

Town of Woodford

LAND USE REGULATIONS AND ZONING BYLAWS

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Special Flood Hazard Area Regulations with Federal Insurance Rate Map (FIRM)

Amended as per FEMA

Supplemental to these Bylaws

Approved by the Select Board and Ratified by the Voters -- November 18, 2015

Subdivision Regulations added:

Approved by the Select Board and Ratified by the Voters -- July 15, 2020

The Woodford Planning Commission, guided by the Bennington County Regional Planning Commission (BCRC), has developed this revised edition of the Zoning Bylaws to update and reflect changes made to Title 24 V.S.A. Chapter 117 of the Vermont Municipal and Regional Planning and Development Act. This section of Vermont law enables communities to regulate land uses and development, and grants the authority to establish a Planning Commission, Zoning Board of Adjustment, a Zoning Administrator, and advisory committees. The revisions in this edition represent those that must comply with Vermont law.

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LAND USE REGULATIONS AND ZONING BYLAWS
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ZONING REGULATIONS

STATUTORY AUTHORITY:

The Vermont Municipal and Regional Planning and Development Act, Title 24 V.S.A., Chapter 117, as amended, Subchapter 6, section 4401, provides that, "Any Municipality which has adopted and has in effect a plan, and has created a Planning Commission (PC) under this chapter may implement the plan by adopting, amending, and enforcing any or all of the bylaws provided in this chapter. All such regulatory and non-regulatory tools shall have the purpose of implementing the plan and shall be in accord with the policies set forth therein." Mandatory requirements enacted by the State of Vermont will automatically become a part of these zoning bylaws.

TITLE

These bylaws shall be known and cited as the Town of Woodford Zoning Bylaws and Land Use Regulations.

PURPOSE:

The purpose of these bylaws is to encourage the appropriate development of all lands in the Town of Woodford in a manner which will promote the public health, safety, morals, prosperity, comfort, convenience, efficiency, economy and general welfare; and to provide the methods for the prevention, minimization, and future elimination of such land development problems as may presently exist, or which may be foreseen. These bylaws are intended to implement the goals and policies of the Town Plan by providing for appropriate future land uses, densities, and intensities of development.

SECTION 1 - DISTRICTS

1.0 DIVISION INTO DISTRICTS

For the purpose of these bylaws, the Town of Woodford is divided into the following classes of districts, to be designated by the abbreviations set forth below:

- Rural Residential..... RR
- Roadside Commercial..... RC
- Forest F
- Recreation R
- Rural Residential/Roadside Commercial..... RR/RC
- Industrial/Commercial I/C
- Flood Hazard Overlay.....FHO
- Woodford Lake Estates..... WLE

1.1 ZONING MAP

The boundaries of these districts are hereby established as shown on the official Town of Woodford Zoning Map and the National Flood Insurance Rate Map which are hereby adopted by reference as part of these regulations. The above maps are on file at the Woodford Town Office. These maps shall be the final authority as to the zoning status of land and water in the Town of Woodford.

1.2 ZONING OF STREETS

Zoning districts shall include the beds of streets lying within them. Where opposite sides of a street lie in different districts, the boundary shall be deemed to be the center of the right-of-way.

1.3 LAND UNDER WATER

Zoning districts shall include any land under rivers, streams, lakes, or ponds lying within them. Where opposite sides of a river or stream lie in different districts, the boundary shall be the center of the river or water course. Where opposite sides of a lake, swamp, or body of water lie in different districts, the boundary shall be deemed to be the center thereof.

1.4 INTERPRETATION OF MAP (24 V.S.A., SECTIONS 4448 AND 4465)

Any uncertainty as to the location of a district or Flood Hazard Area boundary line on the Plan and Zoning Map shall be resolved by the Zoning Administrator (ZA) with appeals of any such decisions made to the Zoning Board of Adjustment (ZBA). A report from the Planning Commission (PC) may be requested before making a decision.

SECTION 2 - GENERAL REGULATIONS

2.0 COMPLIANCE WITH BYLAWS

1. The application of these regulations is subject to the provisions of 24 V.S.A., sections 4412-13 and such other enactments as may be material.
2. No land, building, or premises, or part thereof, shall hereafter be used, and no building or part thereof, or other structure, shall be constructed, reconstructed, extended, enlarged, moved, or altered, except in conformity with these bylaws. No lot shall have an area, width, or front, side, or rear yard, less than that set forth in the applicable paragraph hereof, except as otherwise specifically provided for in the bylaws.
3. Nothing contained in these bylaws shall require any change in the plans, construction, or designated use of a building or land complying with local laws in force prior to these bylaws, if a prior permit shall have been duly issued, and the entire building shall have been completed in accordance with such plans within one year from the effective date of these bylaws.
4. Where these bylaws impose a greater restriction upon use of a structure or land than were required by any other or previous zoning ordinance adopted by the Town of Woodford or is required by any other statute, ordinance, rule, regulation, permit, easement or agreement, private or public, then the provisions of these bylaws shall control. (24 V.S.A. Section 4480)
5. Except as otherwise specifically provided for in these bylaws, any permitted building or permitted use may be located in any portion of the lot not within any required front, side, or rear yard setback.
6. No lot shall be diminished, or any other open space be reduced, except in conformity with these bylaws.
7. In the case of lots lying in more than one district, the provisions of any district may be applied for a distance of not over thirty feet into any adjacent district. (24 V.S.A. Section 4411(a) (3)).

2.1 DIMENSIONAL REQUIREMENTS

1. Required Frontage on or Access to Public Roads (24 V.S.A. 4412(3))

- a. Except as here and after provided, no land development may be permitted on lots which do not have frontage on a public road. However, with the approval of the PC, access to such a road can be by a permanent easement or right-of-way at least 20 feet in width. 24 V.S.A. 4412 (3)
 - b. The Planning Commission (PC), in consultation with the Select Board shall consider: 1) Drainage and culvert placement, 2) erosion control, 3) emergency vehicle access, and 4) site distance where the access road intersects with a public road.
 - c. Where two or more lots are to be serviced by the access road, the PC may require a higher standard of construction. Approval of an access road shall not obligate the town to accept and/or maintain it.
 - d. Where a lot is to be developed that has frontage on a public or private road less than 50 feet wide, the front setback shall be measured from the lot line.
2. Nothing in these bylaws shall prohibit the projection of up to one foot into the required open space of pilasters, columns, belt courses, sills, cornices, or other similar architectural features, nor the planting or landscaping of such open spaces, except as provided in Use Regulations, Section 2.2 hereof.
 3. No building in any district shall exceed a height applicable to the district, but this limit shall not apply to spires, cupolas, chimneys, ventilators, tanks, or similar parts of a building, occupying in the aggregate not more than 10 percent of the area of such building, and not used for any human occupancy, nor to farm silos or other farm equipment defined in 24 V.S.A., Ss 4413 (d), flag poles, radio or television aerials, ski lift towers, or similar features. Similarly, said height limits shall not apply to wind turbines with blades less than 20 feet in diameter, or to rooftop solar collectors less than 10 feet high on sloped roofs.
 4. Regardless of other requirements for front yards, on lots abutting a street with a right-of-way less than fifty (50) feet wide, the required front yard facing such a street shall be increased by one half of the difference between the actual street right-of-way or fifty (50) feet. (24 V.S.A. Section 4411(3))
 5. Where a lot is hereafter formed from part of a lot already occupied by a building, such separation shall be effected in such a manner as not to impair conformity with any of the requirements of these bylaws with respect to the existing building, and all yards and open spaces in connection therewith, and no permit shall be issued for a building on a lot thus created unless it complies with all provisions of these bylaws. Upon such construction or placement the applicant shall provide a plan demonstrating compliance with Site Development Plan (Section 2.4) upon application for a permit or other approval required herein. (24 V.S.A. Section 4411(3)). A building may be sold into separate ownership only if the parcels resulting from such subdivision are in compliance with this provision, except that this provision shall not apply to subdivision of a lot which on March 5, 1973 contained two or more structures which were used on or before that date as primary single or two-family residences.
 6. Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of this Bylaw 2/5/74, and continuously thereafter, may be developed for the purposes permitted 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 (1/8) acre in area with a minimum width or depth dimension of forty (40) feet. (24 V.S.A. Section 4412(2))

If an existing small lot comes under common ownership with one or more adjacent lots, the nonconforming lot shall be deemed to be merged with the adjacent lot. However, a nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply:

- a. The lots are conveyed in their pre-existing nonconforming configuration, and
 - b. On the effective date of this Bylaw, each lot was developed with a water supply and wastewater disposal system, and
 - c. At the time of transfer, each water supply and waste water system is functioning in an acceptable manner, and
 - d. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems in case a wastewater system fails, as defined in 10 V.S.A, Chapter 64, as amended.
7. No fence, wall, hedge, shrubbery, or other obstruction to vision in excess of 3 feet in height, as measured above the nearest portion of the traveled way, shall be placed or allowed to grow at street intersections within 25 feet of the center lines of the intersecting streets.

2.2 USE RESTRICTIONS

1. No building, structure, or portion thereof, shall be erected, altered, or moved, and no land or buildings or part thereof, shall be used for any use other than the one listed as a permitted or conditionally permitted use in the district in which it is located. Unless otherwise provided herein, any use not specifically permitted or conditionally permitted shall be deemed to be prohibited.
2. No more than two (2) unregistered or inoperable motor vehicles may be stored on any lot for a period in excess of thirty (30) days, except within a building or screened from view from off the premises. Scrap or waste material not originating on the premises may not be disposed of on any lot, but may be stored for a period not exceeding thirty (30) days. Scrap or waste material on the premises shall be stored within a building or screened from view from off the premises. A one year period shall be allowed for removal of scrap or waste originating on that property resulting from a construction operation, or from fire, flood, or similar emergency.
3. Any meeting place for group activities and commercial public assemblies shall meet municipal and state permit requirements (State Statute Title 20 Chapter 2010).

2.3 CONDITIONAL USES

1. Review by the Zoning Board of Adjustment is required for all conditional use applications. A complete site plan shall be submitted with the application for conditional use approval. A conditional use may be approved by the Zoning Board of Adjustment (ZBA) only after a duly warned meeting and provided that the majority of the Board shall have found that such use shall not result in an undue adverse effect on the capacity of existing or planned community facilities, the character of the area affected as defined by the purpose of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan, traffic on roads and highways in the vicinity, and is in accord with other provisions of ordinances, regulations, and bylaws of the Town applicable thereto, or adversely affect the utilization of renewable energy resources. Any use so approved shall meet any standards applicable to the specific use as to lot

and building dimensional requirements, landscaping, design, and locations of signs and service areas, and the following additional standards.

The use shall:

1. Comply with all local, state and federal health standards and environmental protection rules, and State water supply and wastewater disposal regulations, as required;
2. Be regulated by and meet state or federal emissions standards;
3. Not present a risk as to fire, explosion, or safety which endangers the public or results in an increased burden upon municipal facilities:
4. Not cause any sewage, septic, or other harmful wastes to be discharged into any water course, wetland or into any sewage disposal system beyond its proper capacity.
5. Not cause electromagnetic disturbances, electronic transmissions or signals, which repeatedly interfere with the reception of radio, television or other electronic signals, or which are otherwise detrimental to public health under normal operation conditions, except as specifically licensed and regulated through the Federal Communications Commission;
6. Control blasting activities in relation to the frequency of vibrations produced. Blasting and other activities causing substantial vibration shall not exceed a particle velocity of 0.5 inches per second for frequencies above 40Hz measured at the property line and/or cause, as a result of normal operation, a vibration which creates displacement of 0.0002 of one (1) inch or vibrations shall not exceed an acceleration of 0.0002 g at frequencies up to 60 ops;
7. Not allow noise in excess of 70 decibels at the property line that is not the result of occasional, customary activities associated with an allowed use (e.g., lawn mower or garden cultivating) and/or cause noise which is excessive at the property line and represents a significant increase in noise levels in the vicinity of development so as to be incompatible with the surrounding area.

The property owner and/or event organizer may be required to measure decibels, if necessary, in the field using a sound-level meter. A noise level of 120 dBA is considered the threshold for pain. Noise levels over 85 dBA will harm hearing over extended periods, and noise levels above 140 dBA can cause damage from just one exposure. A maximum level of 65 or 70 dBA, as measured at the property line, is a common standard, but the ZBA may also vary the maximum level by zoning district or differentiate between maximum daytime and nighttime sound levels and set a lower nighttime maximum.
8. Control light, glare and "light trespass" by mounting height, shielding and downward direction of outdoor fixtures. Lighting standards are available through Illuminating Engineering Society of North America;
9. Not emit glare, lumen, light, or reflection that impairs the vision or motor vehicle operators, which constitutes a nuisance to another property owner(s) or tenant(s), or which is otherwise detrimental to public health, safety and welfare;
10. Not adversely affect traffic on roads and highways in the vicinity.
11. Not allow objectionable emissions of smoke in excess of that shown on Ringlemann Chart #2 and/or as regulated under state and federal emissions standards;
12. Prohibit undue fire, explosive, radioactive emissions, or other hazard which may result in a significant increased burden on municipal facilities and services;

13. Not allow any land or buildings in any zoning district to be used or occupied in any manner so as to create dangerous, injurious, noxious, or otherwise objectionable conditions which adversely affect the reasonable use of adjoining properties;
14. Not cause any intensity of odor which any reasonable person would consider both offensive and uncharacteristic of the area;
15. Provide a clear and unobstructed view of official signs and approaching or merging traffic to maintain public safety;
16. Where there is question concerning land capability, a soils scientist or a geologist shall be hired by the property owner to attest that the site can support the proposed construction without erosion or drainage problems;
17. Not produce or store liquid, solid waste, or refuse which cannot be disposed of on a regular basis by available methods without undue burden to municipal or private disposal facilities, or which pollutes surface or ground waters, and/or is otherwise detrimental to public health, safety and welfare.

2.4 LIMITATIONS

1. A state licensed or registered residential care home or group home serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. s.4501, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another such home.
2. Pursuant to 24 V.S.A. Section 4412 (5), a state registered or licensed family childcare home serving six or fewer children, not including the children of the proprietor, shall be considered by right to constitute a permitted single-family residential use of property. A family childcare home serving no more than six full-time and four part-time children, as defined in 33 V.S.A. section 4902 (3)(A), shall be considered to constitute a permitted single-family residential use of property, but shall be subject to plan approval pursuant to Site Development Plan Section 2.4 of this Bylaw. A family childcare home serving in excess of six full-time and four part-time children may be permitted as a conditional use.
3. Communication antennae and facilities: No permit shall be required for placement of an antenna used to transmit, receive, or transmit and receive communications signals on a property owner's premises if the area of the largest face of the antenna is not more than 15 square feet, and if the antenna and any mast support do not extend more than 12 feet above the roof of that portion of the building to which the mast is attached. Telecommunications facilities, as defined in 30 V.S.A. § 248a, shall be exempt from municipal approval when and to the extent jurisdiction is assumed by the Public Utility Commission according to the provisions of that section

2.5 SITE DEVELOPMENT PLAN

1. With the exception of single family or two-family residential dwellings, no permit shall be issued for the erection, alteration, enlargement, or the relocation of a building or use, in any district, until a Site Development Plan shall have been approved by the Planning Commission or, for conditional uses, by the Zoning Board of Adjustment, following a public hearing.
2. The Site Development Plan shall be at a scale adequate to reflect the particular site characteristics or as prescribed by the Planning Commission or Zoning Board of Adjustment and shall show, where applicable, with respect to special flood hazard areas, base flood elevations, other hazard

data, the boundaries and area of the lot, existing and proposed buildings on the lot and on the adjacent lots within a distance of two hundred (200) feet from the subject lot, existing and proposed streets and driveways within a distance of two hundred (200) feet from the subject lot, proposed vehicular circulation and parking, proposed pedestrian circulation, open space, park and playground facilities, landscape details, proposed grading, water supply and fire protection, sanitary sewage, storm drainage and natural drainage ways and water courses, existing contours, land conditions, and such other information as the Planning Commission or Zoning Board of Adjustment may require. Site Development Plans shall not be required for individual single and two-family residential uses in any district.

SECTION 3 – RURAL RESIDENTIAL (RR) DISTRICTS

3.0 PURPOSE

The purpose of RR Districts is to insure the preservation of the natural and scenic qualities of areas which are planned to be residential in character and at densities to avoid the need for public water supply and public sewer systems. It is the intent of these regulations to maintain scenic and environmental qualities and to provide for residential development as related to the needs of anticipated future population and consistent with land capability.

3.1 PERMITTED USES IN RR DISTRICTS

1. Single family and two-family dwellings, subject to the dimensional requirements of Section 3.5, regarding dwellings for more than one family.
2. Home Occupations subject to the following requirements :

The use must change the residential character of the property or of the residential area in which the property is located. The home occupation must be conducted entirely within their dwelling or accessory building. The home occupation must not:

- a. Employ any person other than the applicant resident(s) and/or members of his/her household and not more than one (1) non-resident employee.
- b. Not require more than two parking spaces in addition to the residential uses of the property.
- c. Create noise which is audible on neighboring properties.
- d. Create any adverse visual impact.

The short-term rental of a furnished house, condominium, or other dwelling room or unit rented to the travelling or vacationing public for a period of fewer than 30 consecutive days may be considered a home occupation, provided that recreational vehicles are not to be used for this purpose, that no more than two such rental units/rooms be allowed per lot, and that the name, address, and phone number of the person managing the unit be posted in a prominent location in each unit/room.

3. Residential care home or group home pursuant to Section 2.4(1).
4. Family childcare home pursuant to Section 2.4(2).
5. Required agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets;
6. Accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices which are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, and forestry operations.

7. A farm stand not exceeding 200 square feet in area for the sale of natural products produced primarily on the premises.

3.2 CONDITIONAL USES PERMITTED IN RR DISTRICTS

The following may be permitted as conditional uses in RR Districts in conformance with the provisions of Sections 2.3, 2.4, and any other provisions of these bylaws that may apply.

1. Family childcare home serving in excess of six full-time and four part-time children (Section 2.4(2)).
2. A State licensed or registered residential care home or group home serving nine or more persons who have a handicap or disability. (24 V.S.A., Section 4412 (1)(G))
3. Home occupations that are clearly incidental and secondary to the use of a dwelling, and customary in residential areas, including use of a portion of the dwelling or accessory building for an occupation, provided such use does not alter the essential character of the building, lot, or neighborhood, and complies with the following:
 - a) The use is conducted entirely within the dwelling or accessory building, and such use does not exceed 30% of the floor area of the principal dwelling unit up to a maximum of 600 square feet.
 - b) The use is carried on by member(s) of the family residing in the dwelling and not more than one (1) non-resident employee.
 - c) There is no more than one unlighted sign not larger than four feet square in face area (counting all sides).
 - d) Equipment and materials may be stored on the premises if they are screened from adjoining properties and traveling public by natural or artificial materials or kept in a building.
 - e) Finished merchandise outside the building is limited to 200 contiguous square feet of the property.
 - f) Parking must satisfy all applicable bylaw requirements (See Required Parking Facilities Section 11.5).
4. A rooming house or lodging house.
5. A tourist lodge designed and intended primarily for the accommodation of transients or tourists, located on a lot having an area of not less than 5 acres, and complying with the provisions of this section. A tourist lodge may have restaurant facilities with a capacity equivalent to not more than one and one half times the number of guest sleeping accommodations. Bedrooms, dining rooms, and lounges may be located in one or more buildings. Water supply and wastewater disposal shall comply with 10 V.S.A., Chapter 64. A tourist lodge may maintain a store selling periodicals, souvenirs, and similar articles to guests.

The number of guests sleeping accommodations shall not exceed five per acre of lot area. No building used for a tourist lodge shall be located within fifty (50) feet from any street line, or fifty (50) feet from any other lot line.

6. A cemetery, owned by a church or a cemetery association located in the Town.

7. Multi-family dwelling in RR-1 and RR-5. Minimum: Lot Size = 3 acres; Frontage = 175 feet; front yard = 50 feet; Side and rear yard = 35 feet.
8. New campgrounds or any additional campsites in an existing campground are conditionally permitted pursuant to the following criteria. The campground may have a store selling goods customarily purchased by campers.
 - a) It shall have access to potable water and sewage waste disposal in compliance with regulations of the Vermont Department of Environmental Conservation.
 - b) It shall maintain landscaping, and/or fencing along the campground boundaries as may be required by the Zoning Board of Adjustment for screening, security and/or privacy.
 - c) It shall dedicate a strip of land at least twenty-five (25) feet in width to be maintained as a landscaped area abutting all campground boundaries to mitigate impacts on adjacent residential properties when the Zoning Board of Adjustment determines it is necessary to buffer the view or noise from the campground.
 - d) No building, campsite, parking or service area may be located in the buffer area.
 - e) The Zoning Board of Adjustment may reduce or eliminate the buffer requirements if such modification will serve to preserve a scenic view, provided that privacy for adjoining residential property owners can be maintained.
 - f) It shall maintain a register including the names and addresses of all campground occupants and their dates of occupancy throughout the duration of open season.
 - g) It shall have an area of no less than 15 acres.
 - h) It shall provide adequate roadways for safe ingress, and egress.
 - i) It shall provide adequate interior access driveways and parking spaces for campers, guests and emergency vehicles.
 - j) Each campsite shall be at least 2,500 square feet in area and a minimum of 25' wide.
 - k) It shall provide lavatory, shower, and toilet facilities sufficient to serve all campsites.
 - l) It shall provide waste water disposal systems designed and installed in accordance with applicable state regulations.
 - m) It shall provide campsites in a clean, dry and well drained area.
 - n) It shall provide for each campsite at least one thousand (1000) square feet of additional land set aside in common, open space accessible to all users of the campground.
 - o) It shall collect, store and dispose of refuse in a manner that does not create odor, health hazards, or pollution.
 - p) It shall provide sewer hookups for all RV sites or at least one (1) dump station for every one hundred (100) campsites.

- q) It shall provide for the outdoor parking and storage of recreational vehicles short or long term on a suitable compacted surface on the campground property where placement will not have an adverse effect on adjacent residential property.
- r) All required state permits are obtained and submitted as part of the conditional use application.

Application for a zoning permit shall be made in writing, signed by the applicant who shall file with the application proof of ownership of the premises or of a lease or written permission from the owner thereof together with a complete set of plans drawn to scale, showing the location of the proposed campsites and which shall include:

- The areas and dimensions of the tract of land.
- The number, location and size of all campsites.
- The location of any existing buildings, roadways, parking areas, walkways and turnouts.
- The location of electrical, water, storm drainage and sewer lines and sewage disposal systems.

9. A Primitive Camp as defined in these Regulations.

3.3 ACCESSORY USES IN RR DISTRICTS

1. Accessory uses customarily incidental to a permitted or conditionally permitted use on the same lot.
2. Accessory uses – Tourist Lodge. A tourist lodge may include facilities and uses such as tennis, golf, swimming, skiing, fishing, boating, hiking, picnicking, snowmobiling, snowshoeing, and/or similar recreation facilities.
3. Pursuant to 24 VSA Section 4412 (E) and (F), an accessory dwelling unit, as defined in these bylaws, shall be a permitted use subordinate to a one-family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, and parking requirements. The accessory dwelling unit may be located in the one family dwelling structure or in an existing or new accessory structure. The Planning Commission shall review all accessory dwelling unit applications.
4. Accessory buildings or sheds larger than 36 square feet require permits and must meet set-back requirements. Light-framed fabric covered structures are included in this provision.
5. Docks extending into public waters or into a private pond not wholly within the property boundaries require approval as a conditional use. Docks on public waters must also meet any applicable State standards.
6. Fences and posts over six (6) feet high require permits. No fence shall change the essential character of the neighborhood or create an undue adverse effect.

3.4 SIGNS PERMITTED IN RR DISTRICTS

One permanent sign not over 4 square feet in area for each dwelling unit bearing the name ~~and occupation~~ of the occupant. A sign for an on premise home occupation pursuant to Section 3.2(3). One temporary sign not exceeding 12 square feet in area advertising the sale, rental, or improvement of the premises on which it is located. For uses other than dwellings, one sign not more than 6 square feet in area pertaining

to such use. No sign shall be flashing or illuminated. Directional signs not over 2 square feet in area may be placed near street intersections, provided they comply with all provisions of the law.

3.5 DIMENSIONAL REQUIREMENTS – RR DISTRICTS

District	Min Lot Area Sq. Ft.	Min. Lot Area Per Fam. Unit Sq. Ft.*	Min. Lot Width Feet	Min. Front Yard Feet	Min. Side Yards Feet**	Min Rear Yard Feet**	Max. Bldg. Hght. Feet	Max. Bldg. Covg. %
RR-1	43,560	43,560	150	40	30	40	30	10
RR-5	217,800	217,800	300	50	50	50	30	10
RR-10	435,600	435,600	300	50	50	50	30	10

* Applicable when four or more family units are located on a lot. Up to three family units are allowed on a lot meeting the minimum lot area for the applicable District, provided all water supply and wastewater permits are obtained and that all site plan requirements are satisfied pursuant to these regulations.

** The setback is reduced to no less than ten (10) feet from the rear or side yard lot line, when such lot lines border U.S. Forest Service Lands.

SECTION 4 – ROADSIDE COMMERCIAL (RC) DISTRICT

4.0 PURPOSE

The purpose of RC District is to provide appropriate locations for limited types of business primarily serving the motoring public where there are suitable conditions, under controls which preserve good appearance and traffic safety.

It is also the purpose of RC District to permit such uses to areas presently committed to commercial use since other land uses have adjusted to their presence. Consequently, the Roadside Commercial District is intended to limit the impact on surrounding residential properties and to control so-called “Strip Development.”

The RC District includes all lands designated as such on the Land Use Map with commercial development to be within 500' from the center of Route 9.

4.1 PERMITTED USES IN RC DISTRICT

1. State or community (municipality) owned and operated institutions and facilities;
2. Public and private schools and other institutions certified by the Vermont Department of Education;
3. Churches, convents, and parish houses;
4. Public and private hospitals;
5. State licensed solid waste management facilities.
6. Any use permitted or conditionally permitted in the RR Districts (See Sections 3.1 and 3.2). The minimum lot size for two and multi-family dwellings shall be equal to the number of dwelling units multiplied by the minimum lot size for the RC District (87,120 square feet).

7. A motel or tourist cabin, provided that the lot area shall comply with Section 4.5 and not be less than three thousand (3,000) square feet for each bedroom.
8. A restaurant, provided that all food and beverages are served to customers seated at tables or counters, inside or outside the building, but this shall not prevent a catering operation where food is sold and taken out for home consumption.
9. Business or professional offices and financial institutions.
10. A retail business or retail service occupation.
11. Light Manufacturing or processing of materials, provided that no objectionable noise, smell, or unsightly condition is created which is noticeable off premises.
12. A laundromat.
13. An automobile service station; public garage; automobile; boat; trailer, or farm equipment salesroom or outdoor sales area.

4.2 ACCESSORY USES PERMITTED IN RC DISTRICT

1. Accessory uses incidental to a permitted or conditionally permitted use.
2. Pursuant to 24 VSA Section 4412 (E) and (F), an accessory dwelling unit, as defined in this Bylaw, shall be a permitted use subordinate to a one-family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, and parking requirements. The accessory dwelling unit may be located in the one family dwelling structure or in an existing or new accessory structure. The Planning Commission shall review all accessory dwelling unit applications.

4.3 SIGNS PERMITTED IN RC DISTRICT

Only signs pertaining to a business on the same premises may be permitted. Signs shall not project into or be located within 10 feet from a front or side lot line, and shall not exceed 12 square feet in total area. No sign shall use moving parts.

4.4 DIMENSIONAL REQUIREMENTS – RC DISTRICT

District	Min. Lot Area Sq. Feet	Min. Lot Width Feet	Min. Front Yard Feet	Min. Side Yards Each Foot	Min. Rear Yard Feet	Min. Bldg. Height Feet	Min. Bldg. Coverage Percent
RC	87,120	200	50	50	50	30	10

Note: The setback is reduced to no less than ten (10) feet from a rear or side yard line which borders U.S. Forest Service Lands.

4.5 TREATMENT OF FRONT YARDS (24 V.S.A., SECTION 4411(A) (3))

A continuous strip not less than twenty (20) feet wide shall be maintained between the street line and the balance of the lot in all RC Districts, which strip shall be suitably landscaped and maintained in good appearance. The required strip may be traversed only by driveways, and pedestrian walks. Not more than

50% of the area of the required front yard shall be used for storage or for any purpose, except as above provided.

SECTION 5 – FOREST (F) DISTRICT

The F District includes those lands owned or currently under option for purchase by the National Forest Service (N.F.S.), State Forest Land, and any other land designated as Forest on the Woodford Land Use Map.

5.0 PURPOSE

To guide growth of the region in an orderly manner by concentrating residential and other development where it will most efficiently be served by public facilities, utilities, and roads; to preserve tracts suitable for perpetuating the forest resources and forest-related industries which have been an important part of the State's economy; to protect the vital sources of pure water for public supplies and to maintain a high quality environment.

5.1 PERMITTED USES IN F DISTRICT

1. Required agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets;
2. Accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices which are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, and forestry operations.
3. Single-family residence.
4. A Bed and Breakfast with accessory buildings/structures which may include food service, and/or provide overnight accommodations, are conditionally permitted provided the lot is not less than 15 acres in area and that:
 - A) A lot may be approved for development only if it is not located within the headwater of a watershed of a public water supply designated by the Vermont Department of Health or Water Resources or within an area supplying significant amounts of recharge water to aquifers.
 - b) If applicable, a lot shall not be approved for development until a permit has been granted pursuant to the Vermont Water Supply and Wastewater Protection Rules.
 - c) There are no severe limitations for development or infringement on scenic-fragile areas as identified in the Town Plan.
 - d) Minimum yard setbacks are maintained as required in Section 5.4. Note: the setback is reduced to no less than ten (10) feet from a rear or side yard lot line, which borders U.S. Forest Service lands.

5.2 CONDITIONAL USE PERMITTED IN THE F DISTRICT

1. A Primitive Camp as defined in these regulations.

2. Privately owned land with buildings and structures on not less than fifteen (15) acres used for recreational uses including but not limited to hiking, fishing, hunting, snowshoeing, cross country skiing and snowmobiling.

5.3 ACCESSORY USE PERMITTED IN F DISTRICT

1. Accessory uses and facilities incidental to the principal permitted or conditionally permitted use.
2. Pursuant to 24 VSA Section 4412 (E) and (F), an accessory dwelling unit, as defined in these bylaws, shall be a permitted use subordinate to a one-family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, and parking requirements. The accessory dwelling unit may be located in the one family dwelling structure or in an existing or new accessory structure. The ZBA-Planning Commission shall review all accessory dwelling unit applications.

5.4 DIMENSIONAL REQUIREMENTS – F DISTRICT

District	Min Lot Area Acres	Min. Lot Area Per Fam. Unit Acres	Min. Front Yard Feet	Min. Side Yards Ea. Ft.	Min Rear Yard Feet	Max. Bldg. Hght. Feet	Max. Bldg. Covg. %
F	15	15	40	30	50	35	10

SECTION 6 – RECREATION (R) DISTRICT

6.0 PURPOSE

To guide growth of the area in a manner which will concentrate expansion of related recreational activities and/or other related recreational land use development so that it will efficiently utilize existing public facilities, utilities, and roads; to provide both open space and developed recreational space; to provide appropriate business to support the facility and to maintain both the aesthetic qualities and natural features and resources of the area.

6.1 SITE DEVELOPMENT PLAN AND REVIEW STANDARDS

With the exception of construction of a residence for occupancy by a caretaker and family, no permit shall be issued for the erection, alteration, enlargement, or relocation of a building or use in the R District, until a plan, as per Site Development Plan, Section 2.5 shall have been approved as a conditional use (Section 2.3) by the Zoning Board of Adjustment.

An R District may have one or more buildings containing the uses conditionally permitted herein. The location of such buildings shall be consistent with best land development practices including the capability of the land to support such development. Building(s) or proposed uses shall be designated on the site plan for the entire tract as required by the Zoning Board of Adjustment. Approval may be given to a portion of a project for development provided that the

site plan for the entire tract is approved and such development is consistent with that plan. Construction of any project or portion thereof for development which has been approved hereunder shall be initiated within one year. Failure to comply with the site plan shall constitute a violation of these bylaws. Amendments to the site plan shall require a separate zoning permit, and approval by the Zoning Board of Adjustment.

No construction and/or use shall be approved unless it is consistent with the objectives of the Town Plan. Prior to approving a permit, the Zoning Board of Adjustment shall have found that the construction and/or use will not adversely affect the capacity of the planned or existing community facilities, the character of the area affected, traffic on roads or highways in the vicinity, nor will it conflict with any provisions or other bylaws, ordinances, or regulations then in effect, nor adversely affect utilization of renewable energy resources.

The use also shall:

- Provide parking as required in Parking Facilities Requirements, Section 11.5.1.
- Not have an adverse impact on adjacent residential areas that is not mitigated.
- Satisfy all standards for a conditional use (Section 2.3).

6.2 PERMITTED USES in the R DISTRICT

1. A Commercial alpine and/or Nordic ski area with ski slopes, trails, lifts, tows, and supporting equipment, including structures for the storage, repair and maintenance of ski area equipment.
2. A ski or other recreational use base lodge and accessory buildings, designed and intended primarily for the accommodation of recreational users. A ski and/or other recreational use base lodge or accessory building may contain a lounge, restaurant, ski shop, and related retail sales.
3. Children day care services for children of facility guests and/or employees.
4. Commercial recreational uses for individuals, groups and organizations that are environmentally friendly and do not change the character of the area such as: fitness programs, geocaching, skiing, skijoring, snowboarding, tubing, sledding, moonlight dinners/ski bon fire events, dog sledding, trail running, biking races, mountain biking, as well as other activities and use similar in nature such as: archery, swimming, boating, fishing, ice-skating, canoeing, hiking, and picnicking.
5. Individual recreational primitive camps as defined in these regulations and/or cabins limited to a total of twelve (12) in number for transient short term rental use only. Permitted construction and use is subject to site plan approval.
6. A meeting place for group activities, as approved by the Planning Commission based on a finding that the proposed permitted and conditional use is consistent with the Town Plan and as permitted under #4 above.
7. Construction of a residence for occupancy by a caretaker. (Requires a permit but not a site plan review.

6.3 CONDITIONAL USES PERMITTED IN THE R DISTRICT

1. Use restriction listed under 6.1 applies to any amplified sound in any district. Whereas the R

District permit approval is conditioned on noise at the property line not exceeding 65 DBA 8am to 5pm and 60 DBA from 5pm to 8 am.

6.4 DIMENSIONAL REQUIREMENTS – R DISTRICT

A commercial recreation area including accessory uses and supporting services shall have a minimum lot area of one hundred (100) acres. To meet the minimum requirement, acreage may include permitted National Forest or other permitted property adjacent to the R District. The applicant must own a minimum of fifty (50) acres of the proposed commercial recreation area.

Buildings and uses shall comply with the following standards: Maximum building height: thirty (30) feet; Setback from all property lines: fifty (50) feet; Maximum building coverage: five (5) %. The setback is reduced to no less than ten (10) feet from the rear or side yard lot line, which borders U.S. Forest Service Lands. Any principal building or use conditionally permitted herein but not clearly accessory to the recreation complex shall include a separate lot area designation which complies with applicable requirements.

SECTION 7 - RURAL RESIDENTIAL/ROADSIDE COMMERCIAL (RR/RC) DISTRICT

7.0 PURPOSE

To provide for a mix of low density commercial uses which are compatible with the rural residential uses in the district. The District should maintain a careful balance of mixed uses to retain the rural character and compatibility of such uses as well as maintain traffic safety. Any uses within the RR/RC Districts shall not create a nuisance or alter the essential character of the property or surrounding area. Any new development shall be consistent with the predominately residential character of these areas.

7.1 LOCATION

The two RR/RC districts are located along and within five hundred (500) feet of Route 9 centerline. One is shown on the Land Use Map extending from the Bennington/Woodford boundary line to the west boundary of the AT/LT parking lot adjacent to route 9. The other RR/RC district is shown on the Land Use Map extending from the east boundary of Woodford State Park to the east boundary of the Red Mill pond area where it abuts with Forest Service lands.

7.2 PERMITTED USES IN THE RR/RC DISTRICT

1. Any use permitted in the RR Districts. See Sections 3.1.
2. State or community (municipality) owned and operated institutions and facilities;
3. Public and private schools and other institutions certified by the Vermont Department of Education;
4. Churches, convents, and parish houses;

7.3 CONDITIONAL USES PERMITTED IN THE RR/RC DISTRICT

1. A motel or tourist cabin, provided that the lot area shall comply with Section 7.6 and not be less than three thousand (3,000) square feet for each bedroom.
2. A state licensed restaurant, provided that all food and beverages are served to customers seated at tables or counters, inside or outside the building, but this shall not prevent a licensed catering operation where food is sold and taken out for home consumption.

3. Business or professional offices and financial institutions.
4. A retail business or retail service occupation, including the manufacture or processing of materials only as incidental to a permitted retail occupation, and provided that no objectionable noise, smell, or unsightly condition is created which is noticeable off premises.
5. A laundromat.
6. An automobile service station; public garage; automobile; boat; trailer, or farm equipment salesroom or outdoor sales area.
7. Any use conditionally permitted in the RR District (Section 3.2)

7.4 ACCESSORY USES PERMITTED IN RR/RC DISTRICTS

1. Accessory uses customarily incidental to a permitted or conditionally permitted use, including all accessory uses specified in Section 3.3 (Accessory Uses in RR Districts).
2. Pursuant to 24 VSA Section 4412 (E) and (F), an accessory dwelling unit, as defined in these bylaws, shall be a permitted use subordinate to a one-family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, and parking requirements. The accessory dwelling unit may be located in the one family dwelling structure or in an existing or new accessory structure. The Planning Commission shall review all accessory dwelling unit applications.

7.5 SIGNS PERMITTED IN RR/RC DISTRICTS

Signs shall not project into the highway right of way and shall not exceed 12 square feet in total area. No sign shall use moving parts.

7.6 DIMENSIONAL REQUIREMENTS – RR/RC DISTRICT

District	Use	Min. Lot Area Per Fam. Unit Sq. Ft.*	Min. Lot Width Feet	Min. Front Yard Feet	Min. Side Yards Ea. Ft.	Min. Rear Yard Feet	Max. Bldg. Hght. Feet	Max. Bldg. Covg. %
RR/RC	Residential	43,560	150	40	30	40	30	10
RR/RC	Commercial	87,120	150	40	30	40	30	10

SECTION 8 – INDUSTRIAL/COMMERCIAL (I/C) DISTRICT

8.0 PURPOSE

The purpose of the I/C District is to promote the general welfare and sound economic development of Woodford, and to encourage the best use of land in a designated area determined most appropriate for the location of suitable establishments in accordance with the Town Plan.

8.1 USES PERMITTED IN THE I/C DISTRICT

The following uses, subject to the requirements and limitations of 2.4 are:

1. Single family and two family dwellings.
2. State or community (municipality) owned and operated institutions and facilities;
3. Public and private schools and other institutions certified by the Vermont Department of Education;
4. Churches, convents, and parish houses;
5. Public and private hospitals;
6. State licensed solid waste management facilities
7. Natural resources mining i.e., quarry, sand and gravel operations and facilities.
8. Wholesale distribution center.
9. Vehicle repair, maintenance, towing and storage.
10. Facility used mainly for office and storage of materials and vehicles for offsite services.
11. Commercial recreational use and facilities.

8.2 CONDITIONAL USES PERMITTED IN THE I/C DISTRICT:

The following uses are subject to the requirements of Section 2.3 and 2.4.

1. Research and development laboratories.
2. The manufacture, assembly or treatment of articles from new or previously prepared materials.
3. Manufacture of ceramic products, vitreous ware, pottery and porcelain from previously pulverized clay.
4. Manufacture of optic goods, precision instruments, drawing instruments, artist's supplies, fishing tackle, jewelry, silverware, toys, sporting goods and musical instruments.
5. Assembling of appliances and equipment, including manufacture of small parts, metal finishing, plating and metal fabrication.
6. Industrial cleaning facility.

8.3 ACCESSORY USES PERMITTED IN I/C DISTRICTS

1. Accessory uses customarily incidental to a permitted or conditionally permitted use.
2. Pursuant to 24 VSA Section 4412 (E) and (F), an accessory dwelling unit, as defined in these bylaws, shall be a permitted use subordinate to a one-family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, and parking requirements. The accessory dwelling unit may be located in the one family dwelling structure or in an existing or new accessory structure. The ZBA Planning Commission shall review all accessory dwelling unit applications.

8.4 DIMENSIONAL REQUIREMENTS - I/C DISTRICT

District	Min Lot Area Sq. Ft.	Min. Lot Width Feet	Min. Front Yard Feet	Min. Side Yards Ea. Ft.	Min Rear Yards Feet	Max. Bldg. Covg. %
I/C	217,800	200	50	50	50	20

8.5 SIGNS

Only signs pertaining to a business on the same premises may be permitted. Signs shall not project into the highway right-of-way and shall not exceed 12 square feet in total area. No sign shall use moving parts.

8.6 TREATMENT OF YARDS AND DRIVEWAYS:

1. The area used for walkways, driveways and parking shall be designed for safety and be suitably landscaped and maintained in good appearance.
2. Driveways and walkways shall be located and constructed consistent with the approved site plan. Unless otherwise specifically approved by the Planning Commission or Zoning Board of Adjustment, there shall not be more than one Burgess Road access driveway. Where possible, driveways shall be shared between and among adjacent owners/renters to reduce the number of individual driveways and roadway access points. Driveways shall enter Burgess Road in such a manner as to provide the maximum sight distance possible. Driveways shall not exceed fifty (50') feet in width, nor be less than twenty (20') feet in width. Driveways shall be flared where they meet the street pavement by curves having radii of not less than twenty (20') feet.

SECTION 9 - FLOOD HAZARD OVERLAY (FHO) DISTRICT

The FHO District shall cover those areas regulated under the separate Flood Hazard Area Regulation, which shall be the Special Flood Hazard Area (SFHA) in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, and National Flood Insurance Program.

9.0 PURPOSE

The purpose of this Overlay District is to prevent increases in flooding caused by uncontrolled development of flood hazard areas; to minimize losses of public and private properties as a result of floods; and to retain eligibility for property owners to obtain flood insurance under the National Flood Insurance Program.

Prior to any zoning permit being issued in the FHO, a Flood Hazard permit under the town's separate Flood Hazard Regulation shall be required by the Town, or a determination that no such permit is required.

9.1 DISCLAIMER OF LIABILITY

These bylaws do not imply that land outside the areas of special flood hazard or land use permitted within such Districts will be free from flooding or flood damages. These bylaws shall not create liability on the part of the Town of Woodford or any town official or employee thereof for any flood damages that result from reliance on these bylaws or any administrative decision lawfully made hereunder.

Section 10 – WOODFORD LAKE ESTATE (WLE) RESIDENTIAL DISTRICT

10.0 PURPOSE

The purpose of the WLE District is to insure the preservation of the natural and scenic qualities of the area which is planned to be residential in character with a density that avoids the need for public water supply and a public sewer system. It is the intent of these regulations to protect the lake and wetlands in WLE through proper stewardship by following the current Department of Environmental Conservation's Lake Protection Plan for Shore land Zoning Options for Towns.

Woodford Lake Estates consists of Woodford Lake, historically known as Big Pond, the land and premises lying within the Town of Woodford, Vermont, and described on a plan marked "Proposed Plan of Woodford Lake Estates, Woodford, Vermont, United Development Corporation, owners and developers, scale 1" equals 100', Smith & Wallen Engineers, Surveyors, 124 State Street, Springfield, Massachusetts" and dated September 5, 1948, and recorded in the office of the Town Clerk of Woodford, Vermont, in Book of Plans No. 19, Page 469.

The residential subdivision in WLE is governed by an owners' association, which has been duly formed and registered with the State of Vermont Secretary of State, named Woodford Lake Association Inc. (WLA Inc.) is and shall remain a planned community as that term is defined in the Vermont Uniform Common Interest Ownership Act, V.S.A. 27A 1-103(23).

WLE property owners are subject to State law, the Town of Woodford's Bylaws, and/or separately WLA Deed Covenants, Bylaws and Standing Rules of Procedure, whichever is more lawfully limiting. See Section 2 General Regulations – Compliance with Bylaws.

10.1 PERMITTED USES IN THE WLE DISTRICT

1. A single family home.

- a) A pre-existing, non-conforming lot which is less than one eighth 1/8th acre (5544 square feet) cannot be developed unless it is merged with a contiguous lot to create a conforming lot under single ownership of not less than 10,000 square feet. Any lot in WLE located directly opposite or directly diagonal from a lot on the other side of a common roadway within the development shall be considered contiguous for the purpose of development.

10.2 ACCESSORY USES PERMITTED IN WLE DISTRICT

1. Accessory uses customarily incidental to a permitted or conditionally permitted use.
2. Pursuant to 24 VSA Section 4412 (E) and (F), an accessory dwelling unit, as defined in these bylaws, shall be a permitted use subordinate to a one-family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, and parking requirements. The accessory dwelling unit may be located in the one family dwelling structure or in an existing or new accessory structure. The ZBA-Planning Commission shall review all accessory dwelling unit applications.

10.3 SPECIAL REQUIREMENTS APPLICABLE TO THE WLE DISTRICT

1. All zoning permits issued by the Zoning Administrator, and any site plan approvals, are contingent upon receiving a waste water disposal system and potable water supply approval from the state of Vermont as well as any applicable State permits.
2. No premise shall be used for any commercial or manufacturing purposes of any kind with the exception of the existing commercially zoned properties. (WLE lots 201, 202, 203, 204, 205, 206A, 206, & 207.)
3. Maximum building coverage (including dwelling and accessory buildings/structures is 20% on a lot 10,000 square feet or greater.
4. No more than 10% of the square footage of a nonconforming undeveloped lot may be developed with impervious surfaces.
5. No more than 10% of a nonconforming lot may be developed with impervious surfaces unless a building is being replaced which exceeded that amount. However, although the replacement building may be situated more in compliance with required setbacks to reduce its nonconformity, in no case shall the replacement building exceed the square footage of the original structure's footprint.
6. Buildings, porches, or projections shall not extend within twenty five (25) feet from the mean water level of Woodford Lake. See mean water level in Definitions.
7. Only one (1) motor vehicle which must be operable, but is unregistered and/or uninspected, may be stored outside on any lot within WLE.
8. Junk, as defined herein, shall not be stored outside on any property in the WLE. Junk shall be cleaned up and removed from any property at the property owner's expense within thirty (30) days of being cited by certified mail for zoning violation(s) by the Zoning Administrator and/or Health Officer.
9. Household waste, solid waste, construction and demolition waste shall not be stored outside on any property in the WLE. Such waste must be cleaned up and removed from the property at the property owner's expense and taken to an authorized receiving facility within thirty (30) days of being cited by certified mail for zoning violation(s) by the ZA and/or Health Officer.
10. Hazardous Waste shall not be disposed of or stored on any property within the WLE, and must be cleaned up and removed promptly within seven (7) days of being cited by certified mail for zoning violation(s) by the ZA and/or Health Officer.
11. Condemned buildings must be promptly cleaned up and secured in a safe, clean and environmentally sound condition within thirty days of officially authorized condemnation.
12. Abandoned buildings must be torn down with any ground cavities filled to surrounding grade and landscaping completed at the owner's expense. Any violation of this standard shall be corrected within one (1) year of being cited by certified mail for zoning violation(s) by the ZA and/or Health Officer.

10.4 DIMENSIONAL REQUIREMENTS - WLE DISTRICT

Minimum lot area = 10,000 square feet (100' by 100')

Minimum lot width = 100'

- Minimum lot depth = 100'
- Minimum front yard = 20'
- Minimum side yard = 10'
- Minimum rear yard = 10'
- Minimum lakefront setback = 25' from the mean water level
- Maximum building height = 30'
- Maximum building coverage (See 3, 4, and 5, above)

SECTION 11 – SPECIAL REGULATIONS

11.0 NONCONFORMING USES AND BUILDINGS

11.1 GENERAL REQUIREMENTS

1. Any building or use lawfully existing on the effective date of these bylaws (2/4/74), or as amended, although not conforming with other provisions of the bylaws for the District in which it is situated, may be continued subject to compliance with the conditions set forth below. No change of title or possession or right to possession of such building on the lot on which such use is located shall be construed to prevent the continuation of such nonconforming use or building. Whenever a district shall be changed hereafter by amendment of the bylaws, the provisions of these bylaws with regard to any building or use lawfully existing at the time of passage of these bylaws will apply, subject to the conditions set forth below, to any building or use lawfully existing in such changed District at the time of passage of such an amendment.

2. Extension within a Building:

A nonconforming use which is not otherwise unlawful may be extended throughout any part of a building which was obviously arranged or designed for such use on the date that it became nonconforming through the adoption or amendment of this Bylaw.

3. Enlargement of a Building:

No building or other structure containing a nonconforming use shall be hereafter extended or enlarged except in conformance with the provisions of these bylaws.

4. Abandonment

Whenever a nonconforming use has been abandoned for a period exceeding one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of these bylaws.

5. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use more compatible with the purpose of the district in which it is located and other permitted uses in the area, and when so changed, shall not again be changed to a less compatible use.

6. Reconstruction

Except in the Flood Hazard Overlay District, any nonconforming building or structure, or portion thereof, which is lawfully existing at the time of the adoption of this bylaw or any pertinent amendment thereto, may be continued and may be rebuilt if destroyed by a catastrophic event or otherwise demolished provided that:

- a) The rebuilding is done approximately on the original footprint and the height of the building is either approximately that of the original or to the height allowed in the district.
- b) A completed application for a zoning permit is filed within one year of the destructive event or completion of demolition.

7. Extension and Enlargement

A noncomplying building or structure may be enlarged or extended provided that:

- a) The enlarged or extended portion of the building or structure meets all setback, building coverage, and other dimensional requirements that apply to that district.
- b) An enlargement or extension to a noncomplying building or structure may be approved by the Zoning Board of Adjustment if the proposed extension follows previously existing building lines without further reducing setbacks and the extension or enlargement is a reasonable minimum required to offer relief.
- c) For enlargements or extensions that do not meet dimensional requirements or follow previously existing building lines as in (b), above, the proposal must be reviewed by the Zoning Board of Adjustment as an application for a variance or waiver.

11.2 DRIVEWAYS

Where a lot fronts upon a state highway, the owner shall obtain the approval of the Vermont Agency of Transportation for all driveway access, and shall submit evidence of such approval to the Zoning Administrator prior to issuance of a zoning permit. Driveways shall be designed to limit the number of access points, conflicting turning movements, and to provide adequate sight distances in all directions.

11.3 HAZARDOUS MATERIALS & WASTE

1. Hazardous materials or waste from any commercial source may not be stored or dumped within the Town on any site other than the point of origin. Hazardous materials held in a truck or trailer, with or without valid license, will be considered "in storage" if held within Town boundaries for more than 72 hours even if moved from locale to locale within the Town.
2. Hazardous materials used in approved commercial operations within the Town must be properly stored and used according to Federal and State guidelines. Hazardous waste and by-products of approved commercial operations must be properly stored and shipped to an approved disposal site at regular intervals. These intervals must be frequent enough to minimize the amounts of hazardous waste being stored on site. The approved commercial operation must keep detailed records of the movement of hazardous materials on and off site.
3. The Zoning Administrator may make regular site inspections during business hours to oversee compliance with the bylaws. The Zoning Administrator must send a written report of each visit to the Woodford Board of Health and file a copy of the report with the Town Clerk. The Zoning Administrator must notify the Agency of Natural Resources of any apparent irregularities and/or the need for a state permit.

11.4 PROTECTION OF STREAMS AND WATERWAYS

No structure shall be placed, and no on-site sewage disposal system shall be placed, and no land shall be excavated, filled, or graded in any zoning district within a distance of fifty (50) feet from the mean water

level (see definition) of any stream or watercourse shown in the Town Plan, or within a distance of fifty (50) feet from the mean water level of any natural or artificial pond, lake or body of water, except with the approval of the Zoning Board of Adjustment. Application for such approval shall be submitted to the Zoning Board of Adjustment with such surveys, maps, and other data, as the Board may require in order to reach its decision.

Prior to granting such approval, the Zoning Board of Adjustment shall have found that the proposed construction, earth excavation, filling, or grading shall not contribute to any impeded drainage, flood hazard, erosion, silting, or other adverse effect on natural conditions, or on fish or wildlife habitat.

11.5 EARTH PRODUCTS REMOVAL

11.5.1 REMOVAL RESTRICTION

Except as otherwise provided in this section, there shall be no removal from the premises in any district of earth, sand, gravel, clay, or stone, except as surplus material resulting from a bona-fide construction, landscape, or operation being executed on the premises, and provided that no permanent damage is done to the landscape.

11.5.2 PERMIT FOR REMOVAL OF EARTH PRODUCTS

The Zoning Board of Adjustment, after a public hearing, may grant a permit for the removal of earth, sand, gravel, clay, or stone, as a conditional use, under the following conditions:

1. The applicant shall submit a plan showing existing grades in the area from which the above material is to be removed, together with finished grades at the conclusion of the operation.
2. The operator shall provide for proper drainage of the area of the operation during and after completion, and no bank shall exceed a slope of one foot of vertical rise in two (2) feet of horizontal distance, except in ledge rock. No removal shall take place within fifty (50) feet of a property line, except that where the grade from a property line rises toward the lot where removal is to take place, material lying above the grade at the property line may be removed.
3. At the conclusion of the operation, or of any substantial portion thereof, the whole area where removal takes place shall be covered with top soil, and seeded with a suitable cover crop, except where ledge rock is exposed.
4. If the extraction is wholly or partly from a stream bed, it shall be carried on in such a manner that there shall be no obstruction or substantial change in normal flow, and at the conclusion of work in any section there shall be no increase in erosion or flood hazard. State permits are required for extraction in water flow areas and must meet criteria in the Flood Hazard Overlay.
5. In addition to the standards for conditional use, the Zoning Board of Adjustment shall consider whether the removal will: (1) endanger the general health or safety, (2) constitute a nuisance (3) result in detriment to the normal use of adjacent property by reason of noise, dust, or vibration, or (4) result in traffic hazards in residential areas or excessive congestion or physical damage on public ways. The Zoning Board of Adjustment may also consider and impose conditions related to the location and use of structures, equipment, routes to transport material, and hours of operation.
6. A permit for the removal of earth products may be issued for a period of up to but not exceeding five (5) years. Permits may be renewed upon reapplication under the same procedure.

11.5.3 EXISTING SAND AND GRAVEL OPERATIONS

Existing sand and gravel or other extractive operations must conform to these bylaws from its effective date with respect to any enlargement of the area where such operations are conducted.

11.5.4 SURETY BOND

In accordance with the provisions of 24 V.S.A. Section 4407(8), before a permit is granted under this section, the applicant shall post a surety bond with the Treasurer of the Town of Woodford in an amount and in a form approved by the Zoning Board of Adjustment as sufficient to guarantee conformity with the provisions of the permit issued here under.

11.6 REQUIRED PARKING FACILITIES

Parking facilities off the street or highway right-of-way shall be provided to serve any building erected, moved, altered, or enlarged, and all premises otherwise developed after the adoption of this Bylaw. Such on-site facilities shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting such building or premises at any one time.

Required parking facilities shall be located on the same lot as the principal building or use which it serves. Upon the approval of the Planning Commission or Zoning Board of Adjustment required parking facilities may be located elsewhere.

11.6.1 REQUIRED AREA OF PARKING FACILITIES

Unless otherwise specifically approved by the Planning Commission or Zoning Board of Adjustment, required parking facilities shall contain not less than the minimum areas set forth below, exclusive of driveways, with adequate space provided for vehicle maneuvering, snow plowing, and snow storage.

1. For dwellings, adequate space to park vehicles of residents of the property.
2. For offices and for home occupations, one space for every 200 square feet of floor area used for said business/occupation.
3. For retail stores, personal service shops, and similar business buildings, one space for every 200 square feet of floor area used for business.
4. For restaurants, an area equal to two hundred fifty (250) square feet for every three seats.
5. For motels, lodging, or rooming houses, two hundred fifty (250) square feet for each unit.
6. R District parking shall be adequate for customary on site business as well as additional parking as required during special events.

11.7 MOBILE HOMES AND RECREATIONAL VEHICLES

11.7.1 GENERAL REGULATIONS

1. Nothing herein shall prevent the use of a mobile home or recreational vehicle at a campground operated by the State of Vermont on State land.
2. Any recreational vehicle or a mobile trailer designed for office use and any storage trailer accessory to a permitted construction operation being executed on the premises, may be used

temporarily without a permit for up to six (6) months as a field office and for secure storage of related materials. Continued use after six (6) months requires a permit.

11.7.2 MOBILE HOME

A mobile home may be used as a one-family dwelling, provided that it is located on a lot meeting all of the requirements of these bylaws applicable to a one-family dwelling in the District in which it is located, is suitably anchored to a permanent concrete foundation not less than six (6) inches thick and containing 1/2" diameter steel reinforcing rod 18" on center or wire mesh of normal/accepted gauge.

11.7.3 RECREATIONAL VEHICLES

A recreational vehicle may be occupied on any lot by a non-paying guest of the occupant of such lot for a period not exceeding thirty (30) days in any twelve (12) month period, provided provisions are made for lawful disposal of all grey and black water from the RV holding tanks.

11.7.4 MOBILE HOME PARKS

1. Mobile Home Parks are permitted in accordance with 10 V.S.A., Chapter 153 Sections 6204 (a) and 24 V.S.A., Sections 4412 (B) and (C) and include essential services such as laundry and sale of convenience goods for the occupants. .
2. Any new Mobile Home Park, expansion of an existing Mobile Home Park, or changes to park area, design, layout, or common facilities requires approval as a conditional use by the Zoning Board of Adjustment.
3. The owner of a mobile home within an approved Mobile Home Park may apply for a zoning permit from the Zoning Administrator for a deck or accessory structure which meets setback requirements without additional approval by the Zoning Board of Adjustment. The replacement of a permitted mobile home within an approved Mobile Home Park shall require a zoning permit issued by the Zoning Administrator and be in compliance with all Zoning Board of Adjustment conditions for the park.
4. Location and Standards:

Mobile Home Parks may be located in the RR/RC Districts;

Minimum park area is five (5) acres, or the minimum lot area for the district in which it is located, whichever is greater;

Overall density is dependent on ability to meet all required standards in these bylaws including conditional use standards, and shall be determined by the Zoning Board of Adjustment;

Mobile Home Parks shall meet all minimum setback requirements along their perimeter for the district in which they are located;

Each mobile home lot shall be a minimum of six thousand (6,000) square feet, with a minimum width of fifty (50) feet;

A nonconforming lot in a pre-existing Mobile Home Park may be enlarged but not reduced in size without approval by the Zoning Board of Adjustment;

Each mobile home shall be set back a minimum of seventeen (17) feet from adjoining mobile home lots;

Mobile Home Parks shall comply with all applicable state regulations, including regulations relating to water supply and waste water disposal;

Open Space: 10% of the gross Park Area in an existing Mobile Home Park, or a minimum of 20% of the useable land area in any newly developed Mobile Home Park, shall be set aside for common recreational or open space;

Setback areas shall not be included in the calculation of recreation land or open space;

The enterprise of mobile home sales, sale of merchandise, or business services on a mobile home lot is not permitted;

An approved landscaped area or built structure shall be required to buffer the perimeter of all newly approved Mobile Home Parks in addition to conditions for internal landscaping and lighting;

Each replacement mobile home in an existing Mobile Home Park and each mobile home placed in a newly developed Mobile Home Park shall be located on a mapped lot, placed on a minimum 6" concrete pad reinforced with rebar or wire commonly used for the purpose. The pad must extend around the complete perimeter of the mobile home adequately anchored and skirted and consistent with any conditions required by the Zoning Board of Adjustment;

A minimum of two (2) parking spaces (paved or graveled) shall be provided for each mobile home lot.

The Mobile Home Park owner, or designated operator shall:

(1) Maintain all park buildings, roads, parking areas, paths, utilities, water supply and wastewater disposal systems, landscaping, open space and common areas in good condition, and shall provide for the regular collection and removal of recyclables, waste and garbage; and

(2) Remove snow from all park roads and service areas.

Failure to meet these operation and maintenance requirements shall constitute a violation of these bylaws and be subject to enforcement action.

11.8 SWIMMING POOLS AND PONDS

11.8.1 SWIMMING POOLS

A swimming pool is allowed as an accessory use for any permitted or conditionally permitted use. The pool shall be applied for as part of the original application or, if developed later, as a separate application that may be approved by the Zoning Administrator if the pool meets all required dimensional requirements and does not cause any dimensional nonconformity with the subject lot. The pool shall be securely fenced with a latching gate.

11.8.2 PONDS

An application for a zoning permit to construct any pond may be approved by the Zoning Board of Adjustment after a public hearing and provided that any required state permits are obtained and

that there shall be no undue adverse effect and any adverse effect upon the public health, safety, and surrounding area.

In reviewing such application, the Zoning Board of Adjustment shall require plans and specifications, and other information deemed necessary. Such information shall include:

- a. Map of entire property showing location of the pond with respect to present structures, roads, and boundaries;
- b. The nearest building(s) on adjoining land;
- c. Certified engineer specifications for the construction of a dam prior to construction;
- d. An estimate of the surface area of the pond and volume of water;
- e. Natural or proposed drainage and contours;
- f. Evaluation and recommendation by the Natural Resource Conservation District.

11.9 HANDICAP ACCESS

Handicapped access structures require a zoning permit. Handicapped ramps can be exempt from setback requirements by a waiver (Section 12.5) if they do not interfere with the health and safety of the community and if a ramp cannot be constructed in strict compliance with the regulations.

SECTION 12 – ADMINISTRATION AND ENFORCEMENT

The provisions of these bylaws shall be administered and enforced by the Zoning Administrator, who is nominated by the Planning Commission and approved by the Select Board, as provided by law. The Zoning Administrator shall literally enforce the provisions of these regulations, inspect land developments, maintain records of actions, and perform all other necessary and required tasks to carry out the provisions of these regulations, and the duties of the office. A complete and accurate record of all applications, decisions, and violations acted upon shall be filed with the Town Clerk and Board of Listers as provided in 24 V.S.A. Section 4449.

12.0 PERMITS

Before any land or building is devoted to a new or changed use, or before the erection of any building or land development, a zoning permit shall be obtained from the Zoning Administrator.

Application for such a permit shall be made on an authorized form, accompanied by a fee in an amount established by the Select Board. Before issuing any such permit the Zoning Administrator shall certify that the proposed building and use comply with all of the provisions of these bylaws. The application for the zoning and building permit shall be accompanied by plans and specifications in duplicate, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of dwelling units the building is designed to accommodate, and such other information with

regard to the lot and neighboring lots as may be necessary to determine and provide for enforcement of this Bylaw.

In case the proposed development would result in the construction of more than one principal building on a parcel of land under single ownership, the plans shall indicate for each principal building the boundaries on the land area dedicated as the site for each building and providing thereon all such yards, parking and open spaces as are required in these bylaws for such a building within the district in which the property is located.

Any construction, development, use, or change in use requiring or affecting a water supply or wastewater disposal system shall not proceed if a permit is required and until it is approved pursuant to 10 V.S.A., Chapter 64, and Vermont's Wastewater System and Potable Water Supply Rules. The State has universal jurisdiction for water supply and wastewater disposal permits and enforcement. A copy of the State application for a permit shall be filed with the Town. Permits, denials, and supporting documentation shall be filed with the Town for recording with the land records pursuant to 24 V.S.A. sections 1154 and 1161. Nothing in this section shall be construed to restrict the authority of the town, acting through the Woodford Board of health, to abate public nuisances or to abate or remove public health risks or hazards.

12.1 APPLICATION REQUIREMENTS

Applications for site plan review, conditional use review, or substantial amendments to a previously approved plan, and associated application fees, shall be filed with the Zoning Administrator for referral, respectively, to the Planning Commission or Zoning Board of Adjustment, and advisory committees.

The application package shall consist of two (2) copies of all application materials, which at minimum must include the following:

1. A completed application form;
2. The names and addresses of the owner(s) of record of all abutting and facing properties, as listed in the town land records;
3. A detailed, written description of the project;
4. A copy of the approved site plan and/or subdivision plat and conditions of prior approvals-as applicable;
5. A site plan prepared in accordance with applicable Town of Woodford Application Checklist that shows existing site features, and all existing and proposed site improvements;
6. Other supporting documentation and plans as specified in Town of Woodford Application Checklist;
7. A certification that there are no outstanding violations with respect to the property, or a detailed, written description of any and all outstanding violations.

12.2 ISSUANCE OF A PERMIT

The Zoning Administrator shall not issue a zoning permit unless an application, fee, plot plan, and any other approvals required by these regulations have been properly submitted. The Zoning Administrator shall act within 30 days of submission of a complete application, data, and approvals, by issuing a decision or by making a referral to the appropriate municipal panel. If the Zoning Administrator fails to act with regard to a complete application for a permit, within thirty (30) days, a permit shall be deemed approved on the 31st day. If a permit is denied, the Zoning Administrator shall so notify the applicant in writing stating that reasons thereof.

If the zoning permit is approved, all activities authorized by its issuance shall be completed within two (2) years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required. Each zoning permit issued under this section shall contain a statement of the period of time within which an appeal may be taken. Within three (3) days following the issuance of a Zoning Permit, the Zoning Administrator shall:

1. Deliver a copy of the permit to Listers;
2. Post a copy of the permit in at least one (1) public place in the municipality until the expiration of fifteen (15) days from the date of issuance of the permit;
3. File a copy with the Town Clerk.

For any property for which a permit has been issued, a notice of permit shall be posted within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal (24 V.S.A., Section 4465) has passed.

12.3 EFFECTIVE DATE

The effective date of a permit shall be fifteen (15) days after the date of approval. No zoning permit shall take effect until the time for appeal has passed, or in the event that a notice of appeal is filed properly, such permit shall not take effect until final adjudication of said appeal by the Zoning Board of Adjustment is complete and the time for taking an appeal to the Environmental Court has passed without an appeal being taken. If an appeal is taken to the Environmental Court, the permit shall not take effect until the Environmental Court rules on whether to issue a stay, or until the expiration of fifteen (15) days, whichever comes first. The time for appeals from a decision of the ZA is fifteen (15) days and the time for appeals from a decision of the ZBA is thirty (30) days.

12.4 PROPERTY IMPROVEMENTS AND USES NOT REQUIRING A PERMIT

Except in the Flood Hazard Overlay District the following improvements do not require permits:

1. Landscape features, such as bank retaining walls; complimentary steps in lawns/gardens; raised planter beds. Under these Bylaws a roofed gazebo structure is treated as an accessory building;
2. Portable seasonal (warm weather) structure. Must be taken down 11/1 through 3/31 each year;
3. Accessory building/shed thirty six (36) square feet or smaller (no more than two (2) per property), that conforms to setback requirements, or a portable building designed and

used mainly for ice fishing;

4. Roadways/driveways within property boundaries, provided said roadway is ten (10) feet or more from any boundary line;
5. Private dock on a pond wholly within property boundaries;
6. Fencing including posts, six (6) feet or under in height. A fence line along a public road must be set back from an established road right-of-way. No fence or gate may impede or block a private right-of-way of another property owner. Fencing shall not create an undue adverse effect;
7. Outdoor lighting for security/aesthetic purposes. Lighting must meet any state guidelines in effect at time of installation, such as limits on illumination levels or glare pollution, and not conflict with conditions of any permit approved by the Planning Commission or Zoning Board of Adjustment. Lighting, including motion detection activation, should avoid increased illumination on an adjoining property;
8. Exterior structural improvements and repairs that do not increase the volume and dimensions of the building/structure, the addition of a chimney, and interior improvements;
9. New or replacement access stairs and/or ramps with open deck not to exceed 36 sq. ft. All components should be railed;
10. Alternative energy collection systems for individual residential use, such as solar panels, wind turbines and hydroelectric turbines. Standard setbacks and height limits (30 feet) must be met, consistent with Section 2.1.3. Such systems may require a State permit. Such energy systems are also exempt from the Town permit process if shared by not more than three (3) abutting residential properties;
11. An occasional garage/yard/tag sale in connection with a residence. Such an event is restricted to no more than one (1) weekend per month for a period of two (2) days or three (3) days if the weekend includes a Federal holiday. Such sales may be held April 15- November 30 only. Estate or household moving sales may run for a total of sixteen (16) days.

12.5 WAIVERS

Requests for waivers of dimensional requirements are considered by the Zoning Board of Adjustment. The purpose of waivers is to allow for minor additions to a principal or accessory structure that would not be counter to the purpose of this Bylaw or the Town Plan, but which might not meet the standards for the granting of a variance. A waiver may be granted only to reduce dimensional requirements as provided below, and compliance with all other requirements of this Bylaw is required. The Zoning Board of Adjustment may grant a waiver provided all of the following conditions are satisfied;

- a) The proposal is for an addition to an existing principal or accessory structure, and said addition does not increase the footprint of the structure by more than 5 percent, provided that the addition shall not increase the building footprint by more than 200 square feet;
- b) The addition is the minimum size that is necessary for it to serve its intended function;
- c) The addition is specifically intended to improve access or safety, or for a minor addition to an existing building.

The Zoning Board of Adjustment may impose conditions regarding the design and screening of the addition to mitigate any impacts on neighboring properties. Development in the flood hazard area must meet all requirements of the Town's Flood Hazard Regulations.

12.6 TIME LIMITS ON ZONING PERMITS

1. Project must be substantially started within one (1) year of the permit date.
2. Project must be substantially completed within two (2) years of permit date.
3. The Zoning Administrator may grant one additional year (three year total) to meet "substantially completed" status, provided the property owner documents in writing verification of reasonable hardship(s), such as finances, contractor delays, weather, etc.

12.7 PERMITS APPLIED FOR DURING BYLAW AMENDMENT PERIOD

If a public notice is issued by the Select Board with respect to the amendment of these bylaws, the Zoning Administrator shall act on the permit application pursuant to 24 V.S.A., Section 4449 (d).

12.8 INTERPRETATION OF BYLAWS

In their interpretation and application, the provisions of these bylaws shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

It is not intended that these bylaws repeal, abrogate, annul, or in any way to impair or interfere with existing provisions of the law or ordinances, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises; nor is it intended that these bylaws interfere with or abrogate or annul any easements, covenants, or other agreement between parties, provided, however, that where these bylaws imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by existing provisions of law or ordinance, or by such rules, regulations, or permits, or by such easements, covenants, or agreement, the provision of these bylaws shall control.

12.9 PENALTIES AND ENFORCEMENT (SEC. 3. 24 V.S.A. 4451)

Any person who violates any provision of these bylaws shall be fined not more than \$200.00 for each offense. No action may be brought under this section unless the alleged offender has had at least seven days' warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation of the bylaw or ordinance after the seven-day notice period and within the next succeeding 12 months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. In default of payment of the fine, the person, members of any partnership, or the principal officers of the corporation shall each pay double the amount of the fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of these bylaws shall be paid over to the Town of Woodford.

Any person who, being the owner or agent of the owner of any lot, tract or parcel of land, lays out, constructs, opens, or dedicates any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or sells, transfers, or agrees or enters into agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of that subdivision or land development or otherwise, or erects any structure on that land, unless a final plat has been prepared in full compliance with this chapter and the bylaws adopted under this chapter and has been recorded as provided in this chapter, shall be fined not more than \$200.00, and each lot or parcel so transferred or sold or agreed or included in a contract to be sold shall be deemed a separate violation. All fines collected for these violations shall be paid over to the Town of Woodford. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from these penalties of from the remedies provided in this chapter.

12.10 VALIDITY

If any section or provision of these bylaws is adjudged to be unconstitutional or otherwise invalid, such decision shall not affect the validity of this Bylaw as a whole, or of any part thereof other than the part as adjudicated.

12.11 PUBLIC NOTICE

Any public notice required for public hearing under these bylaws shall be given as required by law.

12.12 PLANNING COMMISSION

There shall be a Planning Commission and the number of members shall be determined by the Select Board. Each member shall serve for a term of four years, and as provided by 24 V.S.A. Section 4323. The Planning Commission shall elect a chairman and a clerk and shall adopt other rules as required. A record of its resolutions and transactions shall be maintained as a public record of the municipality.

The Planning Commission shall have the following functions:

1. To prepare amendments to these bylaws and other bylaws as permitted by 24 V.S.A. Chapter 117;
2. To prepare and update the Town Plan every eight years, and to prepare amendments to the Town Plan as necessary;
3. To review Site Development Plans;
4. To review Subdivision Plats;
5. To approve land development not having frontage on a public road;
6. To interpret the intent and purpose of the bylaws if any provision is unclear;
7. Such other functions as provided by 24 V.S.A., subsection 4325.

12.13 ZONING BOARD OF ADJUSTMENT

There shall be a Zoning Board of Adjustment whose members, as well as their number and term of office, shall be determined by the Select Board.

The Zoning Board of Adjustment shall elect its own officers and shall adopt rules of procedure. Meeting of the Zoning Board of Adjustment shall be held at the call of the Chair, and at such time as the Zoning Board of Adjustment may determine. The officers of the Zoning Board of Adjustment may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under appeal. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, and shall file such minutes with the Town Clerk.

The Zoning Board of Adjustment is created as provided by 24 V.S.A. Section 4460 and 4461, with the power and duties as provided therein:

1. Perform the administrative review of all questions arising out of or with respect to the administration and enforcement of this Bylaw, including any uncertainties related to zoning district boundaries and the Zoning Map (as opposed to the interpretation and intent of this Bylaw which is the responsibility of the Planning Commission);
2. Hear and decide appeals taken under subsection 4465 of the Act including where it is alleged that an error has been committed in any order, requirement, decision, or determination made by the Zoning Administrator in connection with the enforcement of this Bylaw;
3. Hear and decide applications for conditional use approvals as provided for in these Bylaws;
4. Hear and decide applications for changes or extensions to nonconforming buildings or uses as provided for in these Bylaws;
5. Hear and decide applications for Waivers as provided for in these bylaws;
6. Hear and decide appeals for variances from the provisions of this Bylaw based on findings as described in subsections 4469 of the Vermont Planning and Development Act.

As per subsection 4469 of the Act, when a variance from the strict requirements of this Bylaw is requested, the Zoning Board of Adjustment may render a decision in favor of the appellant only if it makes a positive finding for all of the following reasons:

- a). That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or District in which the property is located;
- b). That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- c). That such unnecessary hardship has not been created by the appellant;
- d). That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and development of adjacent property, and

- e). That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of these bylaws and of the Town Plan.

In rendering a decision in favor of a variance, the ZBA may attach such conditions as it may deem necessary and appropriate under the circumstances, to implement the purpose of these Bylaws and the Town Plan, as duly adopted or amended, to safeguard the public welfare.

7. Make available to the courts of the State of Vermont, in any action concerning these bylaws brought before them, a record of the facts found, after public hearing, and the grounds for any decision initially rendered by the ZBA.

12.14 APPEALS TO THE BOARD OF ADJUSTMENT

Appeals to the Zoning Board of Adjustment may be entered in accordance with 24 V.S.A. Sections 4465 and 4466 in the following instances:

1. An appeal by an interested person from any decision or act taken by the Zoning Administrator (within fifteen (15) days from the date of the Zoning Administrator's decision or act).
2. An appeal for a variance from the provisions of the Zoning Bylaw, after denial of an application for permit by the Zoning Administrator.

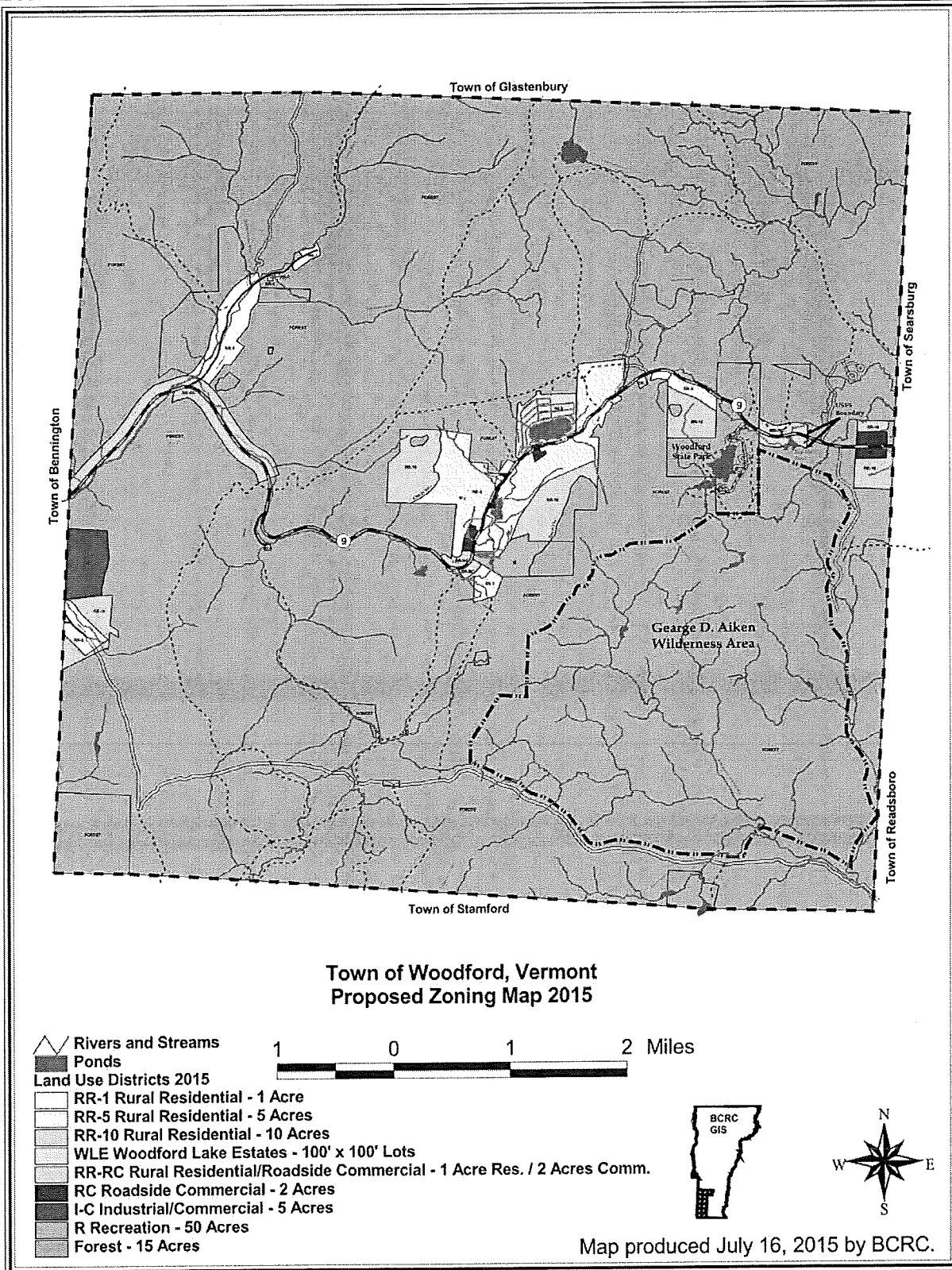
12.15 APPEALS TO THE ENVIRONMENTAL COURT

An interested person may appeal a decision of the Zoning Board of Adjustment to the Environmental Court under 24 V.S.A. Section 4471 and Section 801 through 816 of Title 3.

12.16 AMENDMENTS

These bylaws or the boundaries of established zone districts may be amended from time to time after public hearings, as provided by 24 V.S.A. Sections 4441 and 4442.

ZONING MAP01



SUBDIVISION REGULATIONS

SECTION 1: GENERAL PROVISIONS

1.1 Title and enactment:

These Bylaws shall be known as the Woodford Subdivision Regulations. The subdivision and development of land shall be subject to these Bylaws in accordance with the authority given by the Vermont Planning and Development Act, 24 VSA Chapter 117.

1.2 Application of These Regulations:

These Regulations shall apply to the division of a parcel of land whether by sale, gift, lease, the recording of any instrument, or by filing a plat in the Town Land Records. No plat shall be presented for recording, no construction shall be commenced and no title shall be transferred in connection with any Major or Minor Subdivision, unless a permit has been issued by the Woodford Planning Commission or the Zoning Administrator.

1.3 Purpose:

These Regulations shall serve to ensure that future subdivision plans reflect the goals and policies contained in the Woodford Town Plan including the following:

- a) To provide for the wise use and conservation of the natural, visual, and historical assets of the town,
- b) To provide for the preservation of the Town's rural character,
- c) To ensure the wise use of public resources, and
- d) to ensure that existing or planned community facilities and services have sufficient capacity to serve proposed subdivisions.

SECTION 2: MAJOR AND MINOR SUBDIVISIONS

2.1 General

Major Subdivisions include subdivisions of four (4) lots or more and any subdivision involving the construction of a new road providing access to one or more lots. Major subdivisions shall be reviewed by the Planning Commission.

Minor Subdivisions include subdivisions of up to three (3) lots, with no new road construction. Minor subdivisions shall be reviewed by the Planning Commission.

2.2 Major Subdivision – Informational Meeting

The Applicant shall initiate the process by requesting an Informational Meeting with the Planning Commission to discuss the general aspects of the proposed Major Subdivision. At least twelve (12) days prior to the Informational Meeting, the Applicant shall submit the following information to the Zoning Administrator:

- a) The name and address of the owner, the name and address of the applicant, the names and addresses of all abutters, the Book and Page number from the Town Land Records of the parcel proposed to be subdivided, and the Parcel ID Number;
- b) A map showing the location of the proposed subdivision within the Town of Woodford relative to the town highway system and including general topographic features;
- c) A Sketch Plan which shall include: existing and proposed property lines; type,

location, and size of existing and proposed streets, utilities, and existing structures; name and address of owner of record and applicant; and name of owners of record of adjacent properties. The sketch plan shall be presented at a scale which adequately depicts natural features, proposed improvements, and general site conditions.

d) A written description of: the proposed subdivision; proposed uses and development; proposed water supply and septic/sewage systems; and the anticipated timing of any construction including initiation and completion of the development.

At the Informational Meeting, in addition to providing the foregoing information, the Applicant shall provide information in support of the Application relative to compliance with the Town Plan and the Criteria listed in Section 3 of these Regulations. No comments made by the Applicant or members of the Planning Commission at the meeting are binding.

2.3 Major Subdivision – Formal Application and Required Information

An Applicant for Major Subdivision shall submit a Major Subdivision Application, with all required fees and the supporting documents listed below, to the Zoning Administrator within six (6) months after the Informational Meeting. Failure to submit a completed Subdivision Application with all supporting documents within this period will terminate the process.

Supporting Documents:

- a) The name and address of the owner, the name and address of the applicant, the names and addresses of all abutters, the Book and Page number from the Town Land Records of the parcel proposed to be subdivided, and the Parcel ID Number;
- b) A map showing the proposed subdivision relative to the abutting properties, streams and other water bodies, and existing roads;
- c) A surveyed plat drawn to scale adequate for showing the subdivision boundary with lot lines and lot size, and abutters' names, flood hazard areas, permanent streams, mapped wetlands, agricultural soils, any known critical wildlife habitats, natural heritage areas, deer wintering areas, stone walls, and existing roads. The plat shall also show the locations of existing/proposed leach fields, existing/proposed wells, and existing buildings/proposed building envelopes, and proposed roads and driveways. Subdivisions with lots to be accessed by and have frontage on new proposed roads shall have the road locations shown as well as a longitudinal profile showing road grades;
- d) Approved water supply and waste water disposal plans;
- e) Highway Access permits;
- f) Any other information requested in writing by the Planning Commission following the Informational Meeting.

The Planning Commission may require that other existing and proposed facilities also be located on the plat, and that the land surface contours be shown.

2.4 Minor Subdivision – Formal Application and Required Information

An Applicant for a Minor Subdivision shall initiate the process by submitting a Completed Minor Subdivision Application with all required fees and the following supporting documents to the Zoning Administrator.

Supporting Documents:

- a) The name and address of the owner, the name and address of the applicant, the names and addresses of all abutters, the Book and Page Number from the Town Land Records of the parcel proposed to be subdivided, and the Parcel ID Number;

- b) A map showing the proposed subdivision relative to abutting properties, streams and other water bodies, and existing roads;
 - c) A surveyed plat drawn to scale adequate for showing the subdivision boundary with lot lines and lot size, and abutters' names, flood hazard areas, permanent streams, mapped wetlands, agricultural soils, any known critical wildlife habitats, natural heritage areas, deer wintering areas, stone walls and existing roads. The plat shall also show the locations of existing/proposed leach fields, existing/proposed wells, and existing buildings/proposed building envelopes, and driveways.
 - d) Approved water supply and waste water disposal plans;
 - e) Highway Access permits;
- The Zoning Administrator may require that other existing and proposed facilities also be located on the plat.

2.5 Initial Review by the Zoning Administrator – Major and Minor Subdivisions

The Zoning Administrator shall notify the Applicant of the acceptance of a complete Subdivision Application for review within 30 days. The Zoning Administrator shall notify the Applicant if an Application is not complete, and identify missing information. The Applicant then has 90 days to provide the missing information. Failure to complete the Application within 90 days of the notice from the Zoning Administrator will lead to denial of the Application and forfeiture of all fees.

The Planning Commission and/or Zoning Administrator may conduct site visits after receipt of an application.

2.6 Major and Minor Subdivisions – Hearing and Decision

The Planning Commission shall conduct a public hearing on Major Subdivisions and Minor Subdivisions to consider the proposed subdivision application. Notification of the public hearing shall be made as required in Title 24 VSA Chapter 117 4464 and sent to the applicant, abutters, and other interested parties, posted as required, and printed in the newspaper no less than fifteen (15) days prior to the hearing date. For applications within five hundred (500) feet of adjacent towns, notice must also be provided to that town's Planning Commission.

The Planning Commission shall continue the hearing as needed to develop sufficient evidence to make all required findings. Within forty five (45) days following the conclusion of the public hearing, the Planning Commission shall issue a written decision approving, disapproving, or approving with conditions, the subdivision application. All decisions shall include findings of facts and conclusions, and be forwarded to the applicant, the abutters, the Zoning Administrator, and other interested parties. Failure of the Planning Commission to act within the allotted forty-five (45) days shall constitute approval of the application.

2.7 Permits

Permits approved by the Planning Commission for Major Subdivisions or Minor Subdivisions shall be void and expired unless an appropriate plat is recorded in the Town Clerk's Office within one hundred eighty (180) days of final approval.

2.8 Waivers

The Planning Commission may waive or vary specific provisions for application or review procedures and requirements when, in its judgement, it is found that unique or special circumstances exist, and that the public interest would be served by approving the waiver.

The request for a waiver shall be made by the Applicant to the Planning Commission and shall include sufficient information to justify the waiver and to enable the Planning Commission to reach a decision. Such request shall be made in writing.

The Planning Commission shall provide a written response to the applicant within 30 days of having received a request for waiver. Upon approval, the waiver becomes part of the full application and shall be recorded with the permit.

SECTION 3: SUBDIVISION DESIGN CRITERIA

3.1 Criteria

The Planning Commission shall approve a subdivision on finding that its proposed development meets the goals of the Woodford Town Plan including, but not limited to, the following design criteria:

3.2 Preservation of Resources

Design of the subdivision, including placement of lot lines, utilities, roads, septic areas and building sites shall attempt to minimize impacts on streams, forest blocks greater than twenty five (25) acres, agricultural soils, cemeteries, stone walls, critical wildlife habitats, deer wintering areas, natural heritage areas, wetlands, and flood hazard areas in order to conserve and protect these existing resources.

3.3 Energy Conservation

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

3.4 Roads and Driveways

Design of the subdivision shall:

- a) Ensure safe and efficient movement of vehicles and pedestrians, including road maintenance, firefighting, and emergencies; and
- b) Meet the design criteria set forth in any Town of Woodford Highway Ordinance. *Note: These standards are Class III Road standards and apply to all roads that access subdivisions coming before the Planning Commission for approval.*

3.5 Parking

Design of the subdivision shall provide off-road parking adequate to accommodate proposed uses.

3.6 Utilities

Design of the subdivision shall attempt to ensure that proposed power, telephone, outdoor lighting, and other utilities do not have an undue adverse impact on the visual character of the site as seen from public roads by locating utilities along road corridors, or using underground cables if cutting directly across open land, and using shielded lighting.

3.7 Drainage and Erosion Control

Design and construction of the subdivision shall minimize soil erosion and not reduce the capacity of the land to hold water. All subdivisions that disturb the soil on more than one acre of land require a separate state storm water construction permit, and those that will at full buildout create more than one acre of impervious surface, including gravel roads, require a separate state operational storm water permit. All

land clearing and grubbing will follow at least the standards for sites with low risk in the Vermont Erosion Control Handbook. All drainage systems shall be designed to limit erosion and protect water quality.

3.8 Fire Protection and Other Emergency Services

Design of the subdivision shall not cause an unreasonable burden on the ability of the town to provide fire protection and other emergency services by ensuring safe access and water supply.

3.9 Water Supply and Wastewater Disposal

Design of the subdivision shall provide for adequate potable water supply and for wastewater disposal in accordance with all State laws and regulations and either have an approved system design or the appropriate deed notice in place as a condition of approval.

3.10 Viable Lots

All lots created by any subdivision shall be at least the minimum required for the zoning district in which they are located, have at least fifty (50) feet of frontage on a state, town, or private road, and have at least one-half acre that is not located in a flood hazard area unless the lot is burdened by a permanent conservation easement which prohibits structural development.

SECTION 4: BOUNDARY LINE ADJUSTMENT

4.1 Application and Required Information

Any person desiring approval of a Boundary Line Adjustment shall submit an application to the Zoning Administrator. The application shall include the following information:

1. A survey and legal description of properties subject to the boundary line adjustment application;
2. A location map including an identified north arrow, and the scale of the map;
3. The total area of each lot before and after the proposed boundary line adjustment;
4. The location and dimensions of all structures, driveways, wastewater disposal systems, wells, utilities and other improvements on each lot subject to the proposed boundary line adjustment;
5. The names, addresses and telephone numbers of all property owners involved in the proposed boundary line adjustment;
6. A signed and notarized authorization from all property owners.

4.2 Criteria for Approval

All Boundary Line Adjustments shall be consistent with the following standards:

1. The Boundary Line Adjustment shall not create additional lots.
2. The Boundary Line Adjustment shall not create a parcel that fails to meet all dimension and area requirements of all applicable land use and environmental health regulations, found in the Woodford Zoning Bylaws and Land Use Regulations.
3. The Boundary Line Adjustment shall not increase the nonconformity of any lot or structure which does not currently meet the requirements of any applicable land use or environmental health regulation, including but not limited to, setbacks to structures from property lines, the area outside a flood hazard area, and the minimum area of parcel.
4. The Boundary Line Adjustment does not realign lot lines that create directional changes in the orientation of lot(s), such as changing front yards into side yards or rear yards which result in nonconforming setbacks.

4.3 Zoning Administrator Review and Action

Based on review of the proposed Boundary Line Adjustment, the Zoning Administrator shall determine if the proposed boundary line adjustment is consistent with the criteria for approval of a boundary line adjustment. If the Zoning Administrator finds that the proposed boundary line adjustment complies with all the above requirements, the adjustment shall be approved. If the Zoning Administrator finds that the proposed boundary line adjustment does not comply with the above requirements, the adjustment shall be denied. The decision by the Zoning Administrator may be appealed to the Zoning Board of Adjustment.

4.4 Final Approval and Authorization for Property Owners.

Approval of the Boundary Line Adjustment shall constitute authorization for the applicant to prepare appropriate documents to transfer the property being adjusted. A boundary line adjustment shall be completed according to the following:

The owner(s) shall have prepared the appropriate quit claim deeds for the transfer of ownership and an accurate map of the lots, along with the new property lines, prepared by a licensed surveyor and done in full compliance. The deed and map shall contain the following language: "This conveyance (or survey) is for the purpose of accomplishing a boundary line adjustment. It shall not create any additional lots, tracts, parcels, or divisions." The map shall contain a signed statement of approval by the Zoning Administrator. The map shall contain a note which references the recording information for the quit claim deeds for the actual property transfer.

4.5 Final Approval and Recording

Upon securing signed approval by the Zoning Administrator, the applicant shall submit a Boundary Line Adjustment map to the Woodford Town Clerk for recording in the Woodford Land Records in accordance with current Vermont within 180 days. Boundary Line Adjustments granted under this provision shall expire if approved surveys are not filed and recorded within this 180 day period.

SECTION 5: RECORDING

5.1 Recording of Subdivision Plat

No subdivision plat may be presented for recording to the Town Clerk without the endorsement thereon of either the Planning Commission or the Zoning Administrator. An appropriately endorsed subdivision plat shall be delivered by the Applicant to the Town Clerk for recording in the land records of the Town within one hundred (180) days of the issuance of the permit.

Any plat not delivered within one hundred eighty (180) days of the issuance of the permit by the Planning Commission/Zoning Administrator, or within one hundred eighty (180) days of the date upon which such plan of subdivision is taken as approved by reason of the failure of the Planning Commission/Zoning Administrator to act, shall be void and expired

SECTION 6: ADMINISTRATION

6.1 Fees

No Application shall be considered without payment of all required fees. A Schedule of Fees shall be set by the Select Board and shall be available at the Town Offices.

6.2 Revision to an Approved Subdivision

Revisions or modifications to an approved subdivision permit requires reapplication through the relevant process. A revised plat recorded without Planning Commission/Zoning Administrator signature shall be considered null and void.

6.3 Public Acceptance of Roads and Open Spaces

Nothing in these Regulations shall be construed to constitute the acceptance by the Town of Woodford of a road, easement, utility, or recreation area shown on a subdivision application or approved plat as publicly owned or maintained.

6.4 Performance Security

The Planning Commission may require from any applicant, for the benefit of the Town and sufficient to cover the full costs of constructing any public or private improvements that the Planning Commission may require in approving the subdivision, security that the improvements shall be completed and maintained as approved. The required security shall be submitted prior to final approval of the subdivision, and may be required in the form including, but not limited to, a surety bond, a letter of credit, a performance bond, or any other form, on terms and conditions acceptable to the Planning Commission and the Select Board. A separate bond or other security shall also cover maintenance for three years. The construction bond shall only be released by the Select board upon their inspection, along with a certification by the Zoning Administrator that conditions have been met. Bonds may be partially released as applicable.

6.5 Completion Date

Approvals of subdivisions shall contain a time limit within which all public components shall be completed. The time limit shall not exceed three (3) years unless extended for unusual circumstances upon request of the applicant and approval of the Planning Commission.

SECTION 7: MISCELLANEOUS

7.1 Appeals, Enforcement, and Amendments

The procedures and conditions for appeals, enforcement, and amendments shall be in accordance with the provisions of title 24 VSA Chapter 117.

7.2 Savings Provision

These Regulations shall not be construed as abating any action now pending under preexisting Bylaws, Ordinances, Regulations, or Rules.

7.3 Severability

The invalidity of any provision of these Regulations shall not invalidate any other part.

7.4 Penalties

Violators of these Regulations shall be provided 7 days written notice of alleged violation to cure the violation as specified in Title 24 VSA Chapter 117 4451 or appeal the notice as specified in Title 24 VSA Chapter 117 4465. The Zoning Administrator shall file all notices of alleged violation and record decisions in the Town Land Records. If the violation is not successfully appealed or cured, the town may institute action to cure the violation, including the recovery of fines as allowed under Title 24 VSA Chapter 117 4451-54. Improper filing of unauthorized plats may also result in action by the State of Vermont or private parties.

LAND USE REGULATIONS - DEFINITIONS

For the purpose of these bylaws, certain terms or words shall be defined as follows:

- a) Words in the present tense include the future;
- b) Singular number includes the plural, and words in the plural include the singular;
- c) The word "person" includes a person, association, partnership, corporation, organization or other legal entity; unless otherwise specifically defined herein;
- d) The word "shall" is mandatory;
- e) The term "generally shall" indicates that it is mandatory unless the ZBA or other applicable body deems otherwise in accordance with these bylaws;
- f) The word "may" is permissive and used to say something is possible providing a choice to act or not act;
- g) The word "structure" includes "building";
- h) The word "lot" includes the word "plot", "parcel";
- i) The word "land" includes the words "marsh", "wetland" and "water".

Except where specifically defined herein, all words used in the zoning regulations shall carry their customary and usual meaning. Doubt as to the precise meaning of any word used in these Bylaws shall be clarified by the ZBA.

Abandonment: Any building or other structure which is unoccupied, unused, or deserted, in a continuing state of disrepair or decay is thereby indicating a surrender of its intended original use.

Abutter: Any landowner who shares a common boundary with any portion of a proposed subdivision. Abutters include landowners whose property is separated by a state or town highway or surface water.

Abutting: Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

Accepted Agricultural or Forestry Practices: Practices defined as such by the Commissioner of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation, respectively, under 10 V.S.A. 1021(f) and 1259(f) and 6 V.S.A. 4810 and 24 V.S.A., 4413(d)

Access Ramp: A structure built to provide an accessible route for people with mobility impairments.

Accessory Building: Any building which is subordinate to and whose use is incidental and accessory to the use of the principal building on the same lot, or on an adjoining lot under the same ownership. A light-framed fabric covered building is considered an accessory building.

Accessory Dwelling Unit: An efficiency or one bedroom dwelling unit located within or adjacent to an owner-occupied one-family dwelling that is clearly subordinate to the one family dwelling. The accessory unit shall have facilities and provisions for independent living, including sleeping, food preparation, and sanitation. The property shall have sufficient waste water and potable water capacity. The unit shall not

exceed 30 percent of the total habitable floor area of the one-family dwelling, but is at least 400 square feet in floor area.

Accessory Structure: A structure which is customarily incidental and subordinate to the primary structure on a lot or parcel of land is located on the same lot or an adjoining lot under the same ownership.

Accessory Use: A use which is customarily incidental and subordinate to a principal use on the same lot.

Act: Title 24 VSA, Chapter 117, the Vermont Municipal and Regional Planning and Development Act as most recently amended.

Adjoining Property Owner: see "Abutting."

Adverse: An effect or impact which is significant but may be mitigated to obtain permit approval.

Affordable Housing: Housing that is either: (1) owned by its inhabitants, whose gross annual household income does not exceed 80 percent of the county medium income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than 30 percent of the household's gross income; or (2) rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

Agriculture: As currently defined by the Secretary of the Vermont Agency of Agriculture, Food and Markets.

Air Contaminants: Fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.

Alteration: Structural change, change of location, or addition to a building, excluding normal maintenance and repair. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure in terms of its height, length, width, footprint, or gross floor area.

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used in transmitting and receiving electromagnetic waves and including the supporting structure including but not limited to amateur radio antennas and satellite receiving dishes.

Annexation: The subdivision of a parcel for the purpose of merging the newly created lot with an abutting parcel.

Applicant: The owner or designated agent of the owner of the land proposed to be developed or subdivided.

Approval: A decision by the Woodford ZBA, PC or ZA, as appropriate, within the statutory time limit, or in the event of the failure to act within the specified time limit, a certificate of such failure to act issued by the Town Clerk, as attached to the permit application and recorded in the land records of the town.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, or AE. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Assisted Living Residence: A program combining housing, health and supportive services for the support of residential independence and aging in place. Within a homelike setting, assisted living units offer, at a minimum, a private bedroom, private bath, living space, kitchen capacity, and a lockable door. Assisted living promotes resident self-direction and active participation in decision-making while emphasizing individuality, privacy and dignity. 33 V.S.A. 7102(11)

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Basement: Any area of a building having its floor below ground.

Bed and Breakfast (B&B): An approved and licensed lodging establishment that offers overnight accommodations and breakfast.

Bedroom: A room in a Dwelling Unit planned and intended for sleeping. A Loft used as a Bedroom shall count toward total Dwelling Unit Capacity.

Berm: Natural or manmade mound increasing the elevation above the surrounding grade which is formed by soil, stones, or any other material and is used primarily to obstruct views or used for landscaping.

Best Management Practices (BMP): Methods and techniques found to be most effective and practical means in achieving an objective.

Boundary Line Adjustment: a form of subdivision that does not create an additional lot and does not conflict with any other current regulations. All deeds must be written and recorded reflecting the decision of the Zoning Administrator. Application for boundary adjustments shall be approved as allowed in the Subdivision Bylaws.

Buffer: Any space between adjoining land uses or between a land use and a natural feature, which is intended and designed to reduce impact of one use on the other use or feature. Buffers may include a berm, open space woodland, landscaped areas, undisturbed vegetated areas, or other types of physical, visual or sound barriers.

Buffer Area: Land designated as green space along a property line used to lessen the impact of Land Development upon adjacent property. No structures, other than fences, shall be located within a buffer area or strip.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any persons, animals, process, equipment, goods, or materials of any kind or nature.

Building Height: The vertical distance of a structure or building measured from the average elevation of the final grade within the structure or building footprint to the highest point of the structure's roof line (from the highest to the lowest finished grade at the foundation).

Buildable Area: That portion of a building site that may be built on while complying with the Bylaws.

Building Area: The ground area enclosed by walls of a building, including the area of walls themselves, together with the area of all porches, decks, and structures.

Building Coverage: The percentage by which the total area of all buildings on the lot relate to the area of the lot.

Building Envelope: A specific area delineated on a lot within which all structures are to be located, and outside of which no structures are to be located unless approved by the Zoning Board of Adjustment or Planning Commission.

Building Line: A line parallel to the property line at a distance equal to the required setback.

Bylaws: Zoning regulations, subdivision regulations, or the official map adopted under authority of VSA Title 24.

Bylaws: Regulations, ordinances, rules or laws adopted by an association or corporation or the like for its government. The term is sometimes referred to the municipal statutes of a city or town but the term "ordinance" is more common for such actions. Consistent with this definition, the term "Bylaws" when used by local units of government usually refer to rules of operation adopted to govern the conduct of the entity.

Camp: A hut, shed, yurt or similar structure used to shelter people from the weather, but not customarily used for permanent dwelling.

Camp, Primitive: A camp that has no interior plumbing consisting of more than a sink with water used no more than three consecutive weeks per year and no more than a total of 60 days per year, and subject to all applicable Vermont state Water Supply and Waste Water System regulations.

Campground: A place or business upon which parcel of land are three or more campsites providing tenting and/or camping vehicle, cabin, shelter or other accommodations suitable for seasonal or temporary living purposes. A mobile home used as a residence is considered as a dwelling and this definition is not applicable.

Camping: An outdoor recreational activity. The participants (known as campers) enjoy nature while spending one to several nights during a camping season, usually at a campsite. Camping may involve the use of a tent, a camping vehicle, a cabin, yurt, primitive structure, or no shelter at all. Camping may describe a range of activities. Camping is often enjoyed in conjunction with activities, such as, but not limited to, canoeing, boating, sailing, white water rafting, swimming, hill Climbing, hiking, back packing, walking, mountain biking, motorcycling, and bicycling.

Camping Vehicle: A travel trailer, tent trailer, motor home, truck camper or any device or conveyance so constructed as to permit its ready transport on public highways, and designed as temporary living/sleeping quarters. A camping vehicle is in no way included under the mobile home definition.

Certificate of Occupancy: A document issued by the ZA which certifies that the building was completed in accordance with the approved construction plans and meets the provisions of the Woodford Zoning Bylaws and land use Regulations.

Change of Use: Any change of use from one category of use to another, (including, but not limited to single family use to two-family or multi-family use), or use that substantially differs from the previous use beyond that currently permitted; or a change of use classification or character of business activity such as, "retail" to "wholesale", "retail to restaurant", "residential" to "commercial".

Child Care Facility: As defined in V.S.A. 33 4902(2), a day care facility providing care on a regular basis in the caregiver's own residence for not more than six (6) children provided with full-time care at any one time. Up to four (4) additional children may be cared for in the facility on a part-time basis (not more than four (4) hours per day). These provisions apply to facilities where the owner or operator is required to be licensed or registered by the State for child care.

Clearing: The removal of vegetation as part of site preparation, for the installation of driveways, utilities, water, drainage systems, building sites and construction of yard areas.

Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Commercial Use: An occupation, employment or enterprise that is carried on for profit by the owner, lessee, or licensee. An activity involving the provisions of facilities, goods and services (other than that provided by municipal, state or federal governments) to others in exchange for payment of a purchase price, fee, contribution, or other consideration having value.

Common Land: Land owned and used in common and restricted in purpose by covenant for residents.

Compatibility: Having characteristics that allow a use to be located in harmony with other adjacent uses and to be compatible with the overall character of the neighborhood. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

Concert: A public performance of music or dancing.

Conditional Uses: May be perfectly appropriate for a district but require a hearing to determine that they will not have adverse effects as defined by the conditional use standards. Those uses which a permit may be issued by the ZA only after the ZBA, as provided for in 24 V.S.A., Section 4414(3) determines after public notice and public hearing that the proposed uses will conform to general and specific standards as set forth or referred to in this Bylaw and pursuant to Section 4407(2) of the Act.

Construction: Improvements or new assembly or placement of a structure on a site, including any related site preparations, excavation and grading.

Construction and Demolition Waste (C&D): Waste derived from the construction or demolition of buildings, roadways or structures.

Contiguous Property: is any land under the same ownership that has a connection point. For example, if someone owns land on two sides of the road and the property would have a connection point if the road were not there, it is contiguous. This applies to land with railways, interstate roads, streams, rivers, etc., running through it. Even if the land would only touch at a short point it is contiguous. If there is a lake in between two parcels, it depends upon the size of the lake, but the land would likely not be contiguous. (Vermont Official Website – Department of Taxes)

Coverage: That percentage of the Lot Area which may be covered by Buildings and Structures.

Day Care Facility: Any place operated as a business or service on a regular basis, whether for compensation or not, whose primary function is protection, care, and supervision of children under sixteen years of age outside their homes for periods of less than twenty-four hours a day by a person other than the child’s own parent, guardian, or relative 33 V.S.A. 2752 Welfare. A person providing care for children of not more than two families other than that of the person providing the care is exempted. (33 V.S.A. 2852)

Deck: A floored structure usually attached to a dwelling with access via an outside door. A deck can be roofed and railed, but does not have definable sidewalls except where abutting dwelling walls. (See “porch”).

Development: The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, substantial improvement, conversion, structural alteration, relocation or enlargement of any building or other structure; or of any mining, excavation or landfill; and any change in the use of any building or other structure; or land, or extension of use of land, pursuant to the definition of “land development” in the Act [Section 4303(3)].

Disposal: The discharge, deposit, injection, dumping, spilling, leaking, burning, or placing any solid waste or any constituent thereof that may enter the environment or be emitted into the air or discharged into any ground or surface waters.

District: A mapped area to which a set of regulations applies prescribing both the nature of land usage and the physical dimensions of uses including height, setbacks and minimum area.

Domicile: Living in that locality with the intent to make it a fixed and permanent home. Domicile determines where a person votes and where a person’s driver’s license is issued.

Duly Warned: Notice by publication of the date, place and purpose in a newspaper or other public media serving the area and notice posted at the Town Office in addition to two (2) or more places in Woodford per current Vermont Open Meeting Laws.

Dwelling, Multi Family: A building containing separate dwelling units for three (3) or more families, each unit having separate or joint entrances and each with its own sanitary facilities and kitchen. A multi family dwelling Includes condominiums, apartments, cooperatives, and other forms of multiple family housing, but does not include hotels, motels, bed and breakfasts or other similar lodging facilities.

Dwelling, One Family (Single Family): A detached building designated for or occupied solely as a dwelling by one (1) family, and equipped with sanitary facilities and not more than one kitchen. This also includes a state licensed or registered residential care home, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. 4501 located one thousand (1,000) feet or more from another home, and a state licensed or registered family child care home or facility serving no more than 6 full-time children and 4 part-time children as defined in 33 V.S.A. 4902(3) (A).

Dwelling, Seasonal: A dwelling unit which is not the primary residence of the owner or occupant and is occupied only on a part time or seasonal basis. This shall include, but may not be limited to: a dwelling which lacks one or more of the basic amenities or utilities required for year round or all-weather occupancy, including a winterized water system, insulated walls and roof, heating source and an adequate waste water disposal system or a dwelling that specifically has been permitted as a seasonal dwelling.

Dwelling, Two Family: A detached building designed for or occupied solely as a dwelling for two (2) families living independently of each other, each having separate or joint entrances, and each with its own sanitary facilities and kitchen.

Dwelling Unit: A dwelling or part of a dwelling occupied or intended to be occupied by an individual or family for residential purposes, containing full housekeeping facilities for the exclusive use of the occupants. A residence or part thereof providing complete, independent dwelling facilities for individual or family, including permanent facilities for living, sleeping, eating, cooking, and sanitation.

Easement: The legal authorization given by a property owner to another person or party for the use of any designated part of his or her property for that specified purpose.

Effective Date: A zoning permit issued by the Administration Officer shall take effect fifteen (15) days after approval or, if an appeal is filed, until the final adjudication of that appeal.

Ex Parte Communications: Communications made in private between an interested party and an official in a decision making process during a formal proceeding and decision making period commencing when a hearing is announced and continues until a final decision is made.

Expiration of Site Plan Approval: Site plan approvals expire two (2) years from the date they are approved. For site plans needing Act 250 permits, the date of approval will commence at the same time the Act 250 permit is issued. All work must be completed as shown on the plan before the expiration date. Extensions of this deadline may be granted by the ZBA prior to expiration.

Expiration of Zoning Permit: Zoning Permits shall become void if all work described therein has not been completed within two (2) years of the date of issuance, unless an extension is granted by the ZA prior to date of expiration.

Family: Any number of individuals related by blood, marriage, or adoption, living together as a single housekeeping unit. A group of not more than five (5) persons keeping house together, but not necessarily related by blood or marriage, may be considered a family.

Farm: One (1) or more parcels of land, either contiguous or non-contiguous, in individual or affiliated ownership and managed as a single agricultural enterprise. Agricultural land not in affiliated ownership but leased to a farm operator and managed as part of an agricultural enterprise shall not be considered as part of the active farm.

Fence: A hedge, structure, or partition, erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous estates.

Finished Grade: The average ground level of the land around the building after completion.

Flood: (a) A general and temporary condition or 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 deposited along the path of the current. (b) The collapse or subsistence of land along the shore of a 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. Please see specific definitions for the Flood Hazard Overlay District in the Town of Woodford Inundation Area Regulations.

Fluvial Erosion Hazards means those hazards related to the erosion or scouring of riverbeds and banks during high flow conditions of a river.

Forestry: Any management, including logging, of a forest or woodland, including the maintenance, construction or alteration of woods, roads, skidways, landings, fences and forest drainage systems.

Front or Frontage: Length of the lot boundary measured along a public or private road or mean high water mark of a public water.

Front Lot Line: The line separating the lot from the street or road right of way. If a lot abuts more than one street or road, each line is a front lot line.

Footprint: The area underlying a structure. The total ground area covered by a roof, to include a covered porch, covered deck or covered entryway.

Garage/Yard/Tag Sale: A temporary set-up, outside or in a tent or building, for retail sale of new or used merchandise.

Grandfathering: In instances where existing development would become nonconforming as a result of changes in the zoning regulations, use or structure may be allowed to continue as a conforming use through special provisions of the Bylaws.

Green Storm Water Infrastructure (GSI): to incorporate both the natural environment and engineered systems to provide clean water, conserve ecosystem value and functions, and provide a wide array of benefits to people and wildlife.

Group Home: A State licensed or community care dwelling shared by eight (8) or fewer persons, who have a physical handicap, disease, or developmental disability (9 V.S.A. 4501) and who live together as a single housekeeping unit and in a long-term, family-like environment in which a minimum of two (2) staff persons provide 24-hour supervision and care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. Such a home is treated as a single-family residential use under 24 V.S.A. 4412(1)(G). unless it is located within one thousand (1000) feet of another such home.

Guest House: A building used as a dwelling unit having a total capacity of no more than four (4) paying guests for public lodging providing rooms and/or meals for lodging guests only, and which does not materially change the character of the immediate area.

Hazardous Substances: Any substance or material identified by Federal or State environmental agencies that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties present a threat to the environment, humans or domestic animals.

Highway: as statutorily defined is synonymous with "public road" Act 178.

19 V.S.A. 1 (12) "The definition of "highway" provided by 19 V.S.A. 1 (12) is consistent with the plain meaning of "public road or highway," a road over which the public has a right to pass and which the government has the obligation to maintain."

Highways are only such as are laid out in the manner prescribed by statute; or roads which have been constructed for public travel over land which has been conveyed to and accepted by a municipal corporation or to the state by deed of a fee or easement interest; or roads which have been dedicated to the public use and accepted by the city or town in which such roads are located; or such as may be from time to time laid out by the agency or town. However, the lack of a certificate of completion of a state or town highway shall not alone constitute conclusive evidence the highway is not public. The term "highway" includes rights-of-way, bridges, drainage structures, signs, guardrails, and areas to accommodate utilities authorized by law to locate within highway limits, areas used to mitigate environmental impacts of highway construction, vegetation, scenic enhancements, and structures. The term "highway" does not include state forest highways, management roads, easements, or rights-of-way owned by or under the control of the agency of natural resources, the department of forests, parks and recreation, the department of fish and wildlife, or the department of environmental conservation."

Historic Site: Any site, structure, district or archeological landmark which has been officially included in the National Register of Historic Places and/or the State Register of Historic Places or which is established by testimony of the Vermont Advisory Committee on Historic Preservation or the Town of Woodford Select Board as being historically significant.

Home Occupation or Home Business: A profession or occupation in a dwelling or accessory building which is clearly secondary to the use as a dwelling. Home occupations are subject to the provisions in Sections 3.1 and 3.2, as well as all applicable dimensional standards for the district in which they are located.

Hotel: A building (other than a motel, rooming house, or bed and breakfast), used to provide overnight accommodations, with or without meals, to the public for compensation.

Impermeable/Impervious Surface: Any material covering the ground through which water does not readily penetrate, including but not limited to roofed structures, compacted soil, and pavement consisting of concrete, oil and stone, tar, or asphalt. A surface that does not permit the absorption of fluids. As a land use term, impervious surface means any surface such as roads, rooftops, patios, or parking lots that does not allow water to soak into the ground. Impervious surfaces result in runoff on the surface in greater quantities and/or an increased rate when compared to natural conditions prior to development.

Impermeable Surface Coverage: The ratio between impermeable surface and total land area of a lot expressed as the percentage of land covered by impermeable surfaces.

Improvement: The reinforcement, repair or rehabilitation of an existing structure for the purpose of its maintenance. Improvements shall not include replacement of an existing structure.

Industrial Park: A parcel of land that is planned, developed, and managed as an integrated facility for a number of individual industrial uses and supporting accessory structures and uses, with consideration given to common facilities, infrastructure, services, open space, and aesthetics and compatibility.

Industrial Use: Light industry manufacturing, wholesale distribution, foodservice, trucking terminal, or other uses as approved by the ZBA.

Inn/Lodge/Bed and Breakfast: A building or complex of buildings containing rooms with separate or joint entrances which are rented as sleeping units, normally to transients; a residential dwelling in which a portion of the house is adapted to use as lodging for travelers and where meals may be served.

Interested Person: An interested person as defined by 24 V.S.A. 4465(b) is 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 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 (see (2) above) who, by signed petition to the appropriate municipal panel, allege

that any relief requested, 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 (see (2) above), and the agency of commerce and community development in this state.

Interpretation: In their interpretation and application, the provisions of this regulation shall be held to be the minimum requirements adopted for the promotion of the health, safety, comfort, convenience, general welfare and economic stability. If any Bylaw is enacted with respect to any land development subject to regulations under the state statutes, the more stringent regulation applicable may apply.

Junk: Old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including but not limited to rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or parts thereof. For the purpose of this bylaw, the definition of junk also more specifically includes tires, household appliances, furniture, plumbing fixtures, construction and or de-construction debris.

Junk Motor Vehicle: A discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof, or a motor vehicle, other than an on premise utility vehicle, which is allowed to remain unregistered or uninspected for a period of 90 days from the date of discovery.

Junk Yard: The terms “junk”, “junk motor vehicles” and “junk Yard” shall be as defined in 24 V.S.A. 2241. Any place of outdoor storage or deposit, not in connection with a business, which is maintained or used for storing or keeping three (3) or more unlicensed motor vehicles which are visible from a portion of a public highway or adjoining property.

Junk Yard: A plot of land with or without a building for the storage and/or sale of scrap material including vehicles.

Kennel: The boarding, breeding, raising, grooming or training of four or more dogs, cats, or other household pets of any age for a commercial use and/or which are not owned by the owner or occupant of the premises.

Land: A plot or a parcel of land with boundaries defined by deed, occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this Bylaw. In case of multiple dwellings and public, institutional, commercial, or agricultural buildings, a group of buildings on the same or contiguous premises, all under the same ownership, may be considered as occupying the same lot. A lot must have its principal frontage on a street or highway, or such other means of access as determined by law, and provisions of this Bylaw.

Land Development: shall consist of one or more of the following:

1. Division of land into two parcels.
2. Construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure.
2. Any change in the use of any building or other structure, or land, or extension of land use.

Legislative Body: The city council of a city, the select board of a town, or the board of trustees of a village.

Light Industry: A use engaged in the assembly, processing, packaging, manufacture, predominately

from previously prepared materials, of finished products or parts, fabrication, treatment, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Light Manufacturing: A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Lighting Plan: A plan used for an approval process of construction indicating all site improvements related to lighting and the number, location, type of fixture, and manufacturer's data on all proposed lighting, both pole and building mounted. (Stratton).

Lot: (1) Land occupied or to be occupied by a principal structure or use and its accessory structures and/or uses, together with required open spaces, having not less than the minimum area, width or depth required for a lot in the district in which such land is situated, and having frontage on a road, right-of-way or other means of access as may be approved by the Board; (2) a portion of land in a subdivision or plat that is separated from other portions by a property line (see also Contiguous Land). A separate deed description for a parcel of land does not necessarily constitute a lot for zoning and development purposes.

Lot Area: Total area within the property line, excluding any part thereof lying within the boundaries of a right-of-way.

Lot Corner: A lot at the intersection of and abutting on two or more roads or streets.

Lot Coverage: The percentage of the lot area which is covered by buildings, structures, and other impervious surfaces.

Lot, Interior: A lot other than a corner lot or through lot.

Lot Line: The established division line between lots or between a lot and a street.

Lot Line, Front: All dividing lines between a street and the lot shall be considered front lines.

Lot Line, Rear: means the line or lines bounding a lot at the rear and approximately parallel to and at the maximum distance from the front lot line.

Lot Line, Side: The line or lines bounding a lot which extends from the street toward the rear in a direction approximately perpendicular to the street. In the case of corner lots, or through lots, all lines extending from the street shall be considered side lot lines.

Lot, Minimum Width: The distance between the side lot lines measured in a straight line at approximately right angles to the mean direction of such side lot lines. The line of measurement shall touch, but not be in front of the building line. In the case of a corner lot, the minimum width shall be similarly measured and, for the purpose of this measurement only, the front lot line which has the least dimension shall be considered the front lot line, and the lot lines adjacent thereto shall be considered as side lot lines.

Lot, Through: A lot other than a corner lot which abuts two (2) or more streets which do not intersect at the lot.

Lot of Record: Any lot, which individually, or as part of a subdivision, has been recorded under proper procedural steps in the office of the Town Clerk.

Low Impact Development (LID): An approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principals such as

preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource and not a waste product.

Manufacturing: The processing, treatment and/or conversion of raw, semi-finished or finished materials into a different 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.

Manufactured Home: A single family structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term “manufactured home” also included park trailers, travel trailers, and other similar vehicles situated on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, and other similar vehicles. A mobile home is a manufactured home. (Also see definitions of Mobile Homes in 10 V.S.A. 6201.

Master Plan: A schematic plan, or set of plans, and narrative statement which is intended to establish and guide the general planning framework for proposed development within a Planned Unit Development, and which shall include a description and designation of existing and proposed land use activity areas, including open space and circulation systems.

Mean Sea Level: The standard datum to which base flood elevations shown on the Flood Insurance Rate Map, and typical contour elevations are referenced. For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on Woodford’s FIRM are referred.

Mean Water Level: The normal summer (June 1 – September 15) water level (measured in feet above sea level) of lakes and streams as determined by an average of water readings available over time or as established by the Vermont Natural Resources Board under *Rules Determining Mean Water Levels* (November 14, 1972), and the line along which the mean water level meets the shoreline. Records of mean water levels for many lakes are kept in the Water Quality Division’s Lakes and Ponds Encroachment Program (802-241-3777). In cases where no mean water level is on record, Agency staff can conduct a site visit to determine the mean water level.

Mixed Use: means buildings or land where there are two or more uses which are permitted in the district. Mixed uses may include two or more different commercial uses, commercial and residential uses, and/or commercial and industrial uses.

Mobile Home: A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, complies with the standards established under Title 42 of the U.S. Code [10 V.S.A. 6201(1)], and:

1. Is designed for long-term and continuous residential occupancy;
2. Is transportable in one or more sections;
3. On arrival at the site is complete and ready for occupancy except for incidental unpacking, and assembly;
4. Is anchored onto a foundation;
6. Contains comparably efficient water supply and waste disposal facilities in relation to immovable housing;

7. At least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long.

Mobile Homes are not prohibited by this Bylaw except to the same extent as conventional housing is restricted or regulated, and as provided in the sections on flood hazard areas and mobile homes and trailers.

Mobile Home Park: Any parcel of land under single or common ownership or control which contains or is designed, laid out, or adapted to accommodate more than two (2) mobile homes (10 V.S.A. Chapter 153. Also see definition of Mobile Home Park in 10 V.S.A. 6201.

Modular (or Prefabricated) Housing : A dwelling unit constructed on-site and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Motel: A building or group of buildings intended to provide sleeping accommodations, with or without meals, having a private outside entrance for each room or suite of rooms and are rented primarily to transients.-Adequate parking space must be provided for each rental unit on the premises.

Motor Vehicle: Any vehicle propelled or drawn by power other than muscular power.

Multi-family dwelling: building or part of building which contains living and sleeping accommodations for permanent occupancy for three (3) or more families.

Municipal Plan: means that plan which is prepared and adopted in accordance with the provisions of 24 V.S.A. 4385.

“Municipal Land Use Permit:” A Certificate of Occupancy, Certificate of Compliance, or similar certificate that relates to the permits or approvals described in subdivision 24 V.S.A. (11)(A) or (B) of this section, if the Bylaws so require. A Certificate of Occupancy is issued by the ZA; a Certificate of Compliance is issued by a higher level authority.

Municipal Land Use Permit: As defined in the Act [4304] for purposes of recording and enforcement, a municipal land use permit includes the following as may be issued by the Town: (1) a zoning, subdivision, site plan or building permit or approval, any of which relate to subdivision and land development which has received final approval from the ZA, Zoning Board of Adjustment or Zoning Board of Appeals, or other applicable town official; (2) final official minutes of a meeting which relate to the above listed permits or approvals and serve as the sole evidence of such permits or approvals; (3) a certificate of occupancy, compliance or similar certificate as required by the Town; (4) septic or sewage system permits; and (5) any amendments to the previously listed, permits, approvals and/or certificates.

Music Festival: An organized entertainment event. Lasting one (1) or more days featuring performance by various musicians, singers, and groups. They are commonly held outdoors, with tents or roofed temporary stages for the performers. Often music festivals host other attractions such as food and merchandise vending, dancing, crafts, performance acts, and social or cultural activities.

Natural Resources Mining: The harvesting of natural resources from the land for retail or commercial use; including but not limited to gravel, rock quarries, and mines.

Nonconforming Lots or Parcels: means lots or parcels that do not conform to the present Bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present Bylaws, including a lot or parcel improperly authorized as a result of error by the ZA. [Subchapter 1, 4303(13)]

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, including a structure improperly authorized as a result of error by the ZA. [Subchapter 1, 4303(14)]

Nonconforming Uses: 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 ZA. [Subchapter 1, 4303(15)]

Nuisance: Two types of nuisance are private and public nuisances. A private nuisance is a civil wrong; it is the unreasonable, unwarranted, or unlawful use of one's property in a manner that substantially interferes with the enjoyment or use of another individual's property, without an actual Trespass or physical invasion to the land. A public nuisance is a criminal wrong; it is an act or omission that obstructs, damages, or inconveniences the rights of the community.

Office: A room, suite of rooms or building principally used for conducting the affairs of a business, profession, or service industry. This definition specifically excludes office space which is associated with home occupations, or is clearly accessory to another allowed principal use. It also specifically excludes the on-premises retail sale of goods and services.

Open Space: The undeveloped portion of any development parcel(s) not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and set aside, dedicated, or designed for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural land, or for the protection of natural areas.

Parcel: A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

Parking Space: A defined space, which is at least twenty (20) feet long and nine (9) feet wide, used for the parking of one motor vehicle, with practical access to the road or right of way, and graveled (or paved) sufficiently to provide year round use.

Patio or Terrace: A ground level graded area covered with materials such as stone, tile, wood or synthetics. The surface plane rises less than one (1) foot above the mean plane of the surrounding ground.

PC: Planning Commission

Permitted Use: A use which shall be permitted upon approval allowing the property owner to use his or her property in a way which the Zoning Regulations expressly permit under the conditions specified in the regulations themselves after obtaining a certificate granting such authority.

Planned Residential Development (PRD): A proposal to the ZBA for a unique and innovative residential project to provide a different arrangement of housing units other than that which is typically permissible under the provisions of the Bylaw, in accordance with the Act. [Section 4407(3)]

Planned Unit Development (PUD): A proposal to the ZBA for a unique and innovative mixed use project to provide a different mixture, density and arrangement of uses other than that which is typically permissible under this Bylaw, in accordance with the Act. [Section 4407(12)]

Plat: A map drawn to scale representing a tract of land, showing the boundaries and location of individual properties and streets.

Plot: A parcel of land that can be identified and referenced to a recorded plat or map.

Porch: A roof structure attached to the main dwelling with access through an outside door.

Porch, Mudroom or Entryway: A small structural enclosure intended to provide weatherized access to a dwelling.

Precedent: The approval of one particular conditional use in one location within a district does not create a precedent for the approval of another conditional use in that district; rather, each conditional use must be analyzed independently according to the standards in the Woodford Zoning Bylaws and

according to whether any appropriate conditions can achieve compliance with those standards.

Pre-existing: A use or structure that was legally in existence as of the effective date of these Bylaws.

Premises: A lot, as defined in this section together with the buildings and structures thereon.

Principal Structure: A building or other structure in which is conducted the principal use of the lot or parcel on which the building or structure is located.

Principal Structure/Use: A structure or use directly involved with the primary purpose of ownership on a particular lot, which, together with its accessory structures and/or uses, constitutes all structures and uses on the lot.

Private Roads: (Per 2012 Legislative Session) In the absence of an express agreement or requirement governing maintenance of a private road, when more than one person enjoys a common benefit from a private road, each person shall contribute rateably to the cost of maintaining the private road, and shall have the right to bring a civil action to enforce the requirements of this section.

Professional Residence-Office: Residence in which the occupant has a professional office, including but not limited to an architect, accountant, chiropractor, dentist, doctor of medicine, landscape architect, land surveyor, lawyer, optometrist, osteopath, physiotherapist, podiatrist, engineer, or psychologist, which does not change the residential character thereof.

Property: A lot, parcel, or tract of land together with the buildings and structures located thereon.

Property Line: The line dividing adjacent lots.

Public: Owned, leased, held, used, and/or controlled exclusively for public purposes by the Town of Woodford, or any other department or branch of government, or publicly regulated utility, unless otherwise specified.

Public Building: Those buildings defined in V.S.A., Title 18, Section 1301, and including but not limited to dwellings of two (2) or more units, places of employment, motels, restaurants, places of public assembly, stores, shops, offices, manufacturing and industrial facilities, and lodging establishments such as boarding houses, tourist lodges, cabins.

Public Road: (1) As of the 2012 Legislative Session is now defined (under 4303) as “a state highway as defined in 19 V.S.A. 1 or a class 1, 2, or 3 town highway as defined in 19 V.S.A. 302(a).” A municipality may, at its discretion, define a public road to also include a class 4 town highway as defined in 19 V.S.A. 302(a)”, or (2) thoroughfare, driveway servicing more than one dwelling, road, highway or public way, whether or not maintained or owned by the State, Town, or other municipal corporation. “Road” shall mean the entire width of the right-of-way. Where no width is defined, right-of-way shall be considered to be ten (10) feet from the center line on each side.

Qualified Person: A professional engineer licensed by the state or a site technician certified by the state to design and inspect waste water disposal systems.

Overlay District: An area of a municipality where additional regulations are applied to the underlying zoning regulations in order to protect certain features or to encourage a particular type of development. Overlay districts may cover all or part of one or several traditional zones. Districts are designated on a zoning map. Where there is a conflict between overlay and underlying zoning standards, the overlay standards will apply because they are stricter.

Recreational Vehicle: A vehicle which is built on a single chassis and has four hundred (400) square feet or less when measured at the largest horizontal projections, is designed to be self-propelled or permanently towable by a truck, and is designed primarily not for use as a permanent dwelling, but a temporary living quarters for recreational, camping, travel, or seasonal use.

Regional Plan: means that plan which is prepared and adopted in accordance with the provisions of 24 V.S.A. 4348.

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

Residence: 1) The place where one makes his or her home. However, a person may have his or her state of "domicile" elsewhere for tax or other purposes, especially if the residence is for convenience or not of long standing or 2) in corporation law, the state of incorporation.

Residential Care Home: A place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board, and personal care to three (3) or more residents unrelated to the home operator (33 V.S.A. 7102(1)).

Restaurant: An establishment that serves food and beverages to persons seated primarily within the principal building. This includes taverns, bars, cafes, tea rooms, and other outdoor cafes. It may also include take out service.

Retail Commercial: Establishment where goods or merchandise are offered for retail sale or short term rental to the general public for personal, business or household consumption and services incidental to the sale of such goods are provided.

Retail, Self-Storage: A building or buildings consisting of small, self-contained units that are leased or owned for the storage of business or household goods.

Right-of-way: An area of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer and other similar uses. Unless indicated otherwise by Town records, all public right-of-ways should be deemed to be fifty (50) feet in width.

Riverine: Relating to a river, water channel, drainage course, or surface waters, which indicate a conveyance of surface water, including fluvial erosion hazard areas which contribute to a stable channel.

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 and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with river corridor protection procedures.

River Corridor Protection: As of the 2012 Legislative session (Note Act 138 Definition Amendments).

Roadside Agricultural Stands: for sale of agricultural products do not require a permit, but must meet the following conditions: The stand is used for the sale of agricultural products, as provided for in Chapter 117 Section 4413(d) and 10 V.S.A. Section 6001(22). The stand is erected at least thirty (30) feet back from the nearest edge of the roadway surface. Parking spaces are provided off the road right of way.

Rooming House: (Shall also include the terms Boarding House or Lodging House). A rooming house is any residential dwelling which is operated to provide rooms for rent on at least a monthly basis. A rooming house shall have no more than one kitchen facility, whether shared or not.

Rural Town: As of the 2012 Legislative session Bylaw adoption under 4442, clarifies the definition of "rural town" as that found in 4304 (rather than 2,500 population, as previously specified) (Act 155).

Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, wall, hedges, berms or other features.

Setback: The shortest horizontal distance from the exterior of a building, including covered terraces and projections thereof but excluding steps, uncovered patios and terraces, to the nearest adjacent boundary of a building lot. On public rights-of-way fifty (50) feet or more wide, the front setback shall be measured from the edge of the right of way. On public rights-of-way of less than fifty (50) feet or of undetermined width, the front setback shall be measured from a line twenty-five (25) feet away from the centerline of the traveled portion of the road.

Site Plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by these regulations. It includes lot lines, streets, building sites, open space, buildings, major landscape features, and proposed utility lines, if any.

Shoreline: Land adjacent to the waters of lakes, ponds, reservoirs, rivers and other water courses. Shorelines shall include the land between the mean high water mark and mean low water mark of such surface waters.

Sign: Any structure, display, device, or representation which is designed or used to advertise or call attention to or direct a person to any business, association, profession, commodity, product, institution, service, entertainment, person, place, thing or activity of any kind whatsoever, and is intended to be visible from a public road or public vantage points. This definition does not include the flag, pennant, or insignia of any nation, state, or municipality.

Special Flood Hazard Area (SFHA): An area having special flood, mud floor or flood related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) Zone A, AO, A1, - A30 – AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1 – A30, V 1-30, VE or V. For the purpose of determining community rating system (CRS) premium discounts, all AR and A99 zones are treated as non – SFHA.

Stream: see "Waterway"

Street: A town or state highway, or a way for motor vehicles that is shown on a site plan approved by the PC. The word "street" shall include the entire right-of-way thereof. If a boundary of the right-of-way has not been surveyed and so recorded, and it not marked by a fence line or other physical feature, the boundary shall be deemed to be twenty five (25) feet from the center line of the traveled way.

Structure: A manmade unit designed to serve a general or specialized purpose, such as a building or specific part of a building; a deck; a tower; a fence. Components of a structure can be of any material or combination thereof. For the purposes of this Bylaw, a structure is any such unit rising one (1) foot or more above mean ground level.

Subdivider: Any person who shall lay out for the purpose of transfer of ownership or right to use any subdivision or part thereof. The term shall include an applicant for subdivision approval.

Subdivision: The division of any parcel of land into two or more parcels for the purposes of immediate or future sale, conveyance, or development. The term "subdivision" includes re-subdivision, amended subdivision, lot line (boundary) adjustments, and the division held in common among several owners.

Substantial Improvement: Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either; (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before damage occurred. The term does not, however, include either:

- 1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- 2) Any alterations of a structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.

Substantially Completed: The completion of a permitted structure to the extent that it may be safely occupied for its intended use.

Telecommunications Facility: A facility that transmits or receives electromagnetic signals, including but not limited to antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals; telecommunication towers or similar supporting structures; equipment buildings and parking areas; and other types of accessory development.

Temporary Structures/Uses: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected ceased. This term may also mean a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Tourist or Camping Cabin: A residential structure with or without kitchen facilities, containing not more than two (2) bedrooms, and primarily intended for the accommodation of transients.

Town Plan: A schematic plan, or set of plans, and narrative statement which is intended to establish and guide the general planning framework for proposed development within a Planned Unit Development, and which shall include a description and designation of existing and proposed land use activity areas, including open space and circulation systems.

Undevelopable Land: Land which is unsuitable for physical development, including the erection of structures, as specified in these regulations. Such lands include, but may not be limited to: specified flood hazard areas; land with slopes in excess of 20 percent; regulated wetland areas; soils classified as having severe limitations or development as proposed; critical habitat areas; and land within designated surface water, wetland or habitat buffer areas. This definition shall not prohibit agricultural, forestry, open space and recreational uses which are exempt from or may otherwise be approved under these regulations.

Undue Adverse Effect (Impact): An adverse effect or impact that cannot be avoided or mitigated through changes to the location, design, scale, operation, composition and/or intensity of the proposed development or use.

Use: (1) The purpose for which a building, structure or parcel of land is designed, intended, occupied or used; or (2) any activity carried out upon any premises or within any structure upon a premises.

Variance: Permission to depart from the literal requirements of this Zoning Bylaw. Such permission is limited to departures from zoning requirements relating to frontage, setback, yard, coverage and height requirements. Such permission shall be granted only by the ZBA in compliance with the criteria set forth in 24 V.S.A. 4468 and after a public hearing warned in compliance with 24 V.S.A.

Vegetated Buffer Strip: An undisturbed vegetation located along waterways.

Vegetated Covering: A requirement to have soil, plant life or other natural feature within an area instead of any manmade surface or construction.

Warehousing, Public: A building used primarily for the storage of goods and materials and available to the general public for a fee.

Waterway: A body of flowing water identified as a perennial river, stream or brook on a USGS topographical map or as identified through site investigation by a qualified person, excluding artificially created irrigation or drainage channels.

Wetlands: Those areas of the state that are inundated by surface or ground water with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such area include, but are not limited to, marshes, swamps,

sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but excluding such areas as grow food or crops in connection with farming activities.

Waivers: A Bylaw may allow a municipality to grant waivers to reduce dimensional requirements, in accordance with specific standards that shall be in conformance with the plan and the goals set forth in section 4302 of this title.

Woodford Town Plan: The current plan, prepared by the Planning Commission and adopted by the Select board pursuant to the Vermont Planning and Development Act 24 VSA Chapter 117.

Yard, Front: An open space between the building and the front lot line, extending the full length of the lot, or in the case of a corner lot, extending along all the streets.

Yard Sale: The casual sale of personal property on the premises of a dwelling unit for a period not exceeding three (3) consecutive days and not more than nine (9) days in a calendar year. A sale or sales of longer duration shall be deemed a commercial use. Yard sales are also denoted by the terms “garage sale”, “attic sale”, “lawn sale”, “tag sale”, “barn sale”, “rummage sale” or similar phrase.

Yard, Side: An open space between the building and side lot line, extending the full length of the lot.

Yards, Depth or Width of: The depth of front and rear yards, and the width of side yards, shall be measured perpendicular

ZA: Zoning Administrator

ZBA: Zoning Board of Adjustment

Zoning District: A section of town designated in the Zoning Bylaw text and delineated on the Official Zoning Map, in which requirements for the use of land, and building and development standards are prescribed.

Zoning Permit: An official permit applied for through and issued by the ZA for any land development or change of use within the Town of Woodford...

Checklist for Site Development Plan

All items must be included prior to acceptance of the application for consideration by the Planning Commission or Zoning Board of Adjustment.

- Boundaries and area of the lot
- Existing contours
- Proposed grading
- Natural drainage ways and water courses
- Water supply
- Wastewater disposal
- Storm drainage
- Flood Hazard Areas
- Land conditions, including location of wooded and open areas
- Existing and proposed buildings on the lot and on adjacent lots within a distance of two hundred (200) feet from the subject lot
- Existing and proposed streets and driveways within a distance of two hundred (200) feet from the subject lot
- Proposed vehicular circulation and parking
- Proposed pedestrian circulation
- Landscape details
- Open space, park, and playground facilities
- Fire protection