

# **Village of Ludlow, Vermont**

## **Zoning and Flood Hazard Regulations (Amended)**



**Adopted January 3, 2006  
Amended September 5, 2006**

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

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## **ARTICLE 1 - ENACTMENT, PURPOSE AND APPLICATION**

### **SECTION 110 - ENACTMENT**

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

### **SECTION 120 - PURPOSE**

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

### **SECTION 130 - EFFECTIVE DATE**

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

### **SECTION 140 - INTERPRETATION**

In their interpretation and application, the provisions of the Regulations shall be held to be minimum requirements adopted for the promotion of public health, safety, comfort convenience, and general welfare. Except where these Regulations specifically provide to the contrary, it is not intended by these Regulations to repeal, annul, or in any way impair any regulations or permits previously adopted or issued; provided, however, that where these Regulations impose a greater restriction upon the use of land or a structure, the provisions of these regulations shall control. These Regulations supersede the Village of Ludlow Zoning and Flood Hazard Regulations, amended July 2, 1990.

### **SECTION 150 - AMENDMENTS**

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

### **SECTION 160 - SEPARABILITY**

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

### **SECTION 170 - APPLICATION OF REGULATIONS**

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

## **ARTICLE 2 - ADMINISTRATION AND ENFORCEMENT**

### **SECTION 210 - ADMINISTRATIVE OFFICER**

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

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

### **SECTION 220 - ZONING PERMIT**

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

1. A Permit shall not be required for the placement or construction of a tool shed, pump house, doghouse, or other such accessory structures, provided that the floor space does not exceed one hundred forty-four (144) square feet and provided that such structure is in compliance with required setbacks.
2. A Permit shall not be required for the placement of a satellite dish of 2 feet or less in diameter.
3. A Permit shall not be required for any interior structural alteration that does not change the use of the structure, or the number of bedrooms.
4. A Permit shall not be required for any exterior renovation or repair of a structure that does not change the use therein or increases the exterior dimensions of the structure.
5. A permit shall not be required for an above ground swimming pool that does not exceed thirty-six (36) inches in depth without a deck.

### **SECTION 221 - APPLICATIONS**

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

For single family residence:

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

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8. Proof that, when required, either sewer connections have been approved, or a septic permit has been issued by the Health Officer, and that all appropriate fees have been paid.
9. Any other prerequisite approvals as required by these regulations and any other such information as may be necessary to determine and provide for the enforcement of these Regulations, including, but not limited to, the requirements set forth by “REFERRAL TO STATE AGENCIES”, and Article 6 “FLOOD PLAIN MANAGEMENT ORDINANCE” of these Regulations.
10. Locations, identifications, and any specific directions shall be the responsibility of the Applicant.

For all others:

1. All the items listed above for single-family residence.
2. Any other prerequisite approvals as required by these Regulations and any other such information as may be necessary to determine and provide for the enforcement of these Regulations, including, but not limited to, the requirements set forth in Section 260, “CONDITIONAL USES”.

### **SECTION 222 - ISSUANCE OF PERMIT**

1. The Administrative Officer shall issue a permit only upon finding that the proposed application conforms to these Regulations.
2. If application for a permit is denied, the Administrative officer shall so notify the Applicant, in writing, stating the reasons therefore.
3. If the Administrative Officer fails to act with regard to a complete application, whether by issuing a decision or making a referral to the DRB for a permit within thirty (30) calendar days, a permit shall be deemed issued on the thirty first (31st) day.
4. Within three (3) working days following the issuance of a zoning permit the Administrative Officer shall:
  - a. Deliver a copy of the permit to the Listers.
  - b. Post a copy of the permit in at least one public place in the municipality until the expiration of fifteen (15) days from the date of issuance of the permit.
5. The Administrative Officer shall file a copy of a permit issued for land development in the Flood Hazard Area with the Secretary of the Agency of Environmental Conservation, and the Regional Planning Commission, within ten (10) days of issuance.
6. The Administrative Officer shall cause a copy of the Zoning Permit issued for land



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development to be recorded in the Town of Ludlow Land Records within thirty (30) days of issuance, with the applicant responsible for paying the recording fees.

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

### **SECTION 223- APPEALS**

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

### **SECTION 224 - EXPIRATION OF PERMIT**

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

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

### **SECTION 225 - EFFECTIVE DATE**

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

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

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

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

**SECTION 227 - CERTIFICATES OF OCCUPANCY**

Prior to the use or occupancy of any land or structure, including single-family dwellings, or part thereof, created, erected, changed, converted, or partially altered or enlarged in its use or structure, the Administrative Officer shall issue a Certificate of Occupancy stating that the proposed use of the structure or land conforms to the application and the requirements of these Regulations.

**SECTION 228 - RECORDS**

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

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

**SECTION 240 - VIOLATIONS**

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

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

In default of payment of the fine, such person, the members of any partnership, or the principal

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officers of such corporation shall each pay double the amount of such fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of these Regulations shall be paid over to the Village of Ludlow. (See Sec. 4451)

### **SECTION 250 - DEVELOPMENT REVIEW BOARD**

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

#### **250.1- POWERS OF THE DEVELOPMENT REVIEW BOARD**

The Development Review Board shall have the following powers:

1. To hear and decide appeals including, without limitation, where it is alleged an error has been committed in any order, requirement, decision or determination made by the Administrative Officer in connection with the enforcement of these Regulations;
2. To hear and grant, grant with conditions or deny a request for a variance;
3. To hear and grant, grant with conditions, or deny a request for a conditional use approval;
4. To hear and grant, grant with conditions, or deny proposed subdivisions;
5. To conduct Flood Hazard Reviews;
6. To hear and grant, grant with conditions, or deny requests for modification of the District Regulations for a Planned Unit Development; under Section 270.

#### **250.2 - GOVERNING RULES**

The Development Review Board will be governed by the following:

1. All applicable State Statutes;
2. All municipal zoning, subdivision and other bylaws;
3. The Municipal Administrative Procedures Act;
4. Rules of Procedure as adopted by the Development Review Board.

**SECTION 251 – APPEALS OF DECISIONS OR ACTS OF ZONING ADMINISTRATOR**

**251.1 WHO MAY APPEAL**

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

**251.2 BASIS AND FORM OF APPEAL**

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

**251.3 FLOOD HAZARD AREAS**

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

**251.4 HEARINGS**

In accordance with Title 24, Section 4468 of the Act, the Development Review Board shall set a date and place for a public hearing on an appeal, which shall be within sixty (60) calendar days of the filing of the notice of appeal. For an appeal of a variance within a flood hazard area, the Development Review Board shall give notice of the date and place of the hearing to the Agency of Natural Resources, Department of Environmental Conservation.

**251.5 DECISIONS**

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

**SECTION 252- VARIANCES**

**252.1 BASIC REQUIREMENTS**

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

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located;
2. 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;
3. That the unnecessary hardship has not been created by the appellant;
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy sources, nor be detrimental to the public welfare; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

**252.2 CONDITIONS**

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

**252.3 DECISION**

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

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### **252.4 DECISION APPEAL**

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

### **252.5 RENEWABLE ENERGY RESOURCE STRUCTURE VARIANCE**

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

1. It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the regulations; and
2. That the hardship was not created by the appellant; and
3. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy sources, nor be detrimental to the public welfare; and
4. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

## **SECTION 260 - CONDITIONAL USES**

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

In any zoning district the conditional uses specified in these Regulations as “Conditional Uses” are permitted only by approval of the Development Review Board, if, after public notice and public hearing, the Development Review Board grants site plan approval and determines that the proposed use shall conform to the general and specific standards prescribed in this Section. In granting such conditional use, the Development Review Board may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of the municipal plan and these Regulations.

The Zoning Administrator, subject to the time limitations of 224 of the Regulations, may approve an application for a change in use from one approved conditional use to another conditional use, listed in subparagraph C below, provided that:

1. the Zoning Administrator finds that the proposed conditional use complies with the conditional use standards listed in 260 and 260.2; and
2. the Zoning Administrator MUST notify the owner or owners of all abutting properties of the proposed changed in use at least 15 days prior granting a permit for the change in use
3. the proposed conditional use is no more objectionable in character; and

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4. the proposed conditional use is one of the following: home occupation, retail store, personal service, professional service or business office and is listed as a conditional use in the zoning district; and
5. the proposed conditional use is in the same unit and has the same square footage as the conditional use it is replacing; and
6. the conditions set forth in the Conditional Use Permit for the pre-existing use shall remain in full force and effect and the applicant agrees in writing to be bound by those conditions.

### **260.1 APPLICATION PROCEDURE**

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

7. Name and address of the owner of record of the property, or valid sales agreement, names of owners of adjoining lands, name and address of person or firm preparing map, scale of map, north arrow and date.
8. Acceptable survey or plot plan of property.
9. Site plans shall show or designate the following:
  - The acreage of entire parcel
  - The location, height, and spacing of existing and proposed structures;
  - Open spaces and their landscaping;
  - Streets;
  - Driveways;
  - Off-street parking spaces;
  - All other physical features, including surface waters and wetlands, stone walls and fences;
  - Areas designated by the Vermont Agency of Natural Resources as critical wildlife habitat or as known locations of endangered or threatened species.

### **260.2 SITE PLAN APPROVAL**

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

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

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

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1. Maximum safety of vehicular circulation between the site and the street network. Particular considerations shall be given to visibility at intersections, traffic flow and control, pedestrian safety and convenience, and access in case of emergency.
2. Adequacy of traffic circulation, parking, and loading facilities. Particular consideration shall be given to the items in (1.) above and effect of glare, noise, or odors on adjoining properties. Refuse and service areas should be included in this consideration. Provisions for snow removal should also be made.
3. Landscaping and screening. The Board may set conditions to achieve maximum compatibility and protection to adjacent property. The Board may require as a condition of approval that the landscaping as approved, be strictly adhered to. The Board shall give particular consideration to preservation of existing vegetation, visibility of unsightly or incompatible areas from the road and adjoining properties, the use of fencing to satisfy conditional use, and the adequacy of landscaping materials to meet seasonal conditions, soils conditions, and light on and off the site.

### **260.3 GENERAL STANDARDS**

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

- The capacity of existing or planned community facilities.
- The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
- Traffic on roads and highways in the vicinity.
- Bylaws and ordinances then in effect.
- Utilization of renewable energy resources.

### **260.4 SPECIFIC STANDARDS**

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

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

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



**260.5 DECISION**

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

**260.6 BOND TERM AND FORFEITURE**

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

**SECTION 261 – NONCONFORMING USES**

(In accordance with sec.4412 (7))

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

**261.1 “NONCONFORMING USE” DEFINITION**

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

**261.2 CONDITIONS OF CONTINUATION AND/OR CHANGE OF NONCONFORMING USE**

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

1. No nonconforming use may be changed, except to a conforming use or with a conditional use approval from the DRB, to a use which, in the opinion of the Board, is of the same or a more restrictive nature or another nonconforming use which is no more objectionable in character.
2. A nonconforming use, once it has been changed to or replaced by a conforming use, shall not be changed back to a nonconforming use.
3. A nonconforming use, which has been abandoned or discontinued for a period of six (6) months, shall not be resumed without conditional use approval from the Development Review Board. A nonconforming use which has been abandoned or discontinued for more than 1 year may not be reestablished.
4. A nonconforming use may be extended or expanded only with conditional use approval from the Development Review Board, which shall have determined that no greater detrimental effect upon the community or the neighborhood will result
5. Nothing in these Regulations shall prevent the maintenance or repair of a complying structure containing a nonconforming use, provided such maintenance or repair does not cause the structure to become nonconforming.

6. In the event the structure, containing a nonconforming use, has been unintentionally damaged or destroyed, such structure may be reconstructed or restored, and the nonconforming use reestablished subject to conditional use approval from the Development Review Board, provided an application for a conditional use permit is filed with the Zoning Administrator within one (1) year of the date of the damage or destruction.

## **SECTION 262 - NONCONFORMING STRUCTURES**

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

### **262.1 “NONCONFORMING STRUCTURE” DEFINITION**

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

### **262.2 CONTINUATION OF NONCONFORMING STRUCTURE**

Any nonconforming structure may be continued subject to the following:

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

## **SECTION 263 – NONCONFORMING LOTS OR PARCELS**

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

### **263.1 “NONCONFORMING LOTS OR PARCELS” DEFINITION**

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

### **263.2 CONTINUATION OF NONCONFORMING LOTS OR PARCELS**

Any lot in individual and separate and non-affiliated ownership from surrounding properties in

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

1. Yard dimensions and other building requirements not involving area or frontage of the lot shall conform to the Regulations for the district in which the lot is located.
2. This section constitutes a variance of lot requirements for certain existing small lots; the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaws and from the plan.

### **SECTION 270 - PLANNED UNIT DEVELOPMENT**

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

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

1. Under this section (Section 270), the developer and the DRB, at public hearing, previously warned, will review the concept of the proposed project. The DRB will determine the allowed modifications and the different areas of land required for each use. These will be shown on the approved Subdivision Plat; then
2. The developer will apply for Conditional Use Approval for the proposed project under procedures defined in Section 260.

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

#### **270.1 PURPOSE**

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

#### **270.2 APPLICATION PROCEDURE**

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

- a. Two (2) sets of preliminary plats for the PUD shall be submitted and will show:

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

### **270.3 MODIFICATIONS**

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

### **270.4 DRB REVIEW**

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

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

### **270.5 STANDARDS FOR REVIEW**

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

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1. The PUD is consistent with the Municipal Plan.
2. The allowed uses shall be limited to those permitted and conditional uses within the district in which the PUD is proposed.
3. The overall density of the project shall not exceed the number of residential, commercial, and industrial units permitted if the land were subdivided into lots in accordance with the District Regulations.
4. The PUD is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision for preservation of streams and stream banks, steep slopes, wet areas, soils unsuitable for development, forested areas, and unique natural man-made features.
5. Mixed uses are arranged so as to be compatible and insure visual and aural privacy for residents of the project.
6. The development plan is proposed over a reasonable period of time in order that adequate municipal facilities and services may be provided.
7. The commercial and industrial units' acreage shall not be included in the density calculation for the residential part of the project. Density shall be calculated by assuming the footprint of the building is the maximum percent coverage allowed or the minimum lot area, whichever is greater.
8. The commercial acreage without buildings shall not be included in the density calculation for the residential part of the project.
9. The common accessory use land shall be a maximum of 20% of the total common land.
10. The minimum project size shall be 10 acres.
11. No building shall be built within 50 feet of the overall project property boundary.

### **270.6 CONDITIONS OF APPROVAL**

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

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

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which the “Common Open Space” may be used, as defined hereafter.

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

### **270.7 DECISION**

1. The DRB shall hold noticed public hearings on the PUD preliminary Subdivision Plat Approval application and the requested modifications.
2. The DRB shall review the preliminary plat and the requested modifications and shall preliminarily grant, modify and grant, or deny the plat and the requested modifications.
3. After the DRB’s preliminary approval, the developer shall submit for final approval, at a public hearing, a recordable Subdivision Plat (mylar). The approval of this Plat shall be the final approval.
4. Failure by the Development Review Board to act upon such plat within forty-five days (45) after the final public hearing has been closed shall be deemed approval.
5. Upon DRB approval, the applicant shall submit the subdivision Plat, a mylar suitable for recording, and any appended material, to the Town Clerk to be recorded in the Ludlow Land Records. Upon filing, which shall represent the final decision of the DRB, the Plat and the appended material shall become a part of the Village of Ludlow Zoning Regulations.

### **270.8 APPEALS**

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

### **270.9 CONDITIONAL USE APPROVAL**

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

**ARTICLE 3: ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP**

**SECTION 310 - ESTABLISHMENT OF ZONING DISTRICTS**

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

“V-R”	Village Residential District
“R-C”	Village Residential/Commercial District
“H-P”	Historic Preservation District

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

**SECTION 320 - ZONING MAP**

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

**SECTION 330 - INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

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

1. Boundaries indicated as approximately following the center lines of roads, streams, transportation and utility rights-of-way, shall be construed to follow such center lines.
2. Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines.
3. Boundaries indicated as following shorelines shall be construed as the normal mean water level.
4. Boundaries indicated as parallel to or extensions of features in 1 through 3 above shall be interpreted by the Administrative Officer, whose decision may be appealed to the DRB for interpretation.
5. Where district boundary descriptions are referenced to a tax map, those descriptions will take precedent.

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



**ARTICLE 4: ZONING DISTRICT REGULATIONS  
(PURPOSES AND STANDARDS)**

**SECTION 410 – LUDLOW PRESERVATION DISTRICT (L-P)**

The purpose of the Ludlow Preservation District is to maintain the special character and architectural integrity of this area of town, identified below, while allowing appropriate home based business enterprises, and community services, accomplished through review by the Development Review Board.

- | <b>Permitted Uses</b>           | <b>Conditional Uses</b>   |
|---------------------------------|---|
| 1. One Family Dwelling          | 1. Two Family Dwelling  |
| 2. Accessory Uses and Upgrading | 2. Professional Service:<br>Doctor, Lawyer, Architect, Accountant,<br>Dentist, Land Surveyor, Insurance<br>Agency, Photography Studio, or<br>Real Estate Office, or similar uses. |
| 3. Agriculture and Forestry     | 3. Day Care Center, child or Adult  |
| 4. Home Occupation              | 4. Multiple Family Dwelling   |
|                                 | 5. Inns   |
|                                 | 6. Bed and Breakfast  |
|                                 | 7. Tourist Home   |

**District Standards**

	Residential Uses	Non-Residential Uses
Lot Area Minimum		
One Family Dwelling	10,000 Sq ft	10,000 Sq ft
Two Family Dwelling	10,000 Sq ft	
Multi-Family Dwelling	5,000 Sq ft/dwelling unit	
Lot Frontage Minimum	70 Feet	
Lot Depth Minimum	125 Feet	
Front Yard Set Back Minimum	30 Feet from the traveled portion of the edge of the right of way including sidewalks if they exist	
Rear Yard Minimum Set Back	30 Feet	
Side Yard Minimum Set Back	8 ft. each side	
Lot Coverage Maximum	12% / Not to Exceed 2,500 Square Feet Total, not including accessory buildings.	
Building Height Maximum	35 feet or 3 stories, whichever is less	

**Additional District Standards:**

1. **Exterior Alterations.** Exterior alterations to any structure within the Ludlow Preservation District shall require a permit. Application for such permit shall include sufficient detail to clearly display and/or explain all aspects of the proposed alterations. All applications for alterations shall be reviewed by the Development Review Board. When reviewing applications for exterior alterations to structures in the Ludlow Preservation District, the Development Review Board shall refer to “*Village of Ludlow Preservation District Guidelines*” (Appendix A) for guidance on

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- the appropriateness of the proposed alteration.
2. **Development.** Within the Ludlow Preservation District, development shall reinforce a traditional, compact village pattern characterized by pedestrian scale and orientation, a well defined streetscape, and sidewalks to facilitate pedestrian circulation. While building design is not required to reflect any one architectural style or era, the following standards apply to new and expanded or altered structures subject to conditional use approval:
    - a. The exterior design of buildings, including the arrangement, orientation, texture and materials, shall be compatible and harmonious with surrounding structures within the district. Buildings should be oriented toward, and relate both functionally and visually, to public streets and/or common greens, parks or plazas. The Board may impose a maximum setback to achieve a consistent streetscape.
    - b. The scale and massing of buildings, including height, width, street frontage, roof type and façade openings, shall be compatible and harmonious with surrounding structures within the district. Consideration shall be given to buildings serving special civic, social or cultural functions, including places of worship, which may be designed to serve as prominent focal points within the district.
    - c. Drive-through lanes and drive-up windows are specifically prohibited.
  3. **Demolition of Historic Structures.** No building that is identified as a contributing structure to the Ludlow Preservation District which is listed on the *Vermont Historic Sites and Structures Register* shall be demolished, in part, or in its entirety, without the approval of the Development Review Board as a conditional use in accordance with Section 260. In addition to the application requirements and associated standards set forth in item 2 above, the following submission requirements and associated standards are required:
    - a. The applicant shall provide photographs that clearly indicate the current condition of the structure.
    - b. The applicant will submit documentation that clearly indicates the extent of the proposed demolition.
    - c. Not less than 10 days prior to the Development Review Board's first public hearing to consider the application, the applicant shall provide a copy of the complete application, including all accompanying materials listed in subsections a and b above, to the Vermont Division for Historic preservation.
    - d. In granting approval for demolition, the Development Review Board shall find that a minimum of one of the following standards has been met:
      - i. the structure poses an immediate threat to public health and safety;

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- ii. the retention of the structure would result in undue hardship on the part of the owner; or
  - iii. the proposed demolition, although involving a portion of a contributing structure, is only a minor portion of the structure.
- e. Prior to granting approval for demolition, the Board may recess the public hearing for not more than 120 days to provide an opportunity for any interested person to demonstrate that the proposed demolition does not meet any of the three standards set forth in subsection d above, and that viable alternatives to demolition are available.

### **District Description**

The Ludlow Preservation district includes the following parcels of land as identified on Local Map No. 23, produced in 1991 by Cartographic Assoc. Inc., municipal mapping consultants:

Block 01, lots 22, 23, 24, 25, 27, and 28

Block 02, lots 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 42, 43, 44, 45, 46, 47, 50, 51, 56, 57, and 58

Block 03, lot 48

Block 05, lots 1, 2, 3, 4, 7, 8, 10, 11, 15, 15.1, 21, 24, 26, 28, 31, 32, 33, 34, 35, and 36

And as indicated on the attached “Ludlow Preservation District Map”

**SECTION 420 - VILLAGE RESIDENTIAL DISTRICT (V-R)**

The purpose of the Village Residential District is to support the role of the Village as the focus of many social and economic activities in the community and to provide for residential, commercial and other compatible development that serves the needs of the community. In this District, residential use of upper floors of existing buildings will be encouraged. Such development should occur at densities and uses which will maintain the traditional social and physical character of the Village including it’s historic and scenic resources, while not exceeding the capacity of the lands, waters, services and facilities to absorb such densities,

Description: Zoning Map is official delineation of District.

<b>Permitted Uses</b>	<b>Conditional Uses</b>
1. Single-Family Dwelling	1. Health Care Facility/Nursing Home
2. Two Family Dwelling	2. Funeral Home
3. Accessory Uses or Building	3. Day Care Center
4. Home Occupation	4. Outdoor Recreational Use
5. Accessory Apartment	5. Multi-Family Dwelling (Multi-Unit)
6. Upgrading	6. Rooming House
	7. Professional Office Residence
	8. Municipal Government Building
	9. Veterinary Office (no Kennel)
	10. Inns
	11. Bed and Breakfast
	12. Tourist Home
	13. PUD

**District Standards**

	<b>Residential Uses</b>	<b>Non-residential Uses</b>
Lot Area Minimum		10,000 square feet
One Family Dwelling	5,000 Sq ft	
Two Family Dwelling	5,000 Sq ft/dwelling unit, with 10,000 sq. ft. minimum lot area	
Multi-Family Dwelling	5,000 Sq ft/dwelling unit, with 15,000 sq. ft. minimum lot area	
Lot Frontage Minimum	60 Feet	70 Feet
Lot Depth Minimum	80 Feet	100 Feet
Front Yard Minimum	10 Feet from the edge of the traveled portion of the right of way including sidewalks if they exist	20 Feet from the edge of the traveled portion of the right of way including sidewalks if they exist
Rear Yard Minimum	15 Feet	15 Feet
Side Yard Minimum	8 ft. each	15 Feet Each
Coverage Maximum	50 %	30 %
Building Height Maximum	35 feet or 3 stories, whichever is less	35 feet or 3 stories, whichever is less
Accessory Building Height	25 feet	25 feet

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Maximum

**Demolition of Historic Structures.** No building that is identified on the *Vermont Historic Sites and Structures Register* shall be demolished, in part, or in its entirety, without the approval of the Development Review Board as a conditional use in accordance with Section 260. In addition to the application requirements and associated standards set forth in item 2 above, the following submission requirements and associated standards are required:

- a. The applicant shall provide photographs that clearly indicate the current condition of the structure.
- b. The applicant will submit documentation that clearly indicates the extent of the proposed demolition.
- c. Not less than 10 days prior to the Development Review Board's first public hearing to consider the application, the applicant shall provide a copy of the complete application, including all accompanying materials listed in subsections a and b above, to the Vermont Division for Historic preservation.
- d. In granting approval for demolition, the Development Review Board shall find that a minimum of one of the following standards has been met:
  - i. the structure poses an immediate threat to public health and safety;
  - ii. the retention of the structure would result in undue hardship on the part of the owner; or
  - iv. the proposed demolition, although involving a portion of a contributing structure, is only a minor portion of the structure.
- e. Prior to granting approval for demolition, the Board may recess the public hearing for not more than 120 days to provide an opportunity for any interested person to demonstrate that the proposed demolition does not meet any of the three standards set forth in subsection d above, and that viable alternatives to demolition are available.

**SECTION 430 - VILLAGE R-C DISTRICT**

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

Description: Zoning Map is official delineation of District.

<b>Permitted Uses</b>	<b>Conditional Uses</b>
1. Single-Family Dwelling	1. Retail Service (including Car Wash)
2. Two Family Dwelling	2. Retail Store (excluding Adult Bookstore/Adult Entertainment)
3. Accessory Uses or Building	3. Personal Service
4. Home Occupation	4. Professional Service
5. Home Child Care	5. Business Office
6. Accessory Apartment	6. Restaurant/Bar
7. Group Home	7. Health Care Facility/Nursing Home
8. Governmental Recreation Area	8. Private Club
9. Upgrading	9. Day Care Center
	10. Funeral Home
	11. Multiple Family Dwelling (Multi-Unit)
	12. Municipal or Private Parking Area
	13. Professional Residence Office
	14. Inn
	15. Veterinary Office - Animal Hospital
	16. B & B
	17. Motel
	18. Tourist Home
	19. Outdoor and Indoor Recreational Use
	20. Gas Stations
	21. Senior Housing
	22. Specialty Craft Shop
	23. Real Estate Office
	24. Financial Institutions
	25. Theaters (excluding Adult Entertainment)
	26. Municipal Government Building
	27. Auto Service Station
	28. Outdoor Recreational Use
	29. PUD

**District Standards**

	<b>Residential Uses</b>	<b>Non-residential Uses</b>
Lot Area Minimum		5,000 square feet
One Family Dwelling	5,000 Sq ft	
Two Family Dwelling	2,500 Sq ft/dwelling unit, with 5,000 sq. ft. minimum lot area	
Multi-Family Dwelling	2,500 Sq ft/dwelling unit,	

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	with 7,500 sq. ft. minimum lot area	
Lot Frontage Minimum	60 Feet	70 Feet
Lot Depth Minimum	80 Feet	100 Feet
Front Yard Minimum	10 Feet from the edge of the traveled portion of the right of way including sidewalks if they exist	20 Feet from the edge of the traveled portion of the right of way including sidewalks if they exist
Rear Yard Minimum	15 Feet	20 Feet
Side Yard Minimum	8 ft. each	15 Feet Each
Coverage Maximum	50 %	30 %
Building Height Maximum	35 feet or 3 stories, whichever is less	35 feet or 3 stories, whichever is less
Accessory Building Height Maximum	25 feet	25 feet

**Demolition of Historic Structures.** No building that is identified on the *Vermont Historic Sites and Structures Register* shall be demolished, in part, or in its entirety, without the approval of the Development Review Board as a conditional use in accordance with Section 260. In addition to the application requirements and associated standards set forth in item 2 above, the following submission requirements and associated standards are required:

- f. The applicant shall provide photographs that clearly indicate the current condition of the structure.
- g. The applicant will submit documentation that clearly indicates the extent of the proposed demolition.
- h. Not less than 10 days prior to the Development Review Board’s first public hearing to consider the application, the applicant shall provide a copy of the complete application, including all accompanying materials listed in subsections a and b above, to the Vermont Division for Historic preservation.
- i. In granting approval for demolition, the Development Review Board shall find that a minimum of one of the following standards has been met:
  - i. the structure poses an immediate threat to public health and safety;
  - ii. the retention of the structure would result in undue hardship on the part of the owner; or
  - v. the proposed demolition, although involving a portion of a contributing structure, is only a minor portion of the structure.
- j. Prior to granting approval for demolition, the Board may recess the public hearing for not more than 120 days to provide an opportunity for any interested person to demonstrate that the proposed demolition does not meet any of the three standards set forth in subsection d above, and that viable alternatives to demolition are available.

## **ARTICLE 5: GENERAL REGULATIONS**

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

### **SECTION 510 - REQUIREMENTS OF THE ACT**

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

#### **510.1 - HOME OCCUPATIONS**

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

1. Signs shall comply with these Regulations for signs for Home Occupation.
2. No traffic shall be generated in a volume that alters the essential character of the neighborhood or substantially impairs the use of the adjacent property;
3. The Performance Standards set forth in Section 550 of these Regulations must not be exceeded;
4. Parking shall be provided off-road. Parking will not be allowed in setback areas;
5. Exterior storage of materials used in the home occupation is not permitted.
6. There shall be no potential risk to public health from the home occupation such as toxic emissions, on-site disposal of hazardous wastes, or overburdening of existing septic systems;
7. The home occupation may occupy up to 25% of the dwelling and/or attached accessory structure, but may not occupy a non-attached structure.
8. Home occupation shall not include servicing or repairing of any type of automobile or truck.

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

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



**510.3 - SPECIAL PUBLIC USE EXCEPTIONS**

The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

1. State- or community-owned and operated institutions and facilities.
2. Public and private schools and other educational institutions certified by the state department of education.
3. Churches and other places of worship, convents, and parish houses.
4. Public and private hospitals.
5. Regional solid waste management facilities certified under 10 V.S.A. chapter 159.
6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

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

1. Unsightly or incompatible land uses, such as substations, parking lots and refuse areas, shall be screened with landscape materials suitable to local environmental conditions and be composed of materials that will screen the structure.
2. Adequate circulation, parking and loading facilities shall be provided with particular consideration to visibility at intersections, traffic flow and control, pedestrian safety, and access in case of an emergency.
3. To protect the privacy of adjoining property owners, additional yard space or setbacks of the use from the property line other than what is already required in the district may be required.
4. The density, size, or height of buildings may be increased or decreased as needed to ensure compatibility with established patterns of land use in the district, and to ensure orderly growth and development in the community.

**510.4 - SPECIAL AGRICULTURAL/SILVICULTURAL EXEMPTION FROM REGULATION:**

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

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

No municipal permit for a farm structure shall be required.

### **SECTION 520 - MISCELLANEOUS REQUIREMENTS**

#### **520.1 - ABANDONMENT OF STRUCTURES**

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

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

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

#### **520.3 - DWELLINGS ON LOTS**

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

#### **520.4 - GRADING**

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

#### **520.5 - LANDFILL**

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

#### **520.6 - LOTS IN TWO ZONING DISTRICTS**

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

#### **520.7 - MOBILE HOME STORAGE AND STORAGE TRAILERS**

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

#### **520.8 - REDUCTION OF LOT AREA**

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

**520.9 - REQUIRED AREA OR YARDS**

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

**520.10 - TEMPORARY USES AND STRUCTURES**

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

**520.11 - YARDS ON CORNER LOTS**

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

**520.12 - FENCES AND HEDGES**

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

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

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

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

**520.13 - WIRELESS COMMUNICATIONS FACILITIES**

See existing Town of Ludlow ordinance on Communications Facilities.

**SECTION 530 - PARKING AND LOADING REQUIREMENTS**

**530.1 OFF-STREET PARKING SPACE REQUIREMENTS**

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

1. Residential uses: single-family, two-family and multifamily dwelling units: two parking spaces for each unit. Professional residence-office: one parking space, plus one additional parking space for every three hundred (300) square feet of office space.
2. Hotel, Motel, Tourist Home, Boarding House: one space per bedroom.

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3. Dormitory, Nursing Home, Hospital: one space for every two beds.
4. Places of Public Assembly: Every structure used as a theater, amusement facility, auditorium, community center, club, stadium, library, museum, church, lodge hall, or other place of public or private assembly, which provides facilities for seating people: one parking space for every five seats. Where there are not seats provided, one parking space shall be provided for every two hundred (200) square feet of floor area.
5. Business, Professional and Medical Offices: one space for every two hundred (200) square feet of office space.
6. Commercial, Business and Unspecified Uses: one parking space for every motor vehicle used in the business, plus one parking space for every two hundred (200) square feet of floor area used for retail, service, or other customer-related purposes.
7. Restaurant, Eating and Drinking Establishments: one parking space for every one hundred and fifty (150) square feet of seating area.
8. Industrial, Wholesale, Warehouse, Storage, Freight and Trucking uses: one parking space for every motor vehicle used in the business; one parking space for every two employees.
9. Recreation: As required by the Development Review Board.

### **530.2 OFF-STREET LOADING SPACE REQUIREMENTS**

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

1. Hotels, Motels, Hospitals, Commercial, Business, Service and Industrial Establishments: one off-street loading space for every ten thousand (10,000) square feet of floor area.
2. Wholesale, Warehouse, Freight and Trucking Uses: one off-street loading space for every seven thousand five hundred (7,500) square feet of floor area.

### **530.3 ADDITIONAL PARKING SPACE REQUIREMENTS**

1. The Development Review Board may require additional off-street parking and loading spaces for any use, if they find that minimum spaces are not sufficient.
2. With the approval of the Development Review Board, parking spaces may be provided by the applicant on other property, provided such land lies within three hundred (300) feet of an entrance to the principal building.
3. Parking spaces for any number of separate uses may be combined in one parking lot, but the required space assigned to one use may not be assigned to another at the same time, except upon approval of the Development Review Board.

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4. When a change of use is requested where parking and/or loading spaces were assigned to the prior use, the Development Review Board will consider the previous use in requiring parking spaces and consider, within reason, credit for that which was previously allowed. The Development Review Board should consider needs of parking and feasibility of parking being provided on the property, near the property, municipal parking lots or on the street. Traffic generated should also be considered. If change of use is from a business to same or like business, then no new parking need be provided. Shared parking spaces shall require a written agreement between parties concerned.
5. The Development Review Board may, where appropriate, require that one (1) or more parking spaces be designated as “Handicapped Parking.” Such spaces shall be a minimum of ninety-six (96) inches wide by two hundred forty (240) inches long, and will have an adjacent access aisle of at least sixty (60) inches. This access aisle may be shared with another “Handicapped Parking” space immediately adjacent.

### **SECTION 540 – SIGNS**

#### **540.1 PURPOSE**

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

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

#### **540.2 REGULATIONS AND RESTRICTIONS**

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

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

##### **1. In the Village V-R Districts**

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

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

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

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

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

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### 2. In the Village R-C Districts

All signs as permitted under Number 1 above.

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

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

### 3. In all Districts

All signs shall be subject to the following restrictions:

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

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

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

## **SECTION 550 - PERFORMANCE STANDARDS**

### **550.1 NOISE**

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

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

Unacceptable:

Exceeds 80 dB (A) 60 minutes per 24 hours

Exceeds 75 dB (A) 8 hours per 24 hours

Discretionary, Normally Unacceptable:

Exceeds 65 dB (A) 8 hours per 25 hours

Loud repetitive sounds on site

Discretionary, Normally Acceptable:

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

Land Use Category:

- a) Tracts of land in which serenity and quiet are of extraordinary significance and serve an important public need, and where the preservation of those qualities is essential for the area to continue to serve its intended purpose. Such areas could include amphitheaters, particular parks, or portions of parks, or open spaces which are dedicated to, or recognized for, activities requiring special qualities of serenity and quiet. Decibel Level – 60 dB(A)
- b) Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, picnic areas, recreation areas, playgrounds, active sports areas, and parks. Decibel Level – 70dB (A).
- c) Developed lands, properties or activities not included in categories A and B above (see General External Exposure Levels).

### **550.2 FLY ASH, DUST, FUMES, VAPORS, GASES, OTHER FORMS OF AIR POLLUTION**

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

### **550.3 VIBRATION**

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

### **550.4 GLARE, LIGHTS, REFLECTION**

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

### **550.5 FIRE, EXPLOSIVE OR SAFETY HAZARD**

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

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### **550.6 STORAGE OF FLAMMABLE LIQUIDS**

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

### **550.7 ELECTRICAL INTERFERENCE OR HEAT**

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

### **550.8 L.P. GAS (LIQUID PROPANE GAS)**

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

## **SECTION 560 - CAMPING TRAILERS**

### **560.1 APPLICATIONS**

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

1. In an approved campground.
2. In an approved camping trailer sales lot.
3. The owner of a trailer may park it on his own property, in the rear or side yards, providing that the trailer is parked behind the front face of the principal building (exception may be made by the Administrative Officer when terrain or permanent obstructions or lack of property makes this impossible) and no closer than six (6) feet to any lot line. This provision does not allow for commercial storage of camping trailers, travel trailers, pickup coaches, or motor homes.
4. A property owner or guest may use a camping trailer or RV as temporary living quarters for a period not to exceed 45 days of a calendar year, provided it meets all building and yard setback minimums. Exception to the 45 days may be made by the Administrative Officer if the owner is using the trailer or RV for living quarters for a reasonable period of time while building his residence, provided that it has a self-contained septic system, or is properly hooked to the waste-water system on the lot, and the Health Officer approves the temporary hookup.

### **560.2 CAMPGROUND PERMITS**

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

Application for a campground site plan approval shall be made to the Development Review Board. The application shall be accompanied with a site plan and drawings prepared by a



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professional engineer, showing the property lines and area of the park, a contour map, a layout of the roads, walkways, trailer lots, parking areas, garbage collection stations, electrical distribution, water lines, sanitary sewer facilities and storm sewer drainage facilities.

### **560.3 CAMPGROUND STANDARDS**

The following regulations shall apply in respect to all campgrounds:

1. A campground shall have an area of not less than three (3) acres.
2. Campgrounds shall provide for individual trailers, access driveways and parking.
3. Each trailer site shall be at least 2,500 square feet in area, and have a compacted gravel pad at least twenty feet in width.
4. There shall be an undeveloped area of not less than 100 feet in depth between all camping trailer and tent sites and the traveled portion of any adjacent highway, and any other boundary of the campground shall be landscaped with existing or newly planted trees or other plant materials. The DRB may reduce or waive the requirement of this subsection when after hearing it has found and determined that:
  - Such a reduction or waiver will make it possible to preserve an attractive view from the site.
  - Granting of the reduction or waiver will be in the public interest.
5. Each lot shall be located in a dry and well-drained area.
6. All applicable standards of the Site Plan Approval, Section 260.4 of these Regulations.

### **SECTION 570 - MOBILE HOME PARKS**

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

1. A minimum of 8,000 square feet of lot area shall be provided for each mobile home, including at least 5,000 square feet for each mobile home site, plus at least 3,000 square feet for each mobile home in common open space, exclusive of roads. Such common space shall be accessible to all residents of the mobile home park, and shall have a minimum dimension of thirty (30) feet.
2. Site Planning improvements shall provide for:
  - Facilities and amenities appropriate to the needs of the occupants and meeting minimum state requirements;
  - Safe, comfortable and sanitary use by the occupants under all weather conditions and meeting minimum state requirements;

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

***ARTICLE 6: FLOOD PLAIN MANAGEMENT ORDINANCE***

Authority: the following Ordinance is adopted in compliance with Title 24, Section 4424 of the Act.

**SECTION 610**

These regulations shall apply in all areas in the Village of Ludlow identified as areas of special flood hazard on the Nation Flood Insurance Program maps, which are hereby adopted by reference and declared to be part of these regulations.

**610.1 - PURPOSE**

The purpose of this Article is to:

1. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base and the extraordinary public expenditures and demands on public service that result from flooding; and
2. Ensure that the design and construction of development in flood hazard areas is accomplished in a manner that minimizes or eliminates the potential for flood damage; and
3. Maintain wise use of agricultural land in flood-prone areas;
4. Make Ludlow eligible for Federal Flood Insurance at the lowest rates possible.

**610.2 - PERMIT REQUIRED**

A permit issued by the Administrative Officer is required for all development in areas of special flood hazard.

**610.3 - REVIEW PROCEDURES**

1. Prior to issuing a permit a copy of the application shall be submitted to the Vermont Agency of Natural Resources, Flood Plain Management Section in accordance with Title 24 VSA Chapter 117 Sections 4413 and 4424. A permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
2. Adjacent communities and the Vermont Agency of Natural Resources shall be notified at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse, Title 10 VSA Chapter 41, and copies of such notification shall be submitted to the administrator of the Federal Insurance Administration.
3. Proposed development shall be reviewed to assure that all necessary permits have been received from those government agencies from which approval is required by Federal, State or Municipal law.

**610.4 - BASE FLOOD ELEVATIONS AND FLOODWAY LIMITS**

1. Where available (i.e. Zone A1-A30, AE and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.
2. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program (i.e. Zone A) base flood elevations and floodway information available from State or Federal agencies or other sources, shall be obtained and reasonably utilized to administer and enforce these regulations.

**610.5 - FLOOD HAZARD REVIEW APPLICATIONS**

Submission Requirements:

Applicants for Flood Hazard Review shall include:

1. Two (2) copies of a plan drawn to scale showing:
  - The location on of existing and proposed structures;
  - The dimensions of the lot;
  - The limits of the flood hazard area and the floodway.
2. Two (2) copies of an elevation drawing/plat showing:
  - The elevation of the lowest floor, including the basement, of all new or substantially improved structures;
  - The elevation to which any structure will be flood proofed.

**610.6 – DEVELOPMENT STANDARDS**

a. Floodway areas

1. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.
2. Junkyards and storage facilities for floatable materials, chemicals explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

b. Fringe areas (i.e. flooded areas outside of the floodway)

1. All development shall be designed (i) to minimize flood damage to the proposed development and to the public facilities and utilities, and (ii) to provide adequate drainage to reduce exposure to flood hazards.
2. Structures shall be (i) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood, (ii) be constructed with materials resistant to flood damage, (iii) be

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- constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and /or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
  4. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from these systems into flood waters.
  5. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  6. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
  7. The lowest floor, including basement, of all new buildings shall be at or above the base flood elevation
  8. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of subsection 7.
  9. Existing buildings to be substantially improved for non-residential purposes shall either (1) meet the requirements of subsection 8 or (2) be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
  10. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  11. Recreational vehicles placed on sites within Zones A1-A30, AH and AE shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready

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for highway use, or (iii) meet all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” of Section 60.3(c)(6).

12. Accessory Structures: An accessory building or structure as defined in Section 220.1 of this document need not be elevated to the base flood elevation provided the building:
  - a. Shall not be used for human habitation,
  - b. Shall be designed to have low flood damage potential,
  - c. Shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,
  - d. Shall be firmly anchored to prevent flotation, and
  - e. Shall have service facilities such as electrical and heating equipment elevated or flood proofed.

### **610.7 - DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATIVE OFFICER**

The Administrative Officer shall maintain a record of:

1. All permits issued for development in areas of special flood hazard
2. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new buildings.
3. The elevation, in relation to mean sea level, to which buildings have been flood proofed
4. All flood proofing certifications required under this regulation

### **610.8 - DUTIES AND RESPONSIBILITIES OF THE DEVELOPMENT REVIEW BOARD**

The Development Review Board shall review the submitted application, maps and plats and approve only those that comply with the following general and specific standards:

1. All necessary permits have been received from those governmental agencies from which approval is required by local, state and Federal law;
2. All new construction and substantial improvements are:
  - Designed and adequately anchored to prevent flotation, collapse or lateral movement;
  - Designed to be constructed with materials and utility equipment resistant to flood damage;
  - Designed to be constructed by methods and practices that minimize flood damage.
  - Furthermore, the Development Review Board shall determine, utilizing the best

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flood elevation information available, that as designed and proposed all new construction and substantial improvements of residential structures should have the lowest floor (including basement) designed to be elevated to or above the base flood level or for non-residential structures have flood proofed construction to that level.

3. The development is:
  - Designed to be reasonably safe from flooding and the plans are consistent with the standards of this Section.
  - Designed so that all public utilities and facilities such as sewer, electrical, and water systems should be located and constructed so as to minimize or eliminate flood damages.
  - Designed so that adequate drainage should be provided so as to reduce exposure to flood hazards and to maintain the flood carrying capacity of any watercourse.
4. As designed mobile homes and any additions to these homes will be anchored to resist flotation, collapse or lateral movement.
5. As designed, new or replacement water and sanitary sewage systems will be located to provide maximum safety.

### **610.9 VARIANCES TO DEVELOPMENT STANDARDS**

Variances may be granted by the Development Review Board only in accordance with Title 24 VSA Chapter 117 Section 4469 and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6 of the National Flood Insurance Program regulations.

### **610.10 SPECIAL EXCEPTIONS FOR NON-CONFORMING STRUCTURES**

Special exceptions may be granted for the repair, relocation, replacement, or enlargement of a nonconforming structure within a regulated flood hazard area by the Development Review Board only in accordance with Title 24 VSA Chapter 117 Section 4424(E)(i)(ii)(iii) and in accordance with the criteria found in 44 CFR, Section 60.6 of the National Flood Insurance Program regulations.

### **610.11 DISCLAIMER OF LIABILITY**

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

## **ARTICLE 7: DEFINITIONS**

Except where specifically defined herein, all words used in these Regulations shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural; the word “lot” includes “plot;” the word “building” includes “structure;” the word “shall” is mandatory; “occupied” or “used” shall be considered as though followed by “or intended, arranged, or designed to be used or occupied;” “person” includes individual, partnership, association, corporation, company, or organization. Any doubt as to the precise meaning of any word used in these Regulations shall be clarified by the Development Review Board.

### **ACCESSORY DWELLING UNIT:**

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

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

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

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

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

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

(B) Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the



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total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

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

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

**ALTERATION:** Structural changes, rearrangement, change of location or addition to a building, other than repairs or maintenance (e.g.: roof covering replacement, window replacement, painting).

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

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

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

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

**BASE FLOOD:** Is the flood having a 1 percent chance of being equaled or exceeded in any given year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CONDITIONAL USES:** These uses may be allowed only by approval of the Development Review Board.

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

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

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

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

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

**CONVALESCENT HOME:** See HEALTH CARE FACILITY

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

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

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

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

**DENSITY:** The number of dwelling units allowed per lot.

**DEVELOPMENT:** See LAND DEVELOPMENT

**DOCK:** Structure providing moorings for boats.

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

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

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

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

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

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

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

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The federal agency under which the National Flood Insurance Program (NFIP) is administered.

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**FEDERAL INSURANCE ADMINISTRATION (FIA):** The federal entity within FEMA that directly administers the National Flood Insurance Program (NFIP).

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

- Overflow of inland or tidal waters.
- The unusual and rapid accumulation or runoff of surface waters from any source.
- Mudslides (i.e., mudflows) which are proximately caused by flood, as defined above, and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding the cyclical levels which results in flood, as defined above.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**GOVERNMENT RECREATION AREA:** A Town or Village Recreation Area that may be financed by Town, Village, State or Federal Funds, but not operated as a private enterprise.

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

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

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

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

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

**HOME OCCUPATION:** [4412(4)] Any nonresidential use conducted entirely within a primary residential dwelling or outbuilding and carried on wholly by members of the family

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living on the premises, with the exception of one part-time, non-family member employee.

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

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

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

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

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

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

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

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**LEGISLATIVE BODY:** means the Board of Selectmen of the Town of Ludlow in the case of a town, the Board of Trustees of the Village of Ludlow in the case of the village.

**LIBRARY:** See COMMUNITY CENTER.

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

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

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

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

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

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

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

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

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

**MANUFACTURING:** Any process whereby the nature, size, or shapes of articles or raw materials are changed or articles are assembled and/or packaged. Processing of produce



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where it is raised shall not be considered manufacturing.

**MANUFACTURED HOME:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, recreational vehicles and other similar vehicles.

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

**MOBILE HOME:** A prefabricated dwelling unit which:

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

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

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

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

**MUSEUM:** See COMMUNITY CENTER.

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

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

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

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

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

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

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

**NURSING HOME:** See HEALTH CARE FACILITY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**RECREATIONAL USE:** For the purposes of these Regulations, this will include all those activities commonly considered to be recreational in nature, and will also include as examples, but not limited to, the following: skiing, golf courses, horseback riding and polo fields, hunting and fishing, picnic areas, playing fields (such as baseball, soccer,

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etc.), shooting or archery ranges, snowmobile trails, swimming areas, tennis courts, walking and/or nature trails. This will also include buildings which are accessory to the above activities.

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

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

**REST HOME:** See HEALTH CARE FACILITY.

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

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

**RIGHT OF WAY:**

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

**SANATORIUM:** See HEALTH CARE FACILITY.

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

**SATELLITE DISH ANTENNA:** For the purposes of these Regulations, and in the accordance with Title 24, Chapter 117, of the Vermont Statutes Annotated, a satellite dish antenna more than two (2) feet in diameter shall be considered a structure.

**SIGN:** Any structure, wall display, device, or representation which is designed, or used to advertise, or calls attention or directs a person to a business, association, profession, commodity product, institution, service, entertainment, person, place or thing, or activity of any kind, and is visible or audible from a highway or other right-of-way open to the public. It does not include the flag of any nation or state on a single pole.

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

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

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

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

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

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

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

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

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

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

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

**VETERINARY CLINIC/OFFICE:** See ANIMAL HOSPITAL.

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

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windows, or replacing the siding of a building.

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

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

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

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

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

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

*Note: Any definition not covered in these Regulations shall be*

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

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

## **APPENDIX A**

### **VILLAGE OF LUDLOW PRESERVATION DISTRICT GUIDELINES**

#### **I. PURPOSE**

The purpose of the Ludlow Preservation District is to maintain the special character and architectural integrity of this area of town, identified below, while allowing appropriate home based business enterprises, and community services, accomplished through review by the Development Review Board.

#### **II. AUTHORITY**

These regulations are enacted under the provisions of 24 V.S.A. Sections 4414(1)(E) and (F).

#### **III. APPLICABILITY AND SCOPE**

These regulations shall apply to all lands and structures in the Ludlow Preservation District as designated by the “Village of Ludlow Zoning and Flood Hazard Regulations”. They shall also apply to any Historic Building in the Village of Ludlow located outside the Preservation District.

#### **IV. ACTIVITIES THAT DO NOT REQUIRE DESIGN REVIEW**

Design Review is not required for:

- a. Changes in use that do not cause any exterior changes in appearance of the building or lot; (Conditional use review may be required for a change in use)
- b. The maintenance, repair or replacement of architectural features using materials of similar composition, type and appearance as the prevailing historic style of the structure (including doors, windows and siding);
- c. Replacement of doors and windows using the existing opening and using the closest available standard size for the window or door. The preservation of window patterns, sizes and proportions, as well as original window features such as trim, sash and moldings, is encouraged.
- d. Replacement of roofing keeping the same roofline.
- e. Construction of an accessory building/structure with a floor area no more than 120 square feet.
- f. Painting of exterior walls and trim.
- g. Interior renovations.
- h. Fences and landscaping walls no more than 6.5 feet in height.

#### **V. ACTIVITIES THAT REQUIRE DESIGN REVIEW**

Design Review is required for:

- a. Addition to or alteration of the exterior of a building which increases or decreases the square footage of the building, whether enclosed or not.

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- b. The alteration of an exterior wall of a building by tearing down or removing any portion thereof.
- c. Filling in, boarding up, closing or enclosing any portion of an existing window, door space, porch, or breezeway.
- d. Changing the dimensions of an existing window or door opening or adding a new window or door;
- e. The addition or removal of materials to or from the exterior of a building where materials so added or exposed are of a different composition from those existing (does not apply to roofing);
- f. The alteration of the roof line;
- g. The construction of a building or structure in the Preservation District;
- h. The construction of a building with a floor area greater than 120 square feet;
- i. The demolition or relocation of a building or structure.
- j. Fences and landscaping walls greater than 6.5 feet in height.

### **VI. REVIEW PROCESS**

Prior to applying for a permit, the applicant should contact the Ludlow Zoning Administrator to initiate the review process. The application and review process should proceed according to the rules defined in the “Village of Ludlow Zoning and Flood Hazard Regulations”.

### **VII. DEMOLITION OF STRUCTURES**

The demolition of structures within the Ludlow Historic Preservation District and Historic Structures in general are defined within the “Village of Ludlow Zoning and Flood Hazard Regulations”. Those regulations must be adhered to in all cases.

### **VIII. DIMENSIONAL WAIVERS FOR HISTORIC BUILDINGS AND ALL BUILDINGS WITHIN THE PRESERVATION DISTRICT**

The DRB may grant a waiver from the dimensional requirements of the underlying zoning district if it finds that granting the waiver will result in the preservation and renovation of the historic building, or the preservation of the historic pattern of land use of the surrounding area. Waivers may be granted for such uses including but not limited to small additions, accessory buildings, porches, dormers, windows and changes to the roofline.

### **IX. SITE GUIDELINES**

Setbacks, building orientation and all site location and dimensional characteristics should be maintained according to the regulations specified within the “Village of Ludlow Zoning and Flood Hazard Regulations” for the appropriate zoning district.

### **X. GENERAL GUIDELINES FOR ALTERATIONS, ADDITIONS AND NEW CONSTRUCTION**

1. Alterations to Buildings. The emphasis of the guidelines for alterations is on facades. The most significant views of a building are those immediately visible from a public



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- street or road (primary façade). Therefore, primary facades are most important and shall be carefully reviewed for adherence to the guidelines. Facades that are not in the public view (secondary facades) may not have to conform as closely to the guidelines.
- a. Alterations of primary facades shall and alterations of secondary facades should:
    1. Preserve the proportion of a building and its original elements, massing and roofline.
    2. Retain and repair historic features, when possible.
    3. Remove non-historic materials, when possible.
    4. Locate changes (such as a new window, handicap ramp, etc.) on the secondary facades, as much as possible.
  - b. Alterations of primary facades shall not and alterations of secondary facades should not:
    1. Extend or cut back roof overhangs.
    2. Block primary facades from the street or road.
    3. Include or result in oversize dormers and windows.
    4. Change the location of principal entranceways, unless to restore the original historic entrance location or unless the new location would not diminish the building's historic integrity.
2. Additions to Buildings. These guidelines generally recommend that additions be compatible with the original structure. Insensitive additions can diminish a building's historic and architectural integrity. At the same time, exact matching of new and old materials is not required. "Change over time" presents many creative opportunities that are appropriate for new uses. The guidelines seek to define an appropriate balance between these two extremes.
- a. Additions to buildings should:
    1. Respect the scale of the original building and neighboring historic structures.
    2. Be compatible in roof form, window heights and door opening sizes and proportions.
    3. Minimize the removal of original materials at an addition's connection to the original structure.
    4. Be constructed with similar or compatible material types.
    5. Use trim compatible with the original trim.
    6. Be located behind the primary structure, if possible. New walls should be set back from the face of the original building.
  - b. Additions to buildings should not introduce style and features that are incompatible with the original structure.
  - c. New Buildings in the Preservation District. The purpose of these guidelines is not to dictate the style of new buildings, but instead to ensure that new buildings are designed to fit into the context of the surrounding buildings and streetscapes.
3. New buildings should:
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- a. Have a principal façade that is compatible with the precedence of nearby structures in terms of scale, massing, and alignments.
- b. Use architectural types appropriate to the scale and intended use of the building, rather than super-sizing or down-sizing a building type for an inappropriate use.
- c. Place ancillary structures in less visible locations to the side and rear of the primary building.

### **XI. 17.12 GUIDELINES FOR SPECIFIC BUILDING DETAILS**

#### **1. Rooflines and Materials**

- a. The original form of rooflines, overhangs and materials should be preserved to the extent possible. New dormers on existing buildings should be modest in size and set back from the roof eave. Dormer form and detailing should be compatible with the building's architectural style.
- b. The decorative features of roofs, including trim and ornamentation of roof materials, should be preserved. Should the cost of detailing roof elements be prohibitive, the proportions should be preserved with simplified detailing.
- c. Roof elements that add to the building's interest and diversity should be preserved.

#### **2. Windows**

- a. The preservation of window patterns, sizes and proportions, as well as original window features such as trim, sash and moldings, is encouraged, particularly on primary facades.
- b. The repair of historic windows is preferred to replacement. This is particularly important on primary facades.
- c. Windows in additions should be compatible with the original windows in the historic building.
- d. Shutters should be sized to fit the windows they frame.

#### **3. Doors and Entrances**

- a. Door placement, appearance, materials and size should be preserved on primary facades. Variations are allowed on secondary facades, but should be coordinated as much as possible with the primary facade.

#### **4. Porches**

- a. The original form and decorative features of porches should be preserved or repaired.
- b. Replacement porches should match historical locations or use appropriate historical precedents.
- c. The DRB may take into account the cost of replicating historic details in determining whether a simplified form, which retains the proportions and overall character of the original details, may be employed.

#### **5. Trim. Detailing of trim elements shall, in order of preference:**

- a. Repair existing trim.
- b. Replicate original trim, if possible.
- c. The standard of 4(c) may apply to employing simpler but compatible trim detailing.

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### 6. Exterior Materials

- a. Wood Alternatives: The use of synthetic products is allowed, but not at the expense of compatibility with the original structure. Synthetic products will be considered on a case-by-case basis. The applicant shall provide samples of any such materials to be used.

### 7. Masonry:

- a. Preserving the original appearance of stone foundations is encouraged, even when replacing with poured concrete.
- b. When re-pointing stone or brick, the original appearance of the mortar joints should be duplicated. Hard mortars that could lead to cracks developing in the stone or brick should be avoided.

### 8. Exterior HVAC

- a. Exterior heating, ventilation, and air conditioning (HVAC) equipment (not including window-mounted air conditioning units) should be placed to the rear, side or top of the building and screened from public view.