

Approved Bylaw – May 29, 2013

Town of Readsboro

Zoning Bylaw



Approved Date: May 29, 2013
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ARTICLE 1

1.0 ENACTMENT, PURPOSE AND AMENDMENTS

1.1 Enactment

In accordance with Section 4401 {Purpose and authority} of the Vermont Municipal and Regional Planning and Development Act, as may be amended, (Title 24, V.S.A. Chapter 117), a Zoning Bylaw for the Town of Readsboro is hereby established and set forth in the text and maps contained herein. Throughout this Bylaw, the Vermont Planning and Development Act is referred to as the Act. This Bylaw shall be known as the Readsboro Zoning Bylaw.

1.2 Purpose

The purpose of this Zoning Bylaw is to provide for and promote the appropriate development of the Town; to protect the health, safety and welfare of the community; and to further the intent and purposes established in Section 4302 {Purpose; goals} of the Act.

1.3 Application of this Bylaw

With the exceptions provided for in this Bylaw, this Bylaw shall apply to land development and all buildings or structures or uses of land in the Town of Readsboro that are erected, moved, altered, or extended. The occupation and use of all buildings or structures shall be in conformity with the regulations specified for the district in which the building or structure is located.

1.4 Interpretation

The provisions of these regulations shall be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general welfare. This Bylaw is intended to repeal the previous Bylaw, but it is not intended to repeal, annul, or in any way impair other regulations or permits previously adopted or issued. Where the Bylaw imposes a greater restriction upon use of a structure or land than is required by any other statute, ordinance, rule, regulation, deed restriction, easement, covenant, or agreement, the provisions of this Bylaw shall control. If any regulation in the Zoning Bylaw is also subject to other State regulations, the more stringent or restrictive legislation shall apply.

1.5 Amendments

This Bylaw may be amended in accordance with Section 4441 {Preparation of bylaws and regulatory tools; amendment or repeal}, Section 4442 {Adoption of bylaws and other regulatory tools; amendment or appeal}, and Section 4444 {Public hearing notice for adoption, amendment, or repeal of bylaw and other regulatory tools} of the Act.

1.6 Technical Review

An applicant under this Bylaw may be required to pay reasonable costs for an independent technical review of the application.

1.7 Severability

If any provision of this Bylaw or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Bylaw which can be given effect without the invalid provision or application, and for this purpose the provisions of this Bylaw are severable.

1.8 Effective Date

This Bylaw shall take effect in accordance with the voting and other procedures contained in Section 4442(c) {Adoption of bylaws and other regulatory tools; amendment or repeal} of the Act.

1.9 Violations of this Bylaw

Violations of this Bylaw shall be regulated as prescribed in Section 4451 {Enforcement; penalties}, Section 4452 {Enforcement; remedies}, Section 4453 {Challenges to housing provisions in bylaws}, and Section 4454 {Enforcement; limitations} of the Act.

1.10 Zoning Map

The boundaries of zoning districts shall be established and clearly indicated upon a Zoning Map (Map) adopted as part of this Bylaw. The Map shall be kept and maintained at the Readsboro Town Office. Any copies of the Map shall be for reference purposes only.

ARTICLE 2

2.0 ADMINISTRATION AND PROCEDURE

2.1 Administrative Officer: Authority and Procedure

2.1.1 Appointment

In accordance with Section 4448(b) {Appointment and powers of administrative officer} of the Act, the Selectboard shall appoint an Administrative Officer from nominations submitted by the Planning Commission for a term of three (3) years. The Selectboard may remove an Administrative Officer for cause at any time after consultation with the Planning Commission.

2.1.2 Duties

- a. Administer the Bylaw literally.
- b. Provide interested persons with the forms required to obtain a Permit.
- c. Coordinate a unified effort on behalf of the Town in administering development review programs by informing persons of other municipal Permits or authorizations that may be required.
- d. Inform persons applying for Permits that the person should contact the appropriate State Agencies in order to assure timely action on any related state Permits.
- e. Receive applications for Conditional Use Review, Zoning Permits, Site Plan Review, including subdivisions, and Waivers to Dimensional Requirements and transmit applications deemed complete in a timely fashion to the Development Review Board (DRB).
- f. Deliver the original, or a legible copy, of any municipal land use Permit or Notice of Violation that has been issued to the Readsboro Town Clerk for recording.

2.1.3 Accepting Zoning Permit Applications

The Administrative Officer shall reject as incomplete, approve, disapprove, or refer an application to the Development Review Board and the appropriate State agency within thirty (30) days of receiving a complete application. The Administrative Officer shall return incomplete applications to the applicant.

2.1.4 Time Limits

If the Administrative Officer fails to act with regard to a Permit Application within thirty (30) days, the Permit shall be deemed issued on the 31st day.

2.1.5 Authority

The Administrative Officer is authorized to issue Permits only for the following land developments without approval of the Development Review Board:

- a. Construction of new one or two family dwelling(s), provided that such construction is in conformance with the provisions of this ordinance,

- b. Additions, reconstructions and structural alterations to one or two family dwellings, provided that such construction is in conformance with the provisions of this ordinance,
- c. Agricultural and forestry uses,
- d. Signs,
- e. Residential accessory uses,
- f. State licensed or registered residential care or group homes for not more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501, except that no such home shall be considered a Permitted Use if it locates within 1,000 feet of another existing or permitted such home, and
- g. State licensed or registered family child care home or facilities serving six or fewer children.

2.1.6 Coordination with Development Review Board

Except as provided in Section 2.1.5 of this Bylaw, the Administrative Officer shall issue no Permit until the Development Review Board grants Site Plan approval. When an applicant is seeking a Variance to the Zoning Bylaw and/or a change of use to a Conditional Use, the Administrative Officer shall not issue a Permit until the Development Review Board grants Site Plan approval and approval of the Variance and/or change in use.

2.1.7 Conformance with Bylaw

The Administrative Officer shall issue no Permit except in conformance with the provisions of this Bylaw. In accordance with Section 4448(a) {Appointment and powers of administrative officer} of the Act, the Administrative Officer shall interpret this Bylaw literally.

2.2 Zoning Permits and Certificates of Occupancy

No land or building development may commence, nor shall any land or structure be used or extended in any way, unless a Zoning Permit shall have been duly issued by the Administrative Officer. No Zoning Permits shall be issued except in conformance with the provisions of this Bylaw and the submission of all required approvals.

No structure shall be occupied unless a Certificate of Occupancy shall have been duly issued by the Administrative Officer. No Certificate of Occupancy may be issued by the Administrative Officer unless the premises comply with the requirements of this Bylaw.

2.2.1 Zoning Permit Application

All Zoning Permit Applications shall be submitted to the Administrative Officer. The Administrative Officer shall issue a Zoning Permit only if ALL of the following requirements are met:

- a. The Zoning Permit Application Form, as established by the Planning Commission, has been properly completed.
- b. The Zoning Permit Fee, as established by the Selectboard in accordance with Section 4440 {Administration; finance} of the Act has been paid.

- c. All applicable State and Town health regulations have been complied with and proof of compliance has been submitted.
- d. All applicable local review and approvals where required under the provisions of this Bylaw, including Site Plan Review (Bylaw Section 2.4.4), Conditional Use Review (Bylaw Section 2.4.3), Waivers to Dimensional Requirements (Bylaw Section 2.4.7), and the granting of a Variance (Bylaw Section 2.4.2), have been secured.
- e. The stipulations of any applicable State agencies have been satisfied.

2.2.2 Action on Application for a Zoning Permit

The Administrative Officer shall, within 30 days of submission of a complete application, either issue or deny a Zoning Permit or, if required, shall forward the application to the Development Review Board. If denied, such denial shall be in writing stating the reasons for the denial. Within 3 days following the issuance of a Zoning Permit the Administrative Officer shall:

- a. Deliver a copy of the Permit to the Listers of the municipality.
- b. Post a copy of the Permit in at least one public place in the municipality until the expiration of 15 days from the date of issuance of the Permit.
- c. Post a notice of permit on a form prescribed by the municipality within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal in section 4465 of this title has passed.

2.2.3 Effective Date of Zoning Permit

The Zoning Permit shall take effect 15 days after being issued by the Administrative Officer. If an appeal is filed, the Zoning Permit shall take effect after the final adjudication of the appeal.

2.2.4 Expiration of Zoning Permit

A Zoning Permit is in force for two (2) years from the date of its issuance, except a Permit for a Planned Unit Development (PUD), which is in force for five (5) years. If the permitted activities have not been substantially completed within this period, re-application must be made for a new Zoning Permit, unless an extension is granted by the Development Review Board.

2.2.5 Zoning Permit Exemptions

Modification to building interiors if no change of use is proposed, minor repairs and minor alterations (including chimneys, windows, reroofing and residing) to existing buildings not resulting in any change to the footprint or height or the building.

2.3 Appeals

An interested person, as defined in Section 4465 {Appeals of decisions of the Administrative Officer} of the Act, may appeal to the Development Review Board any act or decision of the Administrative Officer, by filing a notice of appeal with the Secretary/Clerk of the Development Review Board or with the Readsboro Town Clerk if no such Secretary/Clerk has been elected. Such notice of appeal must be filed within 15 days of the posting date of such act or decision, and a copy of the notice of appeal shall be filed with the Administrative Officer. The Development Review Board shall set a date

and place for a public hearing of an appeal under this Regulation, which shall be within sixty days of the filing of the notice of such appeal under Section 4468 {Hearing on appeal} of the Act.

2.4 Development Review Board: Authority and Procedure

There is hereby established a Development Review Board (DRB), members of which shall be appointed by the Selectboard, in accordance with the provisions of Section 4460(b) {Appropriate municipal panels} of the Act. The Development Review Board shall have all the powers and duties specified in the Act, including the following review functions:

1. Review of right-of-way or easement for land development without frontage as authorized in subdivision 4412(3) of the Act (and section 2.4.6 of this Bylaw);
2. Review of land development or use within an historic district or with respect to historic landmarks as authorized in subdivision 4414(1)(F) of the Act;
3. Review of land development or use within a design control district as authorized in subdivision 4414(1)(E) of the Act;
4. Review of proposed conditional uses as authorized in subdivision 4414(3) of the Act (and section 2.4.3 of this Bylaw);
5. Review of planned unit developments as authorized in section 4417 of the Act (and section 2.4.5 of this Bylaw);
6. Review of requests for waivers as authorized in subdivision 4414(9) of the Act (and section 2.4.7 of this Bylaw);
7. Site plan review as authorized in section 4416 of the Act (and section 2.4.4 of this Bylaw);
8. Review of proposed subdivisions as authorized in section 4418 of the Act;
9. Review of wireless telecommunications facilities as authorized in subdivision 4414(12) of the Act (and ARTICLE 5 of this Bylaw);
10. Appeals from a decision of the administrative officer pursuant to section 4465 of the Act (and section 2.4.1 of this Bylaw);
11. Review of requests for variances pursuant to section 4469 of the Act (and section 2.4.2 of this Bylaw);
12. Any other reviews required by this Bylaw.

2.4.1 Appeals to the Development Review Board

The Review Board shall hear and decide upon appeals brought by interested persons according to the provisions of Section 2.3 of this Bylaw.

2.4.1 a. Decisions on Appeal

1. The Development Review Board shall render its decision, which shall include findings of fact, within 45 days after completing the final hearing, and shall within that period send to the appellant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the Hearing, and a copy thereof shall be filed with the Administrative Officer and the Readsboro

Town Clerk as a part of the public records thereof. Failure to act within the 45 days of the last hearing shall be deemed to have rendered a decision in favor of the appellant and granted the relief requested by the applicant on the last day of such period.

2. Pursuant to Section 4470 {Successive appeals; requests for reconsideration to an appropriate municipal panel} of the Act, the Development Review Board may reject an appeal without hearing and render a decision, which shall include findings of fact, within 10 days of the date of filing of the notice of appeal, if the Development Review Board considers the issues raised by the appellant in his or her appeal have been decided in an earlier appeal or involve substantially or materially the same facts by or on behalf of the appellant, such decision shall be rendered, on notice given, as in the case of a decision under subsection (a) of this section, and shall constitute a decision of the Development Review Board.

2.4.2 Variances

The Review Board shall hear and decide upon requests for Variances under Section 4469 {Appeals; variances} of the Act.

- a. On an appeal under Section 4469 {Appeals; variances} (or Section 4471 {Appeal to Environmental Court}) of the Act wherein a Variance from the provisions of a zoning regulation is requested for a structure that is not primarily a renewable energy resource structure, the Development Review Board (or Environmental Court) may grant Variances and render a decision in favor of the appellant if ALL of the following facts are found and the findings are specified in its decision:
 1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Bylaw in the neighborhood or district in which the property is located, AND
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaw and that the authorization or Variance is therefore necessary to enable the reasonable use of the property, AND
 3. That the unnecessary hardship has not been created by the appellant, AND
 4. That the Variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare, AND
 5. That the Variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the Zoning Bylaw and from the Town Plan.

- b. On an appeal under Section 4469 {Appeals; variances} (or Section 4471 {Appeal to Environmental Court}) of the Act wherein a Variance from the provisions of a zoning regulation is requested for a structure that is primarily a renewable energy resource structure, the Development Review Board (or Environmental Court) MAY grant that variance and render a decision in favor of the appellant if all the following facts are found, and the finding is specified in its decision:
 - 1. It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the bylaws, AND
 - 2. The hardship was not created by the appellant, AND
 - 3. 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, AND
 - 4. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaws and from the plan.
- c. In rendering a decision in favor of an appellant under this section, the Development Review Board or the environmental division may attach such conditions to variances as it may consider necessary and appropriate under the circumstances to implement the purposes of this chapter and the plan of the municipality then in effect

2.4.3 Conditional Use Review

The Development Review Board shall hear and decide upon applications for Conditional Use Permits. In considering its action, the Development Review Board shall make findings on general and specific standards, and may attach conditions as provided for in Section 4414(3) {Zoning; permissible types of regulation} of the Act. Applications for Conditional Use Review shall be submitted to the Administrative Officer.

The Development Review Board must approve any Conditional Use Permit required by this Bylaw before the Administrative Officer issues the Zoning Permit. Conditional Uses shall be permitted only if the Development Review Board determines, after the required public notice and hearing, that the proposed use conforms to the general and specific standards contained in this Bylaw.

- a. General Standards

The proposed Conditional Use shall not adversely affect:

- 1. The capacity of existing or planned community facilities;
- 2. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan;
- 3. Traffic on roads and highways in the vicinity;
- 4. Any land use or land development regulations or ordinances of the Town of Readsboro then in effect;

5. Utilization of renewable energy resources.
- b. Specific Standards
In granting a Conditional Use Permit, the Development Review Board may impose other conditions in addition to those expressly specified in this Bylaw in order to safeguard the interests of surrounding properties, the neighborhood, or the Town as a whole. The Development Review Board may
 1. Increase the required lot size or setback requirements;
 2. Limit the coverage or height of buildings;
 3. Control the number and location of vehicular access points;
 4. Increase the number of off-street parking spaces;
 5. Limit the number, location, and size of signs;
 6. Require suitable landscaping and screening to maintain the district character;
 7. Require the installation of devices or methods to prevent or control fumes, gas, dust, smoke, odor, noise or vibration, except for agricultural uses;
 8. Control the design of exterior lighting;
 9. Apply any additional standards as provided for by this Bylaw, where applicable.
 - c. As a condition of a grant of Conditional Use, the Development Review Board may attach such additional reasonable conditions as it may deem necessary to implement the purposes of the Act and this Bylaw.
 - d. The Development Review Board shall render its decision, which shall include findings of fact, within 45 days after completing the final hearing, and shall within that period send to the applicant, by certified mail, a copy of the decision. Copies of the decision also shall be mailed to every person or body appearing and having been heard at the hearing, and a copy thereof shall be filed with the Administrative Officer and the Readsboro Town Clerk as part of the public records thereof. Failure to act within the 45 days shall be deemed approval.
 - e. Site Plans in accordance with Bylaw Section 2.4.4 shall accompany the Zoning Permit Application for all proposed Conditional Uses.

2.4.4 Site Plan Review

The Development Review Board shall review and decide upon Site Plan Applications in accordance with Section 4416 {Site plan review} of the Act. All uses other than one or two family dwellings, agricultural and forestry uses, residential accessory uses, signs, or day care facilities serving no more than six (6) full-time persons, and group homes and residential care homes serving not more than eight (8) persons require Site Plan Approval from the Development Review Board.

- a. Application:
The applicant shall submit two sets of Site Plan maps drawn to scale and supporting data to the Administrative Officer that shall include the following information presented in drawn form and written text:

1. Name, address, and signature of the property owner and applicant (if different from property owner); names and address of the owners of record of adjoining lands (including all property that is directly across a road or stream from the land under consideration); name and address of person or firm preparing map;
2. Property lines, acreage figures, scale of map, north point, date;
3. Existing contours and features, including structures, easements and rights of way;
4. Proposed site grading and location of proposed structures, sewage disposal facilities, water supply and land use areas;
5. Proposed layout of roads, driveways, walkways, traffic circulation, parking spaces;
6. Existing trees, shrubs, and other vegetation to be preserved on the site;
7. Proposed landscaping and screening;
8. For applications involving subdivision of land or a boundary line adjustment a survey plat meeting the requirements of 27 V.S.A. § 1403 and the rules of the Board of Land Surveyors, stamped by a Registered Land Surveyor licensed to practice in Vermont or equivalent.

b. Review Criteria:

The Development Review Board shall take into consideration the following criteria in reviewing the proposed Site Plans:

1. Provisions for access from public roads and maximum safety of traffic between the site and streets;
2. Adequacy of traffic circulation within the project; adequacy of parking and loading facilities;
3. Adequacy of landscaping, screening and setbacks in achieving maximum compatibility and protection of adjacent property;
4. Protection of the utilization of renewable energy resources;
5. Conformance with the policies of the Readsboro Town Plan as most recently adopted;
6. Design or shielding of lighting and control or buffering of noise for the protection of neighboring properties.

The Development Review Board shall take into account any additional criteria deemed necessary to protect the health, safety and welfare of the public.

c. Approval:

A Site Plan Review hearing shall be scheduled and conducted upon determination by the Development Review Board that a submitted Site Plan Application is complete. The Development Review Board shall render its decision, which shall include findings of fact, within 45 days after completing the hearing, and shall within that period send to the

applicant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing, and a copy thereof shall be filed with the Administrative Officer and the Readsboro Town Clerk as a part of the public records thereof. Failure to act within the 45 days shall be deemed approval.

- d. Coordination of Site Plan with Conditional Use Review:
Pursuant to Section 4462 {Combined review}, where a land development proposal requires both Site Plan and Conditional Use approval, the Development Review Board shall, to the extent feasible, conduct the reviews concurrently. When concurrent review is not feasible, the Site Plan review shall be a pre-requisite for the Conditional Use review.

2.4.5 Planned Unit Development

The Development Review Board shall review and decide upon applications for Planned Unit Development (PUD) in accordance with this Bylaw and Section 4417 {Planned unit development} of the Act .

2.4.6 Rights of Way

The Development Review Board shall review and decide upon rights of way in accordance with Section 4412(3) {Required provisions and prohibited effects} of the Act.

2.4.7 Waivers to Dimensional Requirements

- a. Pursuant to 24 VSA 4414(8), waivers to dimensional requirements of the Zoning Bylaw may be granted by the DRB after considering the Waiver Criteria in Section 3 below. The burden of proof is on the applicant to demonstrate that the waivers requested meet the Waiver Criteria.
- b. A waiver may be granted to the setback dimensional requirements in the Zoning Bylaw.
- c. Waiver Criteria. The DRB may grant a waiver to a dimensional requirement after making findings on the following criteria:
 - 1. Reasonable use of the property is only possible if the DRB grants a waiver of the dimensional requirement, rather than the applicant complying with the dimensional requirement;
 - 2. The waiver is the minimum reduction in the dimensional requirement that will enable the reasonable use of the property;
 - 3. The proposed design, screening, or other remedies mitigate any adverse effects resulting from the waiver;
 - 4. The need for a waiver was not self-created by past decisions of the applicant;
 - 5. If the waiver is granted, the proposed project will still conform to the Town Plan;
 - 6. If the waiver is granted, the proposed project will still conform to the purpose of the zoning district in which the land development is located; and

7. The proposed project will not have an undue adverse effect on the following:
 - A. Surrounding properties and property values;
 - B. The character and aesthetics of the neighborhood;
 - C. Traffic patterns and circulation;
 - D. Public health, safety, and utility services;
 - E. Stormwater management; and
 - F. Water and wastewater capacity.
- d. Waiver application and review process.
 1. Application to the DRB for a waiver to reduce a dimensional requirement shall be made as part of, and simultaneously with, an application for one of the DRB reviews listed in 24 VSA 4460 (e) or as a separate Site Plan Review application if one of the other reviews listed in 24 VSA 4460 (e) is not required for the application.
 2. Pursuant to 24 VSA 4460 (e), the application shall come to the DRB either as an appeal from the decision of the administrative officer or a referral from the administrative officer.
 3. The application for a waiver shall follow the public hearing, DRB decision, and appeal process for the review to which it is a part.
 4. The DRB shall consider the opinion of abutters in deciding whether to grant the waiver.
 5. In granting a decision in favor of the applicant, the DRB may attach reasonable conditions including mitigation by design, screening, or other remedy.
 6. Any waiver granted under this section shall be limited to the specific property to which it has been granted. A waiver on one property shall not be construed as a general guideline or standard for any other property.
 7. Expiration. Waiver approvals shall expire by limitation if work is not completed within two (2) years from the date they are approved. All work must be completed as shown on any approved plan before the expiration date. Extensions of this deadline may be granted by the Board prior to expiration.

*

2.6 Computation of Dates and Time

- a. Effective Date:

A Zoning Permit is in effect fifteen (15) days after the Administrative Officer has posted it unless appealed according to Section 4465 {Appeals of decisions of the administrative officer} of the Act.
- b. Issuance Date:

The date a Zoning Permit is signed by the Administrative Officer.
- c. Posting Date:

The date the Administrative Officer posts a Permit in a public place. The Officer has three days to post a Zoning Permit once the Zoning Permit has been signed (Issuance Date).

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- d. Receipt Date:
The date the Administrative Officer receives and signs an application judged to be complete for any use found in these Regulations.
- e. Hearing Date:
All completed applications for Conditional Use Permits and Planned Unit Development should be heard by the Development Review Board within sixty (60) days from the Receipt Date.
- f. Approval or Disapproval Date:
The Development Review Board shall act to approve or disapprove an application for a Conditional Use Permit or Planned Unit Development within forth five (45) days after the date of the final public hearing. Failure to so act within such period shall be deemed approval at which time the Permit shall be issued by the Administrative Officer. The Permit will become effective fifteen (15) days after the Administrative Officer has posted it unless appealed according to Section 4465 {Appeals of decisions of the administrative officer} of the Act.
- g. Site Plan Review:
The Development Review Board (in connection with Conditional Use Applications) shall act to approve or disapprove a Site Plan within forty five (45) days after the final public hearing. Failure to so act within such period shall be deemed approval.
- h. Computation of Time:
Where an event is required or permitted to occur by this Bylaw before, on or after a specified period of time measured from another event, in calculating the period:
 - 1. the first day shall not be counted; and
 - 2. the final day shall be counted.
- i. Recording Permits:
Land use Permits or notice of these Permits must be recorded in the Town Clerk's office within thirty (30) days of their issuance as set forth in Section 4449(c) {Zoning permit, certificate of occupancy, and municipal land use permit} of the Act.
- j. Public Hearing Date:
In accordance with Section 4464(a) {Notice procedures} of the Act, a warned public hearing shall be required for Conditional Use Review (Bylaw Section 2.4.3), Appeals of decisions of the Administrative Officer (Bylaw Section 2.4.1) and Variances (Bylaw Section 2.4.2). Any public notice required for public hearing under this Bylaw shall be given not less than fifteen (15) days prior to the date of the public hearing by all of the following:
 - 1. Publication of the date, place and purpose of the hearing in a newspaper of general circulation in the municipality;
 - 2. Posting of the same information in three (3) or more public places within the municipality, including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made;

3. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained and states that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal; and

Public notice of all other types of development review hearings, including Site Plan Reviews (Bylaw Section 2.4.4) and Waivers to Dimensional Requirements (Bylaw Section 2.4.7), shall be given not less than seven (7) days prior to the date of the public hearing, and shall at minimum include the following:

1. Posting of the date, place and purpose of the hearing in three (3) or more public places within the municipality; and
2. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and states that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

No defect in the form or substance of any required public notice under this section shall invalidate the action of the Development Review Board where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Environmental Court, the action shall be remanded to the Board to provide new posting and notice, hold a new hearing, and take a new action.

ARTICLE 3

3.0 GENERAL REGULATIONS

3.1 Non-Conforming Uses and Non-Conforming Structures

Any structure, lot, or any use of a structure or land lawful on the effective date of the Bylaw shall continue to be a lawful structure, lot or use, subject to the provisions of this section, in accordance with Section 4412(7) {Required provisions and prohibited effects; nonconformities} of the Act.

a. Continuation:

Any non-conforming use or non-conforming structure may be continued indefinitely, but shall not be moved, enlarged, altered, extended, re-constructed or restored, except as provided below, nor shall any external evidence of a non-conforming use be increased by any means whatsoever.

b. Change:

A non-conforming use may be changed to another non-conforming use of equal or less intensity, but such use shall not then be permitted to change back to a more intensive use.

c. Re-establishment:

A non-conforming use shall not be re-established or restored without the approval of the Development Review Board if such use has been discontinued in whole or in part for a period of one year.

d. Repair or re-construction:

If the non-conforming structure is damaged or destroyed, it may be repaired or restored, provided that the owner obtains a Zoning Permit for the construction, and

1. the size of the repaired or restored structure does not exceed the size of the structure before it was damaged or destroyed, and
2. the work is commenced within one year from the date of damage or destruction and is diligently pursued.

e. Extension and Enlargement:

a. Extensions or enlargements may be made to the nonconforming portion of a nonconforming structure in accordance with all applicable requirements of this Bylaw.

f. Maintenance and Repair:

Nothing in this Section shall be deemed to prevent normal maintenance and repair of a nonconforming structure provided that such action does not increase the degree of nor create any new nonconformity with regards to the regulations pertaining to such structures.

3.2 Requirements of the Act

In accordance with Section 4412 {Required provisions and prohibited effects} and Section 4413 {Limitations on municipal bylaws} of the Act, the following provisions shall apply:

3.2.1 Existing Small Lots

Any lot that is legally subdivided, is in individual and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of this Bylaw, may be developed for the purposes permitted in the district in which it is located, even though the lot does not conform to minimum lot size requirements of the district in which the lot is located.

If a lot not conforming to the minimum lot size requirements in the district in which it is located subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot shall not be deemed merged with the contiguous lot(s).

3.2.2 Required Frontage on, or Access to, Public Roads or Public Waters

No land development may be permitted which does not have adequate means of access, either frontage on a maintained public road (Class 1, 2, or 3) or, with the approval of the Development Review Board granted in accordance with Section 2.4.6 of this Bylaw, access by means of a permanent easement or right-of-way to such a public road or to public waters. Access easements or rights-of-way shall not be less than 30 feet in width. If serving more than two lots or uses, the Development Review Board may require a right-of-way up to 40 feet in width to ensure public safety and orderly development. Access on a state highway must be permitted by the Vermont Agency of Transportation.

3.2.3 Protection of 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 and which meets the following standards.

- a. The home occupation shall be carried on by members of the family. Two employees who are not family members are permitted.
- b. The home occupation shall be carried on within the principal or accessory structures.
- c. Exterior displays or signs other than those normally permitted in the district or exterior storage of material shall not be permitted.
- d. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the business shall not be generated.
- e. No traffic shall be generated in greater volumes than would normally be expected in the neighborhood.
- f. Parking shall be provided off-street and shall not be located in front yards except for the first two cars.

3.2.4 Equal Treatment of Housing

This Bylaw shall not have the effect of excluding mobile homes, modular housing, or other forms of pre-fabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded.

These regulations shall not have the effect of excluding from the municipality housing intended to meet the needs of the population as determined in the Town Plan or other

planning analyses. Special provisions for mobile home parks are established in Section 3.8 of this Bylaw.

3.2.5 Special Public Use Exceptions

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

- a. State owned or community owned and operated institutions and facilities.
- b. Public and private schools and other educational institutions certified by the Vermont Department of Education.
- c. Churches and other places of worship, convents, and parish houses.
- d. Public and private hospitals.
- e. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
- f. Hazardous waste management facilities for which a notice of intent to construct has been received under Section 6606a of Title 10.

The following standards shall be considered in reviewing public uses:

- a. Unightly or incompatible land uses, such as substations, parking lots and refuse areas, shall be screened with landscape materials suitable to withstand weather conditions, compatible with the soils conditions, and adaptable to light conditions.
- b. Adequate circulation, parking and loading facilities shall be provided with particular consideration to visibility at intersections, traffic flow and control, pedestrian safety, and access in case of emergency.
- c. To protect the privacy of adjoining property owners, additional yard space or setbacks of the use from the property line other than what is already required may be required.
- d. The density, size, height or bulk of buildings may be increased or decreased as needed to ensure compatibility with established patterns of land use in the district, and to ensure orderly growth and development in the community.

3.2.6 Accessory Dwellings

These regulations shall not have the effect of excluding as a Permitted Use one Accessory Dwelling Unit that is located within or appurtenant to an owner-occupied single-family dwelling. An Accessory Dwelling Unit means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all of the following:

- a. The property has sufficient wastewater capacity.
- b. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
- c. Applicable setback, coverage, and parking requirements specified in the Bylaw are met.

Notwithstanding the provisions above, the creating of an Accessory Dwelling Unit will require Conditional Use approval when one or more of the following is involved:

- A new accessory structure, constructed after the enactment of this Bylaw
- An increase in the height or floor area of the existing dwelling or conversion of non-living space to an apartment in a non-attached accessory structure.
- An increase in the dimensions of the parking areas.

3.2.7 Farm Structures and Silvicultural Practices

Pursuant to 24 V.S.A. Section 4413(d) {Limitations on municipal bylaws}, farm structures, excluding dwellings, accepted agricultural practices and accepted silvicultural practices are exempt from local permitting requirements. However, farmers intending to erect a farm structure must notify the municipality of the intent to build a farm structure, and abide by setbacks contained within this Bylaw, unless they provide an approval of lesser setbacks by the Commissioner of Agriculture, Food and Markets. The notification must contain a sketch of the proposed structure and include the setback distances from adjoining property owners and the street right-of-way. Additionally, all farm structures within the Special Flood Hazard Area must comply with the National Flood Insurance Program. Lastly, the municipality may report violations of Accepted Agricultural Practices or Accepted Silvicultural Practices to the appropriate state authorities for enforcement.

This Bylaw shall not regulate Accepted Silvicultural Practices, as those practices are defined by the Secretary of Agriculture or the Commissioner of Forests, Parks and Recreation under Subsection 1021(f) and 1259(f) of Title 10 and Section 4810 of Title 6.

3.3 Miscellaneous Requirements

3.3.1 Lots in Two Zoning Districts

Where the boundary line between two zoning districts divides a lot held in single and separate ownership, the provisions of the district in which the Land Development is to be principally located shall apply.

3.3.2 Dwellings on Lots

There shall be only one residential building on a lot unless otherwise approved under Planned Unit Development (PUD).

3.3.3 Reduction of Lot Area

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

3.3.4 Required Areas or Yards

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

3.3.5 Land Fill

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

3.3.6 Grading

Grading, cut or fill carried out in any district which leaves the slope of the finished grade in excess of 30% shall require the review and approval of the Development Review Board.

3.4 Off-Street Parking and Loading Space

3.4.1 Off-Street Parking

For every building hereafter erected, altered, extended or changed in use, there shall be provided off-street parking spaces at least as set forth below. A required driveway shall be at least 20 feet clear in width, except for one and two-family dwelling uses. A parking space shall be at least 9 feet by 22 feet.

In the Village and Hamlet districts the Development Review Board, in considering Site Plan Review and/or Conditional Use applications, may modify or waive parking requirements.

During Site Plan review, the Development Review Board may require additional off-street parking and loading spaces for any use if they find that minimum spaces are not sufficient.

With the approval of the Development Review Board, the applicant may provide parking spaces on other property, provided that such land lies within 300 feet of an entrance to the principal building.

Parking spaces for any number of separate uses may be combined in one parking lot, but the required space assigned to one use may not be assigned to another use at the same time, except upon the approval of the Development Review Board.

Table 1: Off Street Parking Requirements by Use Category

Off-Street Parking Space Requirements by Use Category

Use Category	Parking Space Requirements
Residential Uses	1-family dwelling units, 2-family dwelling units, mobile homes: 1 parking space per unit Multiple-family dwelling units: 4 spaces for every 3 dwelling

Off-Street Parking Space Requirements by Use Category

	units Professional residence-office: 1 space per office plus 1 additional space for every 300 square feet of floor area
Hotel, Motel, Tourist Home, Boarding House	1 space for every guest room
Dormitory, Fraternity, Nursing Home, Hospital	1 space for every two beds
Places of Public Assembly	1 parking space for every 5 seats. Where there are no seats, 1 parking space for every 200 square feet of floor area
Business, Professional, and Medical Offices	1 space for every 200 square feet of office space
Commercial, Business, and Unspecified Uses	1 parking space for every motor vehicle used in the business, plus 1 parking space for every 200 square feet of floor area
Restaurant, Eating and Drinking Establishment	1 parking space for every 150 square feet of floor space
Other Uses	As required by the Development Review Board

3.4.2 Loading and Unloading Space

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

Table 2: Loading/Unloading Space Requirements by Use Category

Loading/Unloading Space Requirements by Use Category

Use Category	Loading/Unloading Space Requirements
Hotels, Motels, Hospitals, Commercial, Business, Service and Industrial Establishments	1 off-street loading space for every 10,000 square feet of floor area
Wholesale, Warehouse, Freight and Trucking Uses	1 off-street loading space for every 7,500 square feet of floor area

3.5 Signs

A Sign Permit issued by the Administrative Officer shall be required prior to the erection, construction, or replacement of any outdoor sign, except those exempted under Section 3.5.2. This prohibition shall not be construed to require any Permit for a change of copy on any sign, nor the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a Sign Permit has previously been issued, so long as the sign is not modified in any way.

3.5.1 General Regulations

All signs, other than those specified in Section 3.5.2, shall require a Sign Permit issued by the Administrative Officer in accordance with the following requirements pertaining to all signs:

- a. No outdoor advertising sign shall be permitted in any district except for the purpose of identifying an existing on premise use.
- b. No sign shall be permitted in the right-of-way.
- c. Signs identifying any permitted non-residential use in a Residential District shall not exceed a total of 20 square feet per face.
- d. In the Village and Hamlet Districts, one business sign, not exceeding 50 square feet per face is permitted.
- e. No freestanding sign shall exceed 20 feet in height as measured from the ground.
- f. Signs shall be illuminated so as not to produce undue glare, hazards, or distractions. A constant shielded light source may be used for indirect lighting, provided that the light fixture is mounted on the top or side of the sign, is directed onto the sign surface, and does not adversely affect neighboring properties, rights-of-way, or vehicular traffic. The light source shall not be visible from adjacent properties or roads. Outdoor signs are expressly prohibited from being internally illuminated.

3.5.2 Exempt Signs

The following signs are exempt from requiring a Zoning Permit:

- a. One temporary real estate sign, not exceeding 6 square feet per face.
- b. Non-advertising signs placed for directional, safety or public service purposes.
- c. Signs erected by the State or Town on public roads.
- d. Unlit wall mounted or freestanding signs advertising a home occupation, home based business or home child care facility, not to exceed one per residential dwelling, or 4 square feet in area per face.
- e. Unlit signs associated with farm operations, not to exceed one per establishment or 6 square feet in area per face.
- f. Temporary election signs to be posted and removed in accordance with State law.
- g. Signs or bulletin boards incidental to places of worship, schools, libraries or public facilities, not to exceed one per establishment, 16 square feet in area per face, or 6 feet above ground level.
- h. Temporary signs or banners advertising public or community events, to be displayed in designated locations on town property, which shall be removed immediately following the event.
- i. One temporary construction sign, not to exceed 16 square feet in total area or 10 feet in height, provided that the sign is removed immediately following the completion of construction.
- j. Temporary auction, lawn or garage sale signs not to exceed 6 square feet per face, which shall be removed immediately following the event or sale.
- k. Signs relating to trespassing and hunting, each not to exceed 2 square feet in area.
- l. On-premise historic or landmark signs, not to exceed one in number or 6 square feet in area per face.

3.5.3 Signs Not Permitted

The following signs shall not be permitted in any district:

- a. Advertising billboards
- b. Flashing, oscillating, or revolving signs
- c. Roof signs
- d. Signs that impair public safety
- e. Any sign which appears to direct the movement of traffic or which interferes with, imitates or resembles any official traffic, directional or route sign, signal or device
- f. Any sign which prevents a clear and unobstructed view of official signs and approaching or merging traffic

3.6 Extraction of Soil, Sand and Gravel

In any district the removal of soil, sand or gravel for sale, except when incidental to construction of a building on the same premises, shall be permitted only upon approval of a plan for the rehabilitation of the site by the Development Review Board and after a public hearing. In any district, the following provisions shall apply:

- a. Before approval of any new or extension to a new sand or gravel operation, a performance bond shall be secured from the applicant sufficient to ensure that upon completion of the extraction operations the abandoned site will be left in a safe, attractive, and useful condition in the interest of public safety and general welfare. The owner shall submit a plan of proposed improvements to accomplish this end. The bond shall be sufficient to cover the cost of redevelopment of the site for other reasonable uses.
- b. The removal of all material shall be conducted so as to result in the improvement of the land, having due regard to the contours in the vicinity such as leveling slopes and removing hills. The digging or creating of pits or steep slopes shall not be permitted, unless provision is made to refill such pit in a manner satisfactory to the Development Review Board.
- c. The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall be fertilized, mulched and re-seeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion to the satisfaction of the Development Review Board.
- d. All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose material from filling any drainage course, street or private property. All provisions to control natural drainage water shall meet with the approval of the Development Review Board.
- e. No excavation or blasting shall be done or and no stockpiling of material shall be located within 200 feet of any street or other property line.
- f. No power-activated sorting machinery or equipment shall be located within 300 feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.

- g. All excavation slopes in excess of one to two shall be adequately fenced as determined by the Development Review Board.
- h. Extension of an existing nonconforming operation shall not be permitted.
- i. Stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited.
- j. The Development Review Board may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

3.6.1 Stockpiling

In any district the stockpiling of soil, sand, gravel, stone, mulch, and like construction materials for commercial use or sale shall be permitted only as a Conditional Use.

3.7 Landscaping and Screening

As a condition for Site Plan Approval for any use or structure except for one-family and two-family dwellings, landscaping is required to be installed and maintained in front, side and rear yards and shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas and ground cover.

Where required by the Development Review Board, shade trees at least 10 feet in height and at least 2 inches in diameter shall be planted no nearer than 5 feet to any lot line, for each 300 square feet of required landscaped area. One deciduous shrub or evergreen shall be planted for each 200 square feet of required landscaped area.

All such landscaping shall be maintained in a healthy growing condition, with ground cover or grassed areas.

The minimum landscaping requirements are as follows:

- a. Where any land use in a non-residential district abuts land in any residential district, a strip of land, at least 25 feet in width, shall be maintained as a landscape area in the front yard, side yards, and rear yard which adjoin these districts.
- b. Where any non-residential land use in a residential district abuts any residential land use in a residential district, a strip of land at least 15 feet in width shall be maintained as a landscape area in the front yard, side yards, and rear yard which adjoin these uses.
- c. For any commercial use a strip of land at least 10 feet in width shall be maintained as a landscape area in the front, side, and rear yards.
- d. Each industrial lot or use shall have a strip of land at least 15 feet in width in the front yard and at least 5 feet in width in the rear and side yards which shall be maintained as a landscape area.
- e. In any Planned Unit Development (PUD), as required by the Development Review Board.

3.8 Mobile Homes

Mobile homes can be parked only in (1) an approved mobile home park or (2) in any district in which single-family dwellings are permitted.

3.8.1 Mobile Home Parks

All mobile home parks are subject to the state regulations for mobile home parks (see 10 V.S.A. Chapter 153 for definitions).

- a. No person shall construct or operate a mobile home park without first obtaining Site Plan Approval from the Development Review Board and a Zoning Permit from the Administrative Officer. Before issuing a mobile home park Zoning Permit, a performance bond shall be obtained from the operator to assure that the park is constructed and maintained in a satisfactory manner.
- b. Application for a mobile home park Site Plan Approval shall be made to the Administrative Officer. The application shall be accompanied by a Site Plan and drawings showing property lines, area contours showing any proposed grading, roads, walkways, lots, parking, water lines, sanitary sewer and storm sewer drainage facilities, garbage collection stations, and electrical distribution.
- c. Provision shall be made for adequate siting of mobile homes to maximize energy conservation, protect existing vegetation and prevent development of environmentally sensitive areas, such as steep slopes, wet areas, shallow soils or other unique or fragile areas for the health, safety, and welfare of the occupants and the entire community.

3.8.2 Mobile Home Park Standards

- a. Mobile home park area: not less than 5 acres, with 10 percent of the total area for recreational purposes.
- b. Mobile home lots: at least 8,000 square feet in area, and at least 60 feet wide by 120 feet in depth.
- c. Access driveways: at least 50 feet wide, with a gravel surface at least 24 feet wide and 12 inches depth of compacted gravel.
- d. At least 1 off-street parking place per mobile home and at least 1 off-street space for each 2 mobile homes for visitor parking.
- e. No mobile home lot shall be closer to a public street than 80 feet, no closer to a property line than 100 feet.
- f. A substantial area between all mobile homes and every boundary of the park shall be landscaped with existing or newly planted trees or other plant materials. Such an area shall not be less than 100 feet.
- g. No mobile home shall be parked on a lot closer than 10 feet to a lot line.
- h. No additions shall be made to a mobile home except a canopy and/or porch open on 3 sides, or an addition made by a mobile home manufacturer.
- i. No mobile home shall be located within 100 feet of any stream, pond or lake.
- j. At least 2 trees (of at least 2 inch caliper) shall be planted on each mobile home site.
- k. All buildings which are not physically connected must be at least 15 feet apart.

ARTICLE 4

4.0 ZONING DISTRICT REGULATIONS

4.1 General Standards and Definitions

4.1.1 Buildings and Uses on Lots

There shall be only one principal building per lot unless approved by the Development Review Board. Except where Mixed Use Buildings are permitted, there shall be only one principal use on a lot unless approved by the Development Review Board.

4.1.2 Accessory Buildings and Accessory Uses

Accessory buildings and accessory uses are permitted in all districts. Accessory buildings and accessory uses are defined in ARTICLE 6, DEFINITIONS.

4.1.3 Temporary Structures, Temporary Mobile Homes

For the purposes of providing the property owner with on-site temporary housing and/or storage of construction materials and equipment during the initial stages of building a single-family owner-built home, temporary structures or temporary mobile homes are permitted in all zoning districts. Such a temporary structure or temporary mobile home may be on the lot for no longer than two (2) years, must be removed from the lot after two (2) years, and must comply with all the provisions of this Bylaw.

4.1.4 Home Occupation

This use is permitted in all districts, provided that it meets the requirements as set forth in Section 3.2.3, Protection of Home Occupations, of this Bylaw.

4.1.5 Uses Not Listed

With the exception of accessory uses and home occupation, any use not stated as Permitted or Conditional in a specific zoning district is not permitted in that district.

4.1.6 Uses Not Provided For

Uses which are not listed in any district may be permitted upon a finding by the Development Review Board that such use is of the same general character as those permitted within the district and will not be detrimental to the other uses within the district or to the adjoining land uses. Having received positive findings by the Development Review Board), the use in question must receive a Conditional Use Permit from the Development Review Board.

4.1.7 Uses Not Permitted

In all districts the following uses are not permitted: junkyards, machinery wrecking yards, bulk storage of gasoline; rendering plants; hide tanning or curing plants; concentrated animal feeding operations; manufacture or processing of fertilizer, bone, ammonia, or

chlorine; manufacture or refining of petroleum gas; dumps, except municipally operated sanitary landfill; and large scale manufacturing.

Table 3: Zoning Districts

ZONING DISTRICTS		
Conservation (CON)	Rural Residential (RUR)	Rural Residential Alpenwald (RRA)
Watershed (WAT)	Hamlet (HAM)	Village (VIL)

Table 4: Land Uses Permitted, Conditional, and Not Permitted

PERMITTED (P), CONDITIONAL (C), AND NOT PERMITTED (-) USES

USES	CON	RUR	RRA	WAT	HAM	VIL
Accessory Uses to Permitted Uses	P	P	P	P	P	P
Accessory Uses to Conditional Uses	C	C	C	C	C	C
Affordable Housing Development (AHD)	-	-	-	-	C	C
Agriculture	P	P	-	C	P	P
Auction House	-	C	-	-	C	C
Bed and Breakfast	C	P	-	-	P	P
Boarding House	-	C	-	-	P	P
Camp/Travel Trailers, Motor Homes	C	C	-	-	-	-
Campground	C	C	-	-	C	C
Cemetery	C	C	-	-	C	C
Child Care Center (6 or less children)	P	P	P	P	P	P
Child Care Center (more than 6 children)	-	-	C	-	C	C
Church	-	-	-	-	C	C
Community Center	-	-	-	-	C	C
Conservation	P	P	P	P	P	P
Dwelling, Mixed Use	-	-	-	-	P	P
Dwelling, Multi-Family	-	-	-	-	P	P
Dwelling, Two-Family	-	P	C	-	P	P
Dwelling, Single-Family	P	P	P	P	P	P
Earth and Mineral Extraction	-	C	-	-	-	-
Forestry	P	P	-	C	P	P
Greenhouse/Nursery/Farm stand	-	P	-	-	P	P
Health Care Facility	-	-	-	-	C	C
Home Business	P	P	-	-	P	P
Home Industry	C	C	-	-	C	C
Home Occupation	P	P	P	P	P	P
Hotel/Motel	-	C	-	-	C	C
Housing for the Elderly	-	-	-	-	P	P
Inn	-	C	-	-	P	P
Light Industry	-	-	-	-	C	C
Mixed Use Building	-	-	-	-	P	P
Mobile Home	P	P	P	P	P	P
Mobile Home Park	-	C	-	-	-	-
Motor Vehicle Repair	-	-	-	-	C	C
Motor Vehicle Sales	-	-	-	-	C	C
Museum	-	C	-	-	P	P
Non-Commercial Keeping of Livestock	P	P	P	P	P	P

USES	CON	RUR	RRA	WAT	HAM	VIL
Office	-	-	-	-	P	P
Office, Professional	-	-	-	-	P	P
Parking Lot or Structure	-	-	-	-	C	C
Planned Unit Development (PUD)	-	-C	-	-	-	C
Post Office	-	-	-	-	-	P
Postal Facility	-	C	-	-	C	C
Private Club	-	C	-	-	P	P
Public Utilities	-	-	-	-	C	C
Public Utility Transmission Line	C	C	-	-	C	C
Recreation, Commercial Indoor	-	C	-	-	C	C
Recreation, Commercial Outdoor	C	P	-	-	-	-
Recreation, Private Outdoor	-	P	-	-	-	-
Recreation, Public Outdoor	C	C	-	-	C	C
Repair Services	-	-	-	-	P	P
Restaurant	-	C	-	-	P	P
Retail Sales Establishment	-	C	-	-	C	C
Retail Services Establishment	-	C	-	-	C	C
School	-	C	-	-	P	P
Self Service Storage Facility	-	-	-	-	C	C
Service Station	-	-	-	-	C	C
Stockpiling	-	C	C	-	C	C
Telecommunication Facilities	C	C	C	C	C	C
Warehouse/Storage	-	-	-	-	C	C
Wildlife Refuge	P	P	-	-	-	-
Windmills	C	C	C	C	C	C

Table 5: Height, Lot Line Setback, and Lot Dimension Schedule

DISTRICT	Lot Area (min.)	Lot Frontage (min.)	Building Height (max.)	Setback Front (min.)	Setback Side & Rear (min.)
Conservation	5 Acres	200 Feet	35 Feet	75 Feet	40 Feet
Rural Residential	5 Acres	200 Feet	35 Feet	75 Feet	40 Feet
Rural Residential Alpenwald	2 Acres	200 Feet	35 Feet	75 Feet	20 Feet
Watershed	10 Acres	300 Feet	35 Feet	75 Feet	40 Feet
Hamlet	2 Acres	200 Feet	35 Feet	75 Feet	20 Feet
Village With Water and Sewer	0.5 Acres	85 Feet	35 Feet	35 Feet	20 Feet
Village With Either Water or Sewer (not both)	1 Acre	100 Feet	35 Feet	35 Feet	20 Feet
Village With Neither Water Nor Sewer	2 Acres	200 Feet	35 Feet	35 Feet	20 Feet

4.1.8 Front Setback

Front building setbacks shall be calculated from the centerline of the highway.

4.1.9 Building Height

Building height shall be a maximum of three (3) stories or 35 feet, wherever is less.

4.2 Conservation District (CON): 5 acres

Conservation lands are extensive, essentially undeveloped forested areas with limited access to an improved public road and necessary public utilities and services. These lands include elevations above 2,500 feet, upland wildlife habitats, multiple resource areas, ponds and watercourses, and land in the Green Mountain National Forest. Conservation lands contain valuable natural resources; the purpose of the Conservation district is to protect them until there is a public need for their development. Ample lands which are more suitable for development are available elsewhere in Readsboro.

4.3 Watershed District (WAT): 10 acres

Watershed lands are extensive, essentially undeveloped forested area surrounding Howe Pond, Readsboro's municipal water supply. These lands have limited access to an improved public road and necessary public utilities and services. The purpose of the Watershed district is to protect vital watershed areas in order to maintain and reserve a safe, healthful and reliable water supply for the present and future residents of Readsboro.

4.4 Rural Residential District (RUR): 5 acres

Rural residential lands are lands which are already committed to rural development or which appear capable of accommodating a significant proportion of the expected growth in Readsboro.

Some of these lands offer serious limitations for development and will require special attention in evaluating proposals for their development. The land may have an important natural resource value, may be located a significant distance from improved public land or from a village or commercial center, may be classified as vulnerable landscapes, or may border scenic roads. The purpose of the Rural Residential District is to provide for low-intensity uses which are compatible with the potential of the land for agriculture, forestry, or extraction of soil, sand or gravel. These uses shall protect the rural character, scenic and recreational resources, and significant natural, historic and other resources within the Town.

4.5 Village District (VIL): 0.5 to 2.0 acres

The Village District encompasses the Village of Readsboro.

The purpose of this district is to support the traditional role of the village as the focus of many of the economic, social and cultural activities of the Town, and to provide for residential development to serve the needs of the village and community. This district permits a broad range of retail and personal service shops, professional offices, and other supportive compatible commercial services. Industrial uses, while allowed, will require special review and consideration in order to insure compatibility with the commercial and residential uses in the district. Such development should maintain the traditional social and physical character and scale of the village and its historic and scenic resources, and

should not exceed the capability of the lands, waters, services, or facilities to absorb such development.

4.6 Hamlet District (HAM): 2 acres

The Hamlet District encompasses the hamlet of Heartwellville. This district permits a broad range of retail and personal service shops, professional offices, and other supportive compatible commercial services. The purpose of the Hamlet district is to allow such development which should maintain the traditional social and physical character and scale of the hamlet and its historic and scenic resources, and should not exceed the capability of the lands, waters, services, or facilities to absorb such development.

4.7 Rural Residential Alpenwald (RRA): 2 acres

The purpose of this district is to recognize the existing residential use of the area, and to provide for future expansion of residential use.

The Rural Residential Alpenwald District includes all the lands of the Alpenwald subdivision. Alpenwald was subdivided into one-acre lots, before enactment of Act 250 and the adoption of Town zoning. The lots were marketed as lots for vacation homes within walking distance of the Dutch Mountain Ski Area. This district is served by State Highway Routes 8 and 100. Alpenwald roads are privately owned and maintained.

ARTICLE 5

5.0 WIRELESS TELECOMMUNICATIONS FACILITIES

5.1 Intent and Application

This Article defines specific municipal regulations governing the siting, design, development, operation and maintenance of wireless telecommunication facilities within the Town.

5.1.1 Applicability

Regulations within this Article apply to wireless telecommunications common carrier service providers and associated facilities required to be licensed by the Federal Communications Commission (FCC). These regulations do not apply to municipal radio communications, emergency radio dispatch (police, fire, ambulance), local business radio dispatch, amateur (ham) or citizens band radio, or personal use telecommunications.

5.1.2 Purpose

The purpose of these regulations is to protect the public health, safety and general welfare of the Town while accommodating the communications needs of residents, businesses and visitors. These regulations seek to:

- a. Provide standards and requirements for the siting, design, appearance, construction, operation, monitoring, modification and removal of antennas, antenna support structures, towers, accessory buildings, and related site facilities;
- b. Facilitate the provision of wireless telecommunications services in Readsboro while safeguarding the scenic beauty of hilltop and ridgeline locations within public viewscapes that contribute to the natural, rural character of the landscape;
- c. Encourage the utilization of existing sites and structures in preference to the construction of new wireless telecommunications antenna towers or other facilities; and
- d. Compensate the Town for Permit Application technical review and administration costs, and to require of the applicant financial surety for required maintenance and for the removal of abandoned facilities.

5.1.3 Authority

Pursuant to Section 4401 {Purpose and Authority}, *et. seq.*, of the Act, the Development Review Board of the Town is authorized to review, approve, conditionally approve, and deny applications for Wireless Telecommunications Facilities Permits, including sketches, preliminary plans, and installation. Pursuant to Section 4440(d) {Administration; finance} of the Act, the Development Review Board is authorized to hire qualified persons to conduct an independent technical review of applications and to require the applicant to pay for all reasonable costs thereof.

5.1.4 Consistency with Federal Law

The regulations within and administration of this Article are intended to be consistent with Federal Law, particularly the Telecommunications Act of 1996. The Article does not:

- a. Prohibit or have the effect of prohibiting the provision of personal wireless services;
- b. Unreasonably discriminate among providers of functionally equivalent services; or
- c. Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services comply with the FCC regulations concerning such emissions.

5.1.5 Permitted and Prohibited Locations

Wireless telecommunications facilities may be permitted as Conditional Uses in all zoning districts upon compliance with all provisions of this Bylaw and all other applicable requirements.

5.1.6 Small-Scale Facilities

Wireless telecommunication facilities in which antennas are attached to existing structures or to the roofs or walls of existing buildings, do not extend horizontally more than five (5) feet from the mounting surface, do not increase the height of the building or structure by more than ten (10) feet, and in which associated ground facilities do not exceed thirty-five (35) feet in height may be approved following Site Plan Review and Conditional Use Review, provided that engineering information accompanying the application shows that the antennas meet the applicable requirements of this Bylaw.

The application for a small-scale wireless telecommunications facility must include the following information:

- a. A final site and building plan meeting the requirements of Section 2.4.4.a of this Bylaw;
- b. Details of all fixtures and couplings indicating the exact point(s) and manner of attachment;
- c. A report prepared by a qualified engineer indicating the structure's suitability for the telecommunications facility, and attesting that the proposed method of attaching antennas and other facility components to the structure complies with standard engineering practices; and
- d. A copy of the applicant's executed contract with the owner of the existing structure.

5.1.7 Application Requirements for Facilities not Covered under Section 5.1.6

In addition to meeting the information requirements defined in Section 2.4.4.a of this Bylaw, the applicant for a Zoning Permit for a wireless telecommunications facility must meet the following special requirements:

The applicant must be a telecommunications common carrier service provider or FCC licensee or must provide a copy of its executed contract to provide land or facilities to

such an entity to the Administrative Officer at the time that an application is submitted. A Permit shall not be granted for a facility to be built on speculation.

No construction, alteration, modification of any buildings, structures, or antennas (including the installation of antennas for new uses) shall commence without Site Plan Approval and a Conditional Use Permit being obtained from the Development Review Board.

Applicants are encouraged to submit application information and plans in computer-readable softcopy form. However, one copy of the application and two (2) sets of the required Site Plans and maps shall be submitted in printed form.

Zoning Permit Applications for wireless telecommunication facilities must include the following supplemental information:

- a. The name, address and telephone number of the person to be contacted and who is authorized to act in the event of an emergency regarding the structure or safety of the facility.
- b. A description of the intended use of the facility, including reasons for seeking capacity in excess of immediate needs, if applicable.
- c. A report prepared and signed by qualified engineers that
 1. describes the height and elevation of all structures and documents the height above grade for all proposed mounting positions for antennas;
 2. describes the facility's proposed communications capacity, including the number, dimensions, and type(s) of antennas that the applicant expects the tower to accommodate;
 3. depicts graphically the antenna patterns and proposed radiated power levels for all radio frequency transmissions, and maps the area in which the design is intended to provide adequate coverage;
 4. in the case of new tower proposals, demonstrates that existing telecommunications sites and other existing structures or other structures proposed by the applicant within the Town or, if in a neighboring town, within five (5) miles of the proposed site cannot reasonably provide adequate coverage and capacity to the Town, even if upgraded. The documentation shall include, for each facility or proposed site considered, the location, elevation, height or tower or structure, and sufficient additional data to allow an independent reviewer to verify that other locations will not be suitable;
 5. provides assurance that at the proposed site the applicant will establish and maintain compliance with all FCC rules and regulations; and
 6. is supplemented, upon request of the Development Review Board, with other information determined by the Development Review Board or by an independent reviewer to be necessary to evaluate the application.

- d. For a facility to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure.
- e. A copy of any Environmental Assessment (EA) draft or final report describing the probable impacts of the proposed facility, if such a report exists.
- f. A copy of the application or draft application for an Act 250 Permit, if applicable.
- g. A description of the construction sequence and time schedule proposed for completing each phase of the project.

5.1.8 Site Plan Requirements for Facilities not Covered under Section 5.1.6

In addition to the Site Plan submission requirements defined in Section 2.5.1a of this Bylaw, Site Plan Applications for wireless telecommunications facilities shall include the following supplemental information:

- a. Location Map showing the location of the proposed facility and a two (2) mile radius about that location on the latest USGS Quadrangle map
- b. Vicinity Map showing the facility components as well as other natural and cultural features within a twenty-five hundred (2,500) foot radius of the facility site. Required elements include topography; public and private roads and driveways; buildings and structures; streams, water bodies and wetlands; property lines of the proposed facility site parcel; and all easements or rights of way needed for access from a public way to the facility.
- c. Site Plans of the entire facility, supplementing the elements required by Section 2.5.1a of this Bylaw with the following additional elements:
 - 1. elevations showing facades and indicating exterior materials and color of buildings, structures, towers and ancillary facility components;
 - 2. computer-generated photo simulations showing the proposed facility from the public roads and adjacent property from which it may be visible and indicating the projection of any towers or structures above the approximate average height of the existing vegetation within two-hundred (200) feet of the tower base. At its discretion, the Development Review Board may require an Applicant to conduct one or more physical demonstrations (*e.g.*, tethered balloon tests) simulating the visibility of towers and antennas at the proposed locations.

5.1.9 Reuse of Existing Facilities and Structures

An application for a Zoning Permit for a new wireless telecommunications facility or accessory structure shall not be approved unless the Development Review Boards finds that the facilities planned cannot be accommodated on an existing or approved telecommunications structure or another existing building or structure for one of the following reasons:

- a. The proposed antennas and equipment would exceed the structural or spatial capacity or any existing or approved host building or structure and

- that building or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.
- b. The proposed antennas or equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at an existing or approved facility or structure and such interference cannot be mitigated at a reasonable cost.
 - c. Existing or approved buildings or structures cannot accommodate the planned equipment at a height necessary to serve an area of needed coverage or are too far from that area to provide acceptable coverage or capacity.
 - d. Aesthetic reasons make it unreasonable to locate the planned telecommunications equipment upon an existing building or structure or an existing or approved telecommunications facility structure.
 - e. There is no suitable building or structure or existing or approved telecommunications facility structure in the area in which coverage is sought.

5.1.10 Special Site Plan Review and Conditional Use Review Criteria

During Site Plan Review per Section 2.4.4.b of this Bylaw and Conditional Use Review per Section 2.4.4 of this Bylaw, the Development Review Board will apply the following additional specific criteria to site selection for wireless telecommunications facilities:

- a. Towers and antennas shall be located to minimize their visibility. To avoid undue adverse aesthetic impact upon the scenic resources and rural character of Readsboro, the construction of prominent new structures on ridgelines or hilltops shall not be permitted.
- b. Proposed facilities shall not unreasonably interfere with the view from any public park, natural scenic vista, or major view corridor.
- c. In determining whether a facility's aesthetic impact would be undue and adverse, the Development Review Board will consider the following factors:
 - 1. the period of time during which proposed structures would be viewed from any public highway;
 - 2. the frequency of the view of the structures experienced by the traveling public;
 - 3. the degree to which the structures would be screened by existing vegetation, the topography of the land, and existing structures;
 - 4. background features in the line of sight to the proposed structures that obscure them or make them more conspicuous;
 - 5. the distance of the proposed structures from the viewpoints and the proportion of them that is visible above the skyline;
 - 6. the sensitivity or unique value of a particular view affected by the proposed structures;
 - 7. any significant disruption of a viewshed that provides context to an historic or scenic resource;

8. the existence and suitability of alternative sites having less adverse visual impact; and
9. the diligence of the applicant in adhering to the site and facility design requirements specified in Sections 5.1.6, 5.1.7, and 5.1.8 of this Bylaw.

The Development Review Board shall have the authority to impose conditions consistent with the purpose of this section in approving a proposed facility. Furthermore, the Development Review Board may suggest alternative locations for the facility components such as towers and antennas if it is determined that the applicant's proposed location would result in undue adverse aesthetic impacts. In consideration of this, the applicant may revise its application to consider such an alternative location in the engineering report required as supplemental information under Section 5.1.7 of this Bylaw.

5.1.11 Access Roads and Utilities

Where the construction of new wireless telecommunications facilities requires construction of or improvement to access roads, to the extent practicable, those roads shall follow the contour of the land and be constructed or improved within forest or forest fringe areas, and not in open fields. Utility or service lines shall be designed and located so as to minimize or prevent disruption to the scenic character or beauty of the Town, with underground utility installation preferred wherever practicable. The Development Review Board (may require closure of access roads to vehicles following facility construction where it is determined that site location and conditions warrant that closure.

5.1.12 Facility Design

Towers, antennas and support structures shall be designed to blend into the surrounding environment. This may be accomplished through a combination of vegetative screening, architectural treatments, camouflaging by shape or color, and other means appropriate to the specific proposed site.

Where a facility is designed to host equipment from more than one wireless telecommunications provider on a single site, the engineering report that is required to accompany the application per Section 5.1.6 or 5.1.7 of this Bylaw shall address and justify the proposed choice between vertical collocation of antennas on a single tall structure or horizontal clustering of antennas on multiple shorter structures.

The highest point of towers, antennas, and tower-related fixtures shall not extend more than one-hundred (100) feet above the lowest grade at ground level or more than twenty (20) feet above the average height of the forest canopy or other effective horizons (e.g., surrounding rooftops) measured within a radius of one-hundred (100) feet from that highest point except as follows:

- a. An antenna or structure whose height exceeds these limits, but which is seen principally from viewpoints from which its background is natural terrain, such as a forested slope, rather than being above the skyline may be approved upon a recommendation to that effect by the Planning Commission to the Board of Adjustment.

- b. Additional height may be approved upon a finding by the Development Review board that it is necessary to provide adequate coverage and that the additional height will not cause an undue visual impact on the scenic character or appearance of the Town.
- c. Antennas or other facility components mounted to or within existing structures (*e.g.*, antennas on existing electric transmission line towers, steeple-mounted antennas, and panel antennas mounted to buildings or other existing structures), and which do not substantially increase the visibility of those structures or adversely alter their architectural appearance are not subject to the height restrictions immediately above and may be approved upon a recommendation by the Planning Commission to the Development Review Board.

All buildings and structures accessory to a tower (except for electric power poles where specifically exempted by the Development Review Board) shall meet the minimum setback requirements of the underlying zoning district. If the minimum setbacks of the underlying zoning district are less than the height of the tower, including antennas and other vertical appurtenances, then the minimum distance from the tower to any property line shall be no less than 150 percent of that height.

No portion of a wireless telecommunications facility shall be located within two-hundred (200) feet of an existing dwelling or commercial building except to allow for the integration of permitted equipment, antennas and their mounting provisions into an existing structure.

Design and construction shall meet all municipal, state and federal requirements, including but not limited to FCC requirements for transmissions, emissions and interference.

Ground-mounted equipment or antennas as well as buildings and structures accessory to a tower shall be screened from view by suitable vegetation, except when a design of non-vegetative screening better complements the architectural character of the surrounding neighborhood. A planted vegetative screen shall be a minimum of ten feet in depth with a minimum height of six feet and shall have the potential to grow to a height of at least fifteen (15) feet at maturity.

Existing on-site vegetation outside the immediate site for the facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless the disturbance is demonstrated to result in less visual impact of the facility as seen from surrounding properties and other vantage points.

5.1.13 Facility Lighting and Signage

Unless required by the Federal Aviation Administration (FAA), no lighting of towers and antennas shall be permitted. When obstruction marking or lighting is required, the application must employ the least visually obtrusive marking and/or lighting scheme permitted by FAA regulations.

Any exterior lighting of the site shall be only at levels necessary to ensure safety and security of persons and property. All exterior lighting shall be arranged so that the light source (lamp) is not directly visible from public roads, adjacent properties, or distant vantage points and so that light does not project above the lamp. Exterior area illumination that is obtrusive in the viewshed or distracts unduly from the nighttime horizon or night sky shall not be permitted.

No commercial signs or lettering are permitted on any tower or antenna. Any other facility signage shall be limited to that required by federal or state regulation or for public safety.

5.1.14 Temporary Wireless Telecommunication Facilities

Wireless telecommunications facilities intended to provide temporary communications services are subject to the following requirements:

- a. Installation, erection, or use of a temporary facility is permitted only after the owner has received a Temporary Use Permit from the Town.
- b. Temporary facilities are permitted for periods no longer than five (5) days use during a special event.
- c. The maximum height of a temporary facility is fifty (50) feet from grade.
- d. Temporary facilities must comply with all applicable portions of these regulations.

5.1.15 Ongoing Operating Obligations

Wireless telecommunications facilities permitted under this Bylaw are required to operate in strict compliance with all applicable regulations and conditions of use.

Facilities are required to be maintained. Such maintenance shall include, but not be limited to, painting, assurance of structural integrity of towers, antennas, and facility perimeter fencing, and care of landscaping and any planted vegetative screening. In the event that the applicant fails to maintain the facility, the Town may undertake such maintenance at the expense of the applicant or facility owner.

The applicant or facility owner shall maintain adequate liability insurance on all facilities.

The owner of a wireless telecommunications facility permitted under this Bylaw shall annually, on January 15, fill a declaration with the Town's Administrative Officer that includes the following:

- a. Certification of the continuing safe operation and maintenance of the facility and compliance with all applicable FCC standards and requirements together with documentation of the basis for these representations. Failure to file this certification shall mean that the facility is no longer in use and considered abandoned.
- b. Evidence that liability insurance covering the facility and its operations is in force.

An owner who has failed to file the required annual declaration with the Administrative Officer by January 15 may, by February 15, file a declaration of use or intended use and may request permission to continue use of the facility. That request will be referred to and acted upon by the Development Review Board as a Permit Renewal Application.

5.1.16 Facility Modification

An alteration or addition to a previously approved wireless telecommunications facility shall require a Permit Amendment when any of the following are proposed:

- a. Change in the number of buildings or structures permitted on the site;
- b. Addition or change of any exterior equipment resulting in greater visibility or structural wind loading or additional tower height, including profile of additional antennas not specified in the original application;
- c. Increases in radiated power levels of radio frequency transmissions; and/or
- d. Changes to the geographic area in which the design is intended to provide adequate coverage.

5.1.17 Facility Removal

Abandoned or unused facilities shall be removed within one hundred eighty (180) days of cessation of operations. Facilities constructed in violation of Permit conditions or application representations shall be removed within one hundred eighty (180) days of notification of violation. In either case, a time extension may be granted by the Development Review Board. In the event that the facility is not removed within the one hundred eighty (180) day period plus any extensions granted, the Town shall notify the owner and may itself remove the facility. Costs of removal shall be assessed against the property or facility owner.

5.1.18 Application Fees and Financial Surety Bond

A fee schedule for the permitting of wireless telecommunications facilities shall be established by the Selectboard. That schedule may differentiate between small-scale facilities covered by Section 5.1.6 of this Bylaw and other facilities, between permanent facilities and temporary use facilities, and between initial Permit Applications and applications for amendment or renewal of an existing Permit. Fees may be set to cover the administrative costs of application processing as well as costs of independent technical review of applications that may be incurred during the permitting process.

The applicant shall, prior to Permit issuance and as a condition of use, provide a financial surety bond payable to the Town in an amount acceptable to the Development Review Board and deemed sufficient to cover the cost of removal of the facility and remediation of the landscape.

Due to the complex technical character of information to be provided by an Applicant pursuant to this Article, the Development Review Board is authorized to hire such qualified professional consultants as they deem reasonably necessary to assist in the evaluation of wireless telecommunication facility Zoning Permit applications. All expenses incurred by the Town for such services as part of the application evaluation process shall be deemed to be part of the application and paid by the Applicant. At the

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time of the Zoning Permit is filed, the Development Review Board shall require the Applicant to fund an account for which the Town may draw to insure reimbursement of technical review expenses. The Zoning Permit application shall be deemed not to be complete until this account has been funded.

Enforcement and Penalties

The Zoning Administrator shall be the enforcement officer/body. Penalties shall be a minimum of \$100 per violation with each day that a violation continues being a separate violation. Costs incurred by the Town pursuant to an enforcement action, including but not limited to attorney fees and court costs, shall be assessed against the property owner and/or facility owner.

ARTICLE 6

6.0 DEFINITIONS

Except where specifically defined in the Bylaw, all words used in this Bylaw shall carry their customary meanings. The Development Review Board shall resolve questions about the definition of any term.

Words used in the present tense shall include the future. Singular words include the plural. The word “lot” includes “plot.” The word “building” includes “structure.” The word “shall” is mandatory. “Occupied” or “used” shall be considered as though followed by “or intended, arranged, or designed to be used or occupied.” “Person” includes individual, partnership, association, cooperative, corporation, company, organization, or any governmental body.

Accessory Structure or Building: A building customarily incidental and subordinate to the principal building and located on the same lot. Accessory structures with less than 100 square feet of floor area and lacking a permanent foundation, electricity, or other utility connections require a Zoning Permit.

Accessory Unit: A separate dwelling unit entirely contained within the preexisting dwelling unit, containing its own kitchen and bath facilities. An accessory unit shall not extend the existing outside dimensions of the preexisting dwelling.

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

Affordable Housing: Affordable housing means either of the following:

- a. Housing that is owned by its inhabitants, whose gross annual household income does not exceed eighty (80) percent of the state median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than thirty (30) percent of the household's gross annual income.
- b. Housing that is rented by its inhabitants whose gross annual household income does not exceed sixty-five (65) percent of the state median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than thirty (30) percent of the household's gross annual income.

Affordable Housing Development: A housing development of which at least fifty (50) percent of the units are affordable housing units.

Agriculture: Land or structures used for the growing or harvesting of crops; raising of livestock; operation of orchards, including maple sugar orchards; the sale of agricultural produce on the premises where raised; the processing or storage of products raised on the

premises, as defined by the Commissioner of Agriculture, Food and Markets and the use of agricultural structures and the storage of agricultural equipment incidental to the above.

Agricultural Use: The use of land for raising livestock, agricultural or forest products. This use includes farm structures and the storage of agricultural products raised on the property.

Alteration, Incidental: Modifications to a building or structure that are of a cosmetic nature, replacement of utilities, rearrangement of internal partitions. The replacement of load-bearing walls is not considered an incidental alteration.

Alteration, Structural: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Appurtenant: Subordinate or adjunct to a primary structure or dwelling; typically closely adjacent, although not necessarily physically attached.

Auction House: A structure or enclosure where goods and/or livestock are sold by auction.

Bed & Breakfast: A dwelling in which up to six (6) bedrooms are rented on a daily or weekly basis to transients. Distinguished from a motel or hotel in that the owner lives in the Bed & Breakfast and the use does not change the residential character of the neighborhood or area, and the food service is for guests only.

Boarding House: A dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided.

Boundary Line Adjustment: A boundary line adjustment is defined as a division of land made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site, or division which contains insufficient area and dimensions to meet minimum requirements for width and area for a building site and may be accomplished in nonconforming situations when the degree of nonconformity is not increased.

Buffer: A land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances. May require the use of fences or berms, as well as shrubs and trees.

Building: Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind. Any other structure more than eight (8) feet high shall be

considered a building including a solid fence or wall, but excluding an electric light, telephone or telegraph pole, highway or railroad bridge or flagpole.

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

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

Camp: Land on which is located a single cabin, travel trailer/camper, Motor Home shelter, houseboat, or other recreational accommodation for seasonal or temporary living (excluding mobile homes) not to exceed six (6) months per year. (See *Readsboro Ordinance Regulating the Use of Public and Private Sanitary Sewerage Systems.*)

Campground: Any development of more than one camp structure on a single lot, parcel or water area (including all riparian and wetland areas). Includes tent camping facility.

Cemetery: Property used for interring the dead except for private burial plots as defined in 18 V.S.A. 5319.

Child Care Facility:

- a. **6 or less children:** A state registered or licensed family child care home serving six (6) or fewer children shall be considered by right to constitute a permitted single-family residential use of property. A state registered or licensed family child care home serving no more than six (6) full-time children and four (4) part-time children, as defined in subdivision 4902(3)(A) of Title 33 as may be amended from time to time, shall be considered to constitute a permitted use of property but requires Site Plan approval and is subject to all applicable zoning regulations.
- b. **7 or more children:** A state licensed center-based program as defined and regulated by the Child Care Services Division of the Vermont Agency of Human Services.

Church: A building used for non-profit purposes by a recognized and legally established sect for the purpose of worship.

Community Center: A public building used by nonprofit and public agencies for community-wide programs for which no charge or a very small charge is required. These programs are open to all members of the community.

Conditional Use: A use permitted in a particular zoning district only upon a finding by the Zoning Board of Adjustment that such use in a specified location will comply with

the conditions and standards for the location or operation of such use as specified in this Bylaw.

Conservation: Protected areas of land where development of all kinds is strictly controlled or cannot occur at all. These protected areas may consist of large uninterrupted areas and other land protections such as easements, deed restrictions, and purchase of development rights.

Coverage: That portion of a lot that is covered by buildings, structures and man-made improvements on the ground surface (such as paving) that prevent the absorption of storm water.

Development: see *Land Development*

Dwelling: A building used as living quarters, with the exclusion of porches, garages, decks, and other accessory structures.

Dwelling, Mixed Use: A single structure wholly containing within the structure a separate single-family residence and a separate permitted commercial operation.

Dwelling Unit: One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease. A dwelling unit shall include conventional housing units, prefabricated units, modular units, and mobile homes, provided that such homes contain permanent utility and facility connections.

Dwelling, Multi-Family: A building used as living quarters by three or more families living independently of one another.

Earth and Mineral Extraction: The activity and location of extraction of soil, sand or other materials. These activities usually involve heavy equipment and may cause high levels of noise and dust.

Floodplain: A floodplain consists of areas adjoining a watercourse, ponds or lakes subject to the 100-year-recurrence-interval flood. The areas considered to be a floodplain within the municipality shall include those areas identified as being subject to the 100-year flood and located on the Flood Insurance Rate Map 01-10 for the Town of Readsboro effective September 27, 1985. Floodplain soils shall be used to delineate the floodplain of watercourses that have not been mapped.

- a. Floodway--That portion of the floodplain including the watercourse channel and adjacent land areas which must be reserved to carry the 100-year-recurrence-interval flood without cumulatively increasing that flood elevation more than 1 foot.
- b. Flood Fringe--That portion of the floodplain, which is outside the floodway.
- c. Approximate 100-Year Floodplain--That portion of the floodplain for which no detailed flood profiles or 100-year flood elevations have been provided.

Forestry: The developing, caring for or cultivating of forests, or the management and harvesting of timber.

Frontage: That portion of a lot adjacent and parallel to a state highway, Town road, Town right-of-way, or public waters. In case of corner lots, it shall be that portion that has or is proposed to have access.

Gas Station: See *Service Station*

Grade, finished: The completed surface grade of grounds, lawns, walks, paved areas and roads.

Greenhouse/Nursery/Farm stand: A retail business or commercial activity concerned with the sale of tools, small equipment, plants, shrubbery, and related goods used in gardening or farming. Related goods are defined as only those used on the plant or in its soil to preserve the life and health of the plants sold (e.g., fungicides, peat moss and mulches).

Group Home: Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A Para. 4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.

Home Business: Home Business must meet all of the requirements of Home Occupation, and the following:

- a. No more than one (1) additional employee;
- b. No more than two (2) additional off-street parking spaces;
- c. No more than one (1) accessory building for storage only.

Home Industry: Any occupation practiced whether part time or full time which:

- a. is carried on in the dwelling of the resident,
- b. is carried on by a member of the family residing in the dwelling,
- c. is clearly incidental and secondary to the use of the dwelling for residential purposes,
- d. does not take up more than twenty-five (25) percent or one thousand (1,000) square feet of the dwelling, whichever is less,
- e. may require additional off-street parking, but does not require any on-street parking.
- f. may be allowed to expand the dwelling but cannot change the external character of the dwelling and must not change the character of the neighborhood,
- g. offers for sale only articles produced on the premises or services produced by the resident,
- h. must be in compliance with all applicable regulations set forth in this Bylaw.

- i. may be allowed to store finished products in any outside area or outside storage and may include necessary equipment to carry on business functions.

Home Occupation: Any occupation practiced whether part time or full time which:

- a. is carried on in the dwelling unit of the resident,
- b. is carried on by any member of the family residing in the dwelling unit,
- c. is clearly incidental and secondary to the use of the dwelling unit for residential purposes,
- d. does not take up more than twenty-five (25) percent or one thousand (1,000) square feet of the dwelling unit, whichever is less,
- e. does not require any additional off-street parking,
- f. does not change the external character of the dwelling,
- g. no article shall be sold or offered for sale on the premises, except such as is produced on the premises.
- h. must be in compliance with all applicable regulations of this Bylaw.
- i. outside storage of finished products is not permitted.

Hotel: A building providing lodging for persons with or without meals and intended for the accommodation of transients, on a short term basis of thirty (30) consecutive days, and so designed that normal access and egress are controlled from a central point. Food services can be for the general public. A hotel/motel is not a dwelling unit.

Housing for the Elderly: A multiple-family structure, controlled by either a public body, institutional body, or nonprofit corporation, 80 percent of whose occupants shall be 65 years of age or over, or a multiple-family structure where each unit is occupied by at least one person who is 55 years of age or over and is retired, and where the rental arrangement includes a requirement that all members of each household consume at least one meal per day in a congregate dining facility contained within the multiple-family structure.

Inn: A residential dwelling in design and used for commercial purposes wherein the patronage is of a transitory nature, the guests being entertained from day to day. Such use must include food service for guests within the structure and may include a restaurant with or without a lounge.

Junkyard: Any place of outdoor storage or deposit, whether or not in connection with a business, which is maintained or used for storing or keeping four or more unregistered motor vehicles which are visible from any portion of a public highway. (Junkyard does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection and repairs.) Also, any place of outdoor storage or deposit which is maintained, operated or used in connection with a business for storing, processing, buying or selling junk or as a scrap processing facility.

Land Development or Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or

enlargement of any structure; any mining excavation, landfill or land disturbance, and any use or extension of the use of land.

Light Industry: A non-polluting industry that uses small, light raw materials and components to produce small, light, high value goods.

Lot: A parcel of land occupied or to be occupied by only one primary structure and the accessory buildings or uses customarily incidental to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required by this Bylaw. A lot shall have frontage on an improved public street, or other means of access approved by the Development Review board. In no case shall the division or combination of land result in the creation of a parcel which does not meet the requirements of this Bylaw.

Manufacturing: Shall include fabricating, assembling, treating, processing, and similar operations performed on any materials permitted to be worked upon by the terms of this Bylaw.

Mixed Use Building: A single building containing more than one type of permitted or conditional use.

Mobile Home: A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, and is:

- transportable in one or more sections; and
- at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or
- any structure that meets all the requirements of this subdivision except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code.

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. A Mobile Home Park shall be processed as a Planned Residential Development.

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

Motel: A building providing lodging for persons with or without meals and intended for the accommodation of transients, on a short term basis of thirty (30) consecutive days. Food services can be for the general public. A motel is not a dwelling unit.

Motor Vehicle: Includes all vehicles propelled or drawn by power other than muscular power except farm tractors, vehicles only upon stationary rails or tracks, motorized highway building equipment, road making appliances, snowmobiles, all-terrain vehicles, tracked vehicles, or electric personal assistive mobility devices.

Motor Vehicle Repair: The business of repairing, overhauling, removing, adjusting, replacing, assembling, or disassembling parts of any motor vehicle, and where no more than two abandoned vehicles shall be stored on the premises.

Motor Vehicle Sales: The use of any building, land area or other premises for the display and sale of new or used automobiles, trucks, vans, trailers, farm machinery or recreational vehicles, and including any warranty repair work and other repair service conducted as an accessory use.

Museum: A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest. May include as an accessory use the sale of goods.

Non-Commercial Keeping of Livestock: The keeping or raising of animals such as horses, cattle, goats, pigs, and fowl, for personal or family use.

Non-Conforming Lots or Parcels: Lots or parcels that do not conform to the present Bylaw covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present Bylaw, including a lot or parcel improperly authorized as a result of error by the Administrative Officer.

Non-Conforming Structure: A structure or part of a structure that does not conform to the present Bylaw, but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present Bylaw, including a structure improperly authorized as a result of error by the Administrative Officer.

Non-Conforming Use: Use of land that does not conform to the present Bylaw but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present Bylaw, including a use improperly authorized as a result of error by the Administrative Officer.

Office: A room or group of rooms used for conducting the affairs of a single business, profession, service, industry, studio or governmental agency.

Office Building: A building used primarily for conducting the affairs of one or more businesses, professions, services, industries, studios or governmental agencies.

Parking Lot: An open, hard-surfaced area, other than street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and

commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

Parking Structure: A covered structure or portion of a covered structure of two or more stories that provides parking areas for motor vehicles, whether privately or publicly owned, and used for parking more than four automobiles.

Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Planned Unit Development (PUD): An area of land controlled by a landowner to be developed as a single entity for a number of dwelling units and commercial and industrial uses, if any; the plan for which does not correspond in lot size, bulk or type of dwelling, commercial or industrial use, lot coverage and required space to the regulations established in any one or more districts created, from time to time, under the provisions of a municipal zoning ordinance adopted under the authority of the Act.

Post Office: Houses service windows for mailing packages and letters, post office boxes, retail sales of but not limited to stamps, envelopes, shipping boxes, and sorting for mail.

Postal Facilities: Houses service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Primitive Camps: Primitive camps are not allowed in Readsboro. *See Camp.*

Principal Building: Includes a structure or dwelling listed in this Bylaw as a permitted or conditional use. An accessory structure will not be considered a principal building.

Private Club: A structure and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, education, recreational or cultural enrichment of its members and not primarily for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

Recreation: The refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as skiing, cross-country skiing, boating, fishing, and swimming, or passive, such as enjoying the scenic beauty of shorelines and its wildlife.

Recreation, Commercial Indoor: A private for-profit or public non-profit recreational land use conducted entirely within a building, including but not limited to an athletic and health club, bowling alley, community center, theater, pool or billiard hall, skating rink, swimming pool and tennis court.

Recreation, Commercial Outdoor: Uses operated for profit and generally conducted in open or partially enclosed or screened facilities, typically including ski areas, driving

ranges, miniature golf, swimming pools, tennis courts, day camps and outdoor racquetball courts.

Recreation, Private Outdoor: Uses operated for non-profit, conducted wholly on a single parcel, normally conducted out-of-doors, not requiring any habitable structures and not made available to the general public.

Recreation, Public Outdoor: Uses operated for non-profit and generally conducted in open or partially enclosed or screened facilities and typically conducted in parks, athletic fields, playgrounds, school yards, or any other place commonly opened to the public, including but not limited to, areas on private property commonly open to the view by the public.

Repair Services: Activities concerned with the repair and/or maintenance of small equipment, such as residential lawn mowers, television sets, appliances and other small mechanical or small-motorized items, except automotive.

Residential Care Home: A group home to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home.

Restaurant: An establishment, the primary function of which is to serve food and beverages to the public.

Retail Sales Establishment: A business having as its primary function the supply of merchandise to the customer, excluding any freestanding retail stand.

Retail Services Establishment: Establishments providing services or entertainment, as opposed to products, to the generally public for personal or household use.

Self-Service Storage Facility: A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers and other residential uses and may include refrigerated facilities.

Setback Area: The space on a lot required to be left open and unoccupied by buildings or structures, either by the front, side or rear yard requirements of this by-law, or by delineation on a recorded subdivision map. Distance shall be measured perpendicularly from the edge of any right-of-way or property line. (Caution: A right-of-way line is not necessarily the edge of the traveled portion of the road.)

Service Station (Automotive): Land or structures used for the sale of petroleum products, motor fuel, oil or other fuel for the propulsion of motor vehicles, which may include facilities for lubrication, washing or servicing motor vehicles. A service station is not a sales or repair agency for any type of motor vehicle.

Sign: Anything made of any material on any surface, the purpose of which is to visually call attention to, or advertise, a person, building, land use, service, or product made or sold on or off the premises.

Sign Area: The area within which the smallest square or rectangle may be drawn to encompass the extreme limits of all the letters, designs, and panels which are part of the sign together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which the sign is placed.

Sign, Free Standing: A sign placed on the grounds of the property and not attached to a building.

Sign, Off-premise: A sign, which advertises or calls attention to a business or other activity or to a profession, commodity, product, service or entertainment not carried on, produced, sold, or offered for sale on the lot on which the sign is located.

Sign Permit: A written authorization issued by the Administrative Officer authorizing a person to display a sign.

Sign, Projecting: A sign attached perpendicularly to a building wall.

Sign, Wall: A sign attached to a building wall

Sign, Window: Any sign affixed to the inside of a window or door, or a sign placed within a building so as to be plainly visible and legible through a window or door. A sign incorporated in a window display of merchandise shall not be considered a Window Sign.

Stockpile: a pile or storage location for ALL bulk materials available for sale.

Stormwater: Precipitation that does not infiltrate into the soil.

Stormwater Detention: Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells or any combination thereof.

Structure: Anything constructed or erected for occupancy or use, including but not limited to a building, mobile home or trailer, and signs.

Subdivision: Division of any parcel of land for the purpose of conveyance, transfer of ownership, lease, improvement, building, development or sale, whereby 2 or more lots, blocks, or parcels are created. This term “subdivision” includes re-subdivision. For the purposes of this Bylaw, the word “lots” shall also mean units for any project involving condominiums, cooperatives, and/or the designation of a Planned Unit Development (PUD).

Substantial Improvement: Repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 75 percent of the market value of the structure either (a) before the change 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 any project for improvement of the structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Telecommunications Facilities: All equipment (including repeaters) and locations of equipment with which a telecommunications provider transmits and receives the waves, which carry their services. This facility may be sited on one or more towers or structure(s) owned and permitted by the provider or another owner or entity.

Temporary Structure: Any structure placed or erected without any permanent foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was placed or erected has ceased.

Warehouse/Storage: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of hazardous materials.

Wildlife Refuge: A parcel of land set aside to provide a safe place for wildlife. This is a non-commercial use that does not include structures.

Windmills: A device for converting the kinetic energy of the wind into a useable form.

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.

Yard, Front: A space extending across the full width of the lot between any building and the street (front lot) line, and measured perpendicular to the building at the closest point to the street (front lot) line.

Yard, Rear: A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Side: A space extending from the front yard to the rear yard between the principal building and the side lot line, and measured perpendicular to the building to the closest point to the side lot line.

Readsboro Zoning Bylaw – Selectboard Hearing Version

Date of Final Public Hearing by Selectboard May 23, 2013

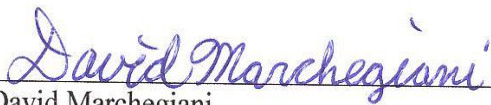
Date of Final Approval by Selectboard May 29, 2013.

Date Bylaw revisions take effect (21 days after approval) June 19, 2013.

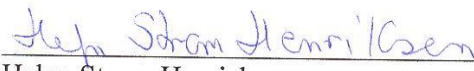
Selectboard Signatures:



Teddy Hopkins



David Marchegiani



Helyn Strom-Henrickson