Randolph Land Use Regulations

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ARTICLE 1 – APPLICABILITY AND ADMINISTRATION

§ 101 ENACTMENT

In accordance with the Vermont Planning and Development Act (Title 24 of the Vermont Statutes Annotated (VSA) Chapter 117) as most recently amended, hereinafter referred to as the "Act," there are hereby established zoning regulations for the Town of Randolph, hereinafter referred to as the "Town".

§ 102 TITLE

These regulations shall be known and cited as the "Town of Randolph Land Use Regulations," hereinafter referred to as the "Regulations".

§ 103 EFFECTIVE DATE

In accordance with the Act, these Regulations shall take effect twenty-one (21) days from the date of adoption by a majority of the members of the Randolph Selectboard, or immediately upon adoption as the result of a warned town meeting vote by Australian ballot. Upon becoming effective, the Randolph Zoning Regulations and the Randolph Land Subdivision Control Regulations are repealed.

§ 104 SEVERABILITY

The provisions of these Regulations are severable. In the event that any part these Regulations, or their application, is determined by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or the validity or application of any other part of these regulations.

§ 105 PRECEDENCE

Where these Regulations impose a greater restriction on the development of land than is required by any other statute, regulation, rule, easement or agreement, the provisions of these Regulations shall control.

§ 106 PURPOSE

It is the intent of these Regulations to:

A. promote public health, safety, prosperity, convenience, and general welfare,

B. provide for orderly growth and economic development in the Town of Randolph, while conserving the natural resources and retaining the historic character of the Town,

C. implement the Randolph Town Plan, including municipal plan goals, policies and objectives, in accordance with the Act;

D. further the goals and purposes established in the Act; and

E. maintain Randolph's eligibility in the National Flood Insurance Program thus allowing residents to purchase flood insurance and qualifying the Town for additional state funding for flood disaster relief.

§ 107 APPLICATION

A. No land development, as defined by state statute, shall begin until a zoning permit has been issued, except as exempted under the Act and §108 [Exempt Land Development] if no permit will be required by these Regulations.

B. Any development not specifically authorized by or exempted from these Regulations is prohibited.

§ 108 EXEMPT LAND DEVELOPMENT

108.A. ALWAYS EXEMPT

Zoning permits or any other approval under these Regulations shall not be required for the following, except if conditioned as part of an existing permit:

1. Public auctions, garage sales, and yard sales not exceeding four consecutive days and not exceeding twelve days in a calendar year. If these limits are exceeded, the use shall be considered retail and require a permit.
2. The recording of plats simply for the purpose of establishing clear property lines on existing lots where no subdivision or lot line adjustment is involved.
3. The granting of utility rights-of-way or easements.
4. Temporary events (such as weddings, church suppers, fairs, concerts, festivals, cultural events, trade and antique shows, etc.) lasting less than 4 consecutive days, occurring no more than 4 times in a calendar year and that are not the principal use of land or buildings, provided that adequate off-street parking and circulation, sanitary and trash collection facilities are provided (an assembly permit from the town and state permits may be required).

108.B. PROVISIONALLY EXEMPT

1. Development in the FPO, RCO and INT Districts

   In all districts except for the Flood Plain Overlay District (FPO), Randolph Center Overlay (RC) and all the Interchange Districts (INT), zoning permits or any other approval under these Regulations shall not be required for the following except if conditioned as part of an existing permit. Unless otherwise indicated, if any of the following are proposed in the FPO, RCO or INT districts, an application for a zoning permit shall be made and the ZA shall determine if the provisions of the FPO, RCO or INT apply. No fee shall be required unless the FPO or RCO provisions apply or design review approval is required and thus a permit is required.

   a. Normal maintenance and repair of an existing building or other structure that does not result in any change to the footprint or height of the structure, or change in use.
   b. Solar collectors not exempt in subsection 108.C or other energy devices based on renewable resources for on-site use, provided setback requirements set forth in §301 [Additional Setback Requirements] and design review standards are met, as applicable.
   c. Fuel and propane tanks with a capacity of 1,000 gallons or less and meeting the setback requirements set forth in §301 [Additional Setback Requirements].
   d. Fences and walls, which shall also meet the requirements set forth in §402 [Fencing and Walls].
   e. Ponds and impoundments, which shall also meet the requirements set forth in §403 [Ponds or Impoundments].
   f. Dish antennae thirty-six (36) inches or less in diameter.
   g. Amateur radio towers less than 50 feet in height and set back at least 150% of their height from lot lines.
   h. Windmills less than 100 feet in height, with a diameter of the rotating structure no greater than 20 feet and set back at least 150% of their height from a lot line.

i. Accessory buildings or other structures with a footprint of not more than 125 square feet and less than 15 feet in height, provided setback requirements as set forth in §301 [Additional Setback Requirements] are met.

j. Accessory buildings that, other than the framing, have roofs that are made of flexible fabric such as a tarp or canvas, and are less than 300 SF in area and less than 18 feet in height, provided setback requirements as set forth in §301 [Additional Setback Requirements] are met.

k. On-site excavations or removal of earth materials which are associated with normal maintenance, landscaping and gardening activities, municipal and state road construction (excluding extraction of sand or gravel for off-site use), the operation of a cemetery, or that is incidental to permitted construction or maintenance activity.

l. Temporary structures used in association with temporary events or buildings used for office or storage space in association with construction projects, provided that such structures shall not be used for dwelling purposes, shall meet setback requirements set forth in §301 [Additional Setback Requirements] and provided the construction is being diligently pursued, exclusive of winter shutdowns. Temporary structures shall be placed no sooner than 30 days before the event or start of construction and shall be removed within 30 days of the end of the event or completion of the construction.

m. De minimus structures or uses not specifically mentioned in these Regulations and that are incidental and customary to the use on the lot and so temporary or minimal in their impact on the public that regulation of them is not required to protect health, safety, welfare, or the environment. Such uses or structures include but are not limited to play equipment, clotheslines, unpaved trails and paths and seasonal decorations.

n. Public or private utilities on or below ground such as electric, wastewater and water lines.

2. Extraction of earth materials

a. If a zoning permit application is accompanied by a jurisdictional opinion from Act 250 indicating that a land use permit will be required for the extraction of earth materials, the use is exempt from these Regulations and no application fee is required. This notwithstanding, extraction of earth materials is only allowed in the districts in which rural industrial uses are allowed.

b. Should the jurisdictional opinion be overturned or it is determined that a land use permit is not required, there is no exemption and all other provisions of these Regulations shall apply.

108.C. STATUTORILY EXEMPT

The following are exempt from these Regulations pursuant to 24 VSA §4413 [Limitations on municipal bylaws]:

1. Accepted required agricultural and accepted silvicultural practices (written notification to Town required for farm structures).
2. Electric and telecommunications utilities to the extent either is regulated under 30 VSA §248.
3. Hunting, fishing, trapping, and other activities to the extent specified under 24 VSA §2295.
4. Solar energy devices on flat roofs that heat water or space or generate electricity.
5. Other limitations as may be included or amended in 24 VSA §4413 in the future.

§ 109 ZONING ADMINISTRATOR (ZA)

In accordance with the Act, the position of Administrative Officer, herein referred to as the Zoning Administrator (ZA), is created. The ZA shall carry out the duties required of the position in the Act and these Regulations.

§ 110 DEVELOPMENT REVIEW BOARD (DRB)

There is hereby established a Development Review Board (DRB). The DRB shall perform the functions set forth in the Act and in these Regulations.

§ 111 DESIGN REVIEW ADVISORY COMMISSION (DRAC)

There is hereby established a Design Review Advisory Commission (DRAC). The DRAC shall perform the functions set forth in the Act and in these Regulations.

§ 112 RANDOLPH CENTER DESIGN REVIEW PANEL (RCDRP)

There is hereby established a Randolph Center Design Review Panel (RCDRP). The RCDRP shall perform the functions set forth in the Act and in these Regulations, and its members shall be either residents in the RCO or owners of property in the RCO who are residents of the Town.

§ 113 RELATIONSHIP OF ZONING PERMIT TO OTHER APPROVALS AND PERMITS

Granting of a zoning permit under these Regulations does not relieve the applicant of the need to obtain any other local, state or federal permit required for the development. The ZA shall endeavor to provide a coordinated effort on behalf of the Town to dispense information to applicants on what other local permits may be required, and to provide contact information of the state permit specialist for information on what state permits may be required for the project.

§ 114 ZONING PERMITS

114.A. ISSUANCE OF PERMITS

A zoning permit shall be issued by the ZA only in accordance with the Act and the following provisions:

1. Within thirty (30) days of receipt of a complete application, including all application materials and fees, the ZA shall act to either issue or deny a zoning permit in writing, or to refer the application to the DRB or to a state agency for consideration. In accordance with 24 VSA §4448 [Appointment and Powers of Administrative Officer], if the ZA fails to act with regard to a complete application for a permit within the 30-day period, a permit shall be deemed issued on the 31st day.
2. No zoning permit shall be issued by the ZA for any use or structure which requires the approval of the DRB until such approval has been obtained. For permit applications that must be referred to a state agency for review, no zoning permit shall be issued until a response has been received from the state, or the expiration of 30 days following the submission of the application to the state, whichever is sooner.
3. A zoning permit shall include a statement of the time within which an appeal may be taken.
4. The ZA, within three (3) days of the date of issuance, shall deliver a copy of the zoning permit to the Listers and shall post a copy of the permit in the Town Offices for a period of fifteen (15) days from the date of issuance.

5. For permits authorizing new residential construction, the ZA shall provide the Fire Services Advisory Committee (FSAC) with a copy of the zoning permit application and shall provide the permittee with a copy of the FSAC's standards for building construction projects.

114.B. EFFECTIVE DATE

No zoning permit shall take effect until the time for appeal (15 days) has passed, or in the event that an appeal is properly filed, until final adjudication of the appeal.

114.C. PERMIT DISPLAY

In accordance with the Act, the notice of a zoning permit must be displayed within view from the public right-of-way nearest to the property until the time for appeal has passed.

114.D. PERMIT EXPIRATION

1. A zoning permit is authorization to undertake certain actions, and shall expire one year from the date it is issued if such action has not begun as evidenced by establishment of the permitted use or the beginning of construction, except as follows:
   a. If the zoning permit authorizes the filing of a subdivision plat, then that plat must be filed within 180 days or the permit shall become null and void.
   b. For any project involving a performance or maintenance bond, the project must also be completed, as evidenced by a certificate of compliance, within the bond timeframe.
   c. If the expiration of a permit under this section would be caused solely by a failure to begin permitted construction, and neither these Regulations nor any town approval requirements applicable to the permit have changed, then a permit for the exact same development shall not be considered expired provided it is extended by the ZA upon the filing of an extension request and payment of the applicable fee and provided this is done within five years of the date of issuance. No extension may be granted later than five years from the original permit.
2. The expiration of a zoning permit under this subsection shall void all associated zoning approvals received as part of the issuance of that permit.
3. If a zoning permit expires, any land development on the lot covered under that permit must cease, except any work done by the Town if exercising a performance bond. All subsequent land development must be approved after the submission of a new application for a zoning permit, and all laws and ordinances then in effect will be applicable.
4. Zoning permits shall run with the land regardless of owner.

§ 115 CERTIFICATES OF COMPLIANCE

For all development requiring a permit under these Regulations, it shall be unlawful to use, occupy, or permit the use or occupancy of any land or structure, or part thereof created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure after the effective date of these Regulations, until a certificate of compliance is issued by the ZA for that permit.

§ 116 APPEALS

A. Appeals from any decision or act of the ZA shall be made to the DRB as provided for in 24 VSA §4465 [Appeals of decisions of the administrative officer].

B. Appeals from any decision of the DRB shall be made to the Vermont Superior Court Environmental Division as provided for in 24 VSA §4471 [Appeals to Environmental Division]. The Town, having

adopted the Municipal Administrative Procedures Act, has resolved that decisions regarding an appeal of a decision of the DRB shall be on the record in accordance with the Vermont Rules of Civil Procedure.

C. Notwithstanding the above, decisions of the DRB with respect to local Act 250 review of municipal impacts under §505 [Local Act 250 Review] are not subject to appeal but shall serve as presumptions under the provisions of 10 VSA ch. 151.

§ 117 ENFORCEMENT AND PENALTIES

117.A. ENFORCEMENT

1. Pursuant to 24 VSA §4452 [Enforcement; remedies], it shall be the duty of the ZA to enforce the provisions of these Regulations in a manner described in the Act.
2. If the enforcement involves a violation of the provisions of the FPO District (§226), a copy of the Notice of Violation issued to the alleged offender shall be mailed to the State NFIP Coordinator. If the violation remains after all appeals have been adjudicated, the ZA shall submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance for the property pursuant to §1316 of the National Flood Insurance Act of 1968, as amended.
3. If the enforcement involves a violation of the requirements of 24 VSA §4413(d) for a farm structure for an AAP (e.g. if written notice was not provided), the violation shall be reported to the Secretary of Agriculture.

117.B. PENALTIES

Enforcement penalties shall be regulated pursuant to 24 VSA §4451 [Enforcement; penalties], which may include fines for each day a violation continues.

§ 118 WARNING OF DISCLAIMER OF LIABILITY

These Regulations do not imply that land outside of the special flood hazard areas regulated in the Flood Plain Overlay District or land use permitted within such areas will be free from flooding, erosion or other damages. In addition, these Regulations do not imply that development permitted under these Regulations, regardless of its location, will be free from other types of hazards. These Regulations shall not create liability on the part of the Town or any town official or employee thereof for any flood, erosion or other damages that result from reliance on these Regulation or any administrative decision lawfully made hereunder.

ARTICLE 2 - ZONING DISTRICT STANDARDS

§ 201 ESTABLISHMENT OF ZONING DISTRICTS

The Town of Randolph is divided into the following zoning districts as shown on the official zoning map (see Appendix A):

Abbrev.	District Name	Development Standards
CB	Central Business District	§209
RVHD	Randolph Village High Density District	§210
RVMD	Randolph Village Medium Density District	§211
RCV	Randolph Center Village District	§212
ERV	East Randolph Village District	§213
NSV	North and South Randolph Villages District	§214
GCR	Gateway Commercial Retail District	§215
GC	Gateway Commercial District	§216
RES	Residential District	§217
RR	Rural Residential District	§218
RA	Rural Agricultural District	§219
IND	Industrial District	§220
INT-NW	Interchange Northwest District	§221 & 225
INT-SW	Interchange Southwest District	§222 & 225
INT-NE	Interchange Northeast District	§223 & 225
INT-SE	Interchange Southeast District	§224 & 225
FPO	Flood Plain Overlay District	§226
WCO	Water Conservation Overlay District	§227
RCO	Randolph Center Overlay District	§228

§ 202 ZONING DISTRICT PURPOSES

A. **CB** - The purpose of the Central Business District is to concentrate retail and customer-oriented businesses and services in multiple-level buildings that are consistent in height with other buildings in the district, with customer-oriented businesses and services favored at street level, to promote a thriving, pedestrian-friendly downtown business area that is essentially commercial in nature and that respects the historic nature of the buildings in this district. (See also §209)

B. **RVHD** - The purposes of both of this and the Randolph Village Medium Density Districts are to allow for continued growth and development of Randolph's main village as a pedestrian-friendly center, to preserve the medium (RVMD) to high-density (RVHD) residential neighborhoods, and to allow these neighborhoods to co-exist with a limited mix of businesses and services complementary in scale and type to the primarily residential character. (See also §210)

C. **RVMD** - The purposes of both of this and the Randolph Village High Density Districts are to allow for continued growth and development of Randolph's main village as a pedestrian-friendly center, to preserve the medium (RVMD) to high-density (RVHD) residential neighborhoods, and to allow these neighborhoods to co-exist with a limited mix of businesses and services complementary in scale and type to the primarily residential character. (See also §211)

D. **RCV** - This district promotes more densely clustered development than surrounding residential areas, and encompasses the campus of Vermont Technical College, and allows limited, small scale commercial uses. (See also §212)

E. **ERV** - This district creates a definable area that is primarily residential but denser than surrounding countryside, and that offers smaller commercial services or services for working lands. (See also §213)

F. **NSV** - These areas are meant to acknowledge historical hamlets and their denser pattern of development, while keeping commercial uses to a minimum and carefully conditioned to fit with the scale of these villages. (See also §214)

G. **GCR** - The purpose of this district is to allow for residential development and for medium-scale business development in relatively close proximity to the downtown and within the public water and sewer districts, thereby maintaining the villages as the centers of commercial life and free of out-of-scale development and avoiding commercial sprawl beyond this district. (See also §215)

H. **GC** - The purpose of this district is to allow for residential development and medium-scale development that may have off-site impacts along transportation corridors, thereby maintaining the downtown, the villages and the GCR Districts as the centers of retail business life without requiring out-of-scale development, and avoiding commercial sprawl beyond this district. (See also §216)

I. **RES** – The purpose of this zone is to allow for a primarily residential zone in close proximity to the Village, with single and 2-family residential, home occupations, B&B's and other compatible uses with the essentially residential nature of the zone. (See also §217)

J. **RR** - The purpose of this district is the maintenance of a traditional rural character and economy, including agriculture, while allowing for residential uses and encouraging clustering of those uses to maintain large blocks of contiguous undeveloped land. (See also §218)

K. **RA** - The purpose of this zone is to encourage and promote agriculture by conserving Randolph's highest concentrations of prime and statewide important agricultural soils so as to maintain a "critical mass" of agricultural activity, minimize development impact to farmland and minimize uses in the Rural Agricultural District which would have the long-term effect of interfering with other farming in the district. Development on prime and statewide important agricultural soils in this district shall be configured to reduce the number of acres of such agricultural soils developed or fragmented, while still enabling a landowner to realize financial benefits through clustering. (See also §219)

L. **IND** - The purpose of the Industrial District is to allow and encourage a range of commercial and industrial uses of the type best located in a more traditional "industrial park" type of setting. (See also §220)

M. **INT-NE** (See also §221 and §225)

1. To encourage a limited mix of land uses which are primarily commercial in nature where new development will employ residents within the region in well-paying jobs which do not detract from the vitality of Randolph's traditional downtown and village centers. Some residential development is also encouraged within the district;
2. To protect scenic views of open fields and woodlands that have prominent visibility from VT Route 66;
3. To maintain and enhance traffic safety and efficiency on VT Route 66 and access to I-89; and
4. To preserve a portion of the agricultural land though limitations on the placement of coverage.

N. **INT-SE** (See also §222 and §225)

1. To encourage a limited mix of land uses which include compact residential development, office, and residential community developments;

2. To protect natural features, including steep slopes and wetlands;
3. To maintain and enhance traffic safety and efficiency on VT Route 66 and access to I-89;
4. To preserve scenic views of the forested hillside that have prominent visibility from I-89 and of fields from VT Route 66; and
5. To preserve a portion of the agricultural land though limitations on the placement of coverage.

O. **INT-NW** (See also §223 and §225)

1. To encourage a limited mix of land uses which are residential and commercial in nature where new development will employ residents within the region in well-paying jobs which do not detract from the vitality of Randolph's traditional downtown and village centers;
2. To protect natural features, including surface waters;
3. To maintain and enhance traffic safety and efficiency on VT Route 66 and access to I-89;
4. To preserve scenic views of open fields and hills that have prominent visibility from I-89 and VT Route 66; and
5. To preserve a portion of the agricultural land though limitations on the placement of coverage.

P. **INT-SW** (See also §224 and §225)

1. To encourage a limited mix of land uses which are primarily commercial in nature where new development will employ residents within the region in well-paying jobs which do not detract from the vitality of Randolph's traditional downtown and village centers;
2. To protect natural features, including surface waters;
3. To maintain and enhance traffic safety and efficiency on VT Route 66 and access to I-89;
4. To preserve scenic views and vistas, including open fields, that have prominent visibility from I-89 and VT Route 66, as well as distant views of the Green Mountains; and
5. To preserve a portion of the agricultural land though limitations on the placement of coverage.

Q. **FPO** - The purpose of the Flood Plain Overlay District is to protect the public safety, maintain eligibility in the National Flood Insurance Program in compliance with 10 VSA §751 and 753, reduce costs to the municipality and to private individuals for damage resulting from development in flood plains, and conserve the natural water retention capacity and special natural resource characteristics of flood plains, including flood plain forests. (See also §226)

R. **WCO** – The purpose of this overlay district is to protect and enhance the water quality and natural beauty of the rivers that run through Randolph by precluding development in this area, while allowing utility, safety or bank stabilization projects as well as low-impact recreational uses. (See also §227)

S. **RCO** – The purpose of the Randolph Center Overlay District is to preserve the historic integrity and architectural character of the District. (See also §228)

§ 203 ZONING DISTRICT MAPS

The location and boundaries of each zoning district are depicted on the official "Town of Randolph Zoning Map" (see Appendix A), excepting the Flood Plain Overlay (FPO) which shall cover all areas in the Town of Randolph described in these Regulations.

§ 204 ZONING DISTRICT BOUNDARY INTERPRETATION

A. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map or any flood overlay map, the location of such boundaries shall be determined by the ZA. The decisions of the ZA may be appealed by the applicant or interested parties to the DRB. The ZA and DRB shall use the following guidelines to assist them in making a determination.

B. Where uncertainty exists as to the location of district boundaries shown on the official zoning map the following rules shall apply:

1. boundaries indicated as following roads, railroad or utility rights-of-way shall be interpreted to follow the centerlines of such features;
2. boundaries indicated as following rivers or streams shall be interpreted to follow the channel centerline and shall move with the centerline of such features;
3. boundaries indicated as following lot lines shall be interpreted to follow the delineated property boundary as it existed as of the effective date of the zoning map as adopted;
4. boundaries indicated as following contour lines shall be interpreted to follow a constant, specified elevation as measured from mean sea level or other accepted reference datum;
5. boundaries indicated as parallel or perpendicular to, or extensions of the above features, shall be so interpreted on the ground; and
6. distances not specifically indicated shall be determined by the scale on the official zoning map.

C. For interpretation of boundaries of and within the FPO, see §226.

§ 205 LOTS IN MORE THAN ONE TOWN

Where a lot is divided by a town boundary, the standards of these Regulations shall be applied to that portion of the lot located in the Town of Randolph.

§ 206 USE CATEGORIES AND DEFINITIONS

206.A. PRINCIPAL USES

For the purpose of establishing permitted and conditional uses within all zoning districts except the INT Districts, the following categories of use are designated and defined:

1. **Commercial Group Service** - Any use of land or structures for the purpose of providing an indoor service other than Indoor Retail, and customarily used by more than several individuals or groups or both at one time. Examples: motels, bars, hotels, theaters, hospitals and clinics, skilled nursing facilities, assisted living facilities, restaurants, indoor recreation.
2. **Community Service** - Any use of land or structures for the purpose of providing or conducting civic, educational, cultural, or religious services, both commercial and non-profit. Examples: school (public and private), community hall, service club, daycare, church.
3. **Contractor's Yard** - A business where equipment and materials are stored on-site, employees gather on site but primarily work elsewhere, and the primary business activity is done off-site. Examples: trucking business, landscaping business, building contractor, septic pumping.
4. **Dwelling, Multi-family** - Building containing three or more living units. Examples: apartment house, elder housing, attached townhouses.

5. **Dwelling, One-and Two-family** - Building containing one or two living units. Examples: house, cabin, mobile home, duplex. For purposes of these Regulations in terms of district uses, this term includes home occupation, accessory dwelling and other uses as defined by statute to be treated in the same manner as one- or two-family dwellings.

6. **Indoor Retail** - Any use of land or structures for the primary purpose of buying, renting, giving or selling goods and where the goods are primarily contained inside a primary structure on that land. Examples: video stores, consignment stores, retail shops, bakeries, general store, grocery store, pharmacy.

7. **Industrial, Heavy** - The processing, assembly, distribution, or packaging of natural or man-made materials or products where such activity generally results in off-site impacts, such as noise, and where such activity and storage of materials or products are typically not fully enclosed inside a building or screened from the abutting properties. Examples: junk yards; rail and truck terminals; concrete, asphalt or brick plants; bulk storage and distribution facilities; solid waste facilities; wastewater treatment facilities; foundries; power plants.

8. **Industrial, Light** -The manufacture, fabrication, assembly, distribution or packaging of natural or man-made products where such activity takes place inside of a building and results in minimal off-site impacts other than traffic. Examples: cabinetry or woodworking shop, food processing, electronics high-tech manufacturing or assembly, machine shop, sewing, printing, research and testing laboratory, warehousing.

9. **Industrial, Rural** - Any use of land or structure for the provision of a commercial activity that primarily processes material extracted on site or material that is a raw agricultural or forest product. Examples: quarry, gravel/sand pit, sawmill, slaughterhouse and biofuels/wood pellet production.

10. **Office, High Volume** - Any use of land or structures for the purpose of providing a service which is not primarily retail, and which involves employees providing individual service to clients physically on the premises. Examples: banks, dentists, doctors, copying/shipping service, laundromats, hairdressers, veterinarian.

11. **Office, Low Volume** - Any use of land or structures for the purpose of providing a service which is not primarily retail, within an office setting to customers or clients who are primarily off site. Examples: engineering or software firms, real estate offices, research and development, call centers, accountants, law firms.

12. **Outdoor Commercial** - Any use of land or structures for the purpose of buying, renting or selling goods which are commonly displayed outdoors (i.e. outside of a structure) on that lot or any use of land or structures for the purpose of providing self-service activities with minimal employees. Examples: gasoline station, mobile home sales lot, lumberyard, plant nursery, vehicle/power equipment sales, car wash, self-storage units, drive-thru ATM.

13. **Outdoor Recreation** - Any use of land or structures for the provision of commercial or public outdoor recreational services where the primary use is outside. Examples: downhill or cross-country ski area, campground, tennis court, shooting range, miniature and standard golf courses.

14. **Repair Services** - Any use of land or structures for the primary purpose of repairing, servicing or refurbishing equipment or mechanical devices and which may include accessory sales of such equipment or devices, both new and used, and of related goods. Examples: auto repairs, auto detailing, appliance repairs and small engine repairs.

15. **Utility** - Any use of land or structures for the non-exempt provision of municipal or utility facilities that are not staffed or open to the public. Examples: telecommunications tower, service building or enclosure, fire station.

16. **Unlisted Use** - If a use does not fall within any of the above use categories, it may only be permitted after a written determination by the DRB that it is unlike any prohibited uses in the relevant district, and that it is consistent with one of the permittable categories in terms of its level of impact to community facilities and services, and its impact to the surrounding neighborhood. It shall then be treated under the provisions of the category in which the DRB has placed it.

206.B. USE DETERMINATION

When applying for a development, the ZA shall determine the appropriate use category within which the project falls. This determination is appealable to the DRB. The ZA shall use the above categories in making this determination. A mixed use shall be treated under the provisions of §306 [More than One Principal Use in a Building].

§ 207 USE CLASSIFICATIONS AND REQUIRED APPROVALS

A. Permitted Use (**P**) – Use is permitted and conditional use and site plan approvals are not required.

B. Site Plan (**S**) – Use is permitted but requires site plan approval from the DRB.

C. Permitted Use/Site Plan (**P/S**) – Use is permitted in existing buildings only, otherwise site plan approval from the DRB is required.

D. Conditional Use (**C**) – Use requires conditional use and site plan approvals from the DRB.

E. Prohibited (**X**) – Use is prohibited.

§ 208 GENERAL PROVISIONS FOR DISTRICT STANDARDS

The development standards for each district and allowable principal uses in each district are included in the remaining sections of this article. The following shall apply with respect to the development standards:

A. The minimum lot size requirement relates, among other things, to the creation of new lots through subdivision and to principal buildings, as set forth in §305 [Density of Principal Buildings].

B. The minimum lot size per dwelling unit requirement applies to principal buildings with one or more dwelling units.

C. The setback requirements indicated apply to principal structures. Additional setback requirements and waivers from the standards below are included in Article 3.

D. Square footage limitations on the size of a use are maximum values unless specified otherwise. The square footage is measured in gross floor space of the use.

E. Lot coverage requirements do not apply to one- and two-family dwellings.

§ 209 CENTRAL BUSINESS DISTRICT (CB)

CB - DEVELOPMENT STANDARDS		
Parameter	**Standard**	**Additional Provisions** (if any)
Min. lot size	5,500 SF	
Min. lot width	40 ft	
Min. lot size per dwelling unit	Not regulated	
Max. building height	50 ft	May be as high as buildings on adjacent lots (not including across the road)
Max. building coverage	100 %	
Min. front setback, except as otherwise allowed	10 ft	May be as close to front as principal buildings on adjacent lots (not including across the road)
Min. side setback	0 ft	
Min. rear setback	0 ft	
CB - USE CLASSIFICATIONS (see §207) **AND LIMITATIONS** (see §208.D)		
Category	**Classification**	**Size Limitations** (if any) **or Additional Provisions**
Commercial Group Service	P/S	
Community Service	S	
Contractor's Yard	X	
Dwellings, One- & Two-Family	X	See §405 [Residences in the IND and CB Districts]
Dwellings, Multi-family	P	
Indoor Retail	P/S	
Industrial, Heavy	X	
Industrial, Light	C	
Industrial, Rural	X	
Office, High Volume	P/S	
Office, Low Volume	P/S	
Outdoor Commercial	C	
Outdoor Recreation	C	
Repair Services	C	
Utility	C	

§ 210 RANDOLPH VILLAGE HIGH DENSITY DISTRICT (RVHD)

RVHD – DEVELOPMENT STANDARDS		
Parameter	**Standard**	**Additional Provisions** (if any)
Min. lot size	10,000 SF	
Min. lot width	40 ft	
Min. lot size per dwelling unit	3,000 SF	
Max. building height	40 ft	For multi-family dwellings, see §406 [Multi-family Dwellings in the RVHD District]
Max. lot coverage	70 %	
Min. front setback, except as otherwise allowed	10 ft	May be as close to front as principal buildings on adjacent lots (not including across the road)
Min. side setback, except as otherwise allowed	10 ft	May be as close to side as the principal building on the adjacent property is to the shared property line.
Min. rear setback	10 ft	

RVHD – USE CLASSIFICATIONS (see §207) **AND LIMITATIONS** (see §208.D)		
Category	**Classification**	**Size Limitations** (if any) **or Additional Provisions**
Commercial Group Service	C	
Community Service	S	
Contractor's Yard	X	
Dwellings, One- & Two-Family	P	
Dwellings, Multi-family	P	Up to 4 units
	C	5 – 50 units; see §406 [Multi-family Dwellings in the RVHD Districts]
	X	More than 50 units
Indoor Retail	X	
Industrial, Heavy	X	
Industrial, Light	X	
Industrial, Rural	X	
Office, High Volume	S	4,000 SF
Office, Low Volume	S	
Outdoor Commercial	X	
Outdoor Recreation	C	2,000 SF
Repair Services	X	
Utility	C	4,000 SF

§ 211 RANDOLPH VILLAGE MEDIUM DENSITY DISTRICT (RVMD)

RVMD – DEVELOPMENT STANDARDS	
Parameter	**Standard**
Min. lot size	20,000 SF
Min. lot width	50 ft
Min. lot size per dwelling unit	10,000 SF
Max. building height	35 ft
Max. lot coverage	50 %
Min. front setback	40 ft
Min. side setback	15 ft
Min. rear setback	15 ft

RVMD – USE CLASSIFICATIONS (see §207) **AND LIMITATIONS** (see §208.D)		
Category	**Classification**	**Size Limitations** (if any)
Commercial Group Service	X	
Community Service	S	
Contractor's Yard	C	2,000 SF
Dwellings, One- & Two-Family	P	
Dwellings, Multi-family	P	5 units
Indoor Retail	X	
Industrial, Heavy	X	
Industrial, Light	X	
Industrial, Rural	X	
Office, High Volume	S	2,000 SF
Office, Low Volume	S	4,000 SF
Outdoor Commercial	X	
Outdoor Recreation	C	2,000 SF
Repair Services	C	1,500 SF
Utility	C	4,000 SF

§ 212 RANDOLPH CENTER VILLAGE DISTRICT (RCV)

RCV – DEVELOPMENT STANDARDS		
Parameter	**Standard**	**Additional Provisions (if any)**
Min. lot size	1 ac.	
Min. lot width	200 ft	
Min. lot size per dwelling unit	½ ac.	
Max. building height	40 ft	
Max. lot coverage	30 %	
Min. front setback	50 ft	May be as close to front as a principal building on an adjacent lot (not including across the road)
Min. side setback	25 ft	
Min. rear setback	25 ft	
RCV - USE CLASSIFICATIONS (see §207) **AND LIMITATIONS** (see §208.D)		
Category	**Classification**	**Size Limitations** (if any)
Commercial Group Service	X	
Community Service	P/S	2,000 SF
Contractor's Yard	X	
Dwellings, One- & Two-Family	P	
Dwellings, Multi-family	X	
Indoor Retail	P/S	2,000 SF
Industrial, Heavy	X	
Industrial, Light	X	
Industrial, Rural	X	
Office, High Volume	X	
Office, Low Volume	P/S	2,000 SF
Outdoor Commercial	X	
Outdoor Recreation	X	
Repair Services	X	
Utility	X	

§ 213 EAST RANDOLPH VILLAGE DISTRICT (ERV)

ERV – DEVELOPMENT STANDARDS	
Parameter	**Standard**
Min. lot size	10,000 SF
Min. lot width	100 ft
Min. lot size per dwelling unit	10,000 SF
Max. building height	35 ft
Max. lot coverage	75 %
Min. front setback	30 ft
Min. side setback	20 ft
Min. rear setback	30 ft

ERV – USE CLASSIFICATIONS (see §207) **AND LIMITATIONS** (see §208.D)		
Category	**Classification**	**Size Limitations** (if any)
Commercial Group Service	C	4,000 SF
Community Service	S	4,000 SF
Contractor's Yard	C	4,000 SF
Dwellings, One- & Two-Family	P	
Dwellings, Multi-family	P	5 units
Indoor Retail	S	4,000 SF
Industrial, Heavy	X	
Industrial, Light	C	4,000 SF
Industrial, Rural	X	
Office, High Volume	S	4,000 SF
Office, Low Volume	S	4,000 SF
Outdoor Commercial	C	2,000 SF
Outdoor Recreation	C	2,000 SF
Repair Services	C	2,000 SF
Utility	C	4,000 SF

§ 214 NORTH AND SOUTH RANDOLPH VILLAGES DISTRICT (NSV)

NSV – DEVELOPMENT STANDARDS	
Parameter	**Standard**
Min. lot size	20,000 SF
Min. lot width	50 ft
Min. lot size per dwelling unit	10,000 SF
Max. building height	35 ft
Max. lot coverage	50 %
Min. front setback	40 ft
Min. side setback	15 ft
Min. rear setback	15 ft

NSV – USE CLASSIFICATIONS (see §207) **AND LIMITATIONS** (see §208.D)		
Category	**Classification**	**Size Limitations** (if any)
Commercial Group Service	C	4,000 SF
Community Service	S	4,000 SF
Contractor's Yard	C	4,000 SF
Dwellings, One- & Two-Family	P	
Dwellings, Multi-family	P	5 units
Indoor Retail	C	4,000 SF
Industrial, Heavy	X	
Industrial, Light	C	4,000 SF
Industrial, Rural	X	
Office, High Volume	S	4,000 SF
Office, Low Volume	S	4,000 SF
Outdoor Commercial	C	2,000 SF
Outdoor Recreation	C	2,000 SF
Repair Services	C	2,000 SF
Utility	C	4,000 SF

§ 215 GATEWAY COMMERCIAL RETAIL DISTRICT (GCR)

GCR – DEVELOPMENT STANDARDS	
Parameter	**Standard**
Min. lot size	20,000 SF
Min. lot width	100 ft
Min. lot size per dwelling unit	10,000 SF
Max. building height	40 ft
Max. lot coverage	70 %
Min. front setback	50 ft
Min. side setback	20 ft
Min. rear setback	20 ft

GCR – USE CLASSIFICATIONS (see §207) **AND LIMITATIONS** (see §208.D)		
Category	**Classification**	**Size Limitations** (if any)
Commercial Group Service	C	Bldg. min. 4,000 SF and max. 80,000 SF, with each individually-operated business within the bldg. having a min. 4,000 SF
Community Service	S	20,000 SF
Contractor's Yard	X	
Dwellings, One- & Two-Family	P	
Dwellings, Multi-family	S	10 units
Indoor Retail	S	Bldg. min. 4,000 SF & max. 80,000 SF, with each individually-operated business within the bldg. having a min. 4,000 SF & a max. of 40,000 SF
Industrial, Heavy	X	
Industrial, Light	S	50,000 SF
Industrial, Rural	X	
Office, High Volume	S	5,000 SF
Office, Low Volume	P/S	20,000 SF
Outdoor Commercial	C	15,000 SF
Outdoor Recreation	C	10,000 SF
Repair Services	C	4,000 SF
Utility	C	

§ 216 GATEWAY COMMERCIAL DISTRICT (GC)

GC – DEVELOPMENT STANDARDS	
Parameter	**Standard**
Min. lot size	20,000 SF
Min. lot width	100 ft
Min. lot size per dwelling unit	10,000 SF
Max. building height	40 ft
Max. lot coverage	70 %
Min. front setback	50 ft
Min. side setback	20 ft
Min. rear setback	20 ft

GC – USE CLASSIFICATIONS (see §207) **AND LIMITATIONS** (see §208.D)		
Category	**Classification**	**Size Limitations** (if any)
Commercial Group Service	C	50,000 SF
Community Service	S	20,000 SF
Contractor's Yard	S	10,000 SF
Dwellings, One- & Two-Family	P	
Dwellings, Multi-family	S	10 units
Indoor Retail	X	
Industrial, Heavy	C	50,000 SF
Industrial, Light	S	50,000 SF
Industrial, Rural	C	20,000 SF
Office, High Volume	S	5,000 SF
Office, Low Volume	P/S	20,000 SF
Outdoor Commercial	C	10,000 SF
Outdoor Recreation	C	5,000 SF
Repair Services	S	4,000 SF
Utility	C	

§ 217 RESIDENTIAL DISTRICT (RES)

RES – DEVELOPMENT STANDARDS		
Parameter	**Standard**	**Additional Provisions** (if any)
Min. lot size	5 ac.	if water and sewer is on-site
	1 ac.	if connected to public water or sewer, but not to both
	20,000 SF	if connected to public water and sewer
Min. lot width	200 ft	
Min. lot size per dwelling unit	½ the min. lot size requirement	
Max. building height	35 ft	
Max. lot coverage	Not regulated	
Min. front setback	30 ft	
Min. side setback	30 ft	
Min. rear setback	30 ft	
RES – USE CLASSIFICATIONS (see §207) **AND LIMITATIONS** (see §208.D)		
Category	**Classification**	**Size Limitations** (if any)
Commercial Group Service	X	
Community Service	X	
Contractor's Yard	C	2,000 SF
Dwellings, One- & Two-Family	P	
Dwellings, Multi-family	X	
Indoor Retail	X	
Industrial, Heavy	X	
Industrial, Light	C	6,000 SF
Industrial, Rural	X	
Office, High Volume	X	
Office, Low Volume	C	2,000 SF
Outdoor Commercial	X	
Outdoor Recreation	C	2,000 SF
Repair Services	X	
Utility	C	4,000 SF

§ 218 RURAL RESIDENTIAL DISTRICT (RR)

RR – DEVELOPMENT STANDARDS	
Parameter	**Standard**
Min. lot size	5 ac.
Min. lot width	200 ft
Min. lot size per dwelling unit	1 ac.
Max. building height	35 ft
Max. lot coverage	15%
Min. front setback	30 ft
Min. side setback	30 ft
Min. rear setback	30 ft

RR – USE CLASSIFICATIONS (see §207) **AND LIMITATIONS** (see §208.D)		
Category	**Classification**	**Size Limitations** (if any) **or Additional Provisions**
Commercial Group Service	X	
Community Service	X	
Contractor's Yard	C	6,000 SF
Dwellings, One- & Two-Family	P	
Dwellings, Multi-family	C	7 units
Indoor Retail	X	
Industrial, Heavy	X	
Industrial, Light	C	10,000 SF
Industrial, Rural	C	15,000 SF; See also See §413 [Earth Material Extraction]
Office, High Volume	X	
Office, Low Volume	C	3,000 SF
Outdoor Commercial	X	
Outdoor Recreation	C	6,000 SF
Repair Services	C	2,000 SF
Utility	C	4,000 SF

§ 219 RURAL AGRICULTURAL DISTRICT (RA)

RA – DEVELOPMENT STANDARDS	
Parameter	**Standard**
Min. lot size	5 ac.
Min. lot width	200 ft
Min. lot size per dwelling unit	2 ac.
Max. building height	35 ft
Max. lot coverage	15 %
Min. front setback	30 ft
Min. side setback	30 ft
Min. rear setback	30 ft

RA – USE CLASSIFICATIONS (see §207) **AND LIMITATIONS** (see §208.D)		
Category	**Classification**	**Size Limitations** (if any) **or Additional Provisions**
Commercial Group Service	X	
Community Service	X	
Contractor's Yard	C	4,000 SF
Dwellings, One- & Two-Family	P	
Dwellings, Multi-family	C	5 units
Indoor Retail	X	
Industrial, Heavy	X	
Industrial, Light	C	10,000 SF
Industrial, Rural	C	10,000 SF; See also §413 [Earth Material Extraction]
Office, High Volume	X	
Office, Low Volume	C	2,000 SF
Outdoor Commercial	X	
Outdoor Recreation	C	6,000 SF
Repair Services	C	2,500 SF
Utility	C	4,000 SF

§ 220 INDUSTRIAL DISTRICT (IND)

IND – DEVELOPMENT STANDARDS		
Parameter	**Standard**	**Additional Provisions** (if any)
Min. lot size	2 ac.	
Min. lot width	100 ft	
Min. lot size per dwelling unit	NA	
Max. building height	40 ft	
Max. lot coverage	80 %	
Min. front setback	50 ft	
Min. side setback	20 ft	if lot line abuts prop. in the IND,GCR or GC Districts
	50 ft	if lot line abuts prop. in any other district other than GC or GCR
Min. rear setback	30 ft	if lot line abuts prop. in the IND, GCR or GC Districts
	50 ft	if lot line abuts prop. in any other district other than GC or GCR

IND – USE CLASSIFICATIONS (see §207) AND LIMITATIONS (see §208.D)		
Category	**Classification**	**Size Limitations** (if any) **or Additional Provisions**
Commercial Group Service	C	
Community Service	X	
Contractor's Yard	C	
Dwellings, One- & Two-Family	X	See §405 [Residences in the IND & CB Districts]
Dwellings, Multi-family	X	
Indoor Retail	C	4,000 SF
Industrial, Heavy	S	
Industrial, Light	S	
Industrial, Rural	S	See §413 [Earth Material Extraction]
Office, High Volume	X	
Office, Low Volume	X	
Outdoor Commercial	S	10,000 SF
Outdoor Recreation	X	
Repair Services	S	
Utility	C	

§ 221 INTERCHANGE NORTHEAST DISTRICT (INT-NE)

The following are the only principal uses allowed in the INT-NE District. See §225 for definitions of the uses, additional use standards and development standards for this District and all the INT Districts.

INT-NE – USES AND CLASSIFICATIONS (see §207)	
Use	**Classification**
One- & two-family dwelling	P
Cultural facility	C
Light manufacturing facility	C
Office	C
Outdoor recreation	C
Public transportation facility	C
Research laboratory and facility	C

§ 222 INTERCHANGE SOUTHEAST DISTRICT (INT-SE)

The following are the only principal uses allowed in the INT-SE District. See §225 for definitions of the uses, additional use standards and development standards for this District and all the INT Districts.

INT-SE – USES AND CLASSIFICATIONS (see §207)	
Use	**Classification**
One- & two-family dwelling	P
Multi-family dwelling	C
Dormitory	C
Hotel/motel with or without conference facilities	C
Office	C
Outdoor recreation	C
Residential care facility	C
Residential community development	C

§ 223 INTERCHANGE NORTHWEST DISTRICT (INT-NW)

The following are the only principal uses allowed in the INT-NW District. See §225 for definitions of the uses, additional use standards and development standards for this District and all the INT Districts.

INT-NW – USES AND CLASSIFICATIONS (see §207)	
Use	**Classification**
One- & two-family dwelling	P
Multi-family dwelling	C
Cultural facility	C
Light manufacturing facility	C
Office	C
Outdoor recreation	C
Research laboratory and facility	C
Residential care facility	C
Residential community development	C

§ 224 INTERCHANGE SOUTHWEST DISTRICT (INT-SW)

The following are the only principal uses allowed in the INT-SW District. See §225 for definitions of the uses, additional use standards and development standards for this District and all the INT Districts.

INT-SW – USES AND CLASSIFICATIONS (see §207)	
Use	**Classification**
Cultural facility	C
Hotel/motel with or without conference facilities	C
Light manufacturing facility	C
Office	C
Outdoor recreation	C
Research laboratory and facility	C

§ 225 INTERCHANGE DISTRICTS (INT)

The provisions in this section shall apply to all of the Interchange (INT) Districts (INT-NW, INT-SW, INT-NE and INT-SE) unless otherwise indicated. In case of conflicting standards with other provisions of these Regulations, the more restrictive standard shall apply.

225.A. APPLICABILITY OF STANDARDS AND REQUIRED APPROVALS

In addition to other applicable provisions of these Regulations, the following shall apply:

1. **All development** including one- and two-family dwellings and subdivisions

   All development shall meet the standards in subsection 225.C [Dimensional Standards].

2. **All development** except one- and two-family dwellings and subdivisions

   a. Conditional Use and Site Plan Approvals

      i. If conditional use approval is required, the standards of subsection 225.D [Supplemental Use Standards] shall apply and be considered conditional use review criteria in addition to those listed in §504.B.

      ii. If site plan approval is required, the standards of subsection 225.E [Supplemental Site Plan Standards] shall apply and be considered site plan review criteria in addition to those listed in§503(C).

   b. Design Review Approval

      i. New Building Construction

         If new building construction is proposed for a use other than a one- or two-family dwelling, design review approval from the DRB shall be required and granted, with or without conditions, if the project meets the standards in subsection 225.F [Building Design Standards].

      ii. Modifications to Existing Buildings

         A zoning permit shall be required for exterior changes to an existing building for a use other than one- and two-family dwellings even if no other approvals are required (i.e. conditional use or site plan). Prior to issuance, design review approval from the DRB shall be required and granted, with or without conditions, if the project meets the standards in subsection 225.F [Building Design Standards].

3. **Subdivisions**

   If subdivision approval is required pursuant to §506 [Subdivision Review], the following shall apply and be considered additional subdivision standards to those listed in §506.D.2:

   a. The subdivider shall determine the coverage envelope for each parcel to be created in the subdivision, which shall include previously-approved coverage envelopes and all areas previously developed and proposed to be developed. All building and lot coverages shall be limited to the coverage envelope with the exception of driveways or roads to access another parcel's coverage envelope or as required in subparagraph 225.E.7 [Access and Circulation].

   b. The configuration of lots, proposed roads and coverage envelopes shall comply with the applicable provisions of subparagraphs .7 [Access and Circulation] and .8 [Parking and Service Areas] of subsection 225.E [Supplemental Site Plan Standards] which shall be based on the proposed uses for the lots.

c. Configurations of lots and coverage envelopes shall also comply with the applicable provisions of subparagraphs .2 [Open Space] and .5 [Clustering] of subsection 225.E [Supplemental Site Plan Standards].

225.B. APPLICATION AND REVIEW PROCEDURES

1. **Preliminary Discussion** (for uses other than one- and two-family dwellings)

a. Preliminary discussion of proposed development is optional upon the request of the applicant, but encouraged. The purpose of the preliminary discussion is to enable the developer, DRB, other municipal officials and interested parties to discuss and clarify potential issues that may arise from the proposed development before the final application materials are prepared.

b. The discussion shall be conducted at a public meeting held by the DRB that shall be duly warned in the same manner as a public hearing on the project would be. No written findings, conclusions or decision shall be provided to the applicant and any comments by the DRB, the applicant and interested parties are non-binding.

2. **All Applications**

For proposed development, the applicant shall submit a zoning permit application, the proper fee, forms provided to the applicant by the ZA and additional plans and materials as required to enable the ZA or DRB, as appropriate, to determine if the proposed project meets the applicable review criteria. For applications that require DRB approval(s), the number of copies of application materials to be provided by the applicant shall be determined by the ZA.

3. **Site Plan and Design Review Applications**

a. Prior to review by the DRB, review by the DRAC shall be required if a proposed project requires site plan or design review approval.

b. Upon determination by the ZA that the application requiring review by the DRAC is complete, the ZA shall forward the application materials to the DRAC which shall, within 30 days of receipt of the application, hold a duly warned public meeting. At the public meeting, the DRAC shall review the proposed development's conformance with the following standards, as applicable:

i. If site plan approval is required – subsection 225.E [Supplemental Site Plan Standards] subparagraphs .2 [Open Space], .3 [Scenic Sensitivity], .5 [Clustering], .6 [Landscaping and Screening], and .9 [Outdoor Lighting].

ii. If design review approval is required: subsection 225.F [Building Design Standards].

c. The recommendations of the DRAC shall be in writing and signed by at least the Chair of the DRAC, and shall be submitted to the ZA within 20 days of the last public meeting on the application. If the DRAC finds that an application fails to comply with one or more of the review criteria, its recommendations may also suggest remedies to correct the deficiencies. The ZA shall forward a copy of the recommendations to the applicant, preferably within three business days of receipt.

d. The public hearing with the DRB shall not be held until the DRAC has finalized its recommendations. In general, the public hearing date should not be set until the DRAC has provided the ZA with its recommendations, as the applicant may need additional time to prepare a response to the DRAC's recommendations. However, at the applicant's request, the public hearing date may be scheduled prior to the public meeting with the DRAC being held, but in no case shall the public hearing be held any sooner than 7 days after the DRAC public meeting.

The ZA shall provide the DRB with copies of the DRAC's recommendations with the other application materials.

225.C. DIMENSIONAL STANDARDS

1. **Minimum lot sizes**

a. The minimum lot size for all uses shall be 5 acres, except for multi-family dwellings of greater than 10 units, which shall need an additional ½ acre for each dwelling unit over 10 units.

b. Waivers of lot size in a subdivision

If an area of the subject property is conserved (herein called the "conservation area"), the DRB shall waive the minimum lot size set forth in (a) above and approve the creation of smaller lots as described below.

i. **Waiver Requirements**

(A) The conservation area shall be a contiguous block that is at least 50% of the subject parcel.

(B) Applicants are encouraged, but not required, to locate the conservation area such that it is contiguous, either in whole or in part, to undeveloped, agricultural or forested land on adjacent land or on the remainder of the subject parcel (i.e. not the lots created for development).

(C) The conservation area shall be protected from future development by a permanent conservation easement that:

(1) permanently encumbers the land against further subdivision and against further development;

(2) requires use and maintenance of the land as open land or agricultural or forest;

(3) is in a form acceptable to the Town attorney;

(4) is recorded in the land records; and

(5) is referenced in all deeds conveying all or any part of the original parcel.

ii. **Allowable Waivers**

(A) If the conservation area is at least 50% of the subject parcel, the following standards shall apply:

(1) The maximum number of developable lots that may be created shall be based on the size of the subject property and calculated using an assumed minimum lot size of 3 acres. (i.e. divide the size of the subject property - in acres - by 3 then round down to the nearest whole number). If any part of the conservation area is part of a parcel that has unrestricted land, that parcel shall count as a developable lot.

(2) The minimum lot size shall be ½ acre for all uses, except for multi-family dwellings, which shall need an additional ¼ acre for each dwelling unit over 2 units.

(B) If the conservation area is at least 75% of the subject parcel, the following standards shall apply:

(1) The maximum number of developable lots that may be created shall be based on the size of the subject property and calculated using an assumed minimum lot size of 2 acres. (i.e. divide the size of the subject property - in acres - by 2 then round down to the nearest whole number). If any part of the conservation area is part of a parcel that has unrestricted land, that parcel shall count as a developable lot.

(2) The minimum lot size shall be ¼ acre for all uses, except multi-family dwellings, which shall need an additional ¼ acre for each dwelling unit over 2 units.

iii. **Transferring building and lot coverages**

As allowed in subparagraph 6.b below [Maximum Building and Lot Coverages], the building and lot coverages of the conservation area may be transferred to the created developable lots. Notwithstanding the requirements of subsection 6.b, instead of recording the allowable coverages in the permit, the allowable coverages of the created developable lots shall be included on the final subdivision plat that is filed in the land records.

2. **Minimum lot widths**

The minimum lot width shall be 80 feet for lots less than 1 acre in size, 150 feet for lots 1 to 3 acres in size and 200 feet for lots over 3 acres.

3. **Building height**

a. For all uses, the maximum building height shall be 35 feet, although the DRB may approve by waiver a non-residential building up to 50 feet in height if the DRB makes an affirmative finding that it is in accordance with the following:

i. the standards set forth in subparagraph 225.E.5 [Scenic Sensitivity];

ii. the additional building height is necessary to accommodate a specific process that cannot otherwise be accommodated in a building designed in accordance with the maximum height standard;

iii. the building is sited in a location in which the natural grade provides partial screening of the building, reducing the visual scale of the building as viewed from I-89 and VT Route 66;

b. Building height shall minimize obstruction of westerly views of distance focal points as viewed from I-89 and VT Route 66. Buildings in the INT-SE District shall not be visible from I-89.

c. The height of new development shall be compatible with, or provide a visual transition from, the height of existing adjacent development.

d. Notwithstanding any other provision of these Regulations, within the Scenic View Area (as shown on the INT District Map – Regulatory Provisions) in the INT-SW District, no development, except access drives and signage, shall exceed 1,080 feet above mean sea level at their highest point, in order to leave an unobstructed view of the Northfield Range from I-89 and from VT 66.

4. **Minimum setback of building and parking for new structures**

All buildings and parking shall be set back at least 170 feet from the centerline of VT Route 66 and have front yard setbacks of at least 60 feet from the centerlines of other public or private roads. For

residential uses, the side and rear yard setback requirements for principal buildings and parking shall be 20 feet, and for non-residential uses 30 feet.

5. **Minimum setback on VT Route 66 of building and parking for expansion of existing structures**

All expansions of existing buildings and existing parking shall be set back at least 170 feet from the centerline of VT Route 66, or the existing setback of the existing building or parking if less than 170 feet.

6. **Maximum building and lot coverages**

Except as otherwise provided herein, maximum building coverage is 8 percent and maximum lot coverage is 24 percent.

a. However, for any development on non-prime agricultural soils, such development's building coverage and parking coverage will be counted as only having half of its actual size, provided the actual final lot coverage shall not exceed 30%. Prime agricultural soils shall be those mapped as such by the USDA NRCS, however, based upon more detailed soil studies done according to the USDA standards, the DRB may find that the areas covered by these soils differ from those shown on any maps that are part of this bylaw.

Regardless of actual soils, any original parcel, with less than 10 acres and developed as of January 1, 2008, will be treated as having no prime agricultural soils under this provision and subsection §225.E.2. [open space].

b. For contiguous parcels the allowable coverages may be transferred across lot lines and based on the total combined acreage of all such parcels, provided that such areas that have been used for coverage calculations are recorded in the permit and in the land records for all parcels involved, stating the remaining allowable coverage of each lot, if any.

7. **Maximum slope**

No slope shall be created that is over a 50% grade unless if required for stormwater management or landscaping features, and no development shall take place on any natural slope over 30%.

225.D. SUPPLEMENTAL USE STANDARDS

In addition to the Uses and Classifications tables in §§221-224, the following shall apply:

1. **Accessory Uses** - Unless otherwise provided, with the exception of parking garages and warehouses accessory to a light manufacturing facility, an accessory use shall not exceed a gross floor area of 50 percent of the gross floor area of the principal use.

2. **Limitations on Uses** - The following uses shall only be accessory uses, require conditional use approval and are allowed only in the districts indicated:

a. bank (INT-SW)

b. day care facility (INT-NW and INT-SW)

c. restaurant (INT-NW, INT-SW and INT-SE)

3. **Retail Sales** -Retail sales are only allowed as an accessory use, shall require conditional use approval and, notwithstanding subsection (1) above, shall also comply with the following standards:

a. The retail sale of goods manufactured on-site in the principal, non-retail use, is allowed provided the amount of gross floor space devoted to such retail sales does not exceed 25 percent of the total gross floor space of the principal use.

b. Retail sales that are primarily intended to provide goods and services to employees, guests and customers of other uses located within the same building or lot shall comply with the following standards:

i. In the INT-NE and INT-SE Districts, the total area devoted to retail sales does not occupy a space greater than 10 percent of the gross floor space of the principal use or 2,000 SF, whichever is less.

ii. In the INT-NW and INT-SW Districts, the total area devoted to retail sales does not occupy a space greater than 10 percent of the gross floor space of the principal use or 5,000 SF, whichever is less.

iii. The retail sales shall not be advertised through signage visible from a public highway.

4. **Drive-through and exterior walk-up windows** are prohibited.

225.E. SUPPLEMENTAL SITE PLAN STANDARDS

1. **Hazardous materials**

The location for the storage of hazardous materials, either indoors or outdoors shall not pose a hazard to health or property. The DRB may require the applicant to obtain a recommendation of the FSAC with regard to this standard.

2. **Open Space**

The location, configuration and use of open space shall meet the following standards:

a. Priority shall be given to open fields and meadows that are highly visible from adjacent public roads and that contain statewide or prime agricultural soils, including plans to maintain the open nature of the desired vegetation (mowing, etc.). Statewide and prime agricultural soils shall be those mapped as such by the USDA NRCS, however, based upon more detailed soil studies done according to the USDA standards, the DRB may find that the areas covered by these soils differ from those shown on any maps that are part of this bylaw.

b. Open space shall be integrated and connected to open space on adjoining properties as feasible.

c. Forested areas may have management plans that allow harvesting that does not interfere with other aspects of the forest, such as streambank buffers or visual screening.

3. **Scenic Sensitivity**

a. Development shall minimize adverse impacts to scenic views.

b. To help the DRB make a determination on the impacts to scenic views, a visual impact assessment performed by a qualified consultant and paid for by the applicant shall be required, except as waived below. Such an impact assessment shall include either visual representations (e.g., site plans, architectural renderings, photographic simulations) or field tests or both, and shall include the following information:

i. the scenic sensitivity of the area, including scenic features, views and vistas that may be visually impacted by the development on- or off-site;

ii. the frequency and length of time the development would be viewed by the traveling public on I-89 and VT Route 66;

iii. the distance of the proposed development from public vantage points and the degree to which the development site would be screened by existing topography, vegetation and structures;

iv. background features that may emphasize or obscure the development; and

v. proposed methods to avoid or mitigate adverse visual impacts.

c. The DRB may waive the requirement that a visual impact assessment be submitted in instances involving minor alterations to existing structures or sites that pose a negligible risk of impact on scenic resources and views.

4. **Topography and Grading**

Site development shall integrate development into existing topography in accordance with the following:

a. The visual and environmental impacts of development on hillsides shall be minimized by limiting the extent of site clearing and disturbance, and by retaining existing vegetation when possible or re-vegetating cleared areas.

b. Changes to the natural topography shall be minimal, and cut and fill shall be limited to the minimum area necessary. Where construction on steep slopes is necessary to ensure compliance with other standards of these regulations, grading for access roads shall follow existing contours.

5. **Clustering**

The organization of buildings and of related site improvements, including roads, driveways, parking areas and parcel boundaries, shall meet the following criteria:

a. Development shall be arranged in compact clusters of buildings and associated site improvements which are surrounded by open space that complies with subparagraph 2 above.

b. Development clusters shall incorporate landscaping or screening or both in a manner that creates a well-defined edge between the development and adjoining open space.

c. When multiple buildings are proposed, they shall be arranged in a campus-style setting in which buildings relate to one another functionally through pedestrian connections, shared facilities (including formal open space such as courtyards, greens, or plazas), and relate visually through building orientation and the use of common materials, colors, architectural details and signage.

d. Development shall have a clear pedestrian scale and orientation, including an interconnected internal network of pedestrian paths linking building entrances and parking areas, and external pedestrian connections to adjacent development when proximity warrants such interconnections.

e. Development shall maximize the use of shared facilities with adjacent development, including access, parking and service areas, utilities, and accessory uses and structures.

6. **Landscaping and Screening**

In addition to the landscaping and screening requirements in site plan review criterion #6 (§503.D), the following shall apply:

a. In general, landscaping shall:

i. complement the open, agrarian character of the INT- SW and INT-NW Districts, and the INT-NE and INT-SE Districts adjacent to the village of Randolph Center; as well as forests in the INT-SE District; and

ii. complement and incorporate the existing landscape of open agricultural fields bordered by defined hedgerows on land of gentle to moderate slope, and forested hillsides on steeper slopes and along stream corridors;

b. In general, plantings shall:

i. include a suitable combination of trees, shrubs, groundcover plants, mowed meadows, lawn areas, and herbaceous materials. A variety of plants should be used to provide interest, accent, and contrast, with an emphasis on species that are indigenous to Vermont;

ii. be arranged to complement their natural or formal setting or both, and to visually enhance the appearance of the site year-round; plants should not be placed in a manner that would obstruct a view shed, visible from I-89 or VT Route 66, which is characterized by a view across a nearby undeveloped field or meadow (foreground view) to a focal point of distant mountains (background view);

iii. be of sufficient quantity, size and spacing to meet functional and design objectives within the specified time; and

iv. be installed within and contiguous to parking areas. Landscaping shall include the use of shade trees to provide a tree canopy in suitable locations, such as along pedestrian walkways, and in center islands.

c. Screening shall be required as follows:

i. Parking areas for non-residential structures shall be screened to reduce the visibility of the parking area off-site through the use of any one or more of the following: topography, buildings, vegetation, or architecturally-compatible fencing or walls. Additionally, parking areas shall be bordered by landscaped buffers that are integrated with the overall landscaping plan for the site and include shade trees in suitable locations.

ii. Garbage collection and utility areas, satellite antennas, outdoor storage and loading areas, and other outdoor facilities shall be located or screened to minimize visibility.

iii. In order to protect specific outstanding scenic areas, development in the INT-NW and INT-SW Districts on lands over 1,100 feet above mean sea level, shall be screened by existing or new plantings to minimize the visual impact of buildings.

iv. Development in the INT-NE District on land above 1,320 feet above mean sea level shall be fully screened from view from VT Route 66 by existing or new plantings.

v. Development in the INT-SE District shall be fully screened from view from the travel lanes of I-89 (not on/off ramps) by existing vegetation or new plantings on the lot.

7. **<u>Access and Circulation</u>**

a. Non-residential development in the INT-NW District must use Harvey Road for access. Impacts of additional traffic entering or exiting Harvey Road on the functioning of VT Route 66 or the accesses off of/onto I-89 may need to be mitigated though permit conditions requiring modifications to the location of Harvey Road, the combination of proposed accesses with existing accesses, improvements to Harvey Road or VT Route 66, new signage in the area, turning lanes, etc.

b. Residential development in the INT-NW District must use Hebard Hill Road as its access.

c. Driveways and roads are prohibited to traverse through a stream buffer or wetland unless the DRB finds that no other safe option exists, and then may only do so in a manner that minimizes any impact to the buffer.

d. The vehicular and pedestrian network shall be integrated with adjacent uses and parcels. To this end, development shall:

i. establish shared access and parking within the site;

ii. provide for connecting roads between parcels;

iii. include pedestrian sidewalks or pathways within the interior of the site connecting concentrated areas of development, and between buildings to ensure pedestrian safety; and

iv. incorporate plans for transit stops or similar facilities, where current or future needs justify.

e. The DRB shall require, where feasible, shared access(es) between lots created in a subdivision, and the provision for accesses to future development on adjoining parcels. If such a designated shared access has been provided on an adjoining parcel, the new development shall utilize the designated shared access unless the DRB finds that due to conditions beyond the control of the applicant, conditions have changed such that the designated shared access would be a safety hazard or would create a significant hardship to the applicant.

f. All driveways and new roads shall be located so that:

i. a safe sight stopping distance is provided, as determined by posted traffic speed, terrain, alignments and hazards associated with winter road conditions;

ii. the intersection is directly opposite an existing road or driveway to form a four-way intersection, if feasible. Intersections with existing state or town highways creating centerline offsets of less than 125 feet shall not be permitted;

iii. the intersection intersects the existing road at an angle of between 70 and 90 degrees; and

iv. access roads and driveways shall not exceed a grade of plus or minus three percent within 50 feet of a state highway or town road; and shall not be greater than eight percent at any point.

8. **Parking and Service Areas**

Parking and service areas shall be provided in accordance with the requirements of §312 [Off-Street Parking] and the following standards:

a. Large, single expanses of parking shall be avoided through the use of a number of smaller, interconnected parking areas that conform to site topography and are integrated into site design unless, as an alternative to surface parking, underground or multi-story parking facilities are constructed to provide parking for one or more nearby use. Parking structures (garages) are encouraged, and may serve as shared accessory structures for multiple uses on a parcel or on multiple parcels. The footprint of a parking structure shall be considered lot coverage, not building coverage.

b. Shared parking between adjoining buildings or parcels is required unless the DRB finds it is not feasible. Requirements for the sharing of parking shall be made either at the time of approval if similar provisions have been made on contiguous parcels, or contingent upon the future development of adjoining properties. In the event that shared parking between uses or properties is feasible, the number of required parking spaces may be reduced pursuant to §312 [Off-Street Parking].

9. **Outdoor Lighting**

To ensure appropriate lighting and energy efficiency while minimizing undesirable effects, and to maintain a dark night sky, for any development with new or changed outdoor lighting, the following standards apply to all sources of outdoor illumination:

a. In addition to the information required in §503.C.9 [site plan criterion for outdoor lighting], the lighting plan shall include illumination levels and distribution. For a parcel with non-residential buildings or with multiple principal buildings, the lighting plan shall be prepared by a qualified engineer or lighting expert.

b. Outdoor lighting fixtures shall meet the Illuminating Engineering Society of North America (IESNA) distribution of light standards for cut-off fixtures.

c. All outdoor lighting shall be kept to the minimum required for safety, security and intended use through the installation of timers, dimmers, or sensors. When determining appropriate levels of illumination for specific applications, the DRB shall consider technical resources, such as publications of the IESNA and the Vermont Outdoor Lighting Manual.

d. Outdoor lighting fixtures shall be energy-efficient, using Pulse-Start metal halide, high-pressure sodium, fluorescent, LED (light-emitting diode) technology, or technology of equivalent or greater energy efficiency. However, incandescent lighting may be allowed, provided it is controlled by a motion sensor.

e. Outdoor lighting shall only be illuminated during the hours of operation unless such illumination is necessary for safety or security reasons.

10. **Utilities**

All utilities, including electricity and telecommunications lines (but not including solar-power or wind-power facilities), shall be installed underground where visible from a public way, unless the DRB finds that burial of such lines is not feasible due to site conditions.

225.F. BUILDING DESIGN STANDARDS

Buildings within the INT Districts shall relate to the natural features of the site and shall establish or contribute to a unified and coherent architectural concept that portrays a sense of quality and permanence, builds on traditional (New England vernacular) themes, and incorporates a pedestrian scale. Buildings shall be designed in accordance with the following criteria:

1. **Design Compatibility**

a. All buildings on the same parcel shall incorporate a consistent architectural theme. Architectural design, materials, colors, forms, detailing, signs and landscaping shall work together to express a consistent design.

b. Building footprints shall be varied within a development to avoid repetitious building outlines or continuous expanses of similar building outlines.

c. Loading bays shall be architecturally integrated into overall building design.

2. **Orientation**

Buildings shall be oriented in a manner that conforms to local topography and minimizes adverse visual impacts. In addition, the following shall apply:

a. Where buildings are grouped on a site, primary building facades and entrances shall maintain a consistent orientation in relation to each other or to a main access road, a central green or plaza or a prominent natural feature.

b. Any building visible from a public (state or town) road or highway shall be oriented or sufficiently screened so that the "back" of the building, including loading bays and service entrances, is not visible from public rights-of-way.

3. **Scale**

The design of large buildings shall create visual interest, achieve an architectural scale that is pedestrian-friendly, and reduce the structure's apparent mass and bulk. This may be accomplished through the use of any one or more of the following:

a. modulation (wall projections, recesses);

b. articulation (varying building façades, footprints);

c. variations in roofline (e.g., dormers, gables, cornices, decorative facings);

d. upper story setbacks;

e. fenestration (spacing of windows, entryways);

f. architectural detailing; or

g. smaller scale additions.

4. **Facades**

All visible facades shall conform to the following standards:

a. All facades visible from a public way shall be treated with compatible architectural detailing and materials as are used in the primary (front) facade.

b. Long, blank walls shall be avoided. Methods to avoid this include window and entry placement, changes in color, changes in texture, and the use of architectural details such as offsets or projections.

c. The size and placement of windows and doors shall relate to the overall form of the building.

d. Windows, doors, walls, and other architectural features shall be highlighted and treated in a decorative manner to break up flat surfaces that would otherwise appear massive and bulky.

e. Principal entryways shall be pedestrian-scaled and oriented, and prominently identified through the use of architectural elements (e.g., porticos, recesses) and landscaping.

f. Building design shall not function as advertising. The use of franchise architecture, where a building reflects a standardized design template to serve as franchise advertisement, is prohibited. Incorporation of franchise or design elements unique or symbolic of a particular business shall be unobtrusive and secondary to the overall architectural design.

5. **Rooflines**

a. Rooflines shall reduce perceived building height and mass, increase compatibility with smaller scale development, and add interest to the overall design of the building. To achieve these ends, rooflines may be varied by the use of alternating dormers, stepped roofs, gables or other roof elements to reinforce building articulation, and incorporate a variety of vertical dimensions such as multi-planed and intersecting rooflines are encouraged.

b. Buildings, or portions thereof, having eave heights of 20 feet or less above ground level, and buildings that are less than 4,000 SF of gross floor area, shall incorporate moderately to steeply pitched roofs, unless the DRB determines, upon recommendation from the DRAC, that another roof type is appropriate.

c. Flat-roof designs shall include architectural details such as cornices and decorative facings to provide visual interest, where such details would be visible to the public.

d. Rooftop mechanical and electrical equipment shall, to the extent feasible, be screened from public view and incorporated in building design as an integral architectural element.

6. **Materials**

Building materials shall provide architectural aesthetic quality, durability, and shall be compatible with the architectural style of the building and vernacular architecture typical of rural New England.

225.G. DEFINITIONS OF PRINCIPAL USES

The following definitions apply to the uses in the INT Districts only. Should a conflict exist between a definition given below and that in §604 [General Definitions], the definition below shall govern.

Accessory bank - A bank that is accessory to another principal use on the property, and within the principal structure.

Accessory day care facility - A day care facility that is an accessory use to another use on the parcel, either within the same structure or in an adjacent structure.

Accessory restaurant - A restaurant that is accessory to another principal use on the property such as a cafeteria serving on-site employees or serving guests at a hotel or conference center. Such accessory restaurants may be open to the general public.

Bank - An establishment for the custody, loan, exchange or issuance of money and other financial transactions and in which such transactions are made on the premises and in person. A bank may include office space and automatic teller machines. A savings and loan, trust company and a credit union shall be considered a bank.

Cultural facility - A museum, theater, concert hall, botanical or zoological garden, or other establishment which offers programs, performances or exhibits of cultural, educational, historical or scientific interest. Such facility may include educational classes.

Hotel/motel - A facility that offers transient lodging accommodations, either in one or more structures, to the general public for a fee. Such facilities may include, as accessory uses, restaurants, meeting rooms, entertainment and recreational facilities.

Office - A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

Open space - Open space is the portions of a parcel, either landscaped or essentially unimproved, which is to remain unbuilt. Yard area immediately adjacent to buildings, parking areas, services areas and other land associated with the operation of the principal use shall not be considered open space. Sewage disposal areas, utility and road rights-of-way or easements and stormwater management facilities also shall not be considered open space except where the applicant can establish to the satisfaction of the Board that they function as open space and will not detract from other open spaces.

Outdoor recreation - A parcel which may contain internal driveways and parking areas, and structures, equipment or manmade improvements for the primarily outdoor conduct or teaching of sports, leisure time activities, and other customary and usually participatory recreational activities including, but not

limited to, stadium, tennis courts, golf courses, athletic fields, swimming pools and trails. Structures under 5,000 SF that are incidental to the use and house related retail, office, showers, concessions, etc., are included in this definition.

Public transportation facilities - Facilities related to the provision of transportation services, including but not limited to highway maintenance, parking and transit facilities. Such facilities shall be owned or maintained by a local or state agency or municipality.

Research laboratory and facility - An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development.

Residential community development - A development that consists of dwelling units that are for sale or rent. The dwellings may be in the form of detached or attached houses, duplexes, apartments or multi-family structures. All land that is not covered by building is under one ownership or, if any of the dwelling units are individually owned, an ownership maintenance structure such as a community association is established that administers and maintains the common property and common elements of the community development. A residential community development shall include: recreational facilities and personal services that are designed primarily to serve the residents in the community; congregate residences (apartments and dwellings with communal dining facilities and services); and assisted living arrangements.

Restaurant - An establishment where food and drink is prepared, served and consumed primarily within the principal building or at seating provided outdoors and adjacent to the principal building.

Retail sales - Establishment engaged in selling or short-term renting of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale or rental of such goods.

Structure, parking - A building or structure consisting of more than one level and used exclusively to store/park motor vehicles. Such a structure may be attached to another building but if it is within or under a building with another use it shall not be considered a parking structure.

§ 226 FLOOD PLAIN OVERLAY DISTRICT (FPO)

226.A. GENERAL APPLICABILITY AND PROVISIONS

1. The flood plain protection provisions in this section are mandated by federal and state regulations and represent the minimum standards required to maintain Randolph's eligibility in the National Flood Insurance Program (NFIP).
2. A permit is required for all development in the FPO District, except if listed as exempt in §108.A and §108.C [Exempt Land Development].
3. The FPO is an overlay district. All other requirements of the underlying district shall apply in addition to the provisions herein provided, unless it is otherwise so indicated. If there is a conflict with the underlying district, the stricter provision shall apply.
4. The FPO covers the Special Flood Hazard Area (SFHA) and the floodway, as defined and described herein and shown on Figure 2 in Appendix B.
5. The provisions for the SFHA apply to all development within the FPO. In addition, the provisions for development in the floodway shall also apply if the development is within that area. If more than one zone applies, the more restrictive standards shall apply.
6. Definitions specific to the FPO are included in subsection 226.H at the end of this section.

226.B. DISTRICT BOUNDARIES

1. **Special Flood Hazard Area (SFHA)**

   a. The SFHA is the floodplain subject to a 1 percent or greater chance of flooding in any given year.

   b. The SFHA is identified in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Vermont Agency of Natural Resources (ANR) pursuant to 10 VSA Chapter 32 §753, which are hereby adopted by reference and declared to be part of these regulations.

   c. The SFHA is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by FEMA. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of SFHA that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps (FIRM).

2. **Floodway**

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

   b. The floodway is a subzone within the SFHA, and is identified as indicated above. Please note that the SFHA and floodway may be shown on separate map panels.

226.C. INTERPRETATION OF DISTRICT BOUNDARIES

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

2. If uncertainty exists with respect to whether a property is in the FPO, the ZA shall deem the property to be within the FPO and the burden of proof to show otherwise shall be on the applicant. In providing that proof, the applicant may seek a Letter of Map Amendment (LOMA)/Letter of Map Revision (LOMR) from FEMA, which shall constitute proof. The applicant may seek other means to demonstrate that his or her property is not in the FPO, such as hiring a licensed surveyor to locate the boundary or hiring a registered engineer to conduct a flood study to locate the boundary. The applicant shall notify the ZA of his or her intent to seek proof of the boundary within 15 days of the issuance of notice to the applicant by the ZA deeming the property is within the FPO. Upon timely filing of such letter by the applicant, the application for the zoning permit shall not be considered complete until the ZA has received the LOMA/LOMR issued by FEMA and any other evidence identified in such notice. If information other than the LOMA/LOMR is provided, the ZA, based on all information in the record, shall make a final determination as to whether the property is in the FPO. Such final determination is an appealable decision pursuant to 24 VSA §4465.

3. If uncertainty exists with respect to the boundaries of the SFHA or the floodway, the location of the boundary shall be determined by the ZA. If the applicant disagrees with the initial determination made by the ZA, the burden of proof to show otherwise shall be on the applicant in the same manner and with the same procedure as described in 2 above.

226.D. DEVELOPMENT CLASSIFICATIONS AND LIMITATIONS

1. In addition to the use classifications and limitations of the underlying district, the activities in the FPO Classifications and Limitations Table below shall also be regulated and apply in the FPO as indicated. The provisions for the SFHA apply to all development within the FPO. In addition, the provisions for the Floodway shall also apply if the development is within it. If there is a conflict between the SFHA and the Floodway, or the underlying district, the stricter standard shall apply.

2. The following classifications apply to activities and development listed in the following FPO Classifications and Limitations table:

   a. **P** (Permitted) - FPO provisions apply and the ZA reviews the permit administratively

   b. **R** (Reviewed) - FPO provisions apply and DRB review and approval is required

   c. **X** (Prohibited) – The activity or development is not allowed

   d. **E** (Exempt) - FPO provisions do not apply

3. All development not exempted, permitted or conditionally permitted in the following table shall be considered "R" in both hazard zones.

FPO Classifications and Limitations			
#	Activity/Development	Hazard Zone	
		SFHA	Floodway
1	New principal structures	R	X
2	Removal of structures	E	E
3	Storage, salvage and junk yards	X	X
4	Storage of floatable materials	X	X
5	Commercial storage facilities for chemicals, explosives, flammable liquids or other hazardous or toxic materials	X	X
6	New or replacement storage tanks for existing structures	R	R
7	Non-substantial improvements	P	R
8	Substantial improvements	R	R
9	Floodproofing of existing structures	R	R
10	Changes in elevation or location of existing structures	R	R
11	Accessory structure over 500 SF in footprint	R	X
12	Accessory structure of 500 SF or less in footprint	P	X
13	At-grade parking or patios	P	R
14	Building utilities	P	X
15	Fill, except as needed to elevate structure(s) above the base flood elevation and except driveway maintenance	R	X
16	Grading	P	P

FPO Classifications and Limitations (cont'd)			
#	Activity/Development	Hazard Zone	
		SFHA	Floodway
17	Excavation	R	X
18	Road and driveway maintenance	E	E
19	New road construction	R	R
20	Stormwater drainage improvements	E	E
21	Recreational vehicles	P	P
22	Open space, recreation	E	E
23	Manmade ponds	R	X
24	Forestry	E	E
25	Agriculture	E	E
26	New critical facilities	X	X
27	Public facilities	R	R

226.E. DEVELOPMENT STANDARDS

The criteria below are the minimum standards for development in the FPO District. Where more than one zone or area covers the same lands, all applicable standards must be met. In cases of conflicting standards, the most restrictive standard shall take precedence.

1. SFHA

a. *All development* shall be:

i. Reasonably safe from flooding;

ii. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure in the event of a flood;

iii. Constructed with materials resistant to flood damage;

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

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

vi. Adequately drained to reduce exposure to flood hazards;

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

viii. Required to locate any fuel storage tanks (as needed to serve an existing building in the SFHA) a minimum of one foot above the base flood elevation and shall be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional; and

ix. Be required to locate and construct roadways and utilities and facilities, such as sewer, gas, electrical, and water systems, so as to minimize or avoid flood damage.

b. *New subdivision developments or manufactured home parks* of more than 5 acres or 50 lots, whichever is less, shall:

   i. minimize flood damage within the flood-prone area;

   ii. provide adequate drainage to reduce exposure to flood hazards; and

   iii. locate and construct utilities and facilities such as wastewater, gas, electrical and water systems so as to minimize or eliminate flood damage.

c. In Zones A, AE, AH, and A1 – A30 *where base flood elevations or floodway limits have not been determined*, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, does not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

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

e. *Non-conforming structures* to be repaired, relocated, replaced, or enlarged shall meet the following, in addition to the requirements of §309 [non-conformities]:

   i. The proposed work shall comply with all the applicable Development Standards of this subsection.

   ii. A nonconforming structure that is substantially damaged or destroyed may be reconstructed in place only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the NFIP.

f. *Non-residential structures to be substantially improved* shall meet the standards in subsection 1(c) above or, as an alternative, such structures may:

   i. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

   ii. A permit for flood proofing 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.

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

h. *Fully enclosed areas that are at or above grade on at least one side* and are below base flood elevation (BFE) and subject to flooding, an example of which is a walk-out basement, shall:

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

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

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

j. *A small accessory structure* of 500 square feet or less that is a minimal investment and not used for human habitation need not be elevated to the base flood elevation in this area, provided the structure meets the criteria in subsections 1(a) [all development] and (h) [fully enclosed areas that are at or above grade on at least one side] above.

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

l. *Sanitary sewage systems* shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

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

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

o. *Bridges and culverts*, which by their nature must be placed in or over the stream, must have a stream alteration permit from the ANR, if applicable.

2. Floodway Areas

In addition to the standards for the SFHA, the following shall apply:

a. Encroachments or development that are above grade and less than one foot above the base flood elevation are prohibited, unless hydrologic and hydraulic analyses performed in accordance with standard engineering practice, by a registered professional engineer, certify that the proposed development will not:

i. increase flood levels (0.00 feet) during the occurrence of the base flood; or

ii. increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

b. Ground disturbance is prohibited in the floodway, except for the following:

i. Work involving the removal of non-native nuisance species defined as noxious plant by ANR or the Vermont Agency of Agriculture.

ii. Work covered as part of a project with any of the following:

(A) emergency or regular stream alteration permit

(B) state stormwater permit

(C) Riparian Buffer Management Plan approved by ANR

(D) land use permit (Act 250)

iii. Underground public utilities where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

iv. All activities within the FPO Classifications and Limitations Table under Floodway which are "Exempted", "Permitted", or require "DRB review and approval".

226.F. VARIANCES

Variances may be granted in writing by the DRB after public hearing and only in accordance with all the criteria in 24 VSA §4469 and § 4424 (E), and 44 CFR §60.6. Any variance issued in the SFHA shall be only for development that does not increase flood heights, and such variance shall inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and may result in increases in flood insurance premiums up to amounts as high as $25 for $100 of coverage. Such notification shall be maintained with a record of all variance actions.

226.G. DEVELOPMENT REVIEW PROCEDURES AND ADMINISTRATION

1. **Applications**

In addition to the other application requirements for a zoning permit (i.e. form and application fee), applications for development in the FPO shall include, as a minimum:

a. Where applicable, a site plan that depicts the following:

i. the proposed development

ii. all water bodies

iii. SFHAs and floodways

iv. the shortest horizontal distance from the proposed development to the top of bank of any stream

v. any existing and proposed drainage

vi. any proposed fill and pre- and post-development grades

vii. the elevation of the proposed lowest floor as referenced to the same vertical datum as the elevation on the current FIRM

b. If the proposed development is a subdivision or manufactured home park, the site plan shall include base flood elevation data.

c. Other information necessary to address all of the applicable development standards.

d. An ANR Project Review Sheet that identifies all State and Federal agencies from which permit approval is required for the proposal.

2. **Reviews and Approval**

a. ANR Referrals and Reviews

i. Upon receipt of a complete application for development within the FPO, the ZA shall submit a copy of the application and supporting information to the State NFIP Coordinator at ANR, in accordance with 24 VSA §4424. A permit may be issued only following

receipt of comments from ANR, or the expiration of 30 days from the date the application was mailed to ANR, whichever is sooner.

ii. In addition to subsection (i) above, if an application is for the alteration or relocation of a watercourse, a copy of it shall be submitted to the adjacent communities directly upstream and downstream of the proposed alteration or relocation.

b. DRB Referral

If DRB review and approval is required, the public hearing for the application shall not take place until the ZA has received the comments from ANR or the 30 days has expired as described in (a) (i) above. Any comments received from ANR shall be provided to the applicant prior to the public hearing.

c. ZA and DRB Approvals

i. The ZA or DRB, as applicable, shall issue a zoning permit or provide floodplain (FP) approval, respectively, for allowable development in the floodplain if it meets the development standards herein and otherwise conforms to these Regulations.

ii. As a condition of all permits, no work shall commence unless the permittee demonstrates that all permits and approvals required by Federal or State law (as indicated on the ANR Project Review Sheet) for the project have been received. Additionally, other conditions may be imposed on the permit or FP approval by the DRB if such conditions are relevant to the development standards and if needed for the project to meet the standards.

3. **Records**

The ZA shall file and maintain a record of all permits issued for development in the FPO District, together with the following, as applicable;

a. An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current FIRM) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the SFHA.

b. All flood proofing and other certifications required under these Regulations.

c. The elevation, in relation to mean sea level, to which buildings have been flood proofed.

d. All variance and violation actions.

226.H. DEFINITIONS

The following definitions apply to the FPO provisions of these Regulations only. Should a conflict exist between a definition given below and that in §604 [general definitions], the definition below shall govern.

Base flood - means the flood having a 1% chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

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

Basement - means any area of the building having its floor below ground level on all sides.

Construction, Permanent – Substantial work on a site for the placement of a structure, such as pouring of slab or footings or installation of piles. It does not include preparation for such activities (e.g. excavation,

erection of temporary forms), other land preparation (e.g. clearing, grading, filling, excavation), nor the installation of streets, sidewalks or accessory buildings not occupied as dwelling units or not part of the principal structure.

Construction, Start of – The date the zoning permit was issued for construction provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site or the placement of a manufactured home on a foundation. For substantial improvements, the start of construction shall mean the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Construction, New – Structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by the Town and includes any subsequent improvement to such structures.

Development – Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Fill – Any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

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

Flood Insurance Rate Map (FIRM) - An official map of the Town on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain – Any land area susceptible to being inundated by water from any source. (see definition of "flood").

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

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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

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

Letter of map amendment/letter of map revision (LOMA/LOMR) – A letter issued by FEMA officially removing a structure or lot from the SFHA based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the BFE and have been inadvertently included in the mapped SFHA.

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

Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. "Mobile Home" is synonymous with this definition but "recreation vehicle" is not.

Manufactured home park or subdivision – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured home park or subdivision, New – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the Town.

Nonconforming structure – See definition in §6.4. That definition notwithstanding, structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

Non-residential Structure – Structures that are not used for residential purposes including, but not limited to, small business concerns, churches, schools, nursing homes, farm buildings, pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

Recreational vehicle - A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck, and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area (SFHA) - The floodplain within a community subject to a 1% or greater chance of flooding in any given year. The area is usually labeled Zone A, AE, AH, AO or Al-30 in the most current flood insurance study and on the FIRMs published by FEMA.

Structure – A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

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

Substantial improvement – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which, from the date of adoption of this definition in these Regulations, cumulatively equals or exceeds 50 percent of the market value of the structure. This term includes structures which have incurred 'substantial damage', regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(b) Any alteration of a 'historic structure', provided that the alteration will not preclude the structure's continued designation as a 'historic structure'.

Violation – The failure of a structure or other development to be fully compliant with the Town's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in 44 CFR §60.3 is presumed to be in violation until such time as that documentation is provided.

§ 227 WATER CONSERVATION OVERLAY DISTRICT (WCO)

227.A. GENERAL PROVISIONS

1. **Applicability** - The WCO is an overlay district. All other requirements of the underlying district shall apply in addition to the provisions herein provided, unless it is otherwise so indicated. If there is a conflict with the underlying district, the stricter provision shall apply.

2. **District Boundaries** - 75 feet from top of streambank on both sides of the Second and Third Branches of the White River and of Ayers Brook.

227.B. ALLOWABLE DEVELOPMENT

Only the following uses and activities are allowed and are considered permitted uses (see §207 [Use Classifications and Required Approvals]):

1. passive recreation
2. streambank stabilization
3. utility projects
4. other development required for safety or access

§ 228 RANDOLPH CENTER OVERLAY DISTRICT (RCO)

228.A. GENERAL APPLICABILITY

1. The RCO is an overlay district. All other requirements of the underlying district shall apply in addition to the provisions herein provided, unless it is otherwise so indicated in this section [§228]. If there is a conflict with the underlying district, the stricter provision shall apply.

2. The boundaries of the RCO are as shown on the map in Appendix A

228.B. SPECIFIC APPLICABILITY AND REQUIRED APPROVALS

1. The following shall be considered "major development" and require a zoning permit. Prior to issuance, design review approval from the DRB shall be required.

   a. Construction, removal or relocation of a structure.

   b. Changes to a building which increases or decreases the exterior dimensions or footprint of the building, whether enclosed or not.

   c. Alteration of the exterior of a structure by tearing down or removing any portion thereof, or by filling in, sealing, boarding up, closing or enclosing any portion of an existing window, door space, porch or breezeway thereon.

   d. Alteration of the roofline of a structure, excluding chimneys and solar panels.

   e. Addition or removal of materials to or from the exterior of a structure where materials so added or exposed are of a kind or type different in appearance from those existing, but specifically excluding such work that includes only a difference in color.

   f. Addition, alteration or removal of any awnings or canopies on the exterior of a building.

   g. Construction or alteration of fences or walls adjacent to or fronting VT Route 66, East Bethel Road, Water Street or Furnace Street.

2. Minor changes, such as the following, shall be considered "minor development" and shall require a zoning permit that may be issued administratively provided no other part of the project or work to be done is considered major development: conversion to energy efficient windows of similar dimension and pane pattern, removal of a structure or part thereof that is catastrophically lost and new outdoor lighting fixtures that are visible from a public road. This notwithstanding, the following shall not be considered minor development: increases in footprint, changes in roofline, new buildings, and other similar items.

3. The following shall be exempt from the provisions of this section [§228 Randolph Center Overlay District]:

   a. A change of use which does not include any of the work identified in subparagraphs .1 or .2 above.

   b. Interior alterations that do not include any of the work identified in subparagraphs .1 or .2 above.

   c. Routine or emergency maintenance or repairs which use the same or substantially similar materials and do not alter the exterior appearance of the structure.

   d. Handicap access ramps.

   e. New outdoor lighting fixtures not visible from a public road.

   f. Changes to existing outdoor lighting fixtures whether or not visible from a public road.

   g. Notwithstanding 228.B.1.a above, removal of small (under 200 SF) accessory structures that are not visible from a public road or not older than 50 years.

228.C. APPLICATION AND REVIEW PROCEDURES

1. **All Applications**

   a. The applicant shall submit a zoning permit application, the proper fee, forms provided to the applicant by the ZA and additional plans and materials as required to enable ZA or DRB, as

applicable, to determine if the proposed project meets the applicable review criteria. For applications that require DRB approval(s), the number of copies of application materials to be provided by the applicant shall be determined by the ZA.

b. The ZA shall classify the application, once complete, as for either major or minor development.

2. **Major Development Applications**

a. For major development in the RCO, which requires design review approval from the DRB, advisory design review by the Randolph Center Design Review Panel (RCDRP) is required.

b. The ZA shall forward the application materials to the RCDRP which shall, within 30 days of receipt of the application, hold a duly warned public meeting. At the public meeting, the RCDRP shall review the proposed development's conformance with all applicable standards in subsection E [Design Review Standards].

c. The recommendations of the RCDRP shall be in writing and signed by at least the Chair of the RCDRP, and shall be submitted to the ZA within 20 days of the last public meeting on the application. If the RCDRP finds that an application fails to comply with one or more of the review criteria, its recommendations may also suggest remedies to correct the deficiencies. The ZA shall forward a copy of the recommendations to the applicant, preferably within three business days of receipt.

d. The DRB shall hold a public hearing after the RCDRP has finalized its recommendations. In general, the public hearing date should not be set until the RCDRP has provided the ZA with its recommendations, as the applicant may need additional time to prepare a response to the RCDRP's recommendations. However, at the applicant's request, the public hearing date may be scheduled prior to the public meeting with the RCDRP, but in no case shall the public hearing be held any sooner than 7 days after the RCDRP public meeting. The ZA shall provide the DRB with copies of the RCDRP's recommendations.

e. The DRB shall grant design review approval, with or without conditions as noted in §5.2D [General Applicability and Review Procedures – Decisions], if a project requiring such approval meets the criteria in subsection E [Design Review Standards], as applicable

3. **Minor Development Applications**

The ZA shall issue a zoning permit for minor development upon a written finding by the ZA that it meets all applicable design review criteria. If the ZA determines it is appropriate, the ZA may re-classify the application as "major development" and refer the application to the DRB for design review approval as described above.

4. **Applications for Removal of a Structure or part thereof**

a. Regardless of whether an application for removal of a structure or part thereof is classified as "major" or "minor" development, an applicant shall provide the following additional information with the other application materials:

i. The extent of the proposed removal.

ii. The reason for the removal.

iii. The structural soundness of the structure and the reason for its current state (i.e. fire damage, lack of maintenance, etc.).

b. For removal of a structure or part thereof that is deemed "major" development, if the DRB determines the information is necessary to evaluate the project's compliance with the criteria in

subsection 228.E.11 [Removal of Structures], the DRB may require the applicant to submit an independent assessment of the proposed removal which shall address any or all of the items below.

i. The economic feasibility of rehabilitation or reuse of the structure.

ii. The marketability of the property for sale or lease.

iii. The feasibility of alternative uses that can earn a reasonable economic return for the property.

iv. The structure's suitability for rehabilitation or relocation.

c. The ZA or DRB may require additional information to ascertain if the structure or part thereof to be removed is catastrophically lost or to determine compliance with any of the applicable criteria related to removal of structures.

d. Prior to granting approval for the removal of a structure or part thereof that is not catastrophically lost, if the DRB determines upon testimony offered that there may be a valid reason for preservation, the DRB may recess the public hearing for not more than 60 days to provide a person or historic preservation organization the opportunity to acquire or to arrange for the preservation of the structure or to work with the owner to explore viable alternatives to removal.

228.D. DESIGN REVIEW LIMITATIONS

1. In applying the design review criteria, the reviewing entity (ZA, RCDRP or DRB) shall focus its attention upon the compatibility of the proposed change, the location, anticipated use of the structure and other relevant factors.

2. The reviewing entity shall not be overly restrictive in its judgment of plans for construction or alterations of structures not visible from a public street or area, except where such construction or alteration would seriously impair the historic or architectural value of the surrounding buildings, structures, or area.

3. In applying the design review criteria, the phrase "immediate area" shall mean any property that is within both 300 feet of the subject property and within the RCO.

4. In applying the design review criteria, the word "structure" shall apply to both principal and accessory structures unless one or the other is specified.

228.E. DESIGN REVIEW CRITERIA

1. **Height**

a. Principal structures - The height of new principal structures shall be within 5 feet of the height of a principal structure in the immediate area. Additions to existing principal structures shall not be more than 5 feet higher than the principal structure to which it is added or a principal structure in the immediate area.

b. Accessory structures – Accessory structures shall not exceed the height of the principal structure on the same lot by more than 5 feet.

2. **Proportion** - The relationship between the width and the height of the front elevation shall be consistent with those of the principal buildings in the immediate area. The proportions of the windows and doors shall be consistent with those on the principal buildings in the immediate area.

3. **Rooflines** - The shape, pitch, and direction of roofs and overhangs shall be consistent with those on the principal buildings in the immediate area. Dormers shall be of an appropriate scale and be of a form and detailing that is compatible with the building's architectural style.

4. **Pattern** - The pattern of solids (walls) and openings (windows and doors) shall be consistent with those on the principal buildings in the immediate area.

5. **Materials, texture and color**

   a. New construction - The materials, textures and color on the exterior walls and roofs shall be consistent with what is on the principal buildings in the immediate area.

   b. Existing structures - Replacement materials for roofs and exterior walls shall match existing materials or use appropriate substitutions based upon the compatibility of the materials with the historic character of the building. The color of replacement materials for roofs and exterior walls shall be consistent with what is on the principal buildings in the immediate area.

6. **Architectural features**

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

   b. Repairing or replacing architectural features

      i. Existing features - Repair, rather than replacement, of deteriorated architectural features is preferred when possible. Repair or replacement of deteriorated architectural features shall match the features repaired or replaced in design and other visual qualities.

      ii. Missing features - Replacement of missing architectural features shall be based upon physical or pictorial evidence when available rather than upon conjectural designs or the availability of different architectural features from other buildings.

   c. Additions

      i. Additions shall be built in a manner consistent with the style of the existing building and shall not introduce architectural styles and features inherent to building types that differ from the existing building.

      ii. Any proposed addition must be designed so that if the addition were removed in the future, the essential form and integrity of the existing structure would be unimpaired.

7. **Setbacks** – New buildings or additions to existing buildings shall maintain the prevailing setback existing in the immediate area even if such setback is less than allowed in the underlying district. This includes the front setback relative to the street and the side setbacks relative to the properties and structures in the immediate area.

8. **Orientation**

   a. New principal structures shall be aligned with the front lot line.

   b. Accessory structures shall be located to the rear of the principal structure unless such location is not possible without the granting of a variance or would have the effect of interfering with the intended functional use of the structure.

c. Any building visible from a public road shall be oriented or sufficiently screened so that the rear or "back" of the building is not visible from the public road.

9. **Fencing and Walls** - The type, design, and material of fencing and walls shall be compatible with and compliment the aesthetics of the immediate area.

10. **Outdoor Lighting** - Outdoor lighting fixtures shall be of a design that is consistent with the historic character of the building to which it is fixed or which it is illuminating. All outdoor lighting shall be recessed, shielded or fully cut-off.

11. **Removal of Structures**

Unless specifically stated otherwise, the following criteria apply to the removal of all structures or parts thereof, not just those catastrophically lost.

a. Catastrophically lost structures

i. An owner of a catastrophically lost structure or part thereof is not obligated nor required to rebuild the structure or part thereof.

ii. If the owner does not rebuild and the lot will be vacant, the lot shall be kept in a neat and well-maintained state after removal.

b. Principal structures not catastrophically lost

Removal of a principal structure or part thereof that is not catastrophically lost is allowed provided one of the following is met:

i. The structure or part thereof poses an immediate threat to public health or safety;

ii. The retention of the structure or part thereof would result in undue hardship on the part of the owner and it cannot be reasonably moved to another site within the RCO; or

iii. The historic character of the structure is not dependent on the portion of the structure to be removed.

c. Accessory structures not catastrophically lost

Removal of an accessory structure or part thereof that is not catastrophically lost is allowed provided all of the following are met:

i. The structure or part thereof poses an immediate threat to public health or safety;

ii. The structure or part thereof is not visible from a public road or does not contribute to the historic character of the immediate area; and

iii. The historic character of the principal structure is not dependent on the accessory structure or the portion thereof to be removed.

d. Partial removal

Whether the structure is catastrophically lost or not, if part of a structure is removed, the essential form and integrity of the remaining part of the structure shall be unimpaired by the part removed.

e. Reconstruction

The reconstruction of a structure or part thereof that is removed shall:

i. closely represent the original structure in mass, scale, materials used, architectural style and location on the lot, and

ii. comply with the applicable design review standards to the extent that the standards do not conflict with subparagraph e.i. above.

ARTICLE 3 – GENERAL PROVISIONS

§ 301 ADDITIONAL SETBACK REQUIREMENTS

The setback requirements in Article 2 [Zoning District Standards] apply to principal buildings. This notwithstanding, the following shall apply:

A. Projection of not more than one (1) foot into a required setback shall be allowed for pilasters, columns, belt courses, sills, cornices or other similar architectural features.

B. There shall be no setback requirement from a property line that adjoins a railroad right-of-way.

C. For detached accessory buildings under 1,000 SF in footprint, the front setback requirement shall be as set forth in Article 2 and the side and rear setback requirement is 5 feet. Accessory buildings 1,000 SF or larger in footprint or attached to a principal building shall meet the setback requirements set forth in Article 2.

D. New residential buildings or additions to existing residential buildings on established streets, where adjacent buildings do not meet the front setback requirement, may be located as close to the front property line as the adjacent buildings on the same side of the street.

E. Except as otherwise provided, the side and rear setback requirement for items exempt under §108 [Exempt Land Development] is 5 feet and the front setback requirement is as for principal buildings in Article 2 [Zoning District Standards].

§ 302 ACCESSORY BUILDINGS AND USES

A. An accessory building or use is permitted under the same permitting process as its principal building or use.

B. An accessory building may not be converted into a principal building unless the building meets all applicable provisions of these Regulations for principal buildings, including setback requirements and density of principal buildings.

§ 303 DIVISION OF LOTS

Unless a waiver has been granted as provided for in these Regulations, no lot shall be divided into two or more lots unless each resulting lot conforms to all applicable provisions of these Regulations including the development standards prescribed for the district in which the lots are located.

§ 304 WAIVERS FROM DIMENSIONAL REQUIREMENTS

Waivers under this section may only be granted to alter dimensional requirements as stated in these Regulations, and only according to the following provisions.

304.A. LIFE SAFETY IMPROVEMENT

Waivers for intrusions into setbacks for life safety improvements (such as fire escapes, etc.) and related to disabilities (such as handicapped ramps, etc.) may be approved by the ZA upon a written finding that they are needed and are the least, reasonable deviation from the standards of these Regulations.

304.B. NO-BUILD LOT

Waivers from the minimum lot size or width requirements may be granted for lots where development is permanently precluded by creation of a binding easement and no principal buildings will be placed on the property. Examples of such lots are trailheads, river accesses, parks and transportation facilities.

304.C. PERMANENT CONSERVATION EXCLUSION LOTS

On a parcel that is proposed to be permanently conserved, waivers from minimum lot size or width requirements may be granted for up to 2 lots that are excluded from permanent conservation as follows:

1. The exclusion lot contains a one- or two-family dwelling with or without accessory buildings or the exclusion lot has minimal or no conservation value (e.g. is non-agricultural soils);
2. All remaining land is in or shall be put in a permanent conservation easement prior to separately conveying any exclusion lot;
3. The exclusion lot size shall not be smaller than 2 acres;
4. The exclusion lot width shall not be less than 200 feet;
5. The exclusion lot shall conform to all other development standards, including setback requirements; and
6. The remaining land that is to be permanently conserved shall conform to all development standards, including size and width.

§ 305 DENSITY OF PRINCIPAL BUILDINGS

A. There shall be no more than one principal building per minimum lot size as specified in the zoning district in which the building is located.

B. If more than one principal building is to be placed on a lot, such buildings and any buildings or structures accessory to such principal buildings shall qualify to be subdivided into two or more separate and individual lots and all such lots and their respective uses shall conform to all applicable provisions of these Regulations.

C. **WAIVERS**

1. The requirements in subsections 305.A and .B above shall not apply to the following development provided the requirements in subparagraph .2 [Waiver Requirements] below and all other applicable requirements of these Regulations are met:
   a. Development in the INT Districts.
   b. The development of up to 3 single-family dwellings for farm workers provided the following are met:
      i. at least one resident in the dwelling is employed on the farm where the dwelling is located;
      ii. the dwelling is designed for easy removal, such as a mobile home;
      iii. the dwelling shall be removed within two years of it no longer being occupied by a farm worker; and
      iv. if there is more than one dwelling, such dwellings shall be contained within a coverage envelope of not more than 2 acres.
   c. Principal buildings whose use is commercial or industrial or institutional (e.g. medical, educational), or mobile home parks, elder housing and independent living facilities, provided that the land on which such principal buildings are located is under common ownership by an individual, corporation or ownership association, etc. Such buildings or the spaces within such buildings may be individually owned (e.g. condominium units).

2. Waiver Requirements

   a. The parcel is at least twice the size of the minimum lot size for the district as indicated in the applicable table in Article 2.

   b. Coverage Envelope Requirements

      i. In the RR and RA Districts

         The development shall be confined to a coverage envelope not more than 25% of the lot.

      ii. In all other districts

         (A) If the property is served by both on-site water and wastewater systems, the development shall be confined to a coverage envelope not more than 50% of the lot.

         (B) If the property is served by either a public water or wastewater system but not both, the development shall be confined to a coverage envelope not more than 75% of the lot.

         (C) If the property is served by both public water and wastewater systems, the development may be anywhere on the lot.

   c. The spacing between the buildings shall be adequate for fire protection, and the DRB or ZA may require the applicant to obtain a recommendation of the FSAC.

   d. If a waiver is granted, the lot may not be subdivided unless in conformance with the development standards of the applicable zoning district and the regulations in effect at the time of subdivision application.

§ 306 MORE THAN ONE PRINCIPAL USE IN A BUILDING

A. A combination of principal uses within a single building on a lot is permitted provided:

   1. the lot is large enough to meet the area standards of the use that requires the largest area;

   2. the uses are permittable in the district; and

   3. all other applicable standards are met for all uses.

B. A mixed use application will be treated as a single application for all uses involved, regardless of whether uses in the building are new or existing. An example of a mixed use is an apartment over a store.

§ 307 RESUMING A DISCONTINUED USE AND CONVERSIONS OR CHANGES OF USE

A. Any use that ceases operation entirely for more than two consecutive years shall be deemed discontinued. Any compliant permitted use that is discontinued for two or more consecutive years may resume operations without a new permit following inspection and issuance of certificate of compliance.

B. Conversions or changes in the use of land, existing buildings, or other structures are subject to the following:

1. The proposed use shall be subject to all the requirements of these Regulations pertaining to such use, including but not limited to any district, general or specific standards, as well as all other municipal Regulations currently in effect.
2. An accessory building, such as a garage or barn, may be converted to a principal building only if the building is located on a separate lot or meets the provisions of §305 [Density of Principal Buildings].
3. A conversion or change of use shall require a zoning permit issued by the ZA, and may also require other approvals such as site plan and conditional use.
4. A conversion or change of use involving a nonconforming use or nonconforming structure are also subject to review under §309 [Nonconforming Uses and Structures].

§ 308 NONCONFORMING (PRE-EXISTING SMALL) LOTS

A. In accordance with 24 VSA §4412(2), any lot in individual, separate and nonaffiliated ownership from surrounding properties legally in existence on the effective date of these Regulations may be developed for the purposes allowed in the district in which it is located, even though not conforming to minimum lot size requirements, if the lot is not less than one-eighth ($^1/_8$) of an acre in area and has a minimum width or depth dimension of not less than 40 feet.

B. If a nonconforming lot subsequently comes under common ownership with one or more contiguous lots, the lot shall not be deemed merged with the contiguous lot(s), for the purposes of these Regulations.

§ 309 NONCONFORMING STRUCTURES AND USES (NON-CONFORMITIES)

In accordance with the 24 VSA §4412(7), any use of land or a structure legally in existence as of the effective date of these Regulations and which does not meet the requirements of these Regulations shall be considered a nonconformity. A nonconformity may be continued indefinitely subject to the following limitations:

309.A. NONCONFORMING USES

1. Any nonconforming use that ceases operations entirely for more than two consecutive years shall be deemed discontinued. The ZA shall notify the owner of this decision in writing. However, upon a written request for deferral by the owner and a written finding by the ZA that the property has been maintained and the owner has been actively pursuing reestablishment of the use, it shall not be deemed discontinued for up to two additional consecutive years. Only one such deferral shall be allowed.
2. A nonconforming use that has been discontinued or replaced by a conforming use shall not be re-established.
3. A nonconforming use may only be expanded upon conditional use and site plan approvals.

309.B. NONCONFORMING STRUCTURES

1. Damaged, Destroyed or Demolished Nonconforming Structures
   a. A nonconforming structure may not be rebuilt after being demolished.
   b. The above notwithstanding, the repair or reconstruction of a nonconforming structure accidentally damaged or destroyed (such as by fire) is allowed in accordance with the requirements below.

i. A zoning permit application shall be submitted within two (2) years of the date of such damage or destruction. Such permit may be issued administratively if the work is simply to repair what was damaged, reconstruct what was destroyed with no significant changes or the use does not require any DRB approval.

ii. The repair or reconstruction shall not increase the degree of noncompliance.

iii. If the structure is in the FPO or RCO, additional requirements and limitations may apply.

2. A nonconforming structure may undergo normal maintenance and repair without a zoning permit, provided the structure is not in the FPO or RCO, in which case a permit may be required.

3. A nonconforming structure may be structurally enlarged, extended, expanded, modified or physically moved (not demolished and rebuilt), with the issuance of a zoning permit provided the enlargement, expansion, modification or relocation does not increase the degree of noncompliance, and meets all other applicable requirements of these Regulations.

§ 310 DEMOLITION OF STRUCTURES

Demolition of all or a portion of a building or other structure shall comply with the following:

A. Demolition debris shall not be allowed to fall on or otherwise be within the Town's rights-of-way nor on abutting properties, without the Town's or abutting owner's written consent, respectively.

B. All demolition materials shall be removed from the property or neatly stored on-site within 60 days of start of the demolition.

C. The site shall be barricaded or otherwise cordoned while the demolition is in process or not completed.

D. The site shall be left in a safe condition upon completion of the demolition (e.g. cellar holes filled in or fenced, etc.)

§ 311 REQUIRED FRONTAGE ON, OR ACCESS TO, PUBLIC ROADS, CLASS 4 TOWN HIGHWAYS OR PUBLIC WATERS

Land development may be permitted on lots that do not have frontage either on a public road, class 4 Town highway, or public waters provided that access through a permanent easement or right-of-way at least 20 feet in width is recorded in the Randolph land records. If the lot is created through a subdivision, the easement or right-of-way shall be shown on the approved subdivision plat.

§ 312 OFF-STREET PARKING

A. Except for land development located within the CB District, for every building hereafter erected, extended or changed in use, and for every lot hereafter developed, there shall be provided off-street parking spaces as set forth below.

B. A parking space shall be no less than nine (9) feet wide by eighteen (18) feet long and shall not include access drives or common areas.

C. The number of off-street spaces shall be as follows, rounding up if a fraction of a space is required:

1. Residential Uses – Two parking spaces per dwelling unit in a single-or two-family dwelling, 1 per accessory dwelling unit, 1½ per unit in multi-family, and this may be lowered for elder or disabled housing during conditional use or site plan approval if it is demonstrated that fewer spaces are needed.

2. Retail Sales and Other High-Volume Commercial Uses – One parking space per employee on site at peak times, one space for every business vehicle, plus one space for every 250 SF of floor area open to the public.

3. Industrial and Low-Volume Commercial Uses – One parking space per employee on site at peak times and one space for every business vehicle, plus 10% (i.e. if 20 spaces are required for employees and business vehicles, 22 spaces shall be provided).

4. Places of Public Assembly/Restaurants – One parking space for every three seats plus one space per employee on site at peak times.

5. Places of Lodging – One parking space per employee on site at peak times plus one space per room or unit.

6. Schools – Seven spaces per classroom or one space for every three seats in or maximum capacity of the largest available assembly space, whichever is larger.

D. For uses that are not listed above, the Applicant shall demonstrate to the satisfaction of the DRB that the number of spaces provided are adequate for the use. As a condition of approval, the DRB may require the Applicant to demonstrate where additional parking may be accommodated in the future should the need arise.

E. In the case of multiple uses occupying the same building or structure, the total requirements for off-street parking areas shall be the sum of the requirements of the various uses computed separately.

F. With the approval of the DRB, parking spaces may be located on lands not part of the site or lot on which the building, structure, or use is situated, provided that the DRB has evidence that such parking is available and dedicated to the requested building or use. Parking spaces for any number of concurrent uses may be combined into one parking area, but the spaces required for any one use may not be assigned to another, except with the approval of the DRB to ensure adequate parking.

G. In cases where it is demonstrated by the Applicant that the parking space requirements referenced above are an undue hardship to the Applicant and do not serve the public good, or may be addressed by other means such as public parking, transit services, etc., the DRB may waive or reduce these requirements.

§ 313 OBSTRUCTIONS AT INTERSECTIONS

Fences, walls, landscaping, plantings or other objects shall not be located such that they obstruct adequate sight distances at intersections of public roads as recommended by the VTrans. For intersections that do not meet the recommended sight distances, such objects shall not further impede sight distances.

ARTICLE 4 – SUPPLEMENTAL USE STANDARDS

§ 401 HOME OCCUPATIONS

Nothing in these Regulations shall infringe upon the right of any resident to use a minor portion of a dwelling (less than 50% of the finished floor space) for an occupation which is customary in residential areas, which does not have an undue adverse impact on the character thereof, and which meets the standards below.

A. The home occupation shall be carried on by residents of the premises, employing on site not more than four (4) persons not living on the premises. This notwithstanding, in the RCO, only residents of the premises, and no employees, are allowed on-site for the home occupation.

B. The home occupation shall be carried on within the residence or a building accessory to the residence or both.

C. Within the RVHD and RCO, exterior storage of materials shall not be permitted.

D. The impacts associated with the home occupation are of a type and scale commensurate with a residential use.

E. Adequate parking for customers and employees shall be provided. Within the RVHD District, no more than 2 vehicles associated with the home occupation may be on site in addition to the residents' vehicles.

§ 402 FENCING AND WALLS

Fencing and walls within the right-of-way of any Town road shall not interfere with road maintenance nor obstruct sight distances for adjacent driveways. The ZA may confer with the Highway Foreman or other Town personnel in making this determination.

§ 403 PONDS OR IMPOUNDMENTS

A. Any pond or impoundment shall not interfere with drainage from town highways or adjacent properties.

B. Any pond or impoundment shall meet the principal building setback requirements for the district in which it is located. However, with written consent of adjacent property owners, the side and rear setback requirements may be eliminated.

C. It is recommended that owners contact the FSAC prior to construction to coordinate on any installation of a dry hydrant.

§ 404 ASSISTED LIVING AND INDEPENDENT LIVING FACILITIES

Independent living projects that have an assisted living or skilled nursing facility component or both, and assisted living facilities shall be exempt from the requirement that limits the number of dwelling units in a multi-family dwelling in Article 2 [Zoning District Standards] provided the projects are connected to the municipal wastewater system.

§ 405 RESIDENCES IN THE IND AND CB DISTRICTS

A. Buildings already located within the IND and CB Districts and which were built or occupied as one- or two-family dwellings may continue to be, or revert to use as, one- or two-family dwellings, in which

case the dwelling(s) shall be classified as "P" (see §207 [Use Classifications and Required Approvals]).

B. One- and two-family dwellings are allowed in the CB District provided there is a non-residential use in the building at street level, in which case the dwelling(s) shall be classified as "P/S" (see §207 [Use Classifications and Required Approvals]).

§ 406 MULTI-FAMILY DWELLINGS IN THE RVHD DISTRICT

Multi-family dwellings with more than 5 units may have a height up to 50 feet provided:

A. the building is not more than 15 feet above any adjacent building (not including across the road), and

B. the building is set back from all property lines by at least 20 feet.

§ 407 BED AND BREAKFASTS AND BOARDING HOUSES

Bed and breakfasts and boarding houses that offer no more than 3 rooms to rent shall be allowed in any district in which a one-or two-family dwelling is allowed and shall require site plan approval from the DRB. If the number of rooms offered for rent exceeds 3, the use shall be considered a commercial group service (see §206 [Use Categories and Definitions]).

§ 408 RECREATIONAL VEHICLES AS RESIDENCES

A recreational vehicle located outside of a campground may not be used as a residence for longer than 6 months in any period of twelve consecutive months, even if fully registered in Vermont or another state. If the period of occupancy exceeds this limit, the recreational vehicle shall be considered a single-family residence and, as such, shall meet all the requirements for a single-family dwelling. While occupied, the recreational vehicle shall adhere to the principal building setbacks for the district in which it is located.

§ 409 MOBILE HOME PARKS

409.A. EXISTING MOBILE HOME PARKS

1. All mobile home parks existing at the time of the effective date of these Regulations shall not be considered non-conforming and development within the park may be allowed as provided herein.

2. Existing mobile home parks shall not be expanded unless such expansion conforms to subsection B below. In addition to expansion outside the existing limits of the park, any increase in the number of mobile homes within the park shall be considered an expansion.

3. Existing mobile homes may be replaced and shall be placed on the same pad or in the same location as the one being removed. A double-wide mobile home may not replace a single-wide mobile home unless there is sufficient space around it for adequate fire protection. The applicant may be required to obtain a recommendation from the FSAC.

4. Additions to mobile homes and accessory structures are allowed. Setback requirements to property lines shall be met but there are no internal setback requirements.

5. Development within an existing mobile home park shall require a zoning permit which shall be issued provided the application is signed by the park owner, the development meets the requirements herein and the development is within the limits of the existing park.

409.B. NEW MOBILE HOME PARKS

1. New mobile home parks are a conditional use in all districts, except the INT Districts, that allow single-family homes, otherwise they are prohibited. Site plan approval shall also be required. If any part of

the mobile home park is in a special flood hazard area, the applicable standards in §226 (Flood Plain Overlay District) shall also apply.

2. The mobile home park may accommodate either or both single- and double-wide mobile homes. The site plan for the park shall include a designation of which home sites shall be limited to single-wide mobile homes only. Sites with no such designation may have either sized mobile home on it.

3. The density in mobile home parks shall be as set forth in the district in which the park is located. However, the minimum lot size per dwelling unit requirement can be reduced by up to 25% for sites designated for single-wide mobile homes only.

§ 410 STORAGE CONTAINERS AND TRACTOR TRAILERS

A. Portable storage containers (also known as "sea containers") shall be considered a building and require a permit unless exempt under §108 [Exempt Land Development].

B. Tractor trailers that are not hitched to a truck and which are not fully registered in Vermont or another state shall be considered a building and require a permit except if located in the IND, GC or GCR Districts.

§ 411 COMMERCIAL CATERING

411.A. MOBILE UNITS

1. Commercial catering mobile units on a property and serving food to the public shall not have an undue adverse impact, whether by traffic, parking, delivery vehicles, or odor or noise or otherwise, on that property or on any neighboring property, and shall not operate at that property for more than 180 days in any 12-month period. Otherwise, the commercial catering mobile unit shall be considered a restaurant and shall meet all requirements for such in these Regulations.

2. The above notwithstanding, if seating is provided for more than 12 patrons of the mobile unit, the mobile unit shall be considered a restaurant, regardless of the duration or frequency it is open to the public, and shall meet all requirements for such in these Regulations.

3. Nothing in this provision is intended to regulate temporary food vendors, food stands or food carts at special events (e.g. street festivals); or farmers' markets; or a food cart that has received a vendor's permit from the Town.

411.B. WITHIN A RETAIL BUSINESS

1. A retail business may provide commercial catering provided the area used for the commercial catering (including any seating) is not more than 25% of the gross floor space of the business. Such a use shall be considered an accessory restaurant and shall require a zoning permit but not site plan or other DRB approval.

2. The above notwithstanding, if more than 8 indoor seats for patrons of the commercial catering are provided, the commercial catering shall be considered a restaurant, regardless of the area of the gross floor space used for the commercial catering, and shall require a zoning permit.

3. Nothing in this provision is intended to regulate cafeterias that are primarily intended to serve on-site employees, patients or residents.

§ 412 AGRI-PRENEURIAL FARMING IN THE R.R. AND R.A. DISTRICTS

A. Agri-preneurial farming as defined herein is an accessory use to a farming operation, is allowed only in the RR and RA Districts and is subject to the provisions herein.

B. Agri-preneurial farming is the use of land, on an owner- or operator-occupied working farm, beyond what is exempt by state statue as an agricultural use (see §108.C [Statutorily Exempt Land Use]), and involving any of the following:

1. on-site preparation, processing, serving, eating or sale of products which are made with or from agricultural products, a portion of which are produced on the farm;
2. festivals and like events based on the harvest of one or more crops on the farm;
3. tours of agricultural features or activities on the farm;
4. education based on features or activities on the farm; or
5. private special events with a guest list that are enhanced by the farm setting, such as weddings, family reunions and office parties.

C. Agri-preneurial farming shall be owned or operated by the farmer of the working farm and shall be located on the same property as the working farm.

D. Facilities for agri-preneurial farming activities may include farm and residential land and structures that are secondary to the farming operation or structures that are dedicated to the activity (e.g. not used for farming at all). Any structures utilized for agri-preneurial farming activities shall meet the setback requirements for principal buildings.

E. The agricultural use of the property shall remain the primary or dominant use of the property upon which the agri-preneurial farming activity is located. Should the working farm cease operating or cease to be exempt by state statute as an agricultural use, the agri-preneurial farming activity shall either cease or apply for and be issued a zoning permit as a principal use of the property.

F. Any agri-preneurial farming activity is prohibited that involves construction of a new structure or structures greater in size than 20% of the total building coverage of existing exempt farm structures. The activity, however, may be considered as a principal use under the use categories listed in §206 [Use Categories and Definitions], as applicable.

G. Classifications of agri-preneurial farming (see §207 [Use Classifications and Required Approvals])

Any agri-preneurial farming activity is considered small and classified as "S" provided it meets the following limitations, otherwise it is considered a large activity and is classified as "C":

1. does not involve the construction of any new structure or structures with a cumulative total building coverage greater than 500 SF,
2. does not utilize more than 10,000 SF gross floor space of an existing structure, and
3. does not occur or operate more than once a month.

§ 413 EARTH MATERIAL EXTRACTION

A. This section shall apply to rural industrial uses that involve the extraction or processing, of earth materials (i.e. rock, gravel, sand, etc.) that are not exempt pursuant to §108.B.2 [Provisionally Exempt Land Development].

B. In addition to application information required for DRB approvals for the use, the applicant shall submit operation, stormwater management and erosion control, and site reclamation plans describing and depicting the following:

1. existing grades, drainage patterns and depths to bedrock and seasonal high water tables;

2. the extent and magnitude of the proposed operation, to include a description of the type, amounts and locations of materials to be extracted or quarried, the areas to be allocated for on-site storage and processing, the types of processing equipment, and the proposed phasing and timing of development;
3. stormwater management and erosion control practices to be used and installed on and off-site, for all phases of the operation;
4. finished grades at the conclusion of the operation; and
5. restoration of the site, including final grading and revegetation.

C. In granting approval, the following minimum standards shall apply:

1. No stationary processing machinery shall be located less than 300 feet of any property line, unless mitigation actions (screening, noise control, etc.) steps are approved by the DRB.
2. Only intermittent blasting will be allowed and may take place no more than 2 days per week.
3. Blasting operations must be preceded by written or verbal notice to all abutting landowners and other neighbors with buildings within 1,000 feet of the blast area at least 24 hours in advance and also by an audible warning signal prior to the blasting.
4. Topsoil, if present on the site, shall be retained on site in sufficient quantity to achieve the restoration plan.
5. A 100-foot undisturbed, naturally vegetated minimum buffer zone (measured horizontally) is required to be maintained between the top of any working faces, proposed stabilized banks or rock cuts, and property lines.
6. Restoration plans shall provide that the finished land will not have banks of material exceeding a 1:2 slope, except in the case of stable rock. Fencing of any steep slopes may be required during operation and after restoration of the site for safety.
7. Restorations plans shall provide the whole area where removal takes place to be covered with four (4) inches of top soil, or an amount equal to the pre-existing depth of same, and seeded with a suitable cover crop, except where ledge rock is exposed. The cover crop shall be properly established.
8. A bond may be required sufficient to ensure compliance with restoration plans.
9. The depth of excavations shall be such that at least 3 feet of undisturbed, native material shall be left in place over the seasonal high water table.

D. In addition to the site plan and conditional use criteria, in granting approval, the DRB shall find that the proposed extraction will not cause any hazard to public health and safety nor cause damage to nearby utilities, structures or their contents due to vibration or shock of blasting.

E. To ensure compliance with this subsection, the DRB may impose additional conditions or limits, including, but not limited to, any of the following factors:

1. depth of excavation or quarrying;
2. slopes created by the removal of materials;
3. effects of surface drainage on and off-site;
4. storage of equipment and stockpiling of materials on-site;
5. hours of operation for blasting, trucking, and processing operations;

6. effects on adjacent properties within 300 feet due to noise, dust, vibration or visual aesthetics;
7. effects on traffic and road conditions, including potential physical damage to public highways;
8. creation of nuisances or safety hazards;
9. temporary and permanent erosion control, including project phasing to limit exposed area;
10. effect on drinking water supplies;
11. public health, safety and general welfare.

F. In accordance with the 24 VSA §4464(2), a performance bond, escrow account, or other surety acceptable to the Selectboard shall be required to ensure restoration of the land upon completion of the excavation, to include any re-grading, reseeding, reforestation or other restoration activities that may be required.

ARTICLE 5 – DEVELOPMENT REVIEW

§ 501 ON-THE-RECORD REVIEW

In accordance with 24 VSA §4471(b), all proceedings of the DRB under these Regulations shall be heard on the record for purposes of appeal to the Environmental Division of the Vermont Superior Court.

§ 502 GENERAL APPLICABILITY AND REVIEW PROCEDURES

A. The development review procedures and related standards under this Article apply only to the extent that a proposed development project requires DRB review and approval, per these Regulations, prior to the issuance of a zoning permit.

B. Hearings and actions of the DRB shall comply with the requirements of the Act, including the Municipal Administrative Procedures Act.

C. Combined Reviews

1. If more than one review is required for the project, the reviews, to the extent feasible, shall be conducted concurrently. In general, the sequence of reviews, as applicable, shall be as follows: variance, subdivision, conditional use, site plan, and then local Act 250. The DRB may, at its discretion, depart from this sequence if it deems doing so provides a more logical review of the project or benefits the review process.

2. If, after review, an approval is not granted, the DRB may forego conducting subsequent reviews if it deems that such reviews are moot.

D. Decisions

1. The DRB shall grant an approval if it finds the project meets the criteria specified herein for the review being undertaken (i.e. site plan, conditional use, etc.). The DRB may impose conditions of approval with respect to the criteria under review. Such conditions shall only be imposed if relevant to the criteria and if needed for a project to meet the criteria.

2. Pursuant to the Act [§4464(b)], the DRB shall issue a decision within 45 days after the adjournment of the hearing , and failure of the DRB to issue a decision within this period shall be deemed approval and shall be effective on the 46th day.

3. All decisions of the DRB shall be in writing and shall become binding as described in the DRB's Rules of Procedures and Ethics (see Appendix D). The DRB may make a verbal decision at the public hearing, which is not binding as it may be changed, altered or amended by the written decision.

4. Binding written decisions shall be sent by certified mail to the applicant or appellant in matters on appeal, as applicable, unless the applicant or appellant waives this right and elects to pick up a copy at the Town Hall (upon notification by the ZA that it is available) or elects to receive the decision by regular first class mail or email. Copies of the decision shall also be mailed (regular first class) to every person or body appearing and having been heard at or participated in the hearing on the matter.

5. If the Town maintains a website, as time permits, the ZA shall post a copy of the binding decision on the website. Failure to so post it shall not have any effect on the validity of the decision nor shall be a cause to challenge the decision or the proceedings.

6. Pursuant to Rule 5 of the Vermont Rules of Environmental Court Procedure, decisions of the DRB are appealable for 30 days from the date of the decision.

§ 503 SITE PLAN REVIEW

503.A. COMPLETE APPLICATION

For an application to be considered complete, it shall contain the following, as a minimum. This shall not preclude the ZA from suggesting additional information to be included with the application (which would not affect its completeness) or the DRB from requesting additional information during the public hearing process.

1. Forms - zoning permit application and any other forms provided to the applicant by the ZA.
2. Fee – in an amount set by the Selectboard.
3. List of abutters.
4. Site plan – 9 copies of the site plan shall be provided showing the information outlined below unless the ZA determines a fewer number of copies is sufficient.
5. Whenever a proposed site plan involves access to a State highway, the application for site plan approval shall include a letter of intent from VTrans confirming that it has reviewed the proposed site plan and is prepared to issue an access permit under 19 VSA. §1111, and setting out any conditions that VTrans proposes to attach to the §1111 permit.

503.B. SITE PLAN REQUIREMENTS

1. Site plans shall be at a sufficient scale to permit the study of all elements of the plan.
2. Site plans shall not exceed 2’ x 3’ in size, although smaller sheets (11” x 17”) are preferable if they are still legible and scalable. Electronic copies (not in lieu of paper) are encouraged. Multiple sheets are acceptable. Each sheet shall have the following information:
   a. title of development
   b. preparation date
   c. north arrow
   d. bar scale
   e. name and address of owner of record and name of applicant if not the owner
   f. name of all professionals engaged by the applicant in preparing the sheet or page such as planners, engineers, architects, surveyors, etc.
3. Site plans shall include the following:
   a. Road names and the names of all owners of record of all abutting properties.
   b. Map indicating the entire subject property, including the dimensions and approximate location of all existing structures on the subject property and the approximate location of all existing structures that are within 100 feet of the subject property’s boundaries, or as required by the DRB.
   c. Locus map, which does not have to be to scale.
   d. Location and dimensions, including square footage of footprints, of all proposed structures.
   e. Location of existing and proposed roads.

f. Location and layout of off-street parking, loading areas and means of vehicular access and egress to and from the site onto public and private roads.

g. Location and layout of pedestrian facilities including sidewalks, walking paths, crosswalks, bicycles lanes, etc.

h. Information regarding all proposed lighting fixtures, including fixture type, mounting location and height, illumination levels and distribution, in accordance with the requirements herein.

i. Location of existing and proposed site features, including retaining walls, fences, screening, solid waste receptacles, and areas used for outdoor storage or display.

j. Proposed grading and landscaping plans as herein required.

k. Limits of site disturbance.

l. For proposed development in the INT, RES, RA and RR Districts only, the location of the following, as shown on the Natural Resource Atlas: surface waters, wetlands, deer wintering areas, habitat for rare, threatened and endangered species, prime and statewide agricultural soils, and significant natural communities.

m. For reference only, the location of existing manmade site features (i.e. cellar holes, stone walls, fences etc.), existing vegetation (i.e. tree lines, edges of wooded areas, etc.) and contour lines (not exceeding 50-foot intervals).

n. Additional information as requested by the DRB where, upon written findings, such information is necessary for the DRB to make an informed decision due to special conditions of the subject property, or due to the size, nature or complexity of the proposed use or develop of land or buildings.

503.C. REVIEW CRITERIA

The DRB shall approve a site plan, with or without conditions as noted above, if it meets the following criteria:

1. **Compliance with Regulations**

   The proposed development shall comply with the applicable provisions of these Regulations.

2. **Natural Features** (applicable only in the INT, RES, RA and RR Districts)

   The proposed development shall minimize adverse impacts on the features identified in subsection 503.B.3.l above. The DRB may require conditions of approval to ensure that these features found on the site are minimally impacted, such as one or more of the following:

   a. increased setback distances or buffer areas;

   b. permanent protection of such features as designated open space areas;

   c. the designation of building envelopes to limit the extent of site clearing and disturbance within the vicinity of such features; or

   d. management plans for the protection of such features, to include the identification of long-term management requirements and the entities that will be responsible for fulfilling them.

3. **Access**

a. Vehicular access shall be designed in accordance with applicable VTrans Standards.

b. Vehicular access shall provide adequate access for emergency vehicles.

c. Only one (1) access shall be allowed, except that a second access may be allowed if it meets the Vermont Agency of Transportation standards for sight distance and at least one of the following:

i. the two accesses are no closer than 700 feet to each other;

ii. the two accesses are taken from different roads;

iii. two accesses are needed for safe means of access to the property;

iv. two access are needed to alleviate traffic concerns on the adjacent roads;

v. the second access is one-way (i.e. access or egress only); or

vi. the second access is designated for emergency or truck delivery access only.

d. Landscaping, curbing or other effective barriers shall be provided along lot boundaries to control access of vehicles in areas not designated as an access.

e. Access shared between adjoining properties is encouraged and is required, where feasible, if an adjoining property was required to share access with the subject property and a deeded easement exists for the shared access, unless it can be demonstrated that the shared access would not provide better or safer access to the subject property.

4. **On-Site Circulation**

a. The proposed development shall incorporate an integrated, functional and safe on-site circulation system for vehicles and pedestrians that minimizes vehicular-pedestrian conflicts.

b. Vehicle lanes, pedestrian crossings, and pedestrian paths or sidewalks connecting buildings, parking areas, and adjoining properties shall be provided as needed to ensure vehicular and pedestrian safety and convenience.

c. Signs or other markers shall promote vehicular and pedestrian safety.

d. The proposed development shall incorporate a vehicular and pedestrian network that, to the extent feasible, is integrated with adjacent properties and uses. Accordingly, site design and layout shall, to the extent feasible:

i. include shared access and parking for all buildings and uses to be located on the site; and

ii. incorporate connecting roads and pedestrian paths or sidewalks to adjoining parcels or require, as a permit condition, construction of these items at such time when the adjoining parcels are developed.

5. **Parking , Loading and Service Areas**

Parking, loading and other service areas shall be provided in accordance with the requirements of §312 [Off-Street Parking] and the following standards:

a. Parking Aisles

i. A parking access aisle with a minimum width of 24 feet shall be provided, unless otherwise approved by the DRB if the applicant can show safe traffic flow will be maintained with a narrower width.

ii. Parking lots with dead-ended aisles are not allowed unless an adequate area for vehicles to turn around is provided at the end of the aisle so vehicles do not have to back up if no space is available.

b. Special Needs Parking

Adequate spaces shall be provided for people with disabilities and at locations in accordance with standards prescribed in the Americans with Disabilities Act or as required by federal or state statute.

c. Improvements and Maintenance

i. Parking areas shall be drained to eliminate standing water and prevent damage to abutting property and public streets, and surfaced with erosion-resistant materials.

ii. Parking areas shall be maintained and not used for selling, repairing, storing, dismantling or servicing any vehicles, equipment, materials or supplies. This notwithstanding, special events are allowed provided any such event does not last more than 5 consecutive days and there are not more than 2 events on the property in any one calendar year.

iii. Parking areas shall provide adequate areas for snow storage. Snow storage areas shall not interfere with sight distances at intersections.

iv. Parking areas with 8 or more spaces which are paved shall be marked by painted lines, curbs or other means to indicate the individual spaces.

v. Adequate lighting conforming to subparagraph 9 below shall be provided in parking areas that are to be accessed at night.

d. Siting

Loading and service areas shall be located to minimize visibility from public rights-of-way, unless otherwise specifically approved by the DRB based on existing site limitations.

e. Shared Parking

Shared parking between adjoining buildings or parcels is encouraged. The number of parking spaces in a shared parking area shall be cumulative for the uses as required in §312 [Off-Street Parking]. However, the number of spaces may be reduced if the applicant submits a parking demand analysis identifying the demand of each component use for various time periods and the DRB determines that the uses to be sharing the parking have different principal operating hours and fewer spaces will be adequate.

f. Screening and Landscaping of Parking Areas

i. Parking areas shall be bordered by landscaped buffers that are integrated with the overall landscaping plan for the site, reduce the visibility of the parking area off-site, and include trees in suitable locations.

ii. Landscaping shall be installed within and contiguous to parking areas to avoid large expanses of parking, to facilitate stormwater management and to minimize the visibility of parking areas from off-site. Landscaping shall include trees to provide a tree canopy in suitable locations, such as along pedestrian walkways and in islands.

g. Special Events Parking

Parking for special events such as weddings, marketing promotional events and similar functions may utilize temporary, overflow parking areas. Limitation on the number of guests may be based on availability of off-street parking. Overflow parking areas may be of dirt, decomposed granite, gravel or other permeable surface provided that the parking area is fire safe. On-street parking shall not be permitted for special events.

6. **Landscaping and Screening**

a. Landscaping and screening shall be required as follows:

i. for parking areas as required in subparagraph 503.C.5 [Parking, Loading and Service Areas] above;

ii. where more intensive land uses are proposed next to less intensive uses;

iii. to minimize adverse physical or visual impacts to adjacent properties, or public rights-of-way; and

iv. where topography or natural features do not adequately screen unsightly or incompatible development from the view of adjoining properties or public rights-of-way.

b. Landscaping should incorporate existing site features and landscape elements and shall be designed to:

i. integrate the site with the surrounding landscape;

ii. provide separation between incompatible adjacent land uses or activities;

iii. provide a transition from built features to designated open space areas;

iv. interrupt the facades of buildings;

v. visually reduce the scale and bulk of large buildings;

vi. define site features, such as main entrances and circulation corridors; and

vii. improve the aesthetic appearance of parking lots and service areas.

c. Plantings shall visually enhance the appearance of the site year-round and shall include a suitable combination of trees, shrubs, groundcover plants, mowed meadows or lawn areas, and herbaceous materials, with an emphasis on species that are indigenous to Vermont.

d. As a condition of approval, all landscaping and plantings shall be maintained in a healthy and living condition and shall be replaced as needed.

7. **Grading and Drainage**

Runoff that is not stored or infiltrated on-site through the use of rain gardens, tree wells, dry wells, pervious surfaces, and other types of areas designed to infiltrate or store runoff shall be directed to established drainage courses and shall not cause detrimental ponding or flooding, damage such as erosion, or exceed the capacity of downstream drainage facilities.

8. **Outdoor Storage and Outdoor Facilities**

a. The outdoor storage or display of goods, supplies, vehicles, equipment, machinery or other materials must be specifically approved by the DRB. In approving such outdoor display or storage, the DRB may place conditions on the area and location of such storage or display, and shall require appropriate screening in accordance with subsection 6 above.

b. Outdoor facilities such as mechanical equipment, utility areas, and receptacles for trash and recyclables shall be located or screened to minimize visibility.

9. **Outdoor Lighting**

a. Lighting Plan

In addition to the application materials required in subsection 503.B.3, an Applicant shall submit a lighting plan. Such lighting plan shall include the following information:

i. all existing and proposed lighting fixtures located on the site plan;

ii. descriptions of the purpose and specifications of all proposed lighting fixtures and the bulbs/type of lighting;

iii. proposed mounting heights of all exterior lighting fixtures; and

iv. any additional information required by the DRB to determine compliance with this subsection.

b. General Standards

In addition to the specific standards below, the following shall apply:

i. Wherever practicable or if the lighting is in a sensitive or residential neighborhood, lighting installations shall include timers, dimmers, or sensors to reduce overall energy consumption and eliminate unneeded lighting.

ii. Outdoor lighting installations shall be so designed to minimize glare, to not direct light beyond the boundaries of the area being illuminated or onto adjacent properties or streets, and to not result in excessive lighting levels.

iii. Outdoor lighting fixtures shall be limited to recessed, shielded or fully cut-off fixtures.

iv. Notwithstanding (iii) above, the DRB may approve architectural "period" type lighting fixtures that are not cut-off fixtures provided:

(A) the property is located within a historic village setting;

(B) the maximum initial lumen is 2,250 or the equivalent of a 150 watt incandescent bulb; and

(C) the fixture does not shine excessive light onto adjacent residences.

v. Maximum pole mounting height of the lighting fixture is 20 feet.

vi. Seasonal, decorative lighting is exempt from the provision of this section.

c. Specific Standards

i. Security Lighting

Security lighting shall be operated by motion sensors or similar device. Flood lighting for security purposes is allowed provided it does not light adjacent residences.

ii. Aprons and Canopies for Gasoline Stations *(with or without a convenience store)*

(A) The maximum average illumination for the apron is 22 foot-candles. For areas away from the apron that are used for parking or vehicle storage, the maximum average illumination is 1 foot-candle.

(B) Lights shall not be mounted on the top or side (fascia) of the canopy. Decorative or reflective lighting on canopy fascia is allowed provided it is not neon and is steady (i.e. does not flash or "move").

(C) Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy or shielded by the fixture of the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.

(D) As an alternative or supplement to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy, provided that direct illumination is focused exclusively on the underside of the canopy.

§ 504 CONDITIONAL USE REVIEW

504.A. COMPLETE APPLICATION

For an application to be considered complete, it shall contain the following, as a minimum. This shall not preclude the DRB from requesting additional information during the public hearing process.

1. Forms - zoning permit application and any other forms provided to the applicant by the ZA.
2. Fee – in an amount set by the Selectboard.

504.B. REVIEW CRITERIA

The DRB shall approve a conditional use, with or without conditions as noted above, if it meets the following criteria:

1. The proposed use shall not result in an undue adverse effect on the capacity of existing or planned community facilities.
2. The proposed use shall not result in an undue adverse effect on 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 Randolph Town Plan.
3. The proposed use shall not result in an undue adverse effect on traffic on roads and highways in the vicinity.
4. The proposed use shall not result in an undue adverse effect on bylaws and ordinances in effect.
5. The proposed use shall not result in an undue adverse effect on utilization of renewable energy resources.
6. The proposed use shall not generate excessive dust, noise, odor, glare, vibration, radiation or other nuisances that are:
   a. detectable at the property boundary, and
   b. beyond those expected from permitted uses in the district in which the use is proposed.

§ 505 LOCAL ACT 250 REVIEW

A. Pursuant to 24 VSA §4420, the DRB is hereby authorized to undertake local Act 250 (10 VSA Ch. 151) review of municipal impacts caused by a "development" or "subdivision," as such terms are defined in 10 VSA Ch. 151.

B. With respect to such developments or subdivisions, the DRB, pursuant to the procedures established under 24 VSA Ch. 36 [the Municipal Administrative Procedures Act], shall hear applications for local Act 250 review of municipal impacts at a duly warned public hearing.

C. All applicants for Act 250 land use permits for such developments or subdivisions located within the Town shall go through this review process, unless all of the following apply:

1. That the applicant can establish to the satisfaction of the DRB that the applicant relied on a determination by the local Environmental District Commission Coordinator that Act 250 jurisdiction did not apply to the development or subdivision in question and, based upon that reliance, the applicant obtained local permits without complying with the requirement for local Act 250 review.

2. The local Environmental District Commission Coordinator's jurisdictional ruling was later reconsidered or overturned on appeal, with the result that Act 250 jurisdiction does apply to the development or subdivision for local Act 250 review.

3. The DRB waives its local Act 250 review jurisdiction in the interest of fairness to the applicant, which shall include, but not be limited to, when a development either does not require any other DRB approval or doesn't require a local zoning permit at all.

D. Determinations by the DRB regarding whether or not to waive its local Act 250 review jurisdiction shall not be subject to review.

E. In the DRB's local Act 250 review proceedings, the applicant shall demonstrate to the satisfaction of the DRB that the proposed development or subdivision:

1. Will not cause an unreasonable burden on the ability of the municipality to provide educational services (Act 250 Criterion 6);

2. Will not cause an unreasonable burden on the ability of the municipality to provide municipal or governmental services (Act 250 Criterion 7); and,

3. Is in conformance with the Town Plan as adopted in accordance with the 24 VSA Ch. 117 (Act 250 Criterion 10).

§ 506 SUBDIVISION REVIEW

506.A. APPLICABILITY

1. In accordance with 24 VSA §4418, whenever any subdivision of land as defined in these Regulations is proposed, subdivision approval by the DRB is required prior to the sale, transfer of ownership or lease of any portion of a parcel of land, or the filing a subdivision plat in the land records of the Town.

2. The above notwithstanding, the following are exempt from subdivision review and approval, but may still require a zoning permit administered by the ZA, as indicated:

a. The lease of a portion of a parcel for agricultural or forestry purposes.

b. The lease of a portion of a parcel where no regulated structures or uses are to be established.

c. Annexations of parcels in their entirety (zoning permit required).

d. Lot line adjustments between adjacent lots, where neither lot is part of an approved subdivision, the beginning and ending number of lots is the same, all lots are conforming, and the resulting lots have their deeds revised and plats filed to reflect their new boundaries (zoning permit required).

e. The filing of plats for previous subdivisions that were never platted or the filing of plats due to resurvey.

f. The filing of plats or recording of deeds for lots created by a public highway, public waters or railroad.

g. The granting of rights-of-way or easements other than access agreements in an approved subdivision.

506.B. SUBDIVISION REVIEW AND APPROVAL

1. Waivers

a. Road Standards

i. The DRB may waive or vary a road standard if it finds that:

(A) the reason for the waiver request is to minimize an adverse effect on any of the natural resources indicated in 506.D.2.b Standards [mature trees, natural resources and agricultural lands], and

(B) upon the advice of the FSAC, the waiver will not adversely affect emergency services and will enable emergency personnel to provide substantially the same service if the standard were met.

ii. The DRB may require such conditions as will, in its judgment, secure substantially the objectives of the requirements varied or waived. Such waivers and their justification shall be in writing and included in the permit file.

b. Conservation Subdivisions

To encourage development only within a single, small coverage envelope and to create conservation areas, the DRB is authorized to waive the minimum lot size and width of new developable lots and to waive subdivision standards as set forth below.

i. General Requirements

(A) Conservation subdivisions are only allowed in the RA, RR and RES Districts.

(B) Conservation subdivisions consist of developable lots and a conservation area which conform to the requirements in subparagraphs iv [New Developable Lots] and iii [Conservation Area], respectively, below. It may also include a remainder of the original lot that is not in conservation.

(C) Conservation subdivisions are categorized as either major or minor, as defined in subparagraph ii below [Minor and Major Conservation Subdivisions]. The additional requirements/waivers for each are also described in subparagraph ii.

(D) Based on whether a conservation subdivision is minor or major, the ZA shall indicate which of the application requirements in subsection 506.C [Application Requirements] are waived.

(E) The conservation area and new developable lots shall be surveyed as required for all subdivisions. The remainder of the original lot, if any, does not have to be surveyed if it is established that it is greater than the minimum lot size and width required for the district in which it is located.

ii. Minor and Major Conservation Subdivisions

(A) Minor Conservation Subdivisions

(1) A minor conservation subdivision is when at least 2 new developable lots, but no more than 8 such lots, are to be created from the original lot in any 10-year period.

(2) Minor conservation subdivisions are exempt from the subdivision standards in subsection 506.D.2 [Subdivision Standards].

(B) Major Conservation Subdivisions

(1) A major conservation subdivision is when 9 or more developable lots are to be created from the original lot in any 10-year period.

(2) Major conservation subdivision shall comply with all the subdivision standards in subsection 506.D.2 [Subdivision Standards].

iii. Conservation Area

(A) Minimum area - The conservation area shall be at least twice the amount of land in all the newly-created lots, or 10 acres, whichever is greater, and may be a separate lot or an area within the remainder of the original lot.

(B) Location - To the extent possible, the location of the conservation area shall be contiguous, either in whole or in part, to undeveloped, agricultural or forested land on an adjacent parcel or on the remainder of the original lot. The intent of this requirement is to enhance the conservation value of the conservation area.

(C) The remainder of the original lot that is not part of the conservation area, if any, shall meet the minimum development standards for the district in which it is located.

(D) Allowable development

(1) The only allowable development on the conservation area shall be a single shared access or utility right-of-way no greater than 50 feet in width to serve one or more of the following:

(a) any or all of the new lots to be created;

(b) any agricultural, silvicultural or passive recreational use in the conservation area, on the remaining part of the original lot or on an adjacent property; or

(c) a single use on the remaining part of the original lot provided that use is permitted in the district in which it is located.

(2) Any shared access or utility right-of-way, to the extent feasibly, shall be configured, as reasonable, to prevent fragmentation of or negative impacts on the conservation area.

(D) Conservation requirements

The conservation area shall be protected from future development by a permanent conservation easement that:

(1) permanently encumbers the land against further subdivision and against further development;

(2) requires use and maintenance of the land as open, forest, agriculture or passive recreation;

(3) is in a form acceptable to the Town attorney;

(4) is recorded in the land records; and

(5) is referenced in all deeds conveying all or any part of the original parcel.

iv. New Developable Lots

The new lots to be created and developable shall meet all of the requirements below. Neither the conservation area, even if designated as a separate lot, nor any remainder of the lot, shall be considered a lot for the purposes of this subsection.

(A) The lots shall be no greater than 50% of the minimum lot size allowed in the applicable district but no smaller than 1 acre and shall have a lot width of at least 100 feet. If the lot size is less than the minimum lot size per dwelling unit allowed in the applicable zoning district, the lot may still be developed with a single-family dwelling.

(B) The lots shall be contiguous to each other, notwithstanding any new road or road right-of-way created to serve the new lots.

(C) To the extent possible, the location of the lots shall be contiguous, either in whole or in part, to developed land on an adjacent parcel. The intent of this requirement is to minimize the impact on the conservation area of development on such lots.

c. Two-lot Subdivisions

i. The division of a lot existing on January 1, 1998 into no more than two lots shall be exempt from all the subdivision standards in subsection 506.D.2 [Subdivision Standards] except subparagraph a.i [Lot Configuration]. The ZA shall indicate which of the application requirements in subsection 506.C [Application Requirements] are waived.

ii. Only the smaller of the two lots shall be required to be surveyed if the other lot is over 10 acres and over twice the size of the smaller lot. The subdivision plat shall show in a locus map the entire parcel and the location and general configuration of the smaller lot.

2. **Pre-application Meeting**

Potential applicants for subdivisions are encouraged to attend a pre-application meeting with the ZA in order to avoid misunderstandings and to ensure a smooth application process. The purpose of a pre-application meeting is to familiarize the applicant with the requirements of these Regulations, answer basic questions of procedure, and acquaint the applicant with likely submittal requirements according to the general concept the applicant is considering. No written decision will be issued and no comments by either the applicant or the ZA are binding.

3. **Preliminary Review**

a. An applicant may request preliminary review of a subdivision for discussion and preliminary approval by the DRB. Such approval does not constitute final approval of the subdivision, but is intended to facilitate the final plat procedural work. The review of a preliminary plan will be warned as a hearing to enable the applicant, the DRB and other municipal agencies and abutting property owners to discuss and clarify the impacts of the proposed subdivision before a final plat is prepared.

b. The preliminary plan does not have to conform to the Vermont Plat Law, and does not have to be prepared by a licensed surveyor. However, the preliminary plan should show sufficient information about the proposed subdivision to form a clear basis for discussion and for the preparation of the final plan.

c. Where the preliminary plan submitted covers only a part of the applicant's entire holding, the DRB may request information concerning the future use of the remaining part.

4. **Public Hearing and Final Review**

a. Upon a determination by the ZA that a subdivision application is complete, pending the approval of any waivers of requirements by the DRB as may be applicable pursuant to subsection 506.B.1 [Waivers], the ZA shall notice a public hearing on the subdivision. Copies of the hearing notice also will be sent, at least 15 days prior to the hearing date, to the clerk of an adjacent municipality in the event that the plat is located within 500 feet of a Town boundary.

b. If the DRB decides any additional information is needed from any party, it shall continue the hearing process until it is ready to proceed to a decision. As part of this continuance, the DRB shall set a time by which such additional information is due. Failure to produce needed information by the applicant in the established time frame may result in denial. If drawn map information is provided for initial review, and the DRB finds it to be relevant to applicable standards, it shall be surveyed and submitted prior to the close of the final hearing.

5. **Surety for Public Facilities and Improvements**

a. Applicability

For any subdivision which requires the construction of public facilities and improvements, including but not limited to roads, sidewalks, recreation paths, curbing, water and sewer pipes and appurtenances, stormwater pipes and appurtenances, parks, recreational facilities, and improvements which are public or are intended to become public, the DRB may require that the subdivider post a performance bond, escrow account or letter of credit, (hereinafter referred to as a "surety"). The form of the surety shall be approved by the Selectboard.

b. Amount

The amount of the surety shall be satisfactory to the Selectboard and shall be sufficient to cover the full costs of construction plus 15% contingency of all proposed public facilities and improvements. The subdivider shall be responsible for providing accurate cost estimates. The DRB may invoke technical review to confirm the accuracy of the estimates.

c. Term

The surety shall run until the Selectboard has deemed the work to be complete and in accordance with all local approvals and ordinances and maintained for two years after such completion. This notwithstanding, with the consent of the subdivider, the term of the surety may be extended for an additional period not to exceed three years. If any public facilities and improvements have not been installed or maintained as provided within the term of the surety, then the amount secured by it shall be forfeited to the Town. If a phasing schedule is approved or required as described in subparagraph 6 [Phasing] below, the term of the surety shall be applied to each phase of the project.

d. Timing

Before the issuance of a zoning permit for development of any of the lots created in the subdivision, a suitable surety as described herein shall be in place but in no case less than 1 year after approval of the subdivision.

e. Phasing

The term and timing of the surety as describe above may be modified to accommodate an approved or required phasing schedule (see subparagraph 6 [Phasing] below).

f. Partial Completion and Release of Surety

Upon determination by the Selectboard that a phase or portion of construction of public facilities and improvements is complete as provided above, the ZA may recommend that the Town approve a partial release of the amount of the surety equivalent to the phase or portion of the completed construction, up to a maximum of 90% of the original amount. The remaining 10% of the original amount of the surety shall only be released upon the determination by the Selectboard that the public facilities and improvements have been maintained for two years after the approved completion.

g. Final Release

For the final release of the surety, the Selectboard shall have determined that the public facilities and improvements have been maintained for two years after the approved completion. Additionally, final record drawings or as-builts of the public facilities and improvements shall be submitted to and approved by the Selectboard. Such drawings shall be in the form of two (2) full-sized paper copies, one (1) copy on 11'' x 17' paper and one (1) digital copy in VGIS-format and one (1) in a PDF format.

6. **Phasing**

At the time that the DRB grants approval, it may require the subdivision to be divided into two or more phases to ensure project conformity with the Town Plan and Capital Budget and Program in effect to ensure the orderly development of the plat or to avoid overburdening municipal facilities and services or to minimize the amount of land subject to erosion.

7. **Certificate of Compliance**

a. In addition to the other requirements for a certificate of compliance provided for in these Regulations, such certificate for subdivisions shall be obtained prior to the sale of lots or to any further land development on the lots to ensure, that, as applicable:

i. all documentation required herein or by the DRB (i.e. easements, owners' association papers, etc.) are of the proper form and content, and properly recorded in the Randolph land records, and

ii. all required improvements have been installed in accordance with the conditions of subdivision approval. The satisfactory completion of any improvements shall be determined by the ZA, who may require professional certifications in making such determinations.

b. The ZA shall not issue a zoning permit for any development on a subdivided lot within the subdivision until the certificate has been issued.

8. **Effect of Final Plat Approval**

a. Every street or highway shown on a plat filed or recorded as provided herein shall be deemed to be a private street or highway until it has been formally accepted by the Town as a public street or highway by ordinance or resolution of the Selectboard.

b. The approval by the DRB of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the Town, nor an indication of any future acceptance, of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Acceptance of such dedications may be accomplished only by a formal resolution of the Selectboard, in accordance with Town policies and state law.

9. **Plat Recording Requirements**

a. Within 180 days of the date of receipt of final subdivision approval, the subdivider shall obtain the required signatures and file a signed and certified mylar plat of the approved final plan in the Randolph land records in accordance with the requirements of the Vermont Plat Law (27 VSA Chapter 17), and provide two (2) paper copies and one (1) digital copy in VGIS-compatible format of the final plat to the ZA. No subdivision plats may be recorded except in conformation with these Regulations.

b. Approval of subdivision plats not filed within 180 days shall thereupon expire. The ZA may extend the date for filing the plat by an additional 90 days, if final local or state permits or approvals are still pending.

c. In addition to the final plat requirements described in subsection 506.C.2 [Final Review] below, the following shall also be required:

i. The signature blocks for the DRB and subdividers shall be completed. The DRB shall not sign a plat until the subdividers have signed the plat.

ii. In cases when a state water and wastewater permit has not been issued prior to filing the plat, or where any of the proposed lots in the subdivision have been issued a Notice of Permit Requirement instead of a state water and wastewater permit, a notice shall also be reproduced on the plat in at least 12-point font as follows:

> "Notice to Owner/Buyer: Any person who owns any of these lots {or specify which lot(s) have received a Notice of Permit Requirement} acknowledges that these lots/this lot may not be able to meet state standards for a potable water supply or wastewater disposal system and therefore these lots/this lot may not be able to be improved."

iii. In cases when the subdivision approval is subject to conditions, a notice or reference to the conditions shall be reproduced on the plat in at least 12-point font. The DRB shall indicate which conditions are to be so noticed or referenced.

10. **Revisions to an Approved Subdivision**

No changes, modifications, or other revisions to an approved subdivision shall be made unless the proposed revisions are approved by the DRB in accordance with these Regulations or the regulations in effect at the time of application.

506.C. APPLICATION REQUIREMENTS

1. **Preliminary Review**

The preliminary review application shall include the following:

a. An application and any other forms provided to the applicant by the ZA and fee in an amount set by the Selectboard.

b. A list of abutters.

c. A plan that includes the following information:

i. proposed and existing lot lines, dimensions and sizes

ii. proposed and existing streets and rights-of-way

iii. north arrow

iv. major site features such as stone walls, fences, buildings, large trees, rock outcroppings, the location of the following, as shown on the Natural Resource Atlas or other mapping tools as provided by the town: surface waters, wetlands, and floodplains; and within the RA, RR, RES, INT (all), deer wintering areas, habitat for rare, threatened and endangered species, prime and statewide agricultural soils, and significant natural communities, and other features deemed relevant by the DRB to make a finding under a standard herein.

2. **Final Review**

For an application to be considered complete, the final review application shall include the following:

a. A zoning permit application and any other forms provided to the applicant by the ZA and fee in an amount set by the Selectboard.

b. A list of abutters.

c. Nine (9) full-sized paper copies and one 11” x 17” paper copy of the final plat meeting the Vermont Plat Law. Such plat shall be 18” x 24”, multiple sheets accepted, with a top margin outside of the border line of 1½” and ½” on all other sides. The final plat shall be prepared by a licensed surveyor and shall include the items below, as applicable.

i. Preparers’ information and certifications (surveyors, designers, etc.).

ii. Signature blocks #1 - 3 as shown in Appendix C.

iii. Scale (minimum 1 inch = 200' or as specified by the DRB).

iv. Date, north arrow and legend.

v. Lots

(A) All lots

(1) Assigned lot numbers

(2) Acreages

(B) Lots under 20 acres in size

Survey (distances and bearings) of all lot lines including the lot lines of the original lot and the new, internal lot lines.

(C) Lots 20 acres or larger in size

(1) At a minimum, survey (distances and bearings) of the new, internal lot lines. The applicant may also survey all the lot line lines.

(2) Approximate lengths of all un-surveyed lot lines.

vi. Monument locations with indication of type of monument.

vii. Adjoining lot lines with owner name.

viii. The location of all structures, fences, walls, stone walls, mature trees and rock outcroppings.

ix. Existing and proposed roads, town roads and legal trails as mapped, pedestrian facilities and associated rights-of-way or easements.

x. Proposed restricted areas such as building envelopes and no-build, no-cut and no-fill areas.

xi. Existing and proposed utilities (power, water, wastewater and stormwater systems), and associated rights-of-way or easements.

xii. Proposed park, playground or other recreation areas, or areas to be dedicated for public use.

xiii. Proposed conservation, buffer and open space easement areas.

xiv. If the subdivision is shown on multiple sheets, each sheet shall include match lines and show a locus map of the entire parcel and reference what the part of the parcel that is shown on which sheet.

d. Nine (9) copies of supporting information and documentation that includes the items below, as applicable.

i. Proposed uses of lots, if known.

ii. Site location map showing the proposed subdivision in relation to major roads, drainage ways, and adjoining properties within a minimum radius of 2,000 feet (e.g. Vermont orthophoto base, Vermont Natural Resource Atlas, Google Earth Map).

iii. Map(s) showing the proposed subdivision and the following:

(A) zoning district designation and boundaries;

(B) general indication of land cover, including tree lines, meadows and land in agricultural production; and

(C) location of the following, as shown on the Natural Resource Atlas or other mapping tools as provided by the Town:

(1) for all zoning districts - surface waters, wetlands, and floodplains.

(2) for property within the RA, RR, RES and INT (all) districts - deer wintering areas; habitat for rare, threatened and endangered species; prime and statewide agricultural soils; and significant natural communities, and other features deemed relevant by the DRB to make a finding under a standard herein.

iv. Proposed road profiles showing percent grade as measured along the centerline of the road easement, intersection geometry, curve radii as measured along the centerline of the road easement, geometry of proposed cul-de-sac or other turnaround at the end of dead-end roads, and areas of cut and fill proposed for construction of the road.

v. Engineering reports and certifications or copies of relevant state permits for water, wastewater and stormwater systems, if available.

vi. If the subdivision is on a state highway, a notice of intent for a highway access permit.

vii. Existing and proposed traffic generation rates and volumes, if applicable.

viii. Off-site easements (e.g., for water, wastewater, access).

ix. Proposed phasing schedule, as applicable, for the implementation of improvements for the subdivision.

x. Proposed covenants and deed restrictions.

xi. Proposed homeowners' or tenants' association documents or agreements.

xii. Subdivision plat in VGIS-compatible format (one copy only).

xiii. Proposed performance bond or surety, as applicable.

xiv. Temporary field markers, located on the site, to enable the DRB to determine the proposed location of parcel boundaries, building envelopes and associated improvements, as applicable, if the DRB determines a site visit is necessary to determine compliance with any standard herein.

506.D. SUBDIVISION STANDARDS

1. Application of Standards

a. The DRB shall approve, with or without conditions as provided for in §502 [General Applicability and Review Procedures], a subdivision application if it meets all applicable standards set forth in this subsection, unless varied or waived under 506.B.1 [Waivers] above, and the applicable standards set forth in §226 (FPO District) if any part of the property is in a special flood hazard area.

b. In cases where the applicant is required to provide special reports or studies (e.g. traffic, wetlands, etc.), the DRB may require the applicant to fund an independent technical review of such reports or studies, or the DRB and applicant may mutually agree upon a consultant, funded by the applicant, for specific studies in order to minimize costs and disputes about technical findings.

2. Standards

a. Lot Configuration

i. The proposed subdivision shall create lots in compliance with the development standards of the zoning district(s) in which the lots are located and these Regulations. In the case where a proposed lot will have multiple zoning districts, the standards for the district that encompasses the greatest area of the lot shall govern.

ii. Also notwithstanding (i) above, flag lots (see Figure 3 in Appendix B) are allowed with the following provisions:

(A) The "staff" is between 20 and 50 feet wide.

(B) No structural development is allowed in the "staff" except accessory buildings 50 SF or less in footprint.

(C) The lot width is measured at the bottom of the "flag".

(D) In all districts except RA, RR and RES Districts, if more than one flag lot is proposed, the "staffs" shall not be contiguous or side-by-side.

(E) The flag lot shall not be further subdivided into more than 2 lots.

b. Placement of Lot Lines and Roads

i. **Protecting Mature Trees** - In all districts except RR and RA, the placement of lot lines and of roads shall minimize adverse impacts to healthy, mature trees (defined as a tree which has achieved an age significantly into its species' normal life cycle) provided, however, that consideration of this factor shall not unintentionally render any lot under consideration undevelopable.

ii. **Protecting Natural Resources** - The placement of lot lines and of roads shall minimize adverse impacts to the following, as shown on the Natural Resource Atlas or other mapping tools available in the Town Hall: surface waters, wetlands and floodplains; and, within the RA, RR, RES, INT (all), deer wintering areas, habitat for rare, threatened and endangered species, prime and statewide agricultural soils, and significant natural communities provided, however, that consideration of these factors shall not unintentionally render any lot under consideration undevelopable.

iii. **Protecting Agricultural Lands** - In the RR and RA Districts only and when the lot to be subdivided is 20 acres or greater in size, the placement of lot lines and roads shall reasonably minimize fragmentation of active pasture and cropland areas and areas with mapped prime agricultural lands.

c. Roads

In addition to the road placement requirements above, the following shall also apply to the proposed roads and driveways that will serve 3 or more lots within the subdivision:

i. Easements for all roads shall be a minimum of 50 feet wide.

ii. Roads shall minimize the amount of cut and fill required to be constructed.

iii. Roads shall reasonably follow existing linear features (e.g. field edges, utility corridors, tree and fence lines, stone walls).

iv. The use of dead-end streets and cul-de-sacs, particularly in the GC, GCR, RVHD, RVMD and RES Districts, shall be minimized.

v. Dead-end roads shall not exceed 2,500 feet in length and the easement for it shall include a sufficient area at the terminus for a cul-de-sac with a minimum 60-foot radius or a "T" or other configuration that allows emergency vehicles to turn around safely and efficiently.

vi. Roads shall have no more than an 8% grade measured at the centerline of the easement. This notwithstanding, one (1) section of not more 5% of the total road length or 100 feet, whichever is less, may have up to a 10% grade provided the steeper grade is not within 75 feet of an intersection with another road and the proposed uses of any of the lots to be served by the road are only residential (i.e. not commercial or industrial). If existing topography is insufficient, these grade requirements may be met with minimal cut or fill.

vii. Curves in the roads shall have a minimum 100-foot radius as measured along the centerline of the easement.

viii. Intersections

(A) Intersections shall not have more than 4 corners.

(B) Intersections shall, whenever possible, coincide with an existing or proposed intersection on the opposite side of the road.

(C) Off-set intersection shall have a minimum of 150 feet separation measured from the centerline of the easements of the intersecting roads or shall be at sufficient spacing to provide safe egress.

(D) Intersections should not be at an angle of less than 90° but in no case shall it be less than 75°.

(E) Intersections shall provide sufficient sight distances and safe egress.

(F) All approaches to intersections shall have a maximum slope of 3% for a minimum distance of 75 feet from the centerline of the intersected road with minimal cut or fill.

d. Accesses

To manage traffic flow and safety, to avoid congestion, and to preserve the capacity of local roads, the DRB may:

i. limit the number of access points onto public highways, including modification to existing accesses;

ii. require shared access, driveways or roads to serve multiple lots, and require multimodal connections between lots;

iii. require access from secondary roads, if a proposed subdivision has frontage on both primary and secondary roads;

iv. require rights-of-way for future road, sidewalk or path extensions to connect to adjoining parcels; and

v. prohibit the creation of reserved strips (e.g. where development is prohibited) adjacent to a proposed road which would deny access from adjacent properties.

e. Pedestrian Facilities

To facilitate safe and convenient pedestrian access from the subdivision to adjoining parcels and roads, or to nearby public schools, playgrounds, or public lands, the DRB may require one or more of the following:

i. sidewalks and curbing to connect to existing sidewalks on adjoining properties,

ii. sidewalks and curbing along internal subdivision roads within the CB, GC, GCR, RVMH, RVHD, and RES Districts,

iii. the installation of pedestrian crosswalks at designated intersections, and

iv. unobstructed easements at least 10 feet in width for future pedestrian or recreation paths, as indicated on the final plat.

f. Transit Facilities

The DRB may require that subdivisions located on existing or proposed transit routes, including school bus routes, include a sheltered transit stop for use by customers/residents of the subdivision.

g. Fire Protection

The DRB, on the advice from the FSAC and as reasonably necessary for adequate fire protection, may require changes to the layout of roads and lots in the subdivision.

h. Site Drainage

Drainage shall not adversely affect any off-site properties or roads on or off the subdivision site. The DRB may require that the applicant submit a report from a professional engineer with regard to drainage impacts on the subdivision and with regard to the drainage system for the subdivision, based on a 50-year storm standard.

i. Erosion Protection

i. The proposal shall include any actions which the applicant is to take to control erosion and sediment run-off during construction of roads, utilities, etc., that serve or are within the proposed subdivision.

ii. The control of erosion and of sediment run-off shall comply with all applicable Vermont rules and regulations.

j. Maintenance

The applicant shall provide documentation that all roads and required rights-of-way and easements, and other common lands or facilities within the subdivision will be adequately implemented, enforced and maintained, as applicable, either by the subdivider, an owners' or tenants' association, or through other legal means acceptable to the DRB. Such documentation, as approved by the DRB, shall be filed in the Randolph land records.

k. Construction

Construction of roads, sidewalks and driveways shall conform to all applicable ordinances adopted by the Town that are in effect at the time of construction.

§ 507 VARIANCES

A. The ZA shall refer to the DRB any application for a variance requested by the applicant, who is herein designated as an "appellant". The DRB, pursuant to the requirements of 24 VSA §4469, shall approve a variance for a structure that is not primarily a renewable energy resource structure and render a decision in favor of an appellant only if all the following conditions are found by the DRB to be present and such finding is 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 these Regulations in the 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 these Regulations and that the authorization of variance is therefore necessary to enable the reasonable use of the property;

3. That such unnecessary hardship has not been created by that appellant;
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of these Regulations.

B. In rendering a decision in favor of an appellant, the DRB may attach such conditions to such variances as it may consider necessary and appropriate under the circumstances to implement the purposes of these Regulations.

C. The criteria set forth in 24 VSA §4469(b) shall apply to variance requests for structures that are primarily a renewable energy resource structure.

§ 508 ADMINISTRATIVE REVIEW AND APPROVAL

508.A. APPLICABILITY

Pursuant to 24 VSA §4464(c) [Administrative Review], the ZA may review and approve new development and amendments to previously-approved development that would otherwise require review by the DRB, except if that review is for a variance. To qualify for administrative review, the development or amendment shall be one of the following:

1. Addition or renovation to a principal building;
2. Construction of or addition or renovation to an accessory building;
3. Minor changes to an approved site plan or conditional use; and
4. Change of use of a building when no changes are proposed to the approved site plan and the new use requires the same number of off-street parking spaces.

508.B. APPLICATION PROCEDURE

1. **Request for Administrative Review**

   a. Upon receipt of a complete zoning permit application, the ZA shall promptly inform the applicant if the application qualifies for administrative review and that the applicant has 10 days to request the review or the ZA will refer the application to the DRB for review.

   b. The ZA shall not undertake administrative review unless the applicant requests it in that 10-day period.

   c. The ZA reserves the right to deny the request for administrative review and refer the application to the DRB for review if the ZA determines that it is appropriate.

2. **Administrative Review and Approval**

   a. Upon receipt of the request for administrative review, the ZA shall undertake review of the project and approve it if it meets the criteria under review (e.g. site plan, conditional use) and the criteria below, as applicable. Conditions may be imposed if they are relevant to the criteria and necessary for the project to meet the criteria.

i. The development does not result in a substantial impact under any of the criteria under review.

ii. The development does not have the effect of substantively altering any of the findings of fact of the most recent DRB approval for the project.

b. The ZA may request additional information from the applicant that is relevant to making a decision.

c. If, upon review, the ZA cannot grant the approval, the ZA shall refer the application to the DRB for review and approval.

d. If more than one approval is required (e.g. site plan and conditional use), and at least one of the reviews cannot be approved by the ZA, the ZA shall not grant any approval and refer the entire application to the DRB for review and approval.

e. If the ZA grants approval, the decision shall be in writing. As with any decision of the ZA, it may be appealed as provided for in these Regulations.

ARTICLE 6 – ABBREVIATIONS AND DEFINITIONS

§ 601 ABBREVIATIONS

The following abbreviations shall be the shortened form of the word or phrase indicated, the definitions of which may also be included in §226 (regarding floodplains) and §604 (regarding general definitions):

AAP..... Accepted Agricultural Practice
Ac. ..... acre/acreage
AMP ..... Accepted Management Practice
ANR ..... Vermont Agency of Natural Resources
ATM ..... Automatic teller machine
ATV ..... All-terrain vehicle
BFE ..... Base flood elevation
CB ..... Central Business District
CFR .....Code of Federal Regulations
DRAC .....Design Review Advisory Commission
DRB .....Development Review Board
DU ..... Dwelling unit
ERV ..... East Randolph Village District
FEMA ..... Federal Emergency Management Administration
FIRM ..... Flood Insurance Rate Map
FHBM ..... Flood Hazard Boundary Map
FPO..... Flood Plain Overlay District
FSAC .....Fire Services Advisory Committee
Ft. ..... Feet/foot
GC..... Gateway Commercial District
GCR..... Gateway Commercial Retail District
I-89 ..... Interstate 89
IND ..... Industrial District
INT ..... Interchange Districts (all 4 districts, collectively)
INT-NW ..... Interchange Northwest District
INT-SW..... Interchange Southwest District
INT-NE..... Interchange Northeast District
INT-SE ..... Interchange Southeast District
LED ..... Light-emitting diode
LOMA ..... Letter of Map Amendment
LOMR ..... Letter of Map Revisions
MFD ..... Multi-family dwelling
NA ..... Not applicable
NFIP ..... National Flood Insurance Program
NRCS ..... Natural Resource Conservation Service
NSV..... North and South Randolph Villages District
RA..... Rural Agricultural District
RES..... Residential District
RCDRP..... Randolph Center Design Review Panel
RCO..... Randolph Center Overlay District
RCV..... Randolph Center Village District
ROW ..... Right-of-way

RR..... Rural Residential District
RVHD..... Randolph Village High Density District
RVMD ..... Randolph Village Medium Density District
SF .....Square feet
SFD .....Single-family dwelling
SFHA .....Special Flood Hazard Area
USDA .....United State Department of Agriculture
VGIS .....Vermont Geographic Information Systems
VSA .....Vermont Statutes Annotated
VT .....Vermont
VTrans .....Vermont Agency of Transportation
ZA .....Zoning Administrator

§ 602 APPLICABILITY OF DEFINITIONS

A. Definitions contained in the Act shall be applicable throughout these Regulations. For convenience, some of these definitions appear below and marked with an asterisk (*). In case of conflict or difference, the definitions in the Act shall govern.

B. Unless otherwise expressly stated in these Regulations, the definitions in §604 shall, for the purpose of these Regulations, have the meanings therein indicated.

C. Definitions that apply exclusively to the INT Districts and the FPO are included in §225 and §226, respectively.

§ 603 CONSTRUCTION OF LANGUAGE

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 "structure" includes "building"; 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."

§ 604 GENERAL DEFINITIONS

The following definitions apply to the entirety of these Regulations. Those marked with an asterisk are definitions per 24 VSA Ch. 117 and are provided for convenience only.

Abutter – An owner whose property is within 300 feet of the property that is subject to an application under review by the DRB.

Abutters, list of – The name and address of all abutters.

Accepted agricultural practice (AAP) - The standards to be followed in conducting agricultural activities in this state as defined in 6 VSA §4810.

Access – A way or means of approach to provide vehicular or pedestrian physical entrance to or egress from a property.

***Accessory dwelling/apt.** – 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. [24 VSA §4412(1)(E)]

Accessory building - A building customarily incidental and subordinate to a principal building and located on the same lot.

Accessory use - A use customarily incidental and subordinate to the principal use and located on the same lot. When applied to agriculture, this shall be deemed to include the sale of products raised on the property.

Act, the - The Vermont State statute that is the authority for these Regulations. Full title: Vermont Municipal and Regional Planning and Development Act, 24 VSA Chapter 117, et seq.

Act 250 – 10 VSA Ch. 151.

Administrative Officer - The Town official appointed by the Selectboard whose duties are described by the Act and these Regulations. "Zoning Administrator" or ZA is synonymous with this definition.

Alteration - Change of location or of footprint of a building, other than repairs and modification in building equipment.

Applicant – The owner, or his or her duly authorized agent, of property proposed to be developed and for which an application for a zoning permit has been submitted in accordance with these Regulations. The property owner may allow another party such as tenant or contractor to apply for a permit but the property owner shall consent to such person being co-applicant and sign the permit application.

***Appropriate municipal panel** – A planning commission performing development review, a board of adjustment, a development review board, or a legislative body performing development review [24 VSA §4303(3)]

Assisted living facility – Residences that provide rooms, meals, personal care and supervision of self-administered medications. Such facilities may provide other services such as recreational activities, financial services and transportation.

Attached – Two building shall be considered attached if they share a common wall or if connected to each other by a roof, (i.e. breezeway) with or without walls that is capable of year round use. For the purposes of this definitions, lattice, awning or other flexible fabric is not considered such a roof.

Authorized agent - A person who is given the authority to stand in the place of another person/property owner (as deputy, substitute, agent etc.).

Bed and Breakfast – Overnight accommodations, which may include a morning meal, provided to transients for compensation in a dwelling occupied by a resident.

Boarding House – A dwelling in which lodging is provided for compensation, which may include meals for the boarders and is owner- or manager-occupied. This definition is NOT synonymous with "residential care home" as regulated in 24 VSA §4412(G).

Building - Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or goods.

Building, detached - A building that does not have any roof, wall or floor in common with another building.

Catastrophically lost structure – A structure with substantial structural instability not caused, or perpetuated by the owner.

Channel – An area that contains continuously or periodic flowing water that is confined by banks and a streambed.

Clearing – The removal or causing to be removed, through either direct or indirect actions, of trees, shrubs, sand, gravel, vegetation or topsoil from a site, or any material change in the use or appearance of land.

Commercial catering – Food service to the public that is based in a store or other commercial establishment which doesn't provide food service as a principal use (e.g. restaurant), or food service from a food stand, mobile unit, pushcart, etc.

Commercial catering mobile unit – A trailer or other mobile unit that is towed by another vehicle or is self-propelled and in which food is prepared or from which the food is served. This definitions is not synonymous with "food cart", which is generally a smaller mobile unit that can be moved manually by one person.

Common land – Land within or related to a development that is designated and intended for the common use or enjoyment of the residents or occupants but is not individually owned or dedicated for public use.

Conditional use - A land use permitted in a given zoning district only by approval by the DRB.

Coverage envelope – The single area of a lot within which all building and lot coverage must be located, exclusive of access to that area.

Coverage, building - The portion of a parcel that is covered by above-grade structures.

Coverage, lot - The portion of a parcel that is covered by manmade improvements, not including stormwater retention ponds or constructed natural features, but including structures, paved or gravel driveways, sidewalks and parking areas.

Critical facilities – Facilities or structures that the community identifies as essential to the health and welfare of the population and that are especially important following a disaster, including but not limited to, police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supplies, water and wastewater treatment facilities. Other facilities may rise to the status of critical facility, such as a grocery or gas station that survive a flood and now are the only sources for food and gas.

Density – The maximum number of dwelling units per acre of lot area, excluding the land area within existing and proposed road rights-of-way, unless otherwise specified in these Regulations.

***Development** - The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land. [24 VSA §4303(10)]

Development Review Board (DRB) - The appropriate municipal panel with duties described in these Regulations and the Act.

Dwelling, One-family - Detached building used as a single living unit. "Single-family dwelling" (SFD) is synonymous with this definition.

Dwelling, Two-family - Building containing two living units. "Duplex" is synonymous with this definition.

Dwelling, Multi-family (MFD) - Building containing three or more living units.

Dwelling unit – See "living unit."

Earth material extraction – The on-site removal or processing of surface and subsurface materials , including soils, sand, gravel, stone, rock or organic substances other than vegetation, from land or water. Customary extraction operations include sand and gravel pits, rock quarries and accessory processing such as crushing, screening and storage of materials excavated on-site.

Easement – A grant of one or more of the property rights by the property owner to or for use by the public, a corporation, or another permit or entity.

Elder housing – Multi-family dwellings in one or more buildings on a single parcel, each unit of which is specifically designed and intended for occupancy by at least one person who is at least 55 years of age or older.

Family - One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

Farming – The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; the raising, feeding or management of livestock, poultry, equines, fish or bees; the operation of greenhouses; the production of maple syrup; the on-site storage, preparation and sale of agricultural projects principally produced on the farm; the on-site production of fuel or power from agricultural products or wastes produced on the farm; or the raising, feeding or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.

Fence – An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

Filling – The act of transporting or placing, by any manner or mechanism, material to any soil surface or vegetation.

Floor area, gross – The total area of all floors of a building as measured to the outside surfaces of exterior walls, including halls, stairways, elevator shafts, living space above attached garages, enclosed porches and areas below the first or ground floor that are used or intended to be used for human habitation or service to the public. The gross floor area does not include interior vehicular parking and loading spaces, or, for non-residential uses, any space where the floor ceiling height is less than 6 feet.

Forestry – The management, harvesting or operation of timber tracts, forested parcels, tree farms and forest nurseries.

Gasoline station apron - The area immediately around the gasoline pumps and under the canopy, if there is one.

Grading – Any excavating, filling or clearing which alters the existing surface of the land.

Height – The distance above ground of a structure as measured vertically from the average finished grade at the base of the structure to the highest point of the structure. For a building, this highest point includes the roof surface, and excludes chimneys, roof-mounted solar panels and other structures or equipment, provided each is external to the building and is not suited nor used for human occupancy.

Home occupation - An accessory use to a primary residential use which is clearly subordinate to the residential use and is conducted on the same lot as the residence, does not change the character thereof and is conducted in compliance with §4.1 [home occupations].

Independent living facility – Multi-family dwellings in one or more buildings on a single parcel, each unit of which is specifically designed and intended for occupancy by up to two people, at least one of which is at least 55 years of age or older or has a disability but requires no special living assistance.

Junk – Any goods, scrap, waste, reclaimable materials, or debris, whether or not in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition.

Junkyard – Land use for the storage, collection, processing, salvage or disposal of junk for any purpose other than non-commercial personal use by a current resident of that land.

Kitchen facilities – The common plumbing fixtures and appliances normally expected in the food preparation area of a living unit. The presence of a sink, a refrigerator, and cooking facilities would meet this definition. Cooking facilities include, but are not limited to, stoves, built-in-ovens, countertop ovens, and microwave ovens.

Land development - See "Development".

Living unit - Building or part thereof that has a toilet, lavatory, kitchen facilities, and one or more bedrooms and that is reasonably private and separate from other living units. A living unit may include one or more bedrooms, toilets and lavatories in an attached or detached building, such as a garage, provided that the attached or detached building does not have kitchen facilities. The presence of more than one kitchen may not automatically create a second living unit. Examples include, but are not limited to, outdoor kitchen facilities such as might be located on a deck or porch, or kitchen facilities in a wet bar or family room location. "Dwelling unit" is synonymous with this definition. The terms "dwelling", "one-family dwelling", "two-family dwelling" or "multiple-family dwelling" shall not include a motel, hotel, boarding house, tourist home or similar building.

Lot - Developed land or land eligible for development under these Regulations. "Parcel" and "plot" shall be synonymous with this definition.

Lot line, front - The lot line demarking a lot from a road right-or-way, whether public or private. For a parcel which does not have frontage on a road right-of-way, the front lot line shall be the lot line that most resembles the front of the lot. Corner lots shall have two front lot lines.

Lot line, rear - The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly-shaped lot, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. Corner lots may not have a rear lot line, only front and side lot lines.

Lot line, side - Any lot line other than a front or rear lot line.

Lot size - The total area within the lot lines of a lot, including any private rights-of-way. Easements for access to an adjacent lot shall be included in the lot size.

Lot width - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the front setback.

Mobile home - A dwelling unit which:

- is designed for long term and continuous residential occupancy;
- is designed to be moved on wheels, as a whole or in sections;
- if prefabricated, is complete and ready for occupancy upon arrival at the site except for incidental unpacking, assembly, connections with utilities, and placing on support or a permanent foundation, or installation as a unit in a previously prepared structure;
- utilizes the same type of water supply and waste disposal as immovable housing.

Mobile home park – A parcel containing more than two sites with required improvements and utilities that are owned or leased for long-term placement of mobile homes.

***Nonconforming lot -** A lot that does not conform to the present bylaws covering dimensional requirements but was in conformance with all applicable laws, and regulations prior to the enactment of the present bylaws, including a lot improperly authorized as a result of error by the ZA. [24 VSA §4303(13)]

***Nonconforming structure** - A structure or a part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, Regulations, and regulations prior to enactment of the present bylaws, including a structure improperly authorized as a result of error by the ZA. [24 VSA §4303(14)]

***Nonconforming use** - Use of land that does not conform to the present bylaws but did conform to all applicable laws, Regulations, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the ZA. [24 VSA §4303(15)]

***Nonconformity -** A nonconforming use, structure or lot. [24 VSA §4303(16)]

Nuisance – A condition or situation that results in an interference with the enjoyment and use of property.

Parking space - Off-street space used for the temporary location of one licensed motor vehicle.

Permitted use - A use specifically allowed in a given district, requiring only the granting of a zoning permit by the ZA.

Principal building - Building in which is conducted a principal use of the lot on which said building is located.

Principal use - A use or uses dominant on a lot, where such use or uses are superior to or distinct from any other use of the land or lot.

Public hearing - A proceeding before the DRB given public notice and open to the public, at which both applicant/appellant and interested parties may present evidence.

Recreation, passive – Outdoor facilities or areas for activities that are relatively inactive or less energetic such as sitting, picnicking, and playing board and table games, and unpaved trails and state-permitted bridges for disk golfing, walking, running, biking, hiking and small motorized vehicles such as snowmachines and ATVs.

Recreational vehicle - A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck, and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. The terms "travel trailer" and "camper" are synonymous with this definition.

Road - A public right-of-way which affords the principal means of access to abutting properties and includes any street, avenue, boulevard, road, alley and any other public right-of-way.

Setback, front, rear and side - The minimum distance between a building and the front, rear and side lot lines, respectively.

Skilled nursing facility – An assisted living facility that is licensed to provide health or nursing care under medical supervision to its residents.

Slope - The degree of rise over run of land, measured in percent.

Special flood hazard area (SFHA) - The floodplain within a community subject to a 1% or greater chance of flooding in any given year. The area is usually labeled Zone A, AE, AH, AO or Al-30 in the most current flood insurance study and on the FIRMs published by FEMA.

Subdivision - The division of any parcel of land into two or more parcels, lots or other legal division of land for the purposes of offer, transfer, sale lease, conveyance or development. The term includes the re-subdivision of a previously-subdivided parcel, amended subdivisions, and the division of land held in common among several owners.

***Structure -** An assembly of materials for occupancy or use, including a building, mobile home or trailer, sign, fence, or wall. [24 VSA §4303(27)]

Town – Town of Randolph, Vermont

Use – The specific purpose for which a lot or building is designated in conformance with these Regulations, or for which it otherwise may be lawfully used and maintained.

Variance - An approval granted by the DRB to allow development that does not conform to all provisions of these Regulations.

Wall – (1) The vertical exterior surface of a building; (2) one of the vertical interior surfaces that divide a building's space into rooms.

Zoning Administrator (ZA) – See "Administrative Officer".

Appendix A – Zoning Maps

Zoning Map – Town
Zoning Map – Village (Inset)
INT Districts' Map – Regulatory Provisions
INT Districts' Map – Agricultural Soils
RCO District Map

Appendix B – Figures and Tables

Fig. 1 Required Setbacks
Fig. 2 Special Flood Hazard Areas and Floodway
Fig. 3 Flag lots
Table 1 Conservation Subdivisions

Appendix C - Signature Blocks

#1 Development Review Board

#2 Surveyor & Subdivider

#3 Town Clerk

Signature Block #1

RANDOLPH DEVELOPMENT REVIEW BOARD

Date of Approval _____

Zoning Permit # _____

Chair Signature _____

Secretary Signature _____

Signature Block #2

NAME OF SUBDIVISION

Name of Land Surveyor _____

Address of Land Surveyor _____

Subdivider Signature(s) _____

_____

Signature Block #3

RANDOLPH TOWN CLERK'S OFFICE

Received for Record

_____AD

at _____ o'clock _____ minutes _____

and recorded in Map File #_____

Attest: _____

Town Clerk/Assistant Town Clerk

Appendix D
Development Review Board
Rules of Procedures and Ethics