 Applicability

A zoning permit shall be required prior to the erection, construction, enlargement, or alteration of location, orientation, quantity, or material of any outdoor sign, except for signs which are specifically exempt under these by-laws. The maintenance, repair, or replacement in-kind of an existing sign does not require a permit. All changes must meet all other standards of this bylaw.

16.3 General Standards

All signs other than those specified as being exempt shall require a zoning permit issued by the AO. The number, type, and size of permitted signs may be found in Table 16.17.

16.3.1 Signs must be constructed of a durable material intended for exterior use, such as wood, metal, dibond, or window decal graphics. The use of vinyl or plastic banners as a permanent sign is specifically prohibited. An interim sign (while waiting for a permanent sign) can be made of vinyl or plastic as long as the sign is granted a permit and is not posted on the premises for a time length exceeding 90 days.

16.3.2 Any sign not meeting the requirements of the applicable sections of this Article shall require conditional use approval.

16.4 Exempt Signs

No zoning permit application shall be required for the following types of signs in accordance with 10 V.S.A. § 494. Please refer to Vermont State Statue for more information and details on exempt signs.

16.4.1 Signs located on or in the rolling stock of common carriers.

16.4.2 Signs on registered and inspected motor vehicles except those which are determined by the travel information council to be circumventing the intent of this chapter.

16.4.3 Signs, with an area of not more than 260 square inches, identifying stops or fare zone limits of common carriers by motor bus.

16.4.4 Signs erected by the state or town on public roads including “welcome” signs and official traffic control signs.

16.4.5 A residential directional sign each of which does not exceed four square feet in area, along highways other than limited-access facilities (but not within the highway right-of-way), except that a permit is required if the person maintains a professional, commercial or business activity at this residence and wishes to indicate its existence.

16.4.6 Signs of a duly constituted governmental body, including traffic and similar regulatory devices, legal notices, or warnings at railroad crossings.

16.4.7 Small signs displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas or the like, with a total surface area not exceeding four square feet.

16.4.8 Signs to be maintained for not more than two weeks announcing an auction, or a campaign, drive or event of a civic, philanthropic, or religious organization.

16.4.9 Memorial signs or tablets.

16.4.10 Signs erected by county fairs and expositions for a period not to exceed six weeks.

16.4.11 Directional signs for farmer's markets or the sale of agricultural products harvested or produced on the premises, not to exceed six square feet.

16.4.12 Murals that relate exclusively to a downtown designated under 24 V.S.A. chapter 76A, (please see 10 VSA 494 for specific requirements.)

16.4.13 Municipal informational and guidance signs (wayfinding signs). The surface area of alternative signs shall not exceed 12 square feet, and the height of such signs shall not exceed 12 feet in height. The proposal shall be approved by the municipal planning commission for submission to and adoption by the local legislative body.

16.4.14 Signs displaying a message of congratulations, condolences, birthday wishes, or displaying a message commemorating a personal milestone or event; provided, however, any such message is maintained for not more than two weeks

16.4.15 sign that is a banner (fabric, cloth, vinyl, or plastic cardboard) erected over a highway right-of-way for not more than 21 days if the bottom of the banner is not less than 16 feet 6 inches above the surface of the highway and is securely fastened with breakaway fasteners and the proposed banner has been authorized by the legislative body of the municipality in which it is located.

16.5 Other Exempt Signs

16.5.1 A sign advertising the sale or lease or rent of real estate by the owner or an agent shall not have an area of more than six square feet, including the panel and the frame. Signs attached to "for sale" or "for lease" signs which state "sold," "sale pending," "sale under contract" or similar messages shall not be permitted.

16.5.2 A sign displaying the menu of a restaurant business (aka menu board) that is attached to the exterior of the building shall not have an area of more than forty (40) square feet in any district where a restaurant is a permitted or conditional use.

16.5.3 One (1) promotional sign, including but not limited to a sandwich board sign or advertising banner or streamer, shall not have an area of more than six square feet and must be taken inside the establishment at the close of business and placed on the sidewalk or in front of the building during business hours in a location that does not impede traffic. The one promotional sign must not conflict with the limitations set in these Bylaws.

16.5.4 Murals and signs having a historical or cultural significance. This includes but is not limited to, The White Market Coca Cola mural, the Gold Flour ghost mural, and the Bag Balm three-dimensional signs.

16.6 Prohibited Signs

No official business directional sign, on-premise sign, residential directional sign, or exempt sign may be erected or maintained, which:

16.6.1 Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt to direct the movement of traffic.

16.6.2 Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic.

16.6.3 Contains, includes or is illuminated by any flashing intermittent or moving lights, or moves or has any animated or moving parts, except that this restriction shall not apply to a traffic control sign, barber poles, theatre marquees that conform with state law.

16.6.4 Is located upon a tree, or painted or drawn upon a rock or other natural feature, except that this restriction shall not apply to residential directional signs.

16.6.5 Advertises or calls attention to a business or other activity, or a profession, commodity, product, service or entertainment not on the premises. Except for those that conform with state law.

16.6.6 Advertises activities which are illegal under any state or federal law applicable at the location of the sign or of the activities.

16.7 Illuminated Signs (10 VSA 495)

16.7.1 Illuminated signs shall be shielded in such a way as to produce no glare, light pollution to the night sky, undue distraction to vehicular traffic, hazard to the surrounding area, or a nuisance to adjoining properties.

16.7.2 A sign may be illuminated only by a continuous, non-flashing light of a single color. Such lighting must be effectively focused and shielded so that it does not cause undue glare, impair the vision of drivers or illuminate neighboring properties.

16.7.3 Table 16.17 shows the Districts whereby Externally and Internally lighted signs are permitted and the allowed hours for lighted signs for each district..

16.7.4 Any sign not meeting the requirements of Section 16.7 shall require conditional approval.

16.8 Building signs

16.8.1 A building sign lies flush to the wall, gable end, roof section or any other part of a structure. A building sign shall not be allowed to extend beyond the overall length of the building the sign is mounted on, nor shall the sign be allowed to extend above the highest roof or ridge line of any part of that structure. (Figures 1, & 2)

16.8.2 A building sign on a non-conforming building shall not be considered a non-conforming sign so long as the sign meets the other requirements of these bylaws.

16.8.3 Building signs count toward the total number and total square footage of signs allowed in each district. The allowed square footage for a building sign in each district is summarized in Table 16.17.

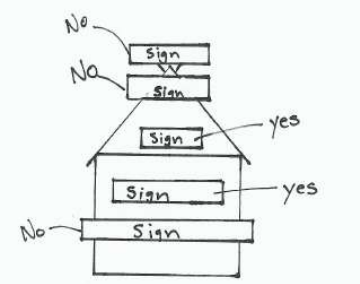


Figure 1

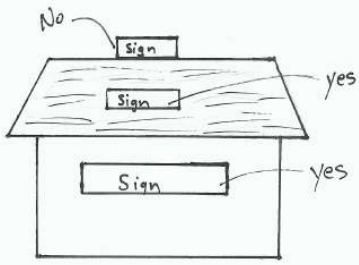


Figure 2

16.9 Protruding Signs

16.9.1 A protruding sign extends outward from the wall of a building. It may be perpendicular to the building wall or at an angle, but its message is intended to be read primarily by people approaching from one or both sides. This includes marquees or awnings that contain signs.

16.9.2 Protruding signs count toward the total number and total square footage of signs allowed in each district, summarized in Table 16.17.

16.9.3 A protruding sign may not extend more than six (6) feet beyond the building wall from which it projects.

16.9.4 The lowest point on a protruding sign must be at least 7 feet 6 inches above grade.

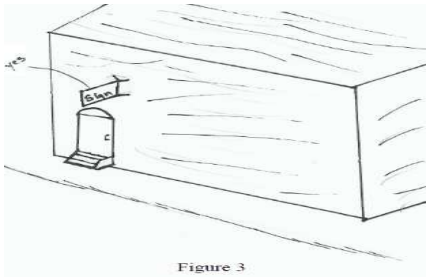


Figure 3

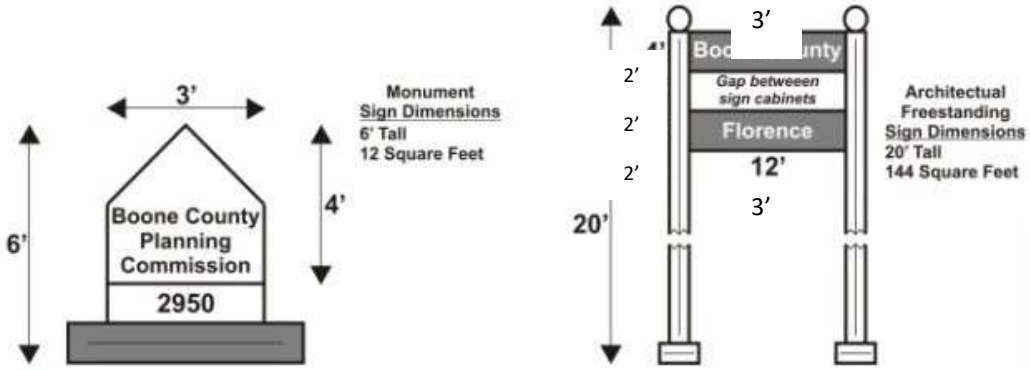
16.10 Freestanding Signs

16.10.1 Freestanding signs are limited to one (1) frame or monument per lot. Lots containing more than one business must not exceed the allowed square footage requirements per the district for all signs within the freestanding sign frame or monument space. This may mean smaller signs are within the frame/display space.

16.10.2 Measuring for smaller signs within one freestanding frame is shown in Figure 4 (i.e., two 2'x3' signs equal 12 square feet of signage).

16.10.3 Freestanding signs count toward the total allowed square footage of signage for each district (see Table 16.17). All freestanding signs must meet the setback requirements detailed in 16.11.

16.10.4 Freestanding signs must not exceed the sign height maximums for each district (See Table 16.17).



16.11 Setbacks

16.11.1 No official business directional sign, on-premise sign, residential directional sign, or exempt sign shall be placed within the road Right of Way; or along any road or street in a manner which obstructs the line of sight for vehicular traffic. This is intended to mean that in some instances a sign may need to be set back from the road more than just the edge of the right of way in order to ensure safety.

16.11.2 In cases where a sidewalk exists, the sign must be out of the Right of Way limits of the road, and the sign must be set back at least 4 feet from the non-road side edge of the sidewalk.

16.11.3 All signs shall meet the required side and rear setbacks for the district in which they are located. Please refer to the Minimum Requirements for Development chart found within these Bylaws for setback requirements.

16.12 Event Signs

16.12.1 One (1) special event sign is allowed per lot at one time, including but not limited to banners, streamers, or pennants.

16.12.2 The one (1) special event sign shall not measure more than 16 square feet.

16.12.3 An event sign is not a promotional sign (i.e. sandwich board).

16.12.4 An event sign can be posted for no more than 28 days.

16.12.5 An event sign is allowed for a maximum of four events per calendar year.

16.13 Non-conforming Signs

Any sign that was lawfully in place prior to the enactment or amendment of these regulations and does not conform to the standards herein with respect to area, height, setback, location on building, or number of signs permitted, is hereby known as a nonconforming sign.

16.13.1 A nonconforming sign shall not be enlarged, extended, moved, or orientation unless such changes are to bring the sign into more compliance with these regulations by at least 20% of the total measurement the sign is out of compliance (setback, square footage, building location, or number of signs).

16.13.2 A nonconforming sign can be maintained, repaired, or replaced in-kind so long as there are no changes in dimension, orientation, location, or quantity. All other changes require a sign permit.

16.13.3 A nonconforming sign that has been damaged or destroyed by fire or other accident may be reestablished, providing that such repair or replacement occurs within eighteen (18) months of the date of such damage or destruction.

16.13.4 A nonconforming sign that has been abandoned for more than eighteen (18) months or identifies a business, activity, or product that has not existed at that location for more than eighteen (18) months must be removed.

16.13.5 A building sign on a non-conforming building shall not be considered a non-conforming sign so long as the sign meets the other requirements of this bylaw.

16.14 Conditional Permits

Signage requirements that apply to entire districts fail by their nature to account for all of the different conditions that exist within each district. Such requirements should not be conclusive and binding land use requirements subject to the inflexible requirements of Section 4469 of the Act. An applicant may apply for a

conditional sign permit for signage of a different size, design, material type, or location than set forth in this Article.

16.14.1 All conditional permits must meet the requirements set forth in section 4.2 of the Bylaws.

16.14.2 The DRB can consider requests for additional signage, after notice and hearing. The applicant must provide 1) evidence of special or unique building circumstances that are exceptional to the character of the district, and 2) scaled renderings of the signs on the building. Upon DRB decision, the total allowed square footage for the location cannot exceed the distributions in 16.14.2.1 and 16.14.2.2.

16.14.2.1 Conditionally permitted freestanding on-premises signs may be erected or maintained with a total square area of not more than 150 square feet per sign (10 VSA 494)

16.14.2.2 Conditionally permitted building signs may be erected or maintained, with a total square area of not more than 200 square feet per sign.

16.14.3 Projects located on parcels that are adjacent to the Village & Main, Commercial, or Industrial districts can seek additional signage after review of professional rendered drawings by the DRB. The DRB can provide additional signage square footage up to 75% of the neighboring district so long as all the conditional use requirements set forth in 4.2 are met.

16.15 Measurement

16.15.1 The measurement of a sign's area shall be the area as measured by the product of its total height and total width, and shall be considered to include all lettering and background which is an element of the sign but not including any support framework or bracing which is incidental to the sign and which are not designed to attract attention. (Figures 5 & 6) If the applicant is using individual letters the spaces between letters shall be counted as part of the sign's square footage (Figure 4).

16.15.2 The area of one (1) side of a double-faced sign shall be regarded as the total area of the sign as long as the content and size of the faces are the same. Each face shall be measured individually if the content is different.

16.15.3 The area of a multi-faced sign shall be measured as the total square footage divided by the number of sides if the contents and size of the faces are the same. Each face shall be measured individually if the content is different.

16.15.4 The maximum allowable area of a sign shall include all permanent signs attached, painted, or applied to a building façade (and windows). If an establishment has walls fronting on two (2) or more streets, the sign area for each street shall be computed separately and shall not exceed the allowed square footage per each side of the building.

16.15.5 The height measurement for signage shall be from the average existing grade to the highest point of either the sign itself, or the sign posts, whichever was tallest. (Figures 5 & 6)



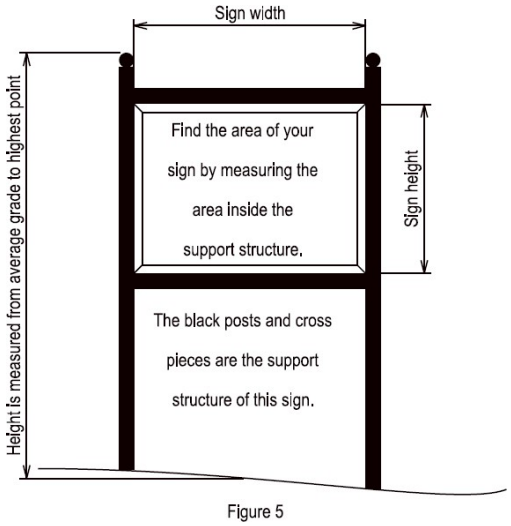


Figure 5

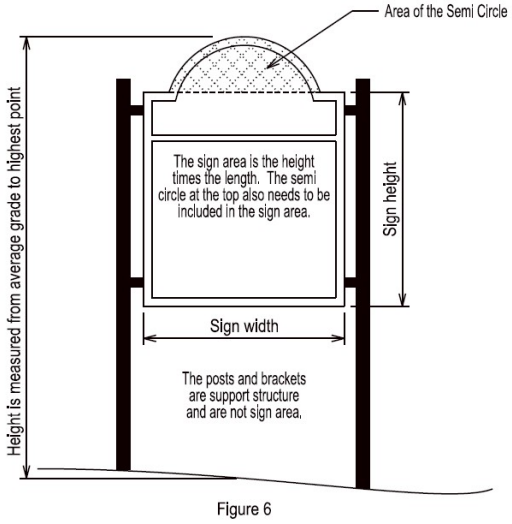


Figure 6

16.16 Business Plaza

16.16.1 In instances where a business plaza is located on an individual property, the property shall be allowed to have a freestanding sign at the maximum size allowed for the district in which the property is located. Refer to 16.10 for measurement specifications for multiple signs within one freestanding sign frame.

16.16.2 Each individual business within the business plaza shall be allowed building signs at a proportion to the total signage square footage allowed, to be determine by the landholder, and in consideration of preexisting signs on the building.

16.17 Sign Requirements Table

Districts: **Commercial, Industrial**	Max Area	Max Area per (1) sign	Max Height	Number	Lighting Standards
Building and Ground Mounted (combined)	Greater of 100 sq ft or 2 sq ft per building lineal frontage	75 sq ft	Building mounted signs must meet requirements of 16.8 and/or 16.9	Per storefront- Quantity of building signs is unlimited within Max Area	Externally, internally, or unlit. Light extinguished one hour after closing.
				1 projecting sign per entity	
			20' for ground mounted	1 frame per lot	Externally, internally, or unlit.
Districts: **Residential Neighborhood, Park, Institutional Control**	Max Area	Max Area per (1) sign	Max Height	Number	Lighting Standards
Building and Ground Mounted (combined)	**10**	**10**	Building mounted signs must meet requirements in 16.8 and/or 16.9	1 building sign (including projecting)	Externally lit or unlit. Lighting extinguished one hour after closing or 10pm, whichever comes first.
			8' for ground mounted	1 frame per lot	Externally lit or unlit.
District: **Village & Main**	Max Area	Max Area per (1) sign	Max Height	Number	Lighting Standards
Building and Ground Mounted (combined)	Greater of 60 sq ft or 2 sq ft per building lineal frontage	75 sq ft	Building mounted signs must meet requirements in 16.8 and/or 16.9	Per storefront- quantity of building signs is unlimited within MAX AREA	Externally lit or unlit +Internally (with conditional use approval). Lighting extinguished one hour after closing.
				1 projecting sign per entity	
			12' for ground mounted	1 frame per lot	Externally lit or unlit +Internally (with conditional use approval).
District: **Rural Residential**	Max Area	Max Area per (1) sign	Max Height	Number	Lighting Standards
Building and Ground Mounted (combined)	**36**	**36**	Building mounted signs must meet requirements of 16.8 and/or 16.9	1 building sign (including projecting)	Externally lit or unlit. Lighting extinguished one hour after closing or 10pm, whichever comes first.
			12' for ground mounted	1 frame per lot	Externally lit or unlit.

Article XVII Design Review Overlay District Regulations

17.1 Enactment and Authority

The Town of Lyndon has adopted these bylaws in accordance with and as authorized by the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, §4441 and §4442.

17.2 Statement of Purpose

It is the purpose of this bylaw to:
A. Implement the goals, policies, and recommendations in the current municipal plan;

B. In accordance with the 24 V.S.A. §4414(1)(E), the Design Review Overlay District is established to protect and enhance the historical, architectural, and cultural significance of the historic structures and other resources within this overlay district.

C. Ensure that new development and additions to historic and non-historic structures are compatible with the historic structures by encouraging a consistently high standard of design in renovations and new construction to support and maintain the historical, architectural, and cultural significance of the Design Review Overlay District.

17.3 Establishment of District Boundaries

The Design Review Overlay District Boundary is depicted on the map in Appendix E, and on the Lyndon Zoning District map.

17.4 Design Standards

All new structures and additions to existing structures within the Design Overlay District shall comply with the following standards and conditions:

- 17.4.1 Building coverage
  Within the Design Overlay District, building coverage shall be a minimum of 20% of the lot and a maximum of 30% of the lot.
- 17.4.2 Orientation
  To provide a uniform streetscape, new principal structures in the Design Review Overlay District shall be located with their fronts parallel to the street.
- 17.4.3 Front Setback
  Structures shall be set back from the front property line at a distance comparable to the predominant setbacks on the street block.
- 17.4.4 Main Entrance
  The main entrance to structures shall be located on the front façade of the structure oriented to the street.
- 17.4.5 Materials
  - 17.4.5.1 Building materials shall provide architectural aesthetic quality, durability, and shall be compatible with the architectural style of the building and vernacular architecture typical of rural New England.

17.4.5.2 Existing Structures - Replacement materials for roofs and exterior walls shall match existing materials or use appropriate substitutions based upon the compatibility of the materials with the historic character of the building.

17.4.5.3 New Construction - New structures shall incorporate materials compatible with those of the buildings in the vicinity.

17.4.6 Architectural Elements

For new construction, architectural features, including but not limited to cornices, entablatures, doors, windows, shutters, and fanlights, shall be compatible with the features prevailing in the immediate area. It is not intended that the details of existing buildings be duplicated precisely, but those features are to be regarded as suggestive of the extent, nature, and scale of details that are appropriate on new buildings and alterations.

17.4.7 Fenestration

17.4.7.1 The size and placement of windows and doors shall relate to the overall form of the building and shall be consistent and proportional with those of the surrounding buildings.

17.4.7.2 Long, blank walls shall be avoided on street-facing facades.

17.4.8 Porches and Decks

17.4.8.1 Porch additions shall be complementary to and compatible with the original building without obscuring defining historical architectural characteristics.

17.4.8.2 Porches on new structures shall be compatible in general form, location, orientation and scale with existing porches in the vicinity.

17.4.8.3 Decks shall not be located on the front street-facing side of a structure. Decks shall be located in back or side yards only.

17.4.9 Additions

17.4.9.1 Additions to historic structures should be compatible with the original structure.

17.4.9.2 Exact matching of new and existing materials is not required and the use of energy efficient design and materials is encouraged.

17.4.9.3 Additions to buildings shall be located behind or to the side of the primary structure.

17.4.9.4 Additions shall be compatible with the primary structure in roof form, window heights and door opening sizes and proportions.

17.4.9.5 Additions to historic structures shall be compatible with the primary structure but distinguishable as a later addition.

17.4.10 Accessory Buildings

Free standing accessory buildings or attachments, such as garages, should be located at the rear or to the side of the main structure, so that they do not detract from the streetscape.

17.4.11 Fences and Walls

Fences and walls that are both in front of the primary structure setback and over four (4) feet high require administrative design review and approval.

17.4.12 Parking Lots

New commercial parking lots shall be screened from street view by landscaping features.

17.4.13 Sidewalks

New commercial developments on parcels without sidewalks shall be required to install sidewalks at the street frontage which meet Town sidewalk specifications or pay a fee-in-lieu of sidewalks to the Town for future sidewalk installation, at the discretion of the DRB.

17.4.14 Lighting

17.4.14.1 Lighting shall be shielded to limit light spill, glare and skyglow.

17.4.14.2 Outdoor lighting shall be designed to not direct light beyond the boundaries of the area being illuminated or onto adjacent properties or streets.

17.4.14.3 Floodlights or directional lights may be used to illuminate common drives, parking garages and working (maintenance) areas but shall be shielded or aimed in such a way that they do not shine into other lots or the street space.

17.4.14.4 Lighting that is too bright or intense and creates glare, hinders night vision, and/or creates light pollution is prohibited.

17.4.15 Parking

On-site parking shall be situated to the rear of the principal structures where feasible. Parking located to the side of the principal structure shall be allowable when the applicant can demonstrate substantial barriers to locating parking to the rear of the structure.

17.4.16 Curbs and Curb Cuts

17.4.16.1 New commercial developments shall install curbs which meet Town curbing specifications along all street frontage.

17.4.16.2 No single curb cut shall exceed 30 feet in length, and there shall not be more than two curb cuts on any street frontage 100 feet or less in length. The minimum distance between two curb cuts shall be 5 feet.

17.4.16.3 For each 50 feet of street frontage length over 100 feet an additional curb cut no greater than 30 feet in length may be permitted.

17.4.16.4 When a curb cut is relocated, the original location shall be permanently closed including new curbing, sidewalk, and green belt in accordance with applicable Town Standards.

17.4.17 Meters, Pumps and Mechanical Structures

All meters, pumps, transformers, mechanical structures, trash and recycling shall be located at the rear of new buildings and screened from street view.

17.5 Design Review Procedure

17.5.1 The Development Review Board shall serve as the Appropriate Municipal Panel (AMP) for design review in accordance with 24 V.S.A. § 4460. Applications for development within the Design Review Overlay District shall be reviewed by the Development Review Board concurrently with applications for site plan review in accordance with Section 9.1, and conditional use in accordance with Section 4.2.2, or any other review under the Lyndon Zoning Bylaws. The Design Review Board shall consider compliance with all design standards under Section 17.4 in making their determination to approve or disapprove an application.

17.5.2 Administrative design review and approval shall be allowed for fences and walls, small structures in back yards, and projects with limited visibility from public vantage points in the case of one- and two-household dwellings.

17.5.3 Application Requirements In addition to the information required under Section 9.1, applications for Design Review Overlay approval shall include the following:

17.5.3.1 Proposed architectural elevations (for each exterior wall) showing door and window types and placement, and other exterior details;

17.5.3.2 A description of all materials to be used on the exterior of any building and, upon Development Review Board request, samples of materials;

17.5.3.3 Photographs of the existing building(s) on the site and of buildings on adjacent and facing parcels;

17.5.3.4 Specifications for any external lighting involved in the development;

17.5.3.5 A brief narrative describing the project;

17.5.3.6 Other information as required by the Development Review Board.

17.5.4 Waivers

The DRB may modify or waive an improvement or dimensional standard required under the Design Review Overlay Regulations, subject to conditions, in specific circumstances. The DRB must find the standard proposed to be modified cannot be fully met due to:

17.5.4.1 Physical site limitations on the property,

17.5.4.2 Legal or development constraints specific to the property,

17.5.4.3 Financial implications of adherence to the provision(s) that may render desirable development infeasible,

17.5.4.4 Existing or planned development context in the area,

17.5.4.5 Necessary improvements for access for disabled persons,

17.5.4.6 Necessary improvements for fire safety,

17.5.4.7 Necessary improvements for energy conservation and renewable energy structures,

The DRB must also find:

17.5.4.8 The improvement or requirement is not necessary to ensure public health, safety, and general welfare;

17.5.4.9 The modification or waiver as proposed is the minimum necessary to afford relief and represents the least deviation from the standards and requirements of these Regulations;

17.5.4.10 The modification or waiver, if granted, will not have the effect of nullifying the intent and purpose of these Regulations, the Town Plan, or other municipal bylaws and ordinances in effect.

17.5.4.11 A waiver shall only be granted by the DRB if the only modification that meets the criteria above is to not apply the standard at any level or in any form.

APPENDIX A: DEFINITIONS

"Accessory Dwelling Unit" A distinct unit that is clearly subordinate to a single-household dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with the following: (i) the property has sufficient wastewater capacity and (ii) the unit does not exceed 30 percent of the total habitable floor area of the single-household dwelling or 900 square feet, whichever is greater. One ADU is allowed as permitted in districts where a single-household dwelling is a permitted use except for flood hazard, river corridor, and fluvial erosion areas. An accessory dwelling unit is defined under 24 V.S.A. § 4412 (1) (E).

"Accessory Structure or use" a structure or use which is clearly incidental and subordinate to the principal use of or structure on a lot, located on the same lot as the principal structure or use, and clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, playhouses, and chicken coops/runs.

"Act" means Chapter 117 of Title 24, Vermont Statutes Annotated.

"Administrative Officer (AO)" is the administrative officer for the Town of Lyndon appointed pursuant to 24 V.S.A. § 4448.

"Adult Care Facilities" A state regulated or licensed facility providing adult care and meeting the specific requirements per specific definition as defined by the State of Vermont in 33 V.S.A. § 7102. "Adult Care Facilities" is distinct from "Residential Care Homes" as defined in the ordinance.

> *"Assisted-Living Residences"* A licensed program or facility that combines housing, health, and other services to support residents' independence and aging in place. Housing units must provide a private bathroom, bedroom, living space, kitchen facilities, and a lockable door.
>
> *"Nursing Home"*: An institution or distinct part of an institution which is primarily engaged in providing to its residents skilled nursing care, rehabilitation services to injured, disabled or sick individuals, and 24-hour health related care and services to individuals who, because of their mental or physical condition, require institutional care and services.
>
> *"Therapeutic Community Residence"* A place, however named, excluding hospitals as defined by statute, which provides, for profit or otherwise, transitional individualized treatment to three or more residents with major life adjustment problems, such as alcoholism, drug abuse, psychiatric disability, or delinquency.

"Affordable Housing" generally means either of the following:

> Owner-occupied housing for which the total annual cost of ownership, including principal, interest, taxes, insurance, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 120 percent of the county median, as defined by the U.S. Department of Housing and Urban Development.
>
> Rental housing for which the total annual cost of renting, including rent, utilities, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 80 percent of the area median income (AMI), as defined by the U.S. Department of Housing and Urban Development.

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

"Agriculture" The commercial cultivation or other commercial use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or the raising, feeding or management of livestock, poultry, equines, fish or bees; or the operation of greenhouses; or the production of maple syrup; or the on-site storage, preparation and sale of agricultural products principally produced on the farm; or the on-site production of fuel or power from agricultural products or waste principally produced on the farm. This definition includes the activities listed in the definition of agriculture found in 10 V.S.A. § 6001 (G) and (H) which are:

(G) the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines; or

(H) the importation of 2,000 cubic yards per year or less of food residuals or food processing residuals onto a farm for the production of compost provided that:

(i) the compost is principally used on the farm where it is produced; or

(ii) the compost is produced on a small farm that raises or manages poultry.

"Antenna" means a device for the transmission or reception of personal wireless service signals together with any appurtenances to an antenna.

"Appropriate Municipal Panel" is defined as a Planning Commission, the Zoning Board of Adjustment, Development Review Board, or a Legislative Body performing development review.

"Asphalt, Cement Aggregate Plant or Hot-Mix Plant" A manufacturing facility used to produce material for the paving of roads, streets, parking lots, sidewalks and other areas that must have a hard, flat surface.

"Bank/financial institution" The use of a structure or part of a structure for the custody, loan, exchange, issue, managing money, for the extension of credit, or for facilitating the transmission of funds.

"Bar/cocktail lounge/tavern/brewery" A business enterprise or part thereof used primarily for the retail sale or dispensing of liquor or alcoholic beverages for consumption on the premise, or the part of a building, structure, or premise of a private club, association or organization that dispenses liquor or alcoholic beverage for consumption on the premises.

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

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

"Bed and Breakfast" A portion of an operator occupied dwelling made available to overnight guests on a short-term basis (less than 30 days) and serving breakfast to the guests only.

"BFE" see "Base Flood Elevation".

"Buffer" means an undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or stream.

"Business Plaza" for the purposes of these Regulations, a business plaza consists of three or more directly adjoining retail and/or service establishments served by common curb cuts, access facilities, or parking areas.

"DRB" means the Development Review Board for the Town of Lyndon established pursuant to the Act.

"*Cabin*" see *"Primitive/Recreational Camp"*

"Campground" A parcel of land under the control of an individual or individuals, an organization, or a government entity where residence is offered or provided on two-or-more sites for seasonal or short-term stays in cabins, tents, or lean-tos – or sites designed for mobile camping with recreational vehicles, truck/van campers, and/or travel trailers.

> *"Primitive Campground*" A parcel of land, where either no facilities are provided or where rudimentary facilities (privies and fireplaces) are provided for the comfort or convenience of the camper(s).
>
> "*Developed Campground"* A parcel of land that provides access to large vehicular traffic where sites are substantially developed with two or more utilities (refuse disposal, restrooms, or camp store)

"Car Wash" A facility used for washing, waxing, polishing, and/or the general cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

"Cemetery" Land used or intended to be used for the burial or storage of deceased persons or animals (e.g., graves, vaults, mausoleums) and dedicated for such purposes.

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

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

"Childcare Facility" Any place or program operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care, and supervision of children under 16 years of age outside their homes for periods of less than 24 hours a day by a person other than a child's own parent, guardian, or relative. Capacity limitations are set by the Department for Children and Families and must be abided by.

> *"Home childcare facility*" shall be considered by right to constitute a permitted accessory use to single-household dwelling units – but may need site plan approval based on local zoning requirements. A "childcare facility" and "family childcare home" are defined under 33 V.S.A. § 3511.

"Church (Place of Worship)" A building or group of buildings where people assemble for religious worship and which is maintained and controlled by a religious body that is primarily intended for conducting organized religious services and associated accessory uses.

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

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

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

"Designated center" means a downtown, village center, new town center, growth center, or neighborhood development area designated pursuant to 24 V.S.A. Chapter 76A.

"Development" see "Land Development".

"Dwelling Unit" is a structure or portion of a structure intended for habitation by a household that provides complete independent facilities and provisions for living, including sleeping, food preparation, and sanitation.

> *"Single- Household Dwelling"* A structure designed for and occupied by one household.
>
> "*Two-Household Dwelling*" A structure designed for and occupied by two separate household units, with the number of households not exceeding the number of dwelling units.
>
> *"Multi-Household Dwelling"* A structure designed for and occupied by three or more separate household units, with the number of households not exceeding the number of dwelling units.

"Emergency Shelter" means a facility operated by a municipal, state, or federal agency, or by a charitable or religious organization, that provides temporary shelter to individuals or families in crisis or without housing.

"Equilibrium condition" means the width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading the channel bed elevation.

"*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 the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Extraction of Earth Resources" - the removal or recovery of soil, rock, minerals, or organic substances other than vegetation from water or land, on or beneath the surface thereof.

"Facility" ("facilities") means facilities for the provision of personal wireless services.

"Fairgrounds" A delineated area for limited time events and commercial uses. May have stadium structures and barn-like structures. All other uses need to go through regular zoning procedures.

"Farm Structure" In accordance with 4413 (d) of the Act, any building for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agriculture or required agricultural practices. This includes a silo or a farm stand for the sale of agricultural products principally produced on the farm, but specifically excludes other types of farm stands and dwellings for human habitation.

"Farm Employee Residence" means a single- or two- household dwelling occupied only by employees (and such employee's household if any) of the farm on which the residence is located.

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

"FIRM" see "Flood Insurance Rate Map".

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

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

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

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

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

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

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

"Forestry"- Commercial silviculture practices, including the activities related to the management of forests, including a timber harvest; pruning; planting; reforestation; pest, disease, and invasive species control; wildlife habitat management; and fertilization. Forestry includes the primary processing of forest products of commercial value on a parcel where the timber harvest occurs.

"Frontage" shall mean the width of a lot measured at the line where the lot adjoins the abutting public highway or public waters.

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

"Funeral Home" A structure or part of a structure intended to prepare deceased people or animals for burial or cremation and to hold funeral services.

"Gas Station/Fuel Distribution" An establishment principally used for the sale of any type of fuel, including but not limited to gasoline, propane, diesel, biofuels, and electricity, and other motor vehicle related products. A "gas station/fuel distribution" site can apply for conditional use of the site to include a retail store (if the zone allows for that use) that sells limited lines of grocery and household items. This definition specifically excludes motor vehicle repairs, motor vehicle sales, salvage yards, parking facilities, park and ride facilities, and truck terminals.

"Grading" means the movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the hazard area and such new material is not offset with an equal or greater removal of material from the portion of the site within the hazard area, the new material shall be considered "fill" and shall not be considered grading.

"Hazardous Waste Management Facility" means a facility for the treatment, storage, or disposal of hazardous waste for which a notice of intent to construct has been received by the Secretary of the Agency of Natural Resources under 10 V.S.A. § 6606a. "Hazardous Waste Management Facility" is distinct from "Wholesale Storage and/or Distribution (hazardous materials)" as defined in this Appendix.

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

"Home Occupation" an occupation carried on for profit inside of a dwelling unit or subordinate accessory structure, which is customary in residential areas, does not use more than a minor portion of the occupant's dwelling, is carried on by the occupant of the dwelling, does not change the character of the area in which it is situated, and is secondary to the use of the property as a dwelling by the residents thereof.

"Hotel" means an establishment that holds itself out to the public by offering sleeping accommodations for a consideration, whether or not the major portion of its operating receipts is derived therefrom and whether or not the sleeping accommodations are offered to the public by the owner or proprietor or lessee, sublessee, mortgagee, licensee, or any other person or the agent of any of the foregoing. The term includes inns, motels, tourist homes and cabins, ski dormitories, ski lodges, lodging homes, rooming houses, furnished-room houses, boarding houses, and private clubs, as well as any building or structure or part thereof to the extent to which any such building or structure or part thereof in fact is held out to the public by offering sleeping accommodations for a consideration.

"Hospital" means a public or private institution licensed by the State of Vermont that is primarily engaged in providing diagnostic, treatment, and rehabilitative services to inpatients under the supervision of physicians, and that provides 24-hour nursing and medical care.

"Household" one or more persons occupying a dwelling unit and living together. This includes (a) members of a single family, all of whom are related by blood, adoption, foster care, marriage, or civil union. (b) no more than six unrelated adults and their minor children. (c) a residential care home licensed by the State of Vermont, serving not more than eight persons who have a disability as defined in 9. V.S.A. § 4501

"Indoor Recreation/Arts/Community Facility" Any structure, or a portion thereof, with a primary use of cinema, performance arts, visual arts, sport, recreation, social or cultural activities.

"Infill development" means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in an area that was not previously developed but is surrounded by existing development.

"Interested Person" means any one of the following: (1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case. (2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality. (3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. (4) Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the 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. (5) Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the agency of commerce and community development of this state.

"Land Development" means the division of a parcel into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation or landfill for a commercial purpose; and any change in the use of any structure or land or extension of the use of land. "Land

Development" does not include the replacement of an existing sign with another sign of the same type of construction and having the same or less area than the sign being replaced. For regulatory purposes within the Special Flood Hazard Area (SFHA) or River Corridor, "development" means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

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

"Light Industry"- A business and/or facility, or portion thereof, engaged in processing, assembly, distribution, or packaging of natural or man-made products, equipment storage, where such activity results in minimal adverse off-site effects on air quality, water quality, noise or vibration level, odor, light, or glare.

"Lodging Establishment" Any establishment with more than two guest rooms/units that caters to the traveling and transient public, and advertises that they have lodging, by the night, weekend, week, or month. This includes, but is not limited to, bed and breakfasts, inns, motels, hotels, and lodges. Restaurant, meeting, event, and recreation facilities open to the public may be allowed as a mixed use, subject to conditional use review, in zoning districts in which other such uses also are allowed. These facilities must comply with all State regulations.

"Lot" means a parcel of land occupied or to be occupied by a building or buildings, a mine, an excavation, or a landfill. A lot shall be of sufficient size to meet the minimum requirements of this bylaw. A lot shall have frontage on a public highway, or access thereto by a legal perpetual right-of-way not less than fifty feet in width. A lot may consist of (a) a single lot of record; (b) a portion of a lot of record; (c) a combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record; and (d) a parcel of land described by metes and bounds.

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

"Lumber Yard" A tract of land that has finished/unfinished lumber and other building supplies displayed for sale to the public and/or wholesalers. This Includes log yards.

"Maintenance" means any work performed where the purpose and effect of such work is to preserve, protect, retain, or replace a portion of an existing structure, to prevent deterioration, decay, or damage, with the intent to protect or sustain the existing structure in its original condition.

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

"*Manufactured (or mobile) home park subdivision*" means a parcel (or contiguous parcels) of land divided into two or more manufactured/mobile home lots for rent or sale.

"Manufacturing & Fabricating"- The processing, treatment and/or conversion of raw, semi-finished or finished materials into a different, more or less refined form or state, including the physical assembly, from standardized

parts, of a distinct or finished product that differs from its individual components. This definition does not include the processing of agricultural goods raised on the premises, which falls under the definition of agriculture.

"Manufactured (or Mobile) Home Park" - Any site, lot, field or tract of land upon which two or more occupied manufactured/mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of such manufactured/mobile home park.

"Medical Clinic" The use of a structure or part of a structure to provide healthcare services to people or animals as outpatients.

"Mobile home" see "Manufactured home".

"Modular Home" means a factory-built structure of closed construction transported in one or more sections to a building site and affixed to a permanent foundation. Unlike mobile or manufactured homes, modular units are regulated to meet standard state and local building codes (such as the International Residential Code) rather than federal HUD standards.

"Motor Vehicle Repairs" An establishment whose principal purpose is the repair of motor vehicles, including body shops, general vehicle and engine repair shops, and rebuilding and/or reconditioning shops. Gasoline stations are specifically excluded from this definition. See Gas Station/Fuel Distribution, Motor Vehicle Sales.

"Motor Vehicle Sales" A business selling, offering to sell, soliciting, or advertising the sale of motor vehicles. This includes the display and repair of vehicles on the premises.

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

"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 floodplain management regulations adopted by a community.

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

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

"Nonconformity" means a nonconforming use, structure, lot, or parcel.

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

"Office" A structure, or a portion thereof, in which administrative, clerical, or professional services are performed.

"Outdoor Recreation" The organized or unorganized use of fields, trails, bodies of water, or other land for recreational purposes including but not limited to, swimming pools, tennis courts, skating rinks, playground equipment, horseback riding trails and facilities, associated storage and accessory buildings, and similar facilities.

"Person" means an individual, a corporation, a partnership, an association, or any other incorporated or unincorporated organization or group.

"Personal Wireless Services and Facilities" The commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as those terms are defined in Title 47 of the United States Code.

"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 in accordance with 24 V.S.A. § 4303.

"Planning Commission" means the Planning Commission of the Town of Lyndon established pursuant to the Act.

"Primitive/Recreational Camp or Cabin" A living unit or structure, such as a hunting camp, that is intended to be and is in fact occupied only for recreational purposes and that lacks one or more of the following: (i) inside running water, (ii) insulation, (iii) interior heat, (iv) a wastewater disposal system. The occupancy shall not exceed 3 consecutive weeks per calendar year nor exceed a total of 60 days per calendar year. Primitive camps may contain a composting or incinerating toilet that does not yield a liquid provided its contents are disposed of in compliance with § 1-929, of the Vermont State wastewater permit. A conversion of a recreational camp to a residence shall require a new application for a permit and a Certificate of Occupancy before it can be occupied as a residence.

"Private Club" means an establishment operated on a not-for-profit basis for social, recreation or education purposes, but open only to members and members' guests, and not to the general public.

"Public Building or Facility" A building or facility owned, used and controlled for public purposes by any department or branch of governments, state, county or municipal. This includes but is not limited to (a) water and wastewater infrastructure, (b) parkland, (c) underground utility easements, (d) pedestrian easements, (e) government offices, or (f) other development that enhances the infrastructure or facilities offered to the public within the municipality.

"Reach" is generally defined as a section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth, area, and slope. It can also be the length of a stream or river (with varying conditions) between two stream gages, or a length of river for which the characteristics are well described by readings at a single stream gage. However, in practical use, a reach is just any length of a stream or river. The term is often used by hydrologists when they are referring to a small section of a stream or river rather than its entire length.

"Recovery residence" as used in these bylaws, means a shared living residence supporting not more than eight persons recovering from a substance use disorder that: (i) Provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders; and (ii) Is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification. If certification is pending beyond 45 days, the municipality shall retain its right to consider the residence pursuant to zoning bylaws adopted in compliance with 24 V.S.A. § 4411. A recovery residence shall be considered by right to constitute a permitted single-family residential use of property.

"Recreational Vehicle" is a vehicle which is: Built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and, designed as temporary living quarters for recreational, camping, travel, or seasonal use. RVs are designed only for recreational use and not as a primary residence or for permanent occupancy. If occupancy or use exceeds 3 consecutive weeks or a total of 60 days per calendar year, the recreational vehicle must be connected to a State approved water and wastewater system. A recreational vehicle placed on a site in a Special Flood Hazard Area (SFHA) must meet the elevation and anchoring requirements for manufactured homes, unless it: Is on site for fewer than 180 consecutive days, or; is fully licensed and ready for highway use; ready for highway use means that it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions.

"Recycling Center" means a facility to be used for the storage, processing, and sale or disposal of solid waste, specifically operating to accept, aggregate, store, or process recyclable materials to produce raw materials or products, excluding waste-to-energy processes.

"Regional Solid Waste Management Facility" means a facility for the transfer, processing, or disposal of solid waste that is certified under 10 V.S.A. chapter 159.

"Repair" means any work performed where the purpose and effect of such work is to correct, mend, fix, or restore deterioration, decay, or damage to a portion of an existing structure, with the intent to restore the existing structure to its original condition prior to the occurrence of such deterioration, decay or damage.

"Research/Testing Lab" - The analysis of testing and/or developing results of products. For medical products, human, and medications, the company should meet all necessary regulations, licensing, and certifications that apply.

"Residential Care Home"- A facility, however named and licensed as level III or IV by the State of Vermont, which provides for profit or otherwise, room, board, and personal care to three or more residents unrelated to the licensee, excluding a licensed foster care home. Pursuant to 24 V.S.A. § 4412 a residential care home serving not more than eight persons who have a disability as defined in 9. V.S.A. § 4501, shall be considered by right to constitute a permitted single-household dwelling. A "Residential Care Home" is distinct from "Adult Care Facilities" as defined in the ordinance.

"Restaurant"- A food service establishment subject to Vermont Department of Health regulations where food and beverages are prepared and/or served to consumers. This includes but is not limited to coffee shops, cafeterias, snack bars and drive-through restaurants with indoor or outdoor ordering, food trucks, eat-in restaurants, bar/cocktail lounge/tavern/brewery venues, as well as kitchens and catering facilities in which food is prepared on the premises for consumption on or off site. The term "restaurant" shall include a bar area within the restaurant.

"Retail Store or Service" - The use of a building, or portion thereof, for the sale of goods and services to the public. "Services" are often intangible sales (i.e. beauty, spa, massage, computer repair, laundromat, etc.). "Stores" are often selling tangible goods (i.e. hardware, clothing, home goods, grocery, etc.).

"River" means the full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches which experience perennial flow. "River" does not mean constructed drainageways, including water bars, swales, and roadside ditches.

"River Corridor" means the land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide.

"Salvage Yard" Any place of outdoor storage or deposit for storing, keeping, processing, buying, or selling junk or as a scrap metal processing facility. "Salvage yard" also means any outdoor area used for operation of an automobile graveyard. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs. It does not mean a certified solid waste facility where scrap metal is containerized upon receipt or after refrigerant removal. A salvage yard must be enclosed with a fence for safety. A State permit is required for the operation of a Salvage Yard under 24 V.S.A. Chapter 61, subchapter 10.

"School" A facility used for education, instruction or research in any branch of knowledge including, but not limited to, private and public elementary and secondary schools, colleges, universities, business schools, trade schools, schools of dance, and schools of martial arts, etc.

"Self-Storage Facility" A building or group of buildings and associated external areas containing separate, individual, and private storage spaces available for lease or rent for the purpose of inactive storage only and which are not accessory structures to residential uses. No wholesale or resale sales are permitted at self-storage facilities.

"Sign" means any device including graphic, alphabetic, or pictorial presentation used to convey commercial messages seen from the public thoroughfare or right-of-way. This definition specifically excludes merchandise normally displayed in a storefront window, public art and murals, or flags.

"Slaughterhouse" - Any building, plant, or establishment where animals are harvested, dressed, or processed and their meat or meat products are packaged for human consumption. This includes any associated facilities for moving or storing the animals, the meat products, and waste/by-products.

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

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

"Storage," for regulator purposes within the Special Flood Hazard Area (SFHA) or River Corridor, shall means the aggregation of materials, items, or objects whether natural or human-made; that is kept as a stockpile, collection, or inventory; where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials continues to be used for the same purpose; whether set upon the land or

within a container, structure, or facility; and that would not otherwise be in compliance with applicable development standards.

"Street" means any public thoroughfare affording access to property.

"Structure" means an assembly of materials with a fixed location on the ground or attached to something having a fixed location on the ground, intended for occupancy or use. This term includes, but is not limited to, a building, mobile home, trailer, tractor trailer, or sign. For the purpose of this bylaw, the term structure does not include a wall or fence, unless it is both located in the Design Overlay District AND over four (4) feet high. For regulatory purposes within the Special Flood Hazard Area (SFA) and River Corridor, "structure" means a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

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

"Substantially damaged or destroyed" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before it was damaged would equal or exceed 50% of the market value of the structure before the damage occurred.

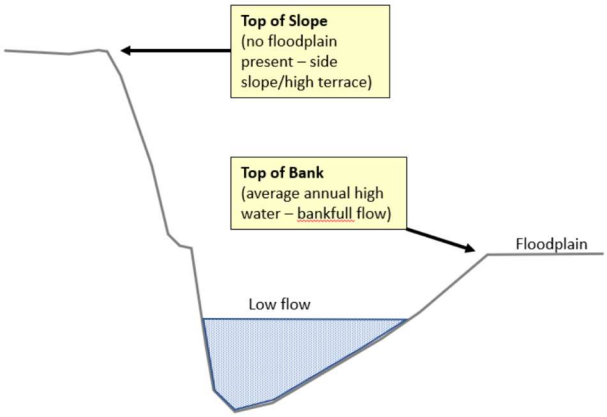
"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market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

"Suitable Pad" means a solid foundation that will not heave in the winter. For mobile home installation, a suitable pad could include a concrete slab, gravel, asphalt, piles, frost walls, or any other stable platform.

"Telecommunications and Teleprocessing Facilities" Telecommunications is the electronic transmission of information over distances. A facility, or portion of a facility, that is used to store, assemble, or distribute the electronic transmission of communication services and technologies, including devices, equipment, networks, and applications that support communication at a distance.

"Tiny Home" is a home sized 400 square feet or less and built on either a permanent foundation or a moveable trailer. They may be purchased ready-made or built on site. (HUD). Tiny homes must be affixed to a foundation or immobilized on a suitable pad and connected to Municipal or State approved water and wastewater systems to be considered a single-household dwelling or accessory dwelling unit. Tiny homes that do not meet these requirements shall be considered a recreational vehicle.

"Top of Bank" means the point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage.



"Top of Slope" means a break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut, channel meet floodplains that have been abandoned or are undergoing abandonment.

"Tower" means any structure on which one or more antennas are to be mounted.

"Truck Terminal" A facility used for the purpose of loading or unloading materials or goods from trucks, for the primary purpose of transferring materials and goods, either for distribution or changing from one transportation carrier to another. The definition of "truck terminal" does not include the facility of a shipper of origin or receiver of goods at the final destination.

"Use" means the specific purpose for which a structure or land is or may be occupied, maintained, designated or intended. The term "Permitted Use" or its equivalent does not include any nonconforming use or nonconforming structure.

"Violation" means the failure of a structure or other development to be fully compliant with these bylaws. Within the context of the flood hazard regulations, a structure or other development without an 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.

"Watercourse" means any perennial stream. "Watercourse" shall not include ditches or other constructed channels primarily associated with land drainage or water conveyance through or around private or public infrastructure.

"Wetland" means an area inundated by surface or ground water with a frequency to support aquatic vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction.

"Wholesale Storage and/or Distribution (non-hazardous materials)" Establishments or places of business primarily engaged in storing and/or selling of raw materials or manufactured goods and merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling to individuals or companies. This term shall not include the wholesale storage and/or distribution of hazardous materials.

"Wholesale Storage and/or Distribution (hazardous materials)" Establishments or places of business primarily engaged in the wholesale storage and/or distribution of hazardous materials, including but not limited to highly flammable liquids or gasses (including propane) or other inherently dangerous good, such as fireworks or explosives.

APPENDIX B: ALLOWED LAND USE MATRIX

LAND USE	Rural Residential	Residential Neighborhood	Village & Main	Park	Industrial	Commercial
ADU	P	P	P	P		P
ADULT CARE FACILITY			C			
AGRICULTURE	P*	C*	C*	C*	C*	C*
ASPHALT, CEMENT, AGGREGATE PLANT					C	
BANK/FINANCIAL INSTITUTION			C			P
BAR/COCKTAIL LOUNGE/TAVERN/BREWERY			P			P
BED AND BREAKFAST	C			C		
CAMPGROUND	C					
CAR WASH			C			C
CEMETERY	C					
CHURCH	C*	C*	C*	C*	C*	C*
CHILDCARE FACILITY	C	C	C			C
EMERGENCY SHELTER	C*	C*	C*	C*	C*	C*
EXTRACTION OF EARTH RESOURCES	C				C	C
FAIRGROUNDS	C					
FORESTRY	P*	C*	C*	C*	C*	C*
FUEL DISTRIBUTION/ GAS STATION			C		C	C
FUNERAL HOME			P			C
HAZARDOUS WASTE MANAGEMENT FACILITY					C*	
HOME OCCUPATION	P	P	P	P		P
HOSPITAL	C*				C*	C*
INCINERATOR					C	
INDOOR RECREATION/ARTS/COMMUNITY FACILITY			P			P
LIGHT INDUSTRY	C				P	C
LODGING ESTABLISHMENT			P			P
LUMBER YARD					C	C
MANUFACTURED/ MOBILE HOME PARK	C	C				C
MANUFACTURING, FABRICATING & RESEARCH/LABS					C	
MEDICAL CLINIC	C		C			C
MOTOR VEHICLE REPAIR			C		C	C
MULTI-HOUSEHOLD DWELLING	C	C	P	C		P
OFFICE			P	C	P	P
OUTDOOR RECREATION	C	C				
PERSONAL WIRELESS SERVICE FACILITIES	C	C	C	C	C	C
PLANNED UNIT DEVELOPMENT	C	C	C			
PRIMITIVE/RECREATIONAL CAMP OR CABIN	P					
PRIVATE CLUB	C		C			C
PUBLIC BUILDING or FACILITY	C*	C*	C*	C*	C*	C*
RECYCLING CENTER/ REGIONAL SOLID WASTE MGMT FACILITY					C*	
RESTAURANT			P			P
RETAIL STORE OR SERVICE			P			P
SALVAGE YARD					C	
SCHOOL	C*	C*	C*	C*	C*	C*
SINGLE HOUSEHOLD DWELLING	P	P	P	P		P
SLAUGHTERHOUSE					C	
SELF STORAGE FACILITY					P	C
TELECOMMUNICATIONS AND TELEPROCESSING FACILITY					C	C
TRUCK TERMINAL					C	C
TWO HOUSEHOLD DWELLING	P	P	P	P		P
WS. STORAGE/DISTIRBUTION (NON-HAZARDOUS MATERIALS)			C		P	C
WS. STORAGE/DISTRIBUTION (HAZARDOUS MATERIALS)					C	

*In accordance with 24 VSA Section 4413

APPENDIX C: MINIMUM REQUIREMENTS FOR DEVELOPMENT

CLASS	MIN LOT AREA per Unit	MIN LOT SIZE 1-HOUSEHOLD	MIN FRONTAGE	MIN FRONT SETBACK	MIN REAR SETBACK	MIN SIDE SETBACK	MIN BUFFER	MAX % BUILDING COVERAGE
RURAL RESIDENTIAL								
1	8,712	8,712	100	40	25	25	10	20
2	20,000	25,000	125	40	25	25	10	20
3	30,000	40,000	150	40	25	25	10	20
RESIDENTIAL NEIGHBORHOOD								
1	8,712	8,712	100	40	25	25	10	20
2	17,500	25,000	125	40	25	25	10	20
3	20,000	35,000	125	40	25	25	10	20
VILLAGE AND MAIN								
1	only 2 units 7,500	8,712	65	30	25	15	10	20
1	2 story, 3+ units 3,000*	8,712**	65	30	25	15	10	20
1	3 story, 3+ units 1,500*	8,712**	65	30	25	15	10	20
1	Depot St Commercial only: 4,000		50	0	0	0	0	100
*Required lot size per unit AND each commercial use. **minimum lot size								
PARK								
1	4,250	8500	65	30*	25	10	5	20
*30 Feet OR in line with other residences on the street.								
INDUSTRIAL								
1	One Acre		150	50	25	25	10	25
2	Two Acres		200	50	25	25	10	25
3	Three Acres		250	50	25	25	10	25

Numbers for lot size are in square feet, and setbacks are in feet.

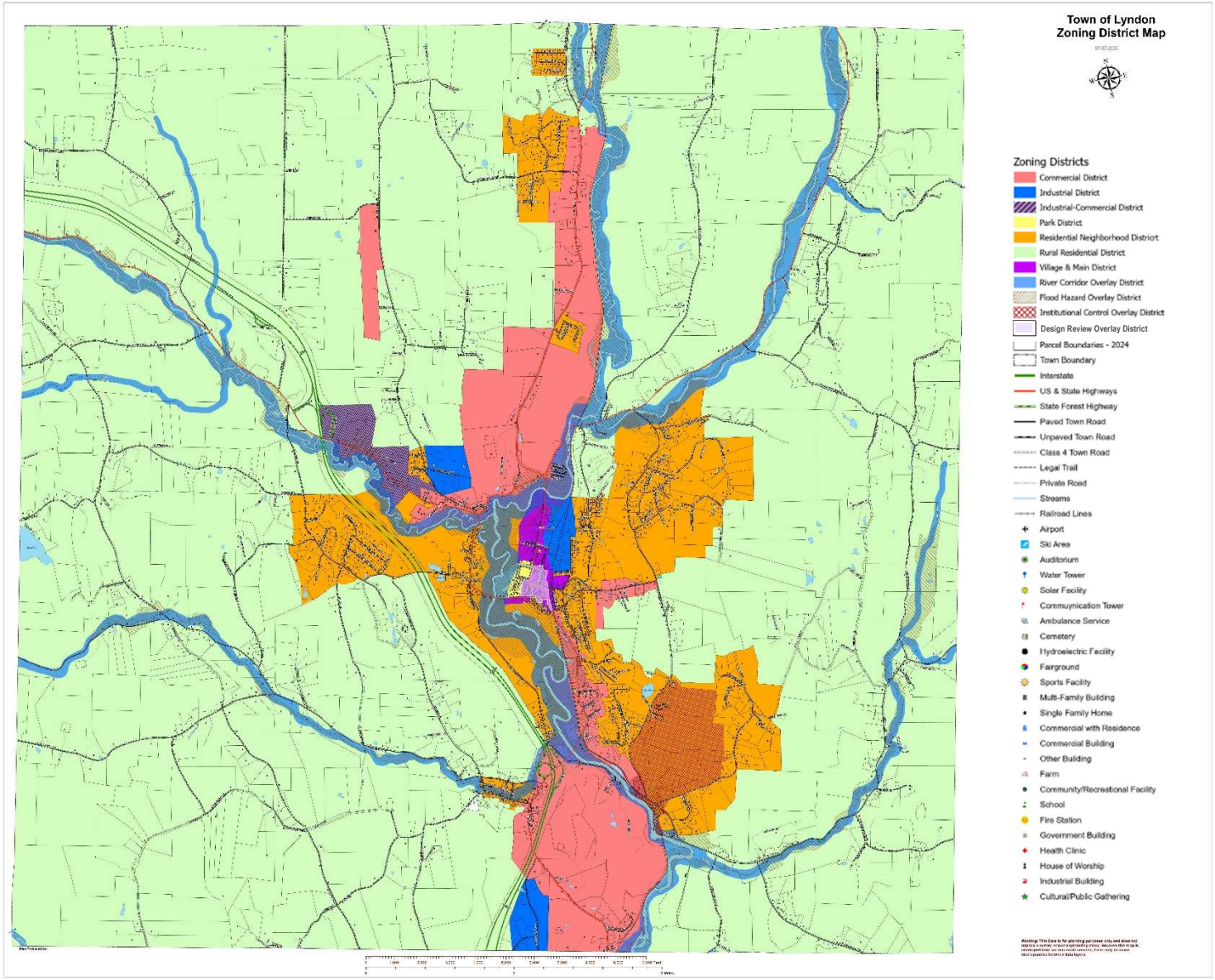
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CLASS	MIN LOT AREA per UNIT	MIN LOT SIZE 1-HOUSEHOLD	MIN FRONTAGE	MIN FRONT SETBACK	MIN REAR SETBACK	MIN SIDE SETBACK	MIN BUFFER	MAX % BUILDING COVERAGE
LYNDON CORNER INDUSTRIAL								
2	Three Acres		400	50	75	75	75	20
COMMERCIAL								
1	only 2 unit 8,712	8,712	100	40	25	25	10	20
2	only 2-units, 12,500	25,000	125	40	25	25	10	20
3	only 2 units, 20,000	40,000	150	40	25	25	10	20
ALL	All Commercial: 30,000		150	50	25	25	10	20
Lot Area Per Unit or Use, More Than Two								
1	2 story, 3+ units: 6,000	8,712**	100	40	25	25	10	20
1	3 story, 3+ units 4,000 *	8,712**	100	40	25	25	10	20
2	3+ units 8,000*	25,000**	125	40	25	25	10	20
3	3+ units 12,000	40,000**	150	50	25	25	10	20

*Required lot size per unit AND each commercial use. **minimum lot size

Numbers for lot size are in square feet, and setbacks are in feet.

APPENDIX D: ZONING DISTRICT MAP (OCTOBER 2026)



APPENDIX E: DESIGN REVIEW OVERLAY DISTRICT MAP

