

Town of Danville Zoning Bylaw

**TOWN OF DANVILLE
VERMONT
ZONING BYLAW**

Revised and Readopted on December 6, 2007
By the Danville Selectboard

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ARTICLE 1: ENACTMENT AND INTENT

Section 101: Enactment

101.1 In accordance with the Vermont Planning and Development Act, hereinafter referred to as the "Act", Title 24 V.S.A., Chapter 117, Section 4401, there is hereby established a zoning bylaw for the Town Of Danville which is set forth in the text and maps that constitutes this bylaw. This bylaw shall be known and cited as the "Town of Danville Zoning Bylaw".

Section 102: Intent

102.1 It is the intent of this zoning bylaw to provide for orderly community growth, to further the purposes established in Section 4302 of the Act and to implement the intent of the "Danville Town Plan".

102.2 Local, State and Federal governments may also regulate certain aspects of land use. This bylaw in no way supersedes such regulations and compliance with this zoning bylaw in no way implies compliance with such regulations. Such regulations include but are not limited to Town Ordinances, environmental laws established by the Agency of Natural Resources or the Department of Environmental Conservation, or agricultural regulations established by the Secretary of Agriculture, etc.

ARTICLE 2: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 201: Zoning Map and Districts

201.1 The zoning map officially entitled "Town of Danville Zoning Map" is hereby adopted as part of this bylaw. The Town of Danville zoning Map shows a division of the Town into the following districts:

- * MDR I - Medium Density Residential I
- * MDR II - Medium Density Residential II
- * LDR - Low Density Residential
- * CON - Conservation

Section 202: Copies of Zoning Map

202.1 Regardless of the existence of other printed copies of the zoning map, which from time to time may be made or published, the official zoning map, which shall be located in the office of the Town Clerk, shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the Town.

Section 203: District Boundaries:

203.1 District boundaries shown within lines of roads, streams, and transportation rights-of-way shall be deemed to follow the center lines. The abandonment of roads shall not affect the location of such district boundaries. When the Administrative Officer cannot definitely determine the location of such district boundary by such center lines, by the scale or dimensions stated on the zoning map, or by the fact that it clearly coincides with a property line, then the Administrative Officer shall "Defer Action" until the DRB has interpreted the location of the district boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of this bylaw.

Section 204: District Objectives and Land Use Controls:

204.1 The following tables state the objectives of each of the districts hereby established and the provisions of this bylaw that apply respectively in each district. Any use designated as a "Permitted Use" which does not require site plan approval in the table relating to a particular district, may be commenced in such district pursuant to Section 206 of this bylaw. Any use designated as a "Permitted Use" requiring site plan approval in the table relating to a particular district, may be commenced pursuant to Section 401 of this bylaw. Any

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use designated as a "Conditional Use" in the table relating to a particular district may be commenced pursuant to Section 207 of this bylaw. Any use not designated by this bylaw as a "Permitted Use" or "Conditional Use" in the table relating to a particular district shall be deemed prohibited in such district.

Section 205: Application of District Regulations:

205.1 The application of this bylaw is subject to Sections 4411, 4412, and 4413 of Title 24. No land development may commence without a zoning permit issued by the Administrative officer. Unless such land development conforms to the regulations herein specified, no permit may be issued by the Administrative officer. Land development includes the division of a parcel into two or more parcels; the construction, reconstruction, conversion, relocation or enlargement of any building or other structure; and the use, change of use, or extension of use of any building or other structure or land. Land subdivisions require the submission of a legal survey of the resulting lots with the zoning application.

The following uses are considered permitted uses pursuant to section 4412:

An accessory dwelling unit shall be permitted use in the Town of Danville Residential District. An accessory dwelling unit shall be defined as efficiency or one bedroom apartment, located within or appurtenant to an owner-occupied single unit dwelling and has facilities and provisions for independent living. These including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

- * The property has sufficient waste water capacity,
- * The unit does not exceed 30 percent of the total habitable area of the primary single unit dwelling,
- * Applicable setbacks, coverage, and parking requirements specified in the by-laws are met.

Notwithstanding the provisions above, the creation of an accessory dwelling unit will require Conditional use approval by the DRB when one or more of the following is involved:

- * A new accessory structure, constructed after the enactment of these bylaws,
- * An increase in the height or floor area of the existing dwelling,
- * An increase in the dimensions of parking areas.

The DRB must consider the scale and character of any proposed, new accessory structure to be sure the proposed appurtenant dwelling unit does not compromise the aesthetics of the surrounding area.

205.2 Medium Density Residential I is a district to provide for residential and other compatible uses at a density consistent with the physical capability of the land, the availability of services and the need to provide sufficient opportunities for housing.

Permitted Uses

Accessory Use	Hospital
Agricultural	Religious
Dwelling, One Family	Public & Quasi-Public Buildings
Dwelling, Two Family	Schools
Home Occupation	

Conditional Uses

Club, private	Personal Service	Neighborhood commercial facility
Community center	Recreational facility, indoor	Pond, man-made
Commercial use	Recreational facility, outdoor	Wholesale distribution service
Dwelling, multi-family	Essential services	Removal of fill, gravel stone or loam

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Light industry	Restaurant	Warehouse or trucking terminal
Lodging house	Retail store	Public assembly use
Membership club	Motor vehicle sales, service & repair	
Motel	Recreational facility, private indoor & outdoor	

Minimum Area and Dimensional Requirements

	<u>Lot classification (1):</u>	<u>Lot classification (2):</u>
Lot size in acres:	1	.75
Lot width in feet:	125	125
Front yard in feet (2):	25	25
Side yard in feet:	35	35
Rear yard in feet:	50	50

(1) Lot classification: 1. on-lot water and/or sewer; 2. off-lot water and sewer.

(2) Front setback shall be computed from the street right-of-way line. For the purpose of this bylaw, every street shall be considered as having a fifty (50) foot right-of-way and the boundary shall be considered as twenty five (25) feet from the existing center line of the street.

205.3 Medium Density Residential II is a district is to provide for residential and other compatible uses at a lower density than Medium Residential I. The minimum lot size requirement is intended to be of sufficient size to provide for septic tanks and leach fields and on-site water supply since public water and sewer service is not available in these areas. The district included areas that are not remote from more densely developed areas and which are served by an adequate year-round road system.

Permitted Uses:

Accessory Use	Dwelling, Two Family	Public Facility
Agricultural Use	Home Occupations	Religious Institution
Dwelling, Seasonal	Hospital	School
Dwelling, Single Family	Public / Quasi Public Building	

Conditional Uses:

Bank	Dwelling, Multi-Family	Membership Club
Clinic	Essential Services	Motel
Club, Private	Light Industry	Personal Service
Commercial Use	Lodging House	Pond, Man-Made
Community Center	Recreational Facility, Indoor	Recreational Facility, Outdoor
Restaurant	Retail Store	Warehouse or Trucking Terminal

Recreational Facility, Private Indoor & Outdoor
 Motor Vehicle Sales, Service & Repair
 Neighborhood Commercial Facility
 Removal of Fill, Gravel, Stone or Loam
 Wholesale Distribution Service

Minimum Area and Dimensional Requirements:

Lot size in acres:	1.5
Lot width in feet:	150
Front yard in feet	25
Side yard in feet:	35
Rear yard in feet:	50

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Front setback shall be computed from the street right-of-way line. For the purpose of this bylaw, every street shall be considered as having a fifty (50) foot right-of-way and the boundary shall be considered as twenty five (25) feet from the existing center line of the street.

205.4 Low Density Residential is a district to provide for limited residential and compliance development in areas that are rural in character with agriculture and forestry as their primary use. These areas are generally served by adequate town roads and are suitable for development at a moderate density.

Permitted Uses:

Accessory Use	Dwelling, Single Family	Public & Quasi-Public
Agricultural Use	Essential Services	Religious
Dwelling, Multi-Family	Home Occupation	School
Dwelling, Seasonal	Hospital	

Conditional Uses:

Club	Personal Service
Commercial Use	Pond, Man-Made
Community Center	Recreational Facility, Indoor
Forestry Use	Recreational Facility, Private Indoor & Outdoor
Junk Yard	Recreational, Outdoor
Light Industry	Removal of Fill, Gravel, Stone, or Loam
Lodging House	Restaurant
Membership Club	Retail Store
Motel	Travel Trailer Camp
Motor Vehicle Sales, Service, Repair	Warehouse or Trucking Terminal
Office	Wholesale Distribution Service

Minimum Area and Dimensional Requirements:

Lot size in acres:	3
Lot width in feet:	150
Front yard in feet:	25
Side yard in feet:	35
Rear yard in feet:	50

Front setback shall be computed from the street right-of-way line. For the purpose of this bylaw, every street shall be considered as having a fifty (50) foot right-of-way and the boundary shall be considered as twenty five (25) feet from the existing center line of the street.

205.5 Conservation District includes areas of the community that should have a low density of development. The purpose of the district is to protect the natural resource value of lands which are essentially underdeveloped, lack direct access to a public roads, are important for wildlife habitats, have potential for forestry use, have one or more physical limitations to development, or include significant natural recreational or scenic resources, and are located 1,000 feet back from Class II and Class III roads.

Permitted Uses:

Accessory Use	Dwelling, Single Family	Home Occupations
Agricultural Use	Essential Services	Ponds, Man-Made
Dwelling, Seasonal	Forestry Use	

Conditional Uses:

Club, Private	Community Center	Personal Service
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Commercial Use

Junk Yard

Removal of Fill, Gravel, Stone or Loam

Minimum Area and Dimensional Requirements:

Lot size in acres:	10
Lot width in feet:	300
Front yard in feet:	25
Side yard in feet:	35
Rear yard in feet:	50

Front setback shall be computed from the street right-of-way line. For the purpose of this bylaw, every street shall be considered as having a fifty (50) foot right-of-way and the boundary shall be considered as twenty five (25) feet from the existing center line of the street.

Section 206: Permitted Uses:

206.1 Permitted uses are those uses that are allowed, provided the standards established by this bylaw are met unless a variance or other special action by the Development Review Board is required the necessary permit may be issued by the Administrative Officer.

Section 207: Conditional Uses

207.1 Conditional uses are those uses that may be allowed by the Development Review Board as provided for in Section 4414 of the Act after public notice and hearing. In order for the permit to be granted the proposed use shall not adversely affect:

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

207.2 In addition, the proposed use must be found in conformance with the specific standards for the district in which it is located.

207.3 As a condition of approval, the Development Review Board may attach such additional reasonable conditions and safeguards as it deems necessary for approval to implement the purposes of the Act and these zoning regulations.

Section 208: Design Control Districts:

208.1 As provided in Section 4414(1)(E) of the Act, design control districts are established as described on the official design control district map which is an appendix of the official zoning map located in the Town Clerks office. Such districts are:

Danville Green Town Center
Greenbank's Hollow
Harvey's Hollow
North Danville Village
West Danville Village

208.2 Within any design control district no structure may be erected, reconstructed, substantially altered, restored, moved, demolished or changed in use or type of occupancy without design approval of plans by the Development Review Board. This does not include routine maintenance as described in section 702.

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208.3 The procedure for obtaining design approval of plans shall be as follows:

A. Any application for a zoning permit for construction or alteration of any structure shall be made to the Administrative Officer with two copies of proposed plans and elevations and a description of materials to be used on the exterior of any structure.

B. The Administrative Officer shall, act in accordance with Sections 4448 and 4449 upon receiving plans for development review, and submit them to the Development Review Board for review.

C. The Development Review Board shall, in the manner and within the time specified in Section 4414 of the Act, render a decision as to the acceptability of plans based on the compatibility of the plans with other properties within or adjacent to the same design control district, after giving consideration to the following factors:

- * Exterior design
- * Exterior materials
- * Landscaping
- * The relationship between the widths to height on the front elevation of the building is compatible with existing buildings
- * The relationship of width to height of windows and doors is compatible with existing buildings
- * The materials to be used are compatible with the materials used in the district
- * Proposed architectural details (such as cornices, windows, chimneys, etc.) are compatible with those existing in the district
- * The proposed roof shape is compatible with existing roof shapes in the district

208.4 No zoning permit may be issued by the Administrative Officer for any construction, reconstruction, substantial alteration, or other action involving a structure within the design control district hereby established, unless the Development Review Board has approved the original plans. A permit is not required for routine maintenance as described in section 702.

208.5 The procedure governing notice and time limits for submission or resubmission of an application and approval, disapproval or approval with modifications shall be as set forth in Section 4464 of the Act, and shall be the same as for all other districts in this bylaw.

208.6 Routine maintenance as described in section 702 does not require a permit.

ARTICLE 3: GENERAL PROVISIONS:

Section 301: Existing Small Lots

301.1 Any lot located in a village district that is legally subdivided, is in individual and separate, nonaffiliated ownership from surrounding properties, and is in existence of the date of enactment of this bylaw, may be developed for the purpose permitted in the village district, even though the lot does not conform to the minimum lot size requirements of the Town of Danville provided such lot is not less than one eighth acre or has a minimum width or depth dimension of at least 60 feet.

Section 302: Required Frontage on, or Access to Public Roads or Public Waters

302.1 No land development may be permitted which do not have adequate means of access, either through frontage on a maintained public road (class 1, 2, or 3) or with the approval of the DRB granted in accordance with section of the bylaw, access by means of permanent easement or right of way to such a public road or to public waters. Access easements or right of way shall not be less than 50 feet in width. Access on to town highways requires a curbcut permit approved by the highway foreman and the Selectboard. Access on state highways must be permitted by Vermont AOT.

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Section 303: Protection of Home Occupations

303.1 Definition of a home occupation: Commercial activities conducted within 25% or less of the floor area of a dwelling or accessory building, which is clearly secondary to the dwelling's use as living quarters, is customary in residential areas and does not have an undue adverse effect on the character of the neighborhood. Adherence to the standards in section 3.1 and 6.1(1-3) is required.

303.2 Bylaw provisions: No provision of this bylaw shall infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential area and which does not change the character of the area. The home occupation shall be conducted / managed by the residents of the dwelling.

303.3 Home occupations are defined as follows;

- * Accessory use to residential properties, which are clearly incidental and secondary to the residential use,
- * Conducted wholly within the principal structure and occupy less than 25% of the entire floor area of such structures,
- * The primary business or service is not retail in nature.

In order to ensure that the home occupation will not change the character of the residential area, the owner must demonstrate that it will comply with all of the following standards;

- * All business activities or transactions associated with the home occupation shall be carried on entirely within the dwelling unit; no outside storage will be permitted.
- * No traffic will be generated which would be uncharacteristic of the neighborhood.
- * Parking required for home occupation shall be provided off street and shall not be located in front yards.
- * No objectionable vibration, odor, smoke, dust, electrical disturbance, heat or glare shall be produced by the home occupation.
- * Exterior displays must not exceed 48 inches in length and 24 inches in height. Signage must not unduly detract from the character of the Neighborhood. Internally lit plastic signs, elevated signs shall not be permitted. Other applicable ordinances may apply.

Section 304: Lots in Two Zoning Districts

304.1 Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend for not more than 100 feet into the more restricted part.

Section 305: Lots Abutting More Than One Public Road

305.1 Lots which abut more than one public road shall provide the required frontage on all public roads.

Section 306: Projections into Required Yards

306.1 All structures, whether attached to the principal structure or not, and whether open or enclosed including porches, balconies, or platforms above normal grade level, shall not project into any minimum front, side or rear yard.

Section 307: Location of Driveways

307.1 All driveways are to be located at least thirty feet from a road line intersection for all uses, all new driveways require a curbcut application approved by the highway foreman and Selectboard.

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Section 308: Temporary Uses and Structures

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

Section 309: Abandoned, Demolished, Burned or Collapsed Structures

309.1 Within eighteen (18) months after any structure has been demolished, damaged by fire, or has collapsed, the owner shall repair, rebuild or replace the structure or shall remove all structural materials and fill any excavation remaining, to normal grade.

Section 310: Public Utility Sub-Stations

310.1 Public utility sub-stations and similar utility structures, where permitted shall comply with the following requirements;

- * The facility shall be surrounded by a fence set back from property lines in conformance with the district regulations for front, side and rear yards.
- * A landscaped area at least twenty-five (25) feet wide shall be maintained in front, side and rear yards.

Section 311: Off-Street Parking

311.1 Off-street parking shall be provided as follows;

- * Residential uses - two spaces per dwelling unit.
- * Other uses - as required by the Development Review Board under site plan review.

Section 312: Agricultural Buildings and / or Structures Not Covered by Statute

312.1 These buildings shall be considered Accessory Uses and shall be subject Conditional Use review.

312.2 Feed lots, fenced runs, and pens and similar intensively used facilities for animal rearing and care shall be subject to Conditional Use review.

Section 313: Flood Hazard Area Requirements

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

313.2: Development permit issued by the Administration Officer is required for all development in areas of special flood hazard. Conditional use approval by the Development Review Board is required for construction of new buildings, the substantial improvement of existing buildings, or floodway development.

313.3: Procedures;

- a) If the application is not prohibited by other sections of this bylaw, the Administrative Officer shall, prior to issuing a permit, submit a copy of the application to the Vermont Agency of Natural Resources, Flood Plain Management Section in accordance with 24 V.S.A. 4409 and 4412. A permit may be issued only following receipt of comments from the Agency or the expiration of the 30 days from the date the application was mailed to the agency, whichever is sooner.

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- b) The Development Review Board shall notify adjacent communities and the Vermont Agency of Natural Resources at least 15 days prior to holding a public hearing for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration. Following one or more public hearings the Development Review Board may act on the permit following receipt of comments from the Agency or the expiration of the 30 days.
- c) The Administrative Officer shall review the proposed development to assure that all necessary permits have been received from those government agencies from which approval is required by Federal State or Municipal law.

313.4 Base Flood and Floodway Limits;

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

313.5 Development Standards;

- a) Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.
- b) Junkyards and storage facilities for floatable materials, chemicals explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.
- c) Fringe Areas (i.e. flooded areas outside of the floodway)
 - i. All development shall be designed (i) to minimize flood damage to the proposed development and to the public facilities and utilities, and (ii) to provide adequate drainage to reduce exposure to flood hazards.
 - ii. Structures shall be (i) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damage, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - iii. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
 - iv. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters.
 - v. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - vi. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
 - vii. The lowest floor, including the basement, of all new buildings shall be at or above the base line flood elevation.

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- viii. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of subsection 7.
- ix. Existing buildings to be substantially improved for non-residential purposes shall either (i) meet the requirements of subsection 8, or (ii) be designed to be water tight below the base flood elevation with walls substantially impermeable and with structural components having the capacity of resisting hydrostatic and dynamic loads and effects of buoyancy. A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- x. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- xi. Recreational Vehicles placed on sites within Zones A1-A30, AH and AE shall either (i) be on site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” of Section 60.3(c)(6).

313.6 The Administrative Officer shall maintain a record of

- (1) All permits issued for development in areas of special flood hazard
- (2) The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings
- (3) The elevation, in relation to mean sea level, to which buildings have been flood proofed
- (4) All flood proofing certifications required under this regulation
- (5) All variance actions, including justification for their issuance

313.7 Variances to the Development Standards shall be granted by the Development Review Board only in accordance with 24 V.S.A. Sections 4468 and 4412(h) in accordance with the criteria for granting variances found in 44 CFR, Section 60.6 of the National Flood Insurance Program regulations.

313.8 Definitions referenced in the National Flood Insurance Program contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations.

ARTICLE 4: SPECIAL PROVISIONS

Section 401: Development Review Board - Site Plan Approval

401.1 No zoning permit shall be issued by the Administrative officer for any manufacturing or commercial use or structure, until the Development Review Board grants site development plan approval.

401.2 The applicant shall submit two sets of site plan maps and supporting data to the Development Review Board which shall include a site plan showing proposed structure locations and land use areas; roads, driveways, traffic circulation, parking and loading spaces; landscaping plans, including site grading, landscape design and screening presented in drawn form and accompanied by written text.

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401.3 Site Plan Development and Review by the Development Review Board shall conform to the requirements of Sections 4416 and 4464 of the Act before acting upon any applications. In considering its action the Development Review Board shall consider and may impose appropriate conditions and safeguards only with respect to the adequacy of traffic access, circulation and parking, landscaping and screening, and the protection of the utilization of renewable energy resources.

401.4 The Development Review Board shall review the site plan and supporting data before approval with stated conditions, or disapproval, is given, and taking into consideration the following objectives;

- * Maximum safety of vehicular circulation between the site and public roads,
- * Adequacy of circulation, parking and loading facilities with particular attention to safety,
- * Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection of adjacent property,
- * Protecting the utilization of renewable energy resources.

ARTICLE 5: MOBILE HOMES AND TRAVEL TRAILERS

Section 501: Mobile Homes:

501.1 Mobile homes on a single lot will be qualified under the same regulations as other single family dwellings.

Section 502: Mobile Home Park Standards

502.1 The regulations shall apply in respect to mobile home parks and all mobile homes in parks:

502.2 A mobile home park shall have an area of not less than ten (10) acres.

502.3 Mobile home parks shall provide for individual mobile home spaces, access driveways, parking and recreation open space.

502.4 Each mobile home space shall be at least seventy-two hundred (7200) square feet in area, and at least sixty (60) feet wide by at least one hundred and twenty (120) feet in depth, and shall front on an access driveway.

502.5 All access driveways within a mobile home park shall have a right-of-way at least fifty (50) feet in width and have a surface treated gravel surface at least twenty-four (24) feet in width and twelve (12) inches in depth of compacted gravel. All-weather walkways shall be provided.

502.6 Two parking spaces with twelve (12) inches in depth of compacted gravel for each mobile home space shall be provided, at least ten (10) feet wide by twenty-two (22) feet long.

502.7 Mobile home parks shall provide at least ten (10) percent of the total area for recreation and other open space purposes.

502.8 A suitable non-porous pad shall be provided for each mobile home.

502.9 Each mobile home space shall have an attachment for water supply which is adequate, safe and potable. The water supply source must be approved by the State Department of Health and meet all local and state regulations.

502.10 Each mobile home lot shall have an attachment for sewage disposal. The method of sewage disposal must be in compliance with the State Department of Health and local regulations. However, it shall not be located on the mobile home space unless the mobile home space is at least one (1) acre in size.

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502.11 A strip of land at least twenty-five (25) feet in width shall be maintained as a landscaped area abutting all mobile home park property lines except when the park boundary is adjacent to residential uses where the landscaped area shall be at least fifty (50) feet in width.

502.12 Provisions for disposal of household garbage and rubbish shall be made.

502.13 A mobile home shall be located on the mobile home space so that it is at least twenty (20) feet from the right-of-way of the access driveway and ten feet from any other lot line of the mobile home space.

Section 503: Travel Trailers

503.1 It shall be unlawful for any person to park a camping trailer, travel trailer, pickup coach or motor home on any public or private property except that a property owner may park his own travel trailer, pickup coach or motor home or that of a visitor on his is own property provided the vehicle is parked no closer than six feet to any lot line and is not to be used as permanent living quarters.

ART 6: NON-CONFORMING USES AND NON-CONFORMING STRUCTURES

Section 601: Construction Approved Prior to Adoption or Amendment to Regulations

601.1 Nothing contained in this bylaw shall require any change in plans for the construction of a non-conforming structure or the establishment of a non-conforming use for which a zoning permit has been issued prior to the effective date of this bylaw or which is completed within one year from the effective date of this bylaw.

Section 602: Non-Conforming Uses

602.1 In accordance with Title 24 VSA 4412(7) the following provisions shall apply to all non-conforming uses existing on the effective date of this bylaw. Any non-conforming use may be continued indefinitely but;

- * Shall not be expanded, enlarged, or extended (except as specifically provided), nor shall any external evidence of such use be increased by any means whatsoever,
- * Shall not be changed to another non-conforming use,
- * Shall not be re-established if such use has been discontinued for a period of 12 months, or has been changed to, or replaced by a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.

602.2 Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage. If the restoration of such building is not completed within one (1) year, the non-conforming use of such building shall be deemed to have been discontinued, unless carried on without interruption in the undamaged part of the building.

Section 603: Expansion of a Non-conforming Use

603.1 The Development Review Board may, after public notice and hearing, allow expansion of any non-conforming use up to twenty (20) percent greater than its existing size at the time of adoption of this bylaw provided it conforms to any other applicable requirements of this bylaw.

Section 604: Non-conforming Structures

604.1 In accordance with Title 24 VSA 4412(7) the following provisions shall apply to all non-conforming structures:

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- a) A non-conforming structure may be continued indefinitely and may be expanded without limitation provided the expansion is in accordance with any applicable requirements of this bylaw, does not increase the degree of non-conformance and meets the requirements regarding expansion of a non-conforming use.
- b) Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-conforming structure provided that such action does not increase the degree of non-conformance.

ARTICLE 7: DEFINITIONS

For the purposes of this bylaw, certain terms or words used herein shall be interpreted as follows:

Section 701: Word Definitions

The word PERSON includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word SHALL is mandatory, the word MAY is permissive.

The words USED or OCCUPIED include the words INTENDED, DESIGNED, or ARRANGED TO BE USED, or OCCUPIED.

The word LOT includes the words PLOT or PARCEL.

Section 702: Term Definitions

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principle use or structure as allowed in Section 4412(1)(E). Such use or structure shall not exceed, in area, thirty (30) percent of the principal use or structure.

AGRICULTURAL USE: Land which is used for raising livestock, poultry, or agricultural or forest products, including farm structures and the storage and sale of agricultural products raised wholly or substantially on the property. It shall not include the slaughtering of animals or poultry for commercial purposes except such as are grown or raised on the premises.

AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year. The area includes all A zone designations on the Flood Insurance Rate Map. It does not include zones B and C.

BANK: Any area of land, including structures thereon, that is used or designed to be used for financial transactions as licensed by the State of Vermont.

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

BUILDING: Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

BUILDING FRONT LINE: Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed, but does not include steps.

CLINIC: An office building used by members of the medical profession for the diagnosis and out-patient treatment of human ailments.

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CLUB, PRIVATE: Building or use catering exclusively to club members and their guests for recreational purposes and not operated primarily for profit.

COMMERCIAL USE: Any area of land, including structures thereon that is used or designed to be used for the sale or storage of goods and merchandise, the transaction of business, or the provision of services or entertainment.

DWELLING, SINGLE FAMILY: A detached residential dwelling unit including a mobile home, designed for and occupied by one family only. In accordance with 24 VSA 4409(d) a state licensed or registered community care home or group home serving not more than six persons who are developmentally disabled or physically handicapped will be considered a single family dwelling if not located within 1,000 feet of another such home.

DWELLING, TWO FAMILY: A residential building designed for or occupied by two families living independently of each other in individual dwelling units.

DWELLING, MULTI-FAMILY: A residential building designed for or occupied by three or more families, with the number of dwelling units provided.

DWELLING, SEASONAL: A dwelling unit used as a seasonal, second or recreational home not used or intended to be used as the principal place of abode.

DWELLING UNIT: One or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission, or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories in connection therewith, and including buildings, reasonably necessary for the furnishing of adequate service by such public utilities, or municipal or other governmental agencies or for the public health or safety or general welfare.

FAMILY: One or more persons occupying a single dwelling unit, provided that unless all members are legally related no such family shall contain over five persons, but further provided that domestic servants and workers employed on the premises may be housed on the premises without being counted as a family or families.

FLOODPROOFED OR FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures that 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.

FORESTRY USE: Any use directly related to the growing and harvesting of forest products.

HOME OCCUPATIONS: No regulation may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof.

HOSPITAL: Includes sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged, and other place for the diagnosis and treatment of human ailments, except professional office.

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JUNK YARD: Land or buildings used for the collection, storage, or sale of waste paper, rags, scrap metal, or discarded material; or for the collection, wrecking, dismantling, storage, salvaging, and sale of machinery parts, or vehicles not in running condition.

LAND 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. All land subdivisions require the submission of legal surveys of the resulting lots with the zoning application.

LIGHT INDUSTRY: Any facility for the assembly, manufacture, compounding, processing, packing, treatment, research or testing of materials, goods or products.

LOADING SPACE, TRUCK: Off-street space used for the temporary location of one licensed motor vehicle, which is at least twelve (12) feet wide and fifty-five (55) feet long and fourteen (14) feet high, not including access driveway, and having direct access to street or alley.

LODGING HOUSE: A building in which the rooms are rented with or without meals to three (3) or more persons. A boarding house or a rooming house shall be deemed a lodging house.

LOT: A lot is a parcel of land occupied or to be occupied by only one use and the accessory uses customarily incident to it. A lot shall be of sufficient size to meet minimum zoning requirements for use and area, and to provide such yards and other open spaces as herein required. Such lot may consist of:

1. A single lot of record
2. A portion of a lot of record
3. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record
4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this bylaw.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the Town Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT MEASUREMENTS: Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard. However, that width between the lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac.

MAINTENANCE: Repairs which includes the following named activities as well as associated unnamed activities: Replacing roofing, replacing siding or repairing walls, painting, repairing or replacing chimneys or foundations, replacing windows and doors of the same size, repairing a porch, porch railing, or deck, repairing or replacing steps of the same size, or handicap modifications.

MEMBERSHIP CLUB: Building or use catering exclusively to club members and-their guests for social and recreational purposes, and not operated primarily for profit.

MOBILE HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required

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utilities. It does not include recreational vehicles or travel trailers.

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

MOTEL: Building containing rooms which are rented as a series of sleeping units for transients, each sleeping unit consisting of at least a bedroom and bathroom. This shall include hotel.

MOTOR VEHICLE SALES, SERVICE AND REPAIR FACILITY: Any area of land including structures thereon, that is used or designed to be used for the sale of motor vehicles and/or the supply of gasoline or oil or other fuel for the propulsion of motor vehicles including facilities for repairing and servicing such motor vehicles.

NEIGHBORHOOD COMMERCIAL FACILITY: A retail store such as a grocery, general, or drug store intended to primarily serve customers in the immediate vicinity of its location.

NEW CONSTRUCTION: Structures commenced on or after the effective date of this bylaw.

NON-CONFORMING USE: Use of land or structure which does not comply with the zoning regulations for the district in which it is located, where such use conformed to all applicable laws and regulations prior to enactment of these regulations.

NON-CONFORMING STRUCTURE: Structure not complying with the zoning regulations for the district in which it is located, where such structure complied with all applicable laws and regulations prior to enactment of these regulations.

NON-RESIDENTIAL USE: All uses of buildings, structures or land except residential uses.

OFFICE: Place where the business of a commercial, industrial, service or professional organization is transacted.

OFF-LOT WATER AND SEWAGE DISPOSAL: The providing of water from a source and the disposal of sewage at a site not located on the lot on which is located the building for which these utilities are provided.

ON-LOT WATER AND SEWAGE DISPOSAL: The providing of water from a source and the disposal of sewage at a site located on the lot on which is located the building for which these utilities are provided.

PARKING SPACE, OFF-STREET: For purposes of this bylaw, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated to be three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual space meeting the requirements above are provided and maintained, in a manner appropriate to the circumstances of the case, and in accordance with all bylaws and regulations of the Town.

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

PLAT: A map or representation on paper of a piece of land subdivided into lots and streets, drawn to scale.

POND, MAN-MADE: A pond created as a result of damming a stream, or through the utilization of springs, for recreational or fire protection purposes.

PRINCIPLE BUILDING: A building in which is conducted the main or principle use of the lot on which said building is located.

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PUBLIC ASSEMBLY USE: Includes auditorium, theatre, public hall, school hall, or meeting hall.

PUBLIC FACILITY: Usage by agencies of local, county, state, and federal government.

PUBLIC WATER, PUBLIC SEWER: Water supply and sewage disposal systems approved by the legislative body for municipal operation.

RECREATIONAL FACILITY, INDOOR: Includes a bowling alley, theatre, pool hall, indoor swimming pool or skating rink and similar places of indoor recreation.

RECREATIONAL FACILITY, OUTDOOR: Includes a playground, park, golf course, swimming area, skating rink, tennis court or similar place of outdoor recreation.

RECREATION , PRIVATE INDOOR-OUTDOOR: Includes privately-owned and operated yacht club, golf course, trap, skeet and archery range, swimming pool, skating rink, riding stable, park, lake and beach, tennis court, recreation stadium and skiing facility, and similar places of indoor-outdoor recreation.

RELIGIOUS INSTITUTION: Includes church, temple, parish house, convent, and seminary and retreat house.

REMOVAL OF FILL, GRAVEL, STONE OR LOAM: The removal of fill, gravel, stone or loam or similar material for sale in commercial quantities.

RESIDENTIAL USE: Includes a farm dwelling, single family dwelling, two-family dwelling, seasonal dwelling, multi-family dwelling, lodging house and a mobile home.

RESTAURANT: A place or premises used for the sale, dispensing or-serving of food, refreshments or beverages.

RETAIL STORE: Any area of land, including structure thereon, that is used or designed to be used for the display and sale of goods or merchandise.

ROAD LINE: Right-of-way of a public road as dedicated by a deed of record. Where the width of the public road is not established, the road line shall be considered to be twenty-five (25) feet from the center line of the public road.

ROAD, PUBLIC: Publicly owned and maintained right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

SCHOOL: Includes a parochial, private, public and nursery school, college, university, and accessory uses; and shall exclude commercially operated school of beauty culture, business, dancing, driving, music and similar establishments.

SIGNS: Sign means any structure, display, device or representation which is designed or used to advertise or call attention or directs a person to any business, association, profession, commodity, product, institution, service, entertainment, person, place, thing or activity of any kind whatsoever, and is intended to be visible from a public road. Whenever dimensions or areas of signs are specified, they shall include panels, frames and supporting structures excluding the building to which a sign may be attached. In computing the area of a sign, the supporting structure shall not be included in the computation of sign area. The area shall be the area of the smallest rectangle with a level base line which can contain a sign including panel and frame, if any.

STRUCTURE: An assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, billboard, sign, wall or fence, except a wall or fence on an operating farm.

SUB-DIVISION: The division of any parcel of land with or without streets into two or more lots, plots, or other legal division of land for immediate or future transfer of ownership. All sub-divisions require the

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submission of legal surveys of the resulting lots with the zoning application.

SUBSTANTIAL IMPROVEMENT or ALTERATION: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. The term does not however include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.

TEMPORARY USE: A use established for a limited period of time with the intent to discontinue such use upon the expiration of the time period.

TRAVEL TRAILER OR TRAILER: Any vehicle having a width of eight (8) feet or less and/or a length of thirty-five (35) feet or less which is used or so constructed as to permit its being used as a conveyance on the public roads and highways, whether licensed or not, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons. A trailer shall also mean tent trailers, truck campers, and vehicles converted to sleeping facilities other than a mobile home. This definition includes uses to which trailers might be put.

TRAVEL TRAILER CAMP: A parcel of land on which two or more travel trailers occupied for sleeping purposes are located.

WAREHOUSING TRUCKING TERMINAL: Any facility for the storage and/or shipment of materials, goods and products.

WHOLESALE DISTRIBUTION SERVICE: Includes a wholesale establishment, discount house or sales outlet.

YARD: Space on a lot not occupied with a building or structure, porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

ARTICLE 8: ADMINISTRATION AND ENFORCEMENT

Section 801: Zoning Administrator

801.1 The Zoning Administrator shall be appointed by the Selectboard, following the nomination by the Planning Commission, to administer the zoning bylaws, as provided for in 24 V.S.A. §4448. The Selectboard may remove a Zoning Administrator for cause at any time after consultation with the Planning Commission. The Zoning Administrator shall not be a member of the Development Review Board or the Planning Commission. The Zoning Administrator shall literally administer and strictly enforce the provisions of this bylaw, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate.

801.2 An acting Zoning Administrator may be appointed by the Selectboard, from nominations submitted by the Planning Commission, who shall have the same duties and responsibilities of the Zoning Administrator in the Zoning Administrator's absence, or if the Zoning Administrator has a conflict of interest. In the event an acting Zoning Administrator is appointed, the Selectboard shall establish clear policies regarding the authority of the Zoning Administrator relative to the authority of the acting Zoning Administrator.

801.3 Whether it is a permitted or conditional use, permits are required and all applicants must obtain applications through the office of the Zoning Administrator.

801.4 The Zoning Administrator is responsible for posting, on the applicant's property, within view of the public right-of-way, any permit issued by the Zoning Administrator or

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any development application awaiting a hearing by the Development Review Board. Such posting shall occur within 24 hours of any permit issued by the Zoning Administrator; or in the case of any scheduled hearing of the Development Review Board, posting shall adhere to the time-frames specified in 810.1 with subsequent information on approval or denial added within 24 hours of the Development Review Board's decision. The Zoning Administrator may delegate the posting to the applicant, provided that the applicant agrees to accept responsibility for the posting by initialing acceptance on the application form.

Section 802: Planning Commission

802.1 The Planning Commission shall consist of not less than three (3) or more than seven (7) members appointed by the Danville Selectboard in accordance with 24 V.S.A. §§4321-4323. At least a majority of members shall be residents of the municipality. Any member of the Planning Commission may be removed at any time by a unanimous vote of the Selectboard.

802.2 The Planning Commission shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 V.S.A. §4461(a) and Vermont's Open Meeting Law.

802.3 The Planning Commission shall have the following duties regarding this bylaw, in accordance with 24 V.S.A. §4441:

- (a) to prepare proposed amendments to this bylaw, and consider proposed amendments submitted by others, including amendments supported by a petition signed by at least five percent of the voters of the Town of Danville.
- (b) to prepare and approve written reports on any proposed amendment to this bylaw; and
- (c) to hold one or more warned public hearings on proposed amendments to these regulations, prior to submission of a proposed amendment and written report to the Selectboard.

Section 803: Development Review Board

803.1 The Development Review Board shall consist of not fewer than five (5) nor more than nine (9) members appointed by the Selectboard for specified terms in accordance with 24 V.S.A. [§4460(b) and (c)]. The Selectboard also may appoint alternates, for specified terms, to serve on the Development Review Board in situations when one or more members of the Development Review Board are disqualified or are otherwise unable to serve. Any member of the Development Review Board may be removed for cause by the Selectboard upon written charges and after public hearing.

803.2 The Development Review Board shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 V.S.A. §4461(a) and Vermont's Open Meeting Law.

803.3 The Development Review Board shall have all powers and duties as set forth in 24 V.S.A. Chapter 117 to administer the provisions of these regulations, including but not limited to the power to hear and act upon:

- (a) appeals from any decision, act or failure to act by the Zoning Administrator, as described in Section 808 of this bylaw, and any associated variance requests, as described in Section 809 of this bylaw; and
- (b) applications for conditional use approval, as described in Section 807 of this bylaw.

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- (c) Site Plan Review, as described in Section 805 of this bylaw; and
- (d) rights-of-way or easements for development of non-frontage lots, as described in Section 302 of this bylaw; and
- (e) subdivisions of land, as described in Section 806 of this bylaw.

Section 804: Administrative Review

804.1 No land development as defined in 24 V.S.A. §4303(10) may be commenced without a permit issued by the Zoning Administrator. No zoning permit may be issued by the Zoning Administrator unless the proposed development complies with all applicable sections of this bylaw, and all applicable approvals required by the Development Review Board have been granted.

804.2 No zoning permit shall be required for the following activities;

- (a) Accepted agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with 24 V.S.A. §4413(d). Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the Zoning Administrator prior to any construction, as required for accepted agricultural practices. Such structures shall meet all setback requirements under these regulations, unless specifically waived by the Secretary,
- (b) Accepted management practices for silviculture (forestry) as those practices are defined by the Commissioner of Forests, Parks and Recreation, in accordance with 24 V.S.A. §4413(d),
- (c) Power generation and transmission facilities, which are regulated under 30 V.S.A. §248 by the Vermont Public Service Board. Such facilities, however, should conform to policies and objectives specified for such development in the Municipal Plan,
- (d) Hunting, fishing, and trapping as specified under 24 V.S.A. §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these regulations are defined as outdoor recreation facilities.

804.3 An application for a zoning permit shall be filed with the Zoning Administrator on forms provided by the Town of Danville. Applicant shall be responsible to complete the zoning application and prepare the sketch in compliance with specific written instructions provided by the Zoning Administrator. All required application fees for all relevant development review processes, as set by the Town of Danville Selectboard, shall be submitted with the application. The applications for a permitted use shall include a sketch plan, no smaller than 8.5" x 11", drawn to scale, that depicts the following;

- (a) the dimensions of the lot, including existing property boundaries,
- (b) the location, footprint and height of existing and proposed structures or additions,
- (c) the location of existing and proposed accesses (curb cuts), driveways and parking areas,
- (d) the location of existing and proposed easements and rights-of-way,

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- (e) existing and required setbacks from property boundaries, road rights-of-way, surface waters and wetlands,
- (f) the location of existing and proposed water and wastewater systems,
- (g) proposed erosion and sedimentation control measures to be undertaken,
- (h) snow and waste removal, and
- (i) other such information as required by the Zoning Administrator to determine conformance with these regulations.

Note: Incomplete or incorrect information submitted on zoning applications and or sketches shall result in the rejection of the zoning application until the required information is received to the satisfaction of the Zoning Administrator.

804.5 Within thirty (30) days of receipt of a complete application, including all application materials and fees, the Zoning Administrator shall act to either issue or deny a zoning permit in writing, or to refer the application to the Development Review Board for consideration. In accordance with 24 V.S.A. §§4448 and 4449, if the Zoning Administrator fails to act within the 30-day period, a permit shall be deemed issued on the 31st day. If the Zoning Administrator refers the application to the Development Review Board, additional fees and information may be required.

804.6 Zoning permits and letters of denial shall include a statement of the time within which appeals may be taken under Section 808 of this bylaw; and shall require posting of a notice of permit, on a form prescribed by the Town of Danville. The Zoning Administrator shall post this notice of permit within view from the public right-of-way nearest the subject property until the time for appeal has expired.

804.7 The Zoning Administrator, within three (3) days of the date of issuance shall;

- (a) deliver a copy of the zoning permit to the Town of Danville Listers,
- (b) request the Road Foreman to review and perform a Site Visit if necessary, and report back on permit requests that fall within the Town of Danville road right of ways such as curb cuts, fences, hedges, mail boxes, etc.
- (c) post a copy of the permit in the Town of Danville municipal offices for a period of fifteen (15) days from the date of issuance.

804.8 No zoning permit shall take effect until the time for appeal under Section 808 of this bylaw has passed, or in the event that a notice of appeal is properly filed, until final adjudication of the appeal.

804.9 Zoning permits shall remain in effect for two years from the date of issuance. All development authorized by the permit shall be substantially commenced within this two-year period or reapplication shall be required to continue development.

804.10 Within 30 days of the issuance of a zoning permit, the Zoning Administrator shall deliver the original, a legible copy, or a notice of the permit to the Danville Town Clerk for recording in the Town of Danville land records.

Section 805: Site Plan Review and Site Visit

805.1 Site Plan Review is defined as a review of documents submitted by the applicant (application, maps, drawings, etc), but does not include an actual visit to the site. A Site Visit is an actual visit to the site location. Both tools are used by the Development Review Board to examine all proposed uses in the Town of Danville, except for single and two unit dwellings.

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805.2 No zoning permit shall be issued by the Zoning Administrator for any use or structure except for one- and two-unit dwellings until the Development Review Board grants site plan approval after public notice and hearing and in accordance with 24 V.S.A. §4416. In reviewing site plans, the Development Review Board or the appropriate municipal panel may impose appropriate safeguards with respect to the following;

- (a) adequacy of parking,
- (b) traffic access and circulation for pedestrians and vehicles,
- (c) landscaping and screening,
- (d) protection of the utilization of renewable energy resources,
- (e) exterior lighting,
- (f) size, location, and design of signs,
- (g) erosion and sedimentation control,
- (h) snow removal,
- (i) trash and dumpster location.

Section 806: Subdivisions of Land

806.1 Applications for all subdivisions of land shall be subject to Site Plan Review by the Development Review Board after public notice and hearing. In accordance with 24 V.S.A. §4464(a)(1), the warning period for the public hearing shall not be less than 15 days.

806.2 All applications for subdivision of land shall be accompanied by an official surveyors map prepared by a recognized and licensed land survey company to portray existing conditions and proposed development. The survey map shall include all lot lines and boundary dimensions, names of roads abutting the property, location and size of existing improvements identified as “existing,” location and size of proposed improvements identified as “proposed,” setback dimensions of proposed and existing structures, location of existing and proposed driveways and culverts, location of existing and proposed wells and/or septic systems and location of waterways, wetlands, and flood plains. In addition, a topographic survey may be required.

806.3 No building lot shall be created by a subdivision that when developed would fail to meet the dimensional requirements of this bylaw.

806.4 An undersized lot resulting from subdivision of land may be created, provided it is combined with land from an adjacent property to form a conforming lot, and a single property description with a new warranty or similar deed is filed in the Town’s land records.

806.5 The subdivision is not official until all appeal periods have expired and/or all appeals are concluded and a final approved plat on mylar is submitted to the Zoning Administrator to be filed in the Town’s land records.

Section 807: Permitted and Conditional Uses

807.1 All Permitted and Conditional uses require administrative review by the Zoning Administrator.

807.2 Permitted Uses (single and two unit dwellings excepted) shall be subjected to Site Plan Review to ensure that the proposed use meets the development standards in the

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Town of Danville Zoning Bylaw. Any objections to a permit issued by the Zoning Administrator by an Interested Person shall be considered an appeal and will be forwarded to the Development Review Board for public hearing. Subject to the hearing, the Development Review Board may accept the permit as issued, reject the permit outright or impose reasonable conditions to mitigate any potential adverse effects.

807.3 Conditional Uses are subject to Site Plan Review and Site Visit by the Development Review Board to ensure that the proposed use meets the development standards in the Town of Danville Zoning Bylaw and is appropriate for any given site in a zoning district. After public notice and hearing, the Development Review Board or the appropriate municipal panel shall determine if a proposed conditional use has the potential to have an undue adverse effect on the following;

- (a) capacity of existing or planned community facilities,
- (b) 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 Town Plan,
- (c) traffic on roads and highways in the vicinity,
- (d) bylaws in effect with special reference to this zoning bylaw, and
- (e) utilization of renewable energy resources.

807.4 In permitting a conditional use, the Development Review Board or the appropriate municipal panel may impose, in addition to the regulations and standards expressly specified by this bylaw, other conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the Town as a whole. These conditions may include the following;

- (a) increasing the required lot size or yard dimensions in order to protect adjacent properties,
- (b) limiting the coverage or height of buildings or plantings because of obstruction of view or reduction of light or air to nearby properties,
- (c) controlling the location and number of vehicular access points to the property,
- (d) increasing road width,
- (e) increasing the number of off-street parking or loading spaces required,
- (f) limiting the number, location, and size of signs,
- (g) requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property of a character in keeping with the surrounding area,
- (h) specifying a specific time limit for construction, alteration, or enlargement of a structure to house a conditional use,
- (i) requiring that any future enlargement or alteration of the use be reviewed by the Development Review Board to permit the specifying of new conditions.

807.5 As a condition of the grant of a conditional use, the Development Review Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of 24 V.S.A. and this zoning bylaw.

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807.6 Change of use, expansion or contraction of land area or expansion of structures for uses which are designated as conditional uses within the district in which they are located, and which are existing therein prior to the effective date of this bylaw, shall conform to all regulations herein.

Section 808: Appeals By Interested Persons of Zoning Administrator or Development Review Board Decisions

808.1 Interested Persons are defined under 24 V.S.A. §4465 as:

- (a) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case,
- (b) The Town of Danville or any adjoining municipality,
- (c) A person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the Town of Danville Town Plan and / or Zoning Bylaw,
- (d) Any ten (10) voters or property owners within the Town of Danville who, by signed petition to the Development Review Board, allege that any relief requested by a person under this section, if granted, will not be in compliance with the policies, purposes or terms of the Town of Danville Town Plan and / or Zoning Bylaw, and
- (e) Any department or administrative subdivision of the state owning property or any interest therein within the municipality, and the Vermont Agency of Commerce and Community Development.

808.2 Any Interested Person may appeal a decision or act of the Zoning Administrator or Development Review Board within 15 days of the date of the decision or act by filing a notice of appeal with the Town Clerk, and by filing a copy of the notice with the Zoning Administrator. A notice of appeal filed under this section shall be in writing and include the following information:

- (a) the name and address of the appellant,
- (b) a brief description of the property with respect to which the appeal is taken,
- (c) a reference to applicable provisions of these regulations,
- (d) the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations, and
- (e) the alleged grounds why such relief is believed proper under the circumstances including any new facts or concerns.

808.3 The Development Review Board shall hold a public hearing on a notice of appeal within 60 days of its filing, as required in 24 V.S.A. §4468. The Development Review Board shall give public notice of the hearing under Section 810 of this bylaw, and shall mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.

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808.4 The Development Review Board may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the Development Review Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts presented by or on behalf of the appellant.

808.5 All appeal hearings shall be open to the public and shall be conducted in accordance with the Development Review Board's rules of procedures, as required by 24 V.S.A. §4461. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the Development Review Board from time to time, provided that the date, time, and place of the continuation of the hearing are announced at the hearing.

808.6 A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing. The decision shall be sent by certified mail to the appellant within the 45 day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and the Town Clerk as part of the public records of the the Town of Danville, in accordance with Section 810 of this bylaw. If the Development Review Board fails to issue a decision within this 45-day period, the appeal will be deemed approved and shall be effective on the 46th day.

Section 809: Variances

Note: Requests for variances are common, but granting such requests should not be. A variance should only be granted if it meets all of the criteria in this section.

809.1 The Development Review Board shall hear and decide requests for variances in accordance with 24 V.S.A. §4469(a) and appeal procedures under §508 of this bylaw. In granting a variance, the Development Review Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Development Review Board may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and the findings are specified in its written decision;

- (a) 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 these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located,
- (b) Because of these 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 a variance is necessary to enable the reasonable use of the property;
- (c) The unnecessary hardship has not been created by the appellant;
- (d) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.

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- (e) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

Reminder: A variance may only be granted if it meets all of the above criteria.

Section 810: Public Hearings

810.1 Notice of any public hearing must be given not less than 15 days prior to the date of the public hearing.

810.2 All applications or appeals that come before the Development Review Board during a public hearing will be conducted and concluded in a public hearing within 60 days of the more recent of either occurrence:

- (a) the date the Zoning Administrator refers the application to the Development Review Board, or
- (b) the date the Clerk of the Development Review Board receives the names and addresses of abutting property owners.

810.3 Warning of the abovementioned hearings shall be issued accordingly:

- (a) by publishing the date, place and purpose of the hearing in a local newspaper of general circulation; and
- (b) by posting the same information in three (3) or more public places within the Town of Danville, including posting of a notice within view from the public right-of-way nearest to the property for which the application is being made; and
- (c) by written notification to the applicant or appellant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way. This written notice shall include a description of the proposed project, clearly identify how and where additional information may be obtained, and state that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

810.4 All meetings and hearings of the Planning Commission and the Development Review Board, except for deliberative sessions, shall be open to the public and conducted in accordance with adopted Rules of Procedure and Vermont's Open Meeting Law.

810.5 In any public hearing, the Secretary of the Development Review Board or the Planning Commission shall keep a record of the name and address of each person present and note who participated as defined in Statute as offering through oral or written testimony, evidence or a statement of concern related to the subject proceeding. Only Interested Persons who have participated in a Development Review Board public hearing may appeal its decision to the Environmental Court.

810.6 The Development Review Board may recess a hearing on any application or appeal pending the submission of additional information, provided that the next hearing date and place is announced at the hearing.

810.7 Any action or decision of the Planning Commission or the Development Review Board must be agreed upon by a majority of the appointed members.

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810.8 In accordance with 24 V.S.A. §4464(b), the Development Review Board shall issue all decisions within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46th day.

810.9 All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken. The minutes of a meeting may suffice, provided that the factual basis and conclusions relating to the review standards are provided in accordance with these requirements.

810.10 In rendering a decision in favor of the applicant or appellant, the Development Review Board may attach additional reasonable conditions and safeguards as it deems necessary to implement these regulations and the town plan currently in effect.

810.11 All decisions shall be sent by certified mail, within the required 45-day period, to the applicant or the appellant on matters of appeal. Copies of the decision also shall be mailed to every person appearing who participated at the hearing, and filed with the Zoning Administrator and Clerk as part of the public record of the Town of Danville.

Section 811: Appeals to Environmental Court

811.1 In accordance with 24 V.S.A. §4471, an interested person who has offered oral or written testimony in a hearing of the Development Review Board may appeal a decision within 30 days of such decision, to the Vermont Environmental Court.

811.2 The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Zoning Administrator of the Town of Danville, who shall supply a list of persons who have offered oral or written testimony (including the applicant if not the appellant), to the appellant within five (5) working days.

811.3 Upon receipt of the list of persons referenced in paragraph 2 above, the appellant shall, by certified mail, provide a copy of the notice of appeal to every person on said list. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

Section 812: Certificate of Compliance

812.1 No use of any land or structure may commence until the Zoning Administrator has issued a Certificate of Compliance.

812.2 When the Zoning Administrator issues a zoning permit, he or she shall also issue an application for a Certificate of Compliance. Prior to the use of the land or structure, the applicant shall submit a completed Certificate of Compliance application to the Zoning Administrator.

812.3 At the time the application for a Certificate of Compliance is submitted, the applicant shall also submit a copy of the septic permit if applicable from the State of Vermont, or a letter of determination stating that no such permit is required.

812.4 A Certificate of Compliance shall not be issued until all necessary approvals and permits required by these regulations have been obtained for the project, and the Zoning Administrator determines that the project has been fully completed in conformance with all such approvals and permits.

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812.5 Within 30 days of receipt of the application for a Certificate of Compliance, the Zoning Administrator or their delegate may inspect the premises to ensure that all work has been completed in conformance with the zoning permit and associated approvals, including all applicable permit conditions. If the Zoning Administrator fails to either grant or deny the Certificate of Compliance within 30 days of the submission of an application, the Certificate of Compliance shall be deemed issued on the 31st day.

Section 813: Penalties

813.1 All violations shall be pursued in accordance with 24 V.S.A. §§4451 and 4452. The Zoning Administration shall act on behalf of the Town of Danville to impose a fine of up to, but not more than, \$100 for each violation. Each day that a violation continues shall constitute a separate offense. All fines imposed and collected shall be paid over to the Town of Danville.

813.2 The Zoning Administrator shall not bring any action against an alleged violation unless the alleged offender has had at least seven (7) days' notice by certified mail that such a violation exists. The notice of violation also shall be recorded in the land records of the Town of Danville. The notice of violation shall state that;

- (a) a violation exists,
- (b) that the alleged offender has had an opportunity to cure the violation within the seven-day notice period, and
- (c) that the alleged offender will not be entitled to an additional warning notice.

813.3 Within 30 days of the issuance of a notice of violation, the Zoning Administrator shall deliver either the original or a legible copy to the Danville Town Clerk for recording in the Town of Danville land records.

813.4 The Zoning Administrator may bring action without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven-day notice period and within the next succeeding 12 months.

813.5 In accordance with 24 V.S.A. §4454(a), the Zoning Administrator may take action against an alleged violation within the 15 year statute of limitation period from the date the violation first occurred, and not thereafter. The burden of proving the date the alleged violation first occurred was outside the 15 years shall be on the alleged offender.

813.6 In accordance with 24 V.S.A. §4454(b) the Zoning Administrator shall not take action against an alleged violation unless the permit or notice of the permit has been recorded in the land records of the Town of Danville.

ARTICLE 9: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE, SEPERABILITY, REPEAL

Section 901: Amendments

901.1 This bylaw may be amended according to the requirements and procedures established in 24 V.S.A. §§4441 and 4442.

Section 902: Interpretation

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

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902.2 Except for 24 V.S.A. §4413(c) and where in this bylaw it is specifically provided to the contrary, it is not intended by this bylaw to repeal, annul, or in any way impair any regulations or permits previously adopted or issued, provided however, that, where these regulations impose a greater restriction upon use of a structure or land than are required by any other statute, rule, regulation, permit, easement or agreement, the provisions of this bylaw shall control.

Section 903: Effective Date

903.1 This bylaw shall take effect in accordance with the procedures contained in 24 V.S.A. §4442.

Section 904: Severability

904.1 The invalidity of any article or section of these regulations shall not invalidate any other article or section thereof.

Section 905: Repeal

905.1 Upon the adoption of this bylaw, the former Town of Danville Zoning Bylaw, adopted November 3, 2005, and readopted November 15, 2007 are hereby declared repealed and shall have no further force or effect.