

APPROVED AT SPECIAL TOWN MEETING
JUNE 22, 1982

TOWN OF ROCKINGHAM ZONING BYLAWS

AMENDED NOVEMBER 5, 2019

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ARTICLE I ADMINISTRATION AND PROCEDURE

1100 ENACTMENT AND PURPOSE

1110 ENACTMENT

In accordance with Section 4401 of the Vermont Planning and Development Act, Chapter 117, Title 24 V.S.A. (hereinafter referred to as “the Act”), there is hereby established a Zoning Bylaw for the Town of Rockingham, as set forth in the text and maps contained herein. This Bylaw shall be known as the “Town of Rockingham Zoning Regulation” (hereinafter referred to as “this Regulation”).

1120 PURPOSE

It is the intent of this Regulation to provide for orderly community growth and to further the purposes established in Section 4302 of the Act.

1200 APPLICATION OF BYLAW

The application of this Regulation is subject to the provisions of Sections 4411, 4412, 4413, 4414, 4415, 4416, 4417, and 4423, of the Act. *[Amended August 7, 2007; Effective August 28, 2007]*

1210 OTHER PERMITS OR REGULATIONS

This Regulation repeals and replaces the previous Zoning Regulations for the Town of Rockingham dated September 7, 1972, and the previous Zoning Ordinance for the Village of Bellows Falls date 1973, but is not intended to repeal, annul, or in any way impair any other regulations or permits previously adopted or issued. Where the provisions of this Regulation impose a greater restriction upon the use of a structure or land than is required by any other statute, ordinance, rule or regulation, the provisions of this Regulation shall control.

1220 CONFLICTING OR OVERLAPPING PROVISIONS

In any case where the provisions of the Regulations overlap or conflict in their application to a particular structure, use or parcel of land, those provisions which would impose the greater restriction upon such structure, use or parcel of land shall control.

1300 ADMINISTRATION

1310 ADMINISTRATIVE OFFICER

An Administrative Officer shall be appointed in accordance with Section 4448 of the Act, who shall then literally enforce the provisions of this Regulation and perform such other duties as specified in this Regulation or in the Act. Where the Administrative Officer makes a decision, the Administrative Officer shall state the reasons for such decision *[Amended August 7, 2007; Effective August 28, 2007]*

1320 ZONING PERMITS

No land development, as such term is defined herein, including the division of land into two or more parcels, construction, reconstruction, structural alteration, relocation or enlargement of any building, mining, excavation or landfill required for construction, and any change in the use of a building, structure or land, or extension of use of land may be commenced, nor shall any land or structure be used or in any way extended in the Town of Rockingham until a Zoning Permit or Certificate of Compliance for the division of land has been issued therefore. *[Amended section generally April 28, 1986, Effective May 19, 1986.]*

1321 APPLICATIONS

Applications shall be on forms provided by the Town and shall be accompanied by such other information as deemed necessary by the Administrative Officer; including an application fee as recommended by the Planning Commission and established by the Selectboard. The Administrative Officer shall not accept an application until it has been submitted in complete form.

1322 ACTION

The Administrative Officer shall approve or disapprove an application for a Zoning Permit within thirty (30) days of their acceptance of the application. No Zoning Permit shall be issued except in conformance with the provisions of this Regulation and after required municipal approvals have been received.

1323 EFFECTIVE DATE

No Zoning Permit shall take effect until fifteen (15) days have passed from date of issuance or, if an appeal is filed, not until the final adjudication of that appeal.

1324 EXPIRATION

A Zoning Permit shall become void if the work described therein has not been commenced within two years from date of issuance.

1325 CONNECTION TO WASTEWATER FACILITIES

Construction of a dwelling or any building to be occupied shall not begin until a Municipal sewer connection permit, or an On-site Sewage Disposal permit is approved by the State of Vermont.

[Amended July 7, 1998, Effective July 28, 1998, added new section.]

1326 WAIVERS

As allowed under 24. V.S.A. 4414(8), in all zoning districts, a waiver of dimensional setbacks (front, rear and side yard requirements) from property lines may be granted subject to the following. Dimensional setbacks are limited to distances which structures are required to be located from property lines and street lines. Waivers do not apply to height or density requirements or requirements set forth in the Rockingham Flood Hazard Area Zoning Bylaw.

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.

- A. Waivers for handicap accessibility. Handicapped access ramps or other handicapped accessibility structures which provide access for residential units are exempt from the setback requirements set forth in this bylaw. Waivers may be granted for such by the administrative officer. Any ramp for which a waiver is issued, and which does not meet setback requirements shall be in place for only as long as necessary to accommodate the individual(s) with a disability. Ramp construction shall not encroach on any public rights-of-way without approval of the Selectboard or State.
- B. Waivers for other than handicap accessibility. Waivers may be granted by the Development Review Board for residential structures or historic buildings upon positive findings by the Development Review Board under (3) below.
 - 1. Waivers for residential structures.
 - a. Waivers may be granted for residential structures including residential accessory structures.

The residential use must be a permitted use within the district in which it is located. Mixed residential and commercial structures do not qualify for a waiver. A home occupation or home business does not constitute a mixed use.
 - b. Waivers of dimensional setbacks are limited to the following:
 - 1. Reduction in any required front, side or rear yard setback
 - a. To allow for necessary life safety improvements.
 - b. To allow for construction of energy conservation and renewable energy structures which cannot be reasonably developed without a waiver.
 - 2. A reduction in the front setback to those found on adjacent properties or property:
 - a. Within the Residential 7 and Saxtons River districts.
 - b. For properties along Lower Bartonsville Road meeting the following requirements:

- (i) The property abuts Lower Bartonsville Road, and
 - (ii) The property has a Lower Bartonsville Road locatable E911 address beginning with #46 and up to and including #252.
 - c. For property along Saxtons River Road meeting the following requirements:
 - (i) The property abuts Saxtons River Road, and
 - (ii) The property has a Saxtons River Road locatable E911 address beginning with #940 and up to and including #999.
- 2. Waivers for historic buildings.
 - a. Waivers may be granted for historic buildings upon positive findings by the Development Review Board under (3) below.
 Historic buildings are those contributing properties listed on the National Register of Historic Places, the Vermont State Register of Historic Places, located within the Meeting House Historic [zoning] District, or listed in the Rockingham Town Plan, Chapter 8, Historic Resources, and Inventory of historic sites.
 - b. Waivers of dimensional setbacks for historic buildings are limited to the following development: small additions, accessory buildings, porches, dormers, changes to the roofline, disability access, life safety improvements, energy conservation and renewable energy structures.
- 3. Review Criteria.
 The Development Review Board may issue a waiver upon finding that
 - a. The granting of the waiver will not result in an unsafe condition on the lot or to the public.
 - b. The design used incorporates design techniques (restricted height, lack of windows), screening (fencing or plantings) or other remedies to reasonably limit impact or the potential for impact upon the neighbors or public rights-of-way.
 - c. The waiver requested accommodates structures providing for disability access, fire-life safety and other requirements of land or energy conservation or renewable energy structures.
 - d. The waiver requested would not impair sight distances on or maintenance of public or private roads or sidewalks.
 - e. The waiver requested would not infringe on potential solar gain or vistas of abutting properties.
 - f. The proposed work or construction does not encroach into the required front, side or rear yard setbacks any more than necessary to accomplish the desired results.
 - g. The proposed development is compatible in scale and design of structures and the overall existing development pattern of the surrounding area.
 - h. The proposed development does not reduce landscape area any more than necessary to accomplish the desired results;
 - i. The waiver resolves a practical difficulty in developing the property, allows reasonable use of the property and avoids an undue hardship;

- j. In the case of historic properties, the waiver is essential to the preservation and renovation of the historic building or the preservation of the historic pattern of land use of the surrounding area.

4. Decision & Conditions

The Development Review Board shall make its decision on the request for waiver by applying the facts presented in the application and at waiver review to the criteria listed herein. Upon the close of the waiver review, the Development Review Board shall issue its decision in writing within 45 days.

In approving a waiver, the Development Review Board shall determine and may impose conditions to ensure that the waiver is the minimum to afford relief and represents the least deviation possible from the dimensional requirements. These conditions may include, but need not be limited to, the following:

- a. Limiting the size of the structure;
- b. Requiring the mitigation of impacts to adjoining properties and/or uses, to public rights-of-way through building design (e.g. limiting window placement), layout, landscaping or screening;
- c. Reducing the encroachment into the required front, side or rear yard setbacks;
- d. Requiring that the project does not extend beyond an existing nonconforming structure unless needed to accomplish the intended goal;
- e. Reducing the waiver requested to ensure that the waiver represents the minimum waiver that will afford relief and will represent the least deviation possible from the Zoning Bylaw;
- f. Controlling the location and number of vehicular access points;
- g. Requiring the application to have professional site plans prepared by a surveyor, engineer, architect or landscape architect licensed by the State of Vermont.

5. Appeal. A decision of the Development Review Board regarding a waiver may be taken to the environmental court as provided for in 24 V.S.A. §4471.

- C. Application. An application for a waiver must include a completed Zoning Application form. The application shall be submitted to the Administrative Officer at least 15 days prior to the meeting of the Development Review Board.

Application for conformance with life safety or other state or federal code requirement shall include a letter from the regulatory agency indicating the requirement which must be met including information as to required and alternative locations. Application for a historic building waiver shall include the name of the listing document and information on the property as contained therein. *[Amended adding new section. Adopted October 18, 2011; Effective November. 9, 2011.]*

1327 INDEPENDENT TECHNICAL REVIEWS

In accordance with Section 4440 of the Act, the Development Review Board may impose reasonable fees, in addition to application fees, to cover independent technical review(s) of an application, including but not limited to engineering review, legal review of any associated legal documentation, design review and/or to conduct inspections to ensure compliance with approved plans.

- A. In the event the Development Review Board believes they require independent technical review for the diligent, application specific pursuit of their work, they shall so determine by majority vote of the Board. That vote shall occur during the public review or hearing for that application.
- B. In the event that the Development Review Board directs a technical review to take place, the Town shall obtain an estimate of the review costs. The applicant and/or owner shall be responsible for paying the estimated costs of the review to the Town. The technical review will not take place until the Town receives the funds. In the event that the review ends up costing less than the estimate, the Town shall reimburse the applicant and/or owner. Should the review be more than the estimated cost, the applicant and/or owner shall be required to pay the additional costs.
- C. The Development Review Board may table review of the application pending receipt of an independent technical review. An application for a zoning permit or approval by the Development Review Board will not be considered complete and therefore approvals will not be issued until such time as all costs for the technical review are paid in full. No decision by the Development Review Board or Administrative Officer may be issued until the review costs are paid in full.
- D. In the event of failure to pay a balance due the Development Review Board may deem the application incomplete and deny the application. The application may be re-submitted without changes within 6 months of the denial upon receipt of the balance due. If resubmitted, time frames for review and approval will start anew from the date of receipt of the balance and all application fees shall be paid.
- E. In the event that an applicant and/or owner disagrees with the determination of the Development Review Board that a technical review is warranted, the Development Review Board may render the application incomplete and deny the application. *[Amended adding new section. Adopted October 18, 2011; Effective November. 9, 2011.]*

1335 TEMPORARY USES AND STRUCTURES

The following zoning permits may be issued by the Administrative Officer for a period not to exceed six (6) months out of twelve (12) months, conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit for:

- A. Nonconforming uses or structures incidental to a construction project;
- B. Temporary roadside stand within C-I AF, RR1, and RR5 districts, for the sale of agricultural products only. Site plan approval under Section 2310 shall be required. *[Amended April 28, 1986, Effective May 19, 1986]*

1340 ENFORCEMENT, PENALTIES AND REMEDIES

In accordance with Sections 4451, 4452, and 4454 of the Act, the following provisions shall apply:

- A. Any person who violates any bylaw after it has been adopted under this chapter or who violates a comparable ordinance or regulation adopted under prior enabling laws shall be fined not more than one hundred dollars for each offense. No action may be brought under this section unless the alleged offender has had at least seven days' notice by certified mail that a violation exists. In default of payment of the fine, such person, the members of any partnership, or the principal officers of such corporation shall each pay double the amount of such fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of bylaws shall be paid over to the municipality whose bylaw has been violated.
- B. Any person who, being the owner or agent of the owner of any lot, tract or parcel of land, lays out, constructs, opens or dedicates any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or otherwise, or erects any structure thereon, unless a final plat has been prepared in full compliance with this chapter and the bylaws adopted under this chapter and has been recorded as provided herein, shall be fined not more than one hundred dollars and each lot or parcel so transferred or sold or agreed or included in a contract to be sold shall be deemed a separate violation. All fines collected for such violations shall be paid over to the municipality whose regulation has been violated. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- C. If any street, building, structure, or land is or proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of any bylaw adopted under this chapter the administrative officer shall institute in the name of the municipality any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate such construction or use, or to prevent, in or about such premises, any act conduct, business or use constituting a violation. *[Amended August 7, 2007; Effective August 28, 2007]*

1350 APPEALS

An interested person, as defined in Section 4465(b) of the Act, may appeal any act or decision of the Administrative Officer to the Development Review Board within fifteen (15) days of such act or decision, according to the provisions of Subchapter 11 of the Act. *[Amended August 7, 2007; Effective August 28, 2007]*

1400 BOARD OF ADJUSTMENT

[Deleted December 1, 2017]

1500 PLANNING COMMISSION

[Deleted December 1, 2017]

1600 DEVELOPMENT REVIEW BOARD

[Added December 1, 2017]

1610 DUTIES

The Development Review Board shall have all of the powers and duties specified in the Act, including the following:

1611 APPEALS

To hear and decide upon appeals brought by interested persons according to the provisions of Section 1350 of this Regulation.

1612 VARIANCES

- A. On an appeal under Section 4469 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 may grant variances, 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. That there are unique physical circumstances or conditions, including irregularity, narrowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions, of the Zoning Regulation in the neighborhood or district in which the property is located;
 - 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 - 3. That the unnecessary hardship has not been created by the appellant;
 - 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, not be detrimental to the public welfare; and
 - 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the Zoning Regulation and from the Town Plan.
- B. On an appeal under Section 4469 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 may grant such variances and render a decision in favor of the appellant if all the following facts are found and the finding is specified in its decision.

- C. It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the regulations; and
- D. That the hardship was not created by the appellant; and
- E. 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, nor be detrimental to the public welfare; and
- F. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the Zoning Regulation and from the Town Plan.
- G. In rendering a decision in favor of an appellant under this section, the Development Review Board may attach such conditions to variances as it may consider necessary and appropriate under the circumstances to implement the purposes of V.S.A., Chapter 117, and the Town Plan.

[Amended August 7, 2007; Effective August 28, 2007]

1613 SITE PLAN APPROVAL

The Development Review Board shall conform to the requirements of Section 4416 of the Act before acting upon any application, and may impose appropriate conditions and safeguards with respect to the adequacy of traffic access, and circulation for pedestrians and vehicles, parking, landscaping and screening, lighting, drainage, and the protection of the utilization of renewable energy resources. *[Amended August 7, 2007; Effective August 28, 2007]*

- A. The applicant shall submit 1 electronic copy or 1 print copy of maps and supporting data to the Development Review Board, which may include the following: Existing features, contours, water supplies, sewage systems, and easements; proposed structure locations and land use areas; streets; driveways; circulation; parking and loading spaces; pedestrian walks; landscaping including site grading and screening; exterior lighting including location, intensity and color spectrum; and drainage plans. *[Amended August 7, 2007; Effective August 28, 2007]*
- B. The Development Review Board shall review the site plan map and supporting data before approval or approval with stated conditions, or disapproval, is given. The Development Review Board may recess the proceedings on any application pending submission of additional information. A decision shall be issued within 45 days after close of the evidence and adjournment of the site plan review. *[Amended August 7, 2007; Effective August 28, 2007]*

The Development Review Board may require changes or additions in relation to yards, driveways, landscaping, and the location and height of buildings and enclosures to ensure safety, to minimize traffic difficulties, and to safeguard adjacent properties.

1614 CONDITIONAL USES

To hear and decide upon applications for conditional use permits. Conditional uses may be permitted only upon approval of the Development Review Board if the board finds, after public notice and public hearing that the proposed use will conform to general and specific standards as prescribed in the Zoning Bylaw.

- A. The Development Review Board shall act to approve or disapprove any such conditional use within forty-five (45) days after the date of the final public hearing held under this bylaw, and failure to so act within such period shall be deemed approval.
- B. General Standards. Such general standards shall require that the proposed conditional use shall not result in an undue adverse effect on any of the following:
 - 1. The capacity of existing or planned community facilities;
 - a. The Development Review Board shall consider the demand for community services and facilities resulting from the proposed development in relation to the available or planned capacity of such services and facilities;
 - b. Available capacity may be determined in part through consultation with other municipal and/or state officials having jurisdiction over affected services and facilities;
 - c. Conditions may be imposed as appropriate to ensure that the demand for community facilities or services does not exceed existing or anticipated available capacity and to mitigate the impact of the proposed development;
 - d. Mitigation measures shall be employed by the applicant as necessary to avoid undue adverse effects to such facilities. Examples of mitigation measures to avoid undue adverse impacts may include, but are not limited to, phasing of development, installation of facilities to serve the proposed development, and/or submission of a bond or other surety, as approved by the Selectboard, for the installation of such facilities or improvements.
 - 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;
 - a. The Development Review Board shall consider the location, scale, type, density and intensity of use associated with the proposed development in relation to the character of the area likely to be affected;
 - b. Conditions may be imposed as appropriate to ensure project compatibility with the character of the area affected and to mitigate the impact of the proposed development;
 - c. Mitigation measures shall be employed by the applicant as necessary to avoid undue adverse effects on the character of the area. Examples of mitigation measures to avoid undue adverse impacts may include, but are not limited to, site plan modifications, increased setbacks, buffers or screening, and/or limiting hours of operation.
 - 3. Traffic on the roads and highways in the vicinity;

- a. The Development Review Board shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency, and use of affected public roads;
 - b. Conditions may be imposed as appropriate to ensure that the condition, capacity, safety and function of roads and associated infrastructure are adequately maintained over the long-term and to mitigate the impact of the proposed development;
 - c. Mitigation measures shall be employed by the applicant as necessary to avoid undue adverse effects on the road and highways. Examples of mitigation measures to avoid undue adverse impacts may include, but are not limited to, phasing of the development, traffic management strategies, physical improvements to the road network to serve the proposed development paid for and installed by the applicant, and/or submission of a bond or other surety, as approved by the Selectboard, for the installation of such improvements;
 - d. A traffic impact study may be required, particularly for uses which propose direct access onto U.S. Rte. 5, Rte. 103, Rte. 121 or which generate in excess of 100 trips per day.
- 4. Bylaws and ordinances then in effect;
- 5. Utilization of renewable energy resources.
- C. Specific Standards. Such specific standards shall require that the proposed conditional use shall meet the following requirements:
 - 1. Noise.
 - a. No noise shall be permitted which represents an undue adverse increase in noise levels in the vicinity of the development so as to be incompatible with the reasonable use of the surrounding area.
 - 1. Conditions may be imposed as appropriate to mitigate the impact of noise to neighbors including, but not limited to: hours of operation, and type, placement, muffling or enclosure of equipment or facilities.
 - 2. Mitigation measures shall be employed by the applicant as necessary to avoid undue adverse effects resulting from noise level. Examples of mitigation measures to avoid undue adverse impacts may include, but are not limited to, limitations or requirements on type of equipment or vehicles, buffering with landscape or buildings, site plan modifications, increased setbacks, limiting hours of operation, equipping machinery or equipment with satisfactory noise control devices, and/or installing and maintaining acoustic mitigation, such as sound deflecting or absorbing panels.
 - 3. Temporary noise from normal and customary maintenance and construction is excluded.
 - 2. The proposed conditional use shall meet the specific standards for that particular use as required by this bylaw.
- D. Conditions. In granting conditional use permits, the Development Review Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement

the purposes of this bylaw. *[Amended section generally December 22, 1986, Effective January 12, 1987. Amended August 7, 2007; Effective August 28, 2007. Amended section generally December 3, 2013; Effective December 24, 2013.]*

1615 SUBDIVISION

The Development Review Board may approve subdivision plats and perform such other duties specified in Sections 4418 and 4463 of the Act, in accordance with the Town of Rockingham Subdivision Regulations. *[Amended August 7, 2007; Effective August 28, 2007]*

1616 BOND, ESCROW, SURETY

In rendering a decision in favor of the applicant, the Development Review Board may attach reasonable conditions and safeguards as it deems necessary to implement the purposes of the Zoning Bylaw and Town Plan. Permit issuance may be conditioned upon the submission of a bond, escrow account, or other surety in a form acceptable to the Selectboard to assure the completion of the project, adequate stabilization, or protection of public facilities which may be affected by a project. *[Amended August 7, 2007; Effective August 28, 2007]*

1617 PLANNED UNIT DEVELOPMENT

With the approval of a subdivision plat, the Development Review Board is hereby empowered to vary certain zoning requirements under the criteria and procedures established in Section 4417 of the Act and procedures established in Section 4417. Refer to schedule of Dimensional Regulations Section 2430 for standards and Special Regulations Section 4400-4435. *[Amended August 7, 2007; Effective August 28, 2007]*

1618 APPEALS

An interested person may appeal a decision of the Development Review Board, within thirty (30) days of such decision, to the Environmental Court, as provided in Section 4471 of the Act. *[Amended August 7, 2007; Effective August 28, 2007]*

1619 BOND, ESCROW, SURETY

In rendering a decision in favor of the applicant, the Development Review Board may attach reasonable conditions and safeguards as it deems necessary to implement the purposes of the Zoning Bylaw and Town Plan. Permit issuance may be conditioned upon the submission of a bond, escrow account, or other surety in a form acceptable to the Selectboard to assure the completion of the project, adequate stabilization, or protection of public facilities which may be affected by a project.

1620 CERTIFICATE OF COMPLIANCE

No Certificate of Compliance for the division of land into two or more parcels shall be issued by the Administrative Officer until approved by the Development Review Board. *[Amended April 28, 1986, added new section; Effective May 19, 1986]*

1700 AMENDMENTS

This Regulation may be amended in accordance with the provisions of Sections 4441 and 4442 of the Act. *[Amended August 7, 2007; Effective August 28, 2007]*

1800 SEPARABILITY

The invalidity of any provision of this Regulation shall not invalidate any other part.

ARTICLE II DISTRICT USE AND INTENSITY REGULATIONS

2100 ESTABLISHMENT OF ZONING DISTRICTS

The Town of Rockingham is hereby divided into the following zoning districts as shown on the Rockingham Zoning Map, as amended, which map is a part of this Bylaw:

TOWN OF ROCKINGHAM DISTRICTS		
1.	Rural Residential 1	(RR-1)
2.	Rural Residential 5	(RR-5)
3.	Recreation Conservation	(RC)
4.	Agricultural and Forest	(AF)
5.	Bellows Falls Watershed District	(WD)
6.	Commercial-Industrial 1	(C-I 1)
	Commercial-Industrial 2	(C-I 2)
7.	Saxtons River District	(SR)
8.	Meeting House Historic District	(MHHD)

BELLOWS FALLS ZONING DISTRICTS		
1.	Residential 7	(R-7)
2.	Residential 14	(R14)
3.	Roadside Business 14	(RB-14)
4.	Central Business 7	(CB-7)
5.	Central Business Expansion	(CBE-14)
6.	Industrial 14	(IInd-14)
7.	Bellows Falls Watershed District	(WD)
8.	Downtown Design Review District	(DDRD)
9.	Riverfront 14	

[Amended creating C-I 1 & C-I 2 and correcting to Ind-14, May 2, 1988, Effective May 23, 1988; Amended April 3, 1989 creating MHHD, Effective April 23, 1989; Amended Oct. 5, 1999 creating DHD, Effective Oct. 26, 1999. Amended Jan. 4, 2005 deleting Downtown Historic District (DHD) and adding DDRD, Effective Jan. 25, 2005.]

2200 ZONING MAP

2210 INTERPRETATION

The location and boundaries of Zoning Districts are established as shown on the attached Zoning Maps, and as amended, are a part of this Regulation. If uncertainty exists with respect to the boundary of any Zoning District the Administrative Officer or the Development Review Board shall determine the location and may consult with the Planning Commission if necessary. *[Amended Oct. 5, 1999 to include reference to maps as amended, Effective Oct 26, 1999.]*

2220 LOTS IN TWO DISTRICTS

Where a zoning district boundary line divides a lot of record existing at the time such boundary line is adopted, the regulations for the less restricted part of such lot shall extend not more than twenty-five (25) feet into the more restricted part except as provided below. *[Amended Oct. 5, 1999 to except out DHD, Effective Oct. 26, 1999. Amended Jan. 4, 2005 deleting DHD, Effective Jan. 25, 2005]*

2220.1 Lots in Two Design Review Sub-Districts

Where a Design Review sub-district boundary divides a lot of record located in the Central Business Expansion 14 zoning district and another district, the regulations for the Central Business Expansion sub-district shall apply to the entire lot of record. *[Amended Jan. 4, 2005 adding subsection, Effective Jan. 25, 2005.]*

2220.2 Lots Divided by the Downtown Design Review District

Where the boundary of the Bellows Falls Downtown Design Review District divides a lot of record such that part of the lot falls within the Downtown Design Review District and part of the lot is outside of it, the lot shall be considered to be within the Design Review District and the regulations of the Design Review sub-district in which the lot is located shall apply to the entire lot of record. *[Amended Jan. 4, 2005 adding subsection, Effective Jan. 25, 2005.]*

2300 USE REGULATIONS

2310 SITE PLAN APPROVAL

Site plan approval, in accordance with the provisions of section 1613 of this Bylaw, shall be required of all uses and structures including any fence over 6.5 feet high on all residential and non-residential properties. Excepted from site plan review are:

- A. Single and two family dwellings and their accessory structures.
- B. Signs which meet the requirements and for which provision has been made herein for approval by the administrative officer.
- C. Within the CB-7, CBE-14, and C-I zoning districts, changes in permitted uses which do not involve exterior construction.

- D. Applicants who qualify for exemption from site plan review under subparagraph (c) shall be required to apply for and obtain a zoning permit from the administrative officer for permitted uses. *[Amended section generally May 6, 1985, Effective May 27, 1985, and April 28, 1986, Effective May 19, 1986. Amended section generally April 15, 1997, Effective May 6, 1997.]*

2320 USES NOT LISTED

Any use not listed in the Use Regulations shall be deemed prohibited.

2400 ZONING DISTRICT USE REGULATIONS

2410 TOWN OF ROCKINGHAM

2411 RURAL RESIDENTIAL (RR-1)

Purpose. The RR1 zoning district encompasses the largest area of the town. Much of this area was originally farm land. The farms augmented income with logging, maple syrup production, and other farm related activity. Rural areas continue to host a variety of uses some of which are a continuation of the old farm and New England tradition of mixed uses in the rural areas. The limited commercial uses, such as retail store, are more likely along major roads while other uses such as a reservoir may be on more lightly travelled roadways. The 1-2 acre lot size means that uses may be in close proximity. Some areas have homes very near to each other on small lots such as Edgebrook Park, Rte. 121, Cambridgeport, and Upper and Lower Bartonville.

The Rural Residential 1 District allows for moderate density development in a rural setting.

PERMITTED USES	CONDITIONAL USES	
1. Agriculture and Forestry	1. Multiple Family Dwelling	2. Mobile Home Park
2. One Family Dwelling	3. Bed and Breakfast	4. Residence Office
3. Two Family Dwelling	5. Retail Store	6. Gasoline Station
4. Outdoor Recreation	7. Quarry or Gravel Pit	8. Airport or Aircraft Landing Strip
5. Enclosed Storage	9. Reservoir	10. Planned Unit Development- Residential
6. Accessory Use or Structure	11. Planned Unit Development	12. Public Utility Facility
7. Camp	13. Religious Institutional	14. School
	15. Community Center	16. Hospital
	17. Dormitory Use	18. Club
	19. Cemetery	20. Parking
	21. Campground	22. Public/Municipal Facility
	23. Wireless telecommunication tower or facility – Type A, B, and C	24. Regional Solid Waste Management Facility & Hazardous Waste Management Facilities.
	25. Rooming (Boarding) House	26. Group/Residential Care Home
	27. Community Care Home	28. Nursing Care Facility
	29. Hospice	30. Family Childcare

DIMENSIONAL REGULATIONS	ONE FAMILY DWELLING	ALL OTHER USES
Lot Area Minimum	43,560 sq. ft.	87,120 sq. ft.
Lot Frontage Minimum	150 ft.	200 ft.
Lot Depth Minimum	200 ft.	250 ft.
Front Yard Minimum	50 ft.	50 ft.
Rear Yard Minimum	50 ft.	50 ft.
Side Yard Minimum	30 ft.	50 ft.
Coverage Maximum	15%	10%
Maximum Residential Density Dwelling units per square ft. of lot area:	1 unit per 43,560 sq. ft.	1 unit per 7,260 sq. ft.
Building Height Maximum, except for Agricultural Buildings	35 ft.	35 ft.

[Amended lot area minimum April 28, 1986, Effective May 19, 1986. Amended #7 Camp & #21 Campground October 14, 1986, Effective November 4, 1986. Amended #4 Residence office #22 Public/Municipal Facility December 22, 1986, Effective January 12, 1987. (Note: #22 was listed in error as #21) Amended adding Wireless facility May 21, 2002, Effective June 11, 2002. Amended adding 23-1 Jan. 18, 2005, Effective Feb. 8, 2005. Amended August 7, 2007; Effective August 28, 2007. Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011.]

2412 RURAL RESIDENTIAL (RR-5)

Purpose. The RR5 zoning district encompasses area in the northern portion of the town and a small area in the southwest portion. Much of this area was originally farm land. The farms augmented income with logging, maple syrup production, and other farm related activity. Rural areas continue to host a variety of uses some of which are a continuation of the old farm and New England tradition of mixed uses in the rural areas. The RR5 areas are not located along main highways and the limited nonresidential uses would also be accessed via secondary roadways. The Parker Hill area was one of the early settlement areas of the community and still retains some historic homesteads set among farm fields and separated by woodland. The Atcherson Hollow area's historic homes are mostly lost to history, but more recent development has retained open fields and woods between newer residences.

The Rural Residential 5 District allows for low density development in a rural setting.

PERMITTED USES	CONDITIONAL USES	
1. Agriculture and Forestry	1. Multiple Family Dwelling	2. Bed and Breakfast
2. One Family Dwelling	3. Campground	4. Retail Store
3. Two Family Dwelling	5. Quarry or Gravel Pit	6. Airport or Aircraft Landing Strip
4. Outdoor Recreation	7. Reservoir	8. Planned Unit Development-Residential
5. Enclosed Storage	9. Planned Unit Development	10. Public Utility Facility
6. Accessory Use or Structure	11. Religious Institutional	12. School
7. Camp	13. Community Center	14. Hospital
	15. Dormitory Use	16. Club
	17. Cemetery	18. Residence Office
	19. Parking	20. Public/Municipal Facility
	21. Wireless telecommunication tower or facility – Type A, B and C	22. Regional Solid Waste Management Facilities & Hazardous Waste Management Facilities
	23. Rooming (Boarding) House	24. Group/Residential Care Home
	25. Community Care Home	26. Nursing Care Facility
	27. Hospice	28. Family Childcare

DIMENSIONAL REGULATIONS	
Lot Area Minimum	217,800 sq. ft.
Lot Frontage Minimum	300 ft.
Lot Depth Minimum	300 ft.
Front Yard Minimum	75 ft.
Rear Yard Minimum	50 ft.
Side Yard Minimum	50 ft.
Coverage Maximum	5%
Maximum Residential Density Dwelling units per square ft. of lot area:	1 unit per 217,800 sq. ft.
Building Height Maximum, except for Agricultural Buildings	35 ft.

[Amended lot area and maximum density April 28, 1986, Effective May 19, 1986. Amended #7 Camp and #3 Campground October 14, 1986, Effective November 4, 1986. Amended #18 Residence office and #20 Public/Municipal Facility December 22, 1986, Effective January 12, 1987. Amended adding Wireless facility May 21, 2002, Effective June 11, 2002. Amended adding 21-1 Jan. 18, 2005, Effective Feb. 8, 2005. Amended August 7, 2007; Effective August 28, 2007. Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011.]

2413 RECREATION CONSERVATION (RC)

Purpose. There are five areas within Rockingham designated as Recreation-Conservation areas. These include the Dorand State Forest, the Bellows Falls Country Club, the so-called “Setback” area north of Bellows Falls Village, Herrick’s Cove and the Upper Meadows surrounding Roundy Cove. The latter three are impacted by floodplain areas and are immediate adjacent to the Connecticut River. The Herrick’s Cove area has been named an Important Birding Area by the Audubon Society. The Herrick’s Cove, Upper Meadows and Roundy Cove areas are also within the Natural Resources Overlay District. The Country Club land descends to the Williams River while the Dorand State Forest is located in an area of Rockingham with relatively light development.

Uses, and consequently development, are limited due to significant natural, wildlife, wetlands, recreational and scenic resources, risk of flooding, and steep slopes.

PERMITTED USES	CONDITIONAL USES	
1. Agriculture and Forestry	1. Camp	2. Club
2. Outdoor Recreation	3. Reservoir	4. Public Utility Facility
3. Accessory Use or Structure	5. Campground	

DIMENSIONAL REGULATIONS	
Lot Area Minimum	87,120 sq. ft.
Lot Frontage Minimum	200 ft.
Lot Depth Minimum	200 ft.
Front Yard Minimum	75 ft.
Rear Yard Minimum	75 ft.
Side Yard Minimum	50 ft.
Coverage Maximum	5%
Building Height Maximum, except for Agricultural Buildings	35 ft.

[Amended lot area minimum April 28, 1986, Effective May 19, 1986. Amended #5 Campground October 14, 1986, Effective November 4, 1986. Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011.]

2414 AGRICULTURAL and FOREST (AF)

Purpose. The larger Agricultural and Forest Districts are located in the west portion of Town. The larger areas are more remote from roads or utility services and are primarily forest land with some agricultural uses. Recreational activities also utilize these lands. Some have steep slopes with limiting soil conditions. Smaller districts are located in the southern part of the Town and these are closer to developed roads, but steep slopes, soil conditions and agricultural value may limit development potential.

Very low density development with limited uses is most appropriate given the minimal road access and natural conditions of these areas and to maximize the preservation of open space.

PERMITTED USES	CONDITIONAL USES	
1. Agriculture and Forestry	1. Campground	2. Wireless telecommunication tower or facility – Type A, B, and C
2. One Family Dwelling	3. Regional Solid Waste Management & Hazardous Waste Management Facilities	
3. Camp		
4. Outdoor Recreation		
5. Reservoir		
6. Accessory Use or Structure		

DIMENSIONAL REGULATIONS	
Lot Area Minimum	25 acres
Lot Frontage Minimum	300 ft.
Lot Depth Minimum	300 ft.
Front Yard Minimum	75 ft.
Rear Yard Minimum	50 ft.
Side Yard Minimum	50 ft.
Maximum Residential Density Dwelling units per square ft. of lot area:	1 unit per 1,089,000 sq. ft.
Building Height Maximum, except for Agricultural Buildings	35 ft.

[Amended maximum density April 28, 1986, Effective May 19, 1986. Amended #1 Campground October 14, 1986, Effective November 4, 1986 (Note error in numbering; was listed as #7. Amended adding Wireless facility May 21, 2002, Effective June 11, 2002. Amended adding 2-1 Jan. 18, 2005, Effective Feb. 8, 2005. Amended August 7, 2007; Effective August 28, 2007. Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011.]

2415 BELLOWS FALLS WATERSHED DISTRICT (WD)

Purpose. The Watershed district spans both sides of Interstate 91 and includes woodland owned by the Bellows Falls Village Corporation. The Village's source of water is Minards Pond located on the east side of Interstate 91. The pond is supplied by springs and by the Farr and Ellis Brooks which rise on the west side of the Interstate. The Watershed District protects the Village's public water supply. Proper maintenance and protection provides a continuing safe, healthy, and reliable water supply.

No development should occur within the Watershed which has the potential for erosion, contamination, or intense use.

PERMITTED USES	CONDITIONAL USES
1. Forestry	Wireless telecommunication tower or facility – Type A, B, and C
2. Wildlife Refuge	
3. Collection, Storage, Treatment, Distribution of Potable Water	

Amended adding Wireless facility May 21, 2002, Effective June 11, 2002. Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011]

2416 COMMERCIAL – INDUSTRIAL (C-I)

Purpose. The C-I areas are located adjacent to major highways including U.S. Rte. 5 and Vt. Rte. 103. The districts range from areas with more industrial and mixed commercial uses to areas with concentrations of transportation related functions. Some of the areas have access to public water and sewer while others are dependent on on-site wells and wastewater disposal. While there are some residential uses within these districts, the industrial and commercial uses may intrude with long hours (24/7) and noise.

All areas are suitable in terrain and proximity to transportation facilities to be desirable by industry and various commercial activities. Industrial and commercial uses within these districts would not impact historic neighborhoods or important natural or cultural resources. These C-I districts are critical for some uses which do not fit into the traditional downtown with its storefronts and scarce off-street parking. Along Rte. 103, project site designs should avoid strip-type development, prevent light pollution, provide landscaping, and limit curb cuts while providing adequate access to avoid traffic hazards which would be caused by major traffic generators.

PERMITTED USES		CONDITIONAL USES
1. Religious Institutional	2. Community Center	1. Residential Accessory Use per Section 4546
3. [Deleted]	4. Club	2. [moved to permitted use]
5. Retail Store	6. Personal Service	3. [moved to permitted use]
7. Business Office	8. [Deleted]	4. [moved to permitted use]
9. Hotel/Motel	10. Mortuary	5. [moved to permitted use]
11. Indoor Recreation	12. Parking	6. [moved to permitted use]
13. Accessory Use or Structure	14. Residence Office	7. [moved to permitted use]
15. Gasoline Station	16. Motor Vehicle Sales	8. Other Commercial & Industrial Uses
17. Enclosed Manufacturing	18. Trucking Terminal	9. [moved to permitted use]
19. Mobile Home Sales	20. Storage	10. [moved to permitted use]
21. Restaurant with or without lounge	22. Bar	11. [moved to permitted use]
23. Public/Municipal Facility	24. Auto Repair Service	12. Convenience Store with Fuel Service
		13. Wireless telecommunication tower or facility – Type A, B, and C
		14. Regional Solid Waste Management & Hazardous Waste Management Facilities
		15. Family Childcare

DIMENSIONAL REGULATIONS	
Lot Area Minimum	C-I 1 20,000 sq. ft. C-I 2 43,560 sq. ft.
District	(Deleted)
Front Yard Minimum	50 ft. (a)
Rear Yard Minimum	15 ft. (a)
Side Yard Minimum	15 ft. (a)
Coverage Maximum	40%
Maximum Residential Density Dwelling units per square ft. of lot area:	1 unit per 1,089,000 sq. ft.
Building Height Maximum, except for Agricultural Buildings	C-I 1 60 ft. C-I 2 35 ft.

(a) 100 ft. when abutting residential district.

[Amended by deleting #8 and (b) April 28, 1986, Effective May 19, 1986. Amended #10 Restaurants, Bar and lot area minimum April 28, 1986, Effective May 19, 1986. Amended #14 Residence office and #11 Public/Municipal Facility (Note: was listed in error as #10.) December 22, 1986, Effective January 12, 1987. Amended by creating C-I 1 and C-I 2 districts and changing density to 40% May 2, 1988, Effective May 23, 1988. Amended C-I 1 to 60 ft. height maximum July 2, 1991, Effective July 23, 1991. Amended July 7, 1998, Effective July 28, 1998 deleting #3, Dormitory use, deleted single family home use, changed conditional uses to permitted uses. Amended adding Wireless facility May 21, 2002, Effective June 11, 2002. Amended adding 13-1 Jan. 18, 2005, Effective Feb. 8, 2005. Amended August 7, 2007 adding Family Childcare; Effective August 28, 2007. Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011.]

2417 SAXTONS RIVER DISTRICT (SR)

Purpose. This district falls along the lines of the Saxtons River Village boundary and includes both the traditional mixed-use Main Street and residential side streets. The older residential area of the Village has houses on relatively small lots with narrow frontages while the newer upper village area has a more “suburban” development style. Main Street hosts retail, restaurant, religious and cultural uses with scattered residences. The Warner Center campus provides area for mixed use office and light industrial. Residences are in close proximity to the commercial sites. A portion of Vermont Academy’s campus is within the SR district along the north boundary. With the exception of the Main Street and Warner Center areas, the Village is mostly residential. The Main Street area provides opportunity for commercial and other uses along with the Warner Center.

The purpose of the district is to allow mixed uses along Main Street and residential uses on the village side streets. Uses generating noise and site lighting plans need to be mindful of the residential areas abutting Main Street. Uses and site design should preserve and enhance the small Village atmosphere and should avoid strip-type development and traffic hazards which would be caused by significant traffic generators in unsuitable locations.

PERMITTED USES		CONDITIONAL USES	
1. Agriculture and Forestry	2. One Family Dwelling	1. Multiple Family Dwelling	2. Retail Store
3. Two Family Dwelling	4. Bed and Breakfast	3. Gasoline Station	4. Personal Service
5. Religious Institutional	6. School	5. Business Office	6. Restaurant/Bar
7. Community Center	8. Hospital	7. Hotel/Motel	8. Enclosed Manufacturing
9. Dormitory Use	10. Residence Office	9. Indoor Recreation	10. Public/Municipal Facility
11. Outdoor Recreation	12. Parking	11. Enclosed Storage	12. Convenience Store with Fuel Service
13. Accessory Use Structure		13. Auto Repair Services	14. Wireless telecommunication tower or facility – Type A, B, and C
		15. Rooming (Boarding) House	16. Group/Residential Care Home
		17. Community Care Home	18. Nursing Care Facility
		19. Hospice	20. Family Childcare

DIMENSIONAL REGULATIONS	RESIDENTIAL USE			NON-RESIDENTIAL USE	
	PUBLIC WATER & SEWER	PUBLIC SEWER	PRIVATE WATER & SEWER	PUBLIC WATER & SEWER	PRIVATE WATER & SEWER
Lot Area Minimum (sq. ft.)	10,000	15,000	40,000	40,000	40,000
Lot Frontage Minimum	70 ft.	120 ft.	150 ft.	80 ft.	100 ft.
Front Yard Minimum	25 ft.	30 ft.	50 ft.	50 ft.	50 ft.
Rear Yard Minimum	25 ft.	40 ft.	50 ft.	50 ft.	50 ft.
Side Yard Minimum	15 ft.	20 ft.	30 ft.	15 ft.	20 ft.
Coverage Maximum	20%	15%	15%	25%	25%
Maximum Residential Density Dwelling units per square ft. of lot area:	1 unit per 10,890 sq. ft.	1 unit per 14,520 sq. ft.	1 unit per 43,560 sq. ft.	1 unit per 43,560 sq. ft.	1 unit per 43,560 sq. ft.
Building Height Maximum, except for Agricultural Buildings	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.

[Amended #10 Residence office & #10 Public/Municipal Facility December 22, 1986, Effective January 12, 1987. Amended by adding #11, Enclosed storage May 2, 1988, Effective May 23, 1988. Amended July 7, 1998, Effective July 28, 1999 adding convenience store and auto repair conditional uses. Amended adding Wireless facility May 21, 2002, Effective June 11, 2002. Amended August 7, 2007; Effective August 28, 2007. Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011.]

2418 MEETING HOUSE HISTORIC DISTRICT (MHHD)

Purpose. The Meeting House district encompasses the old Rockingham Village area and area immediately adjacent on Rockingham Road/Vt. Rte. 103. It is a mix of small residential lots next to open fields and woodland. The village of Rockingham developed around the old Rockingham Meeting House, a National Historic Landmark. Most of the village was destroyed by fire in 1908. Several of the surviving residences in this district are among the oldest in Rockingham. While these houses are set close to the road, the Meeting House occupies the high point in the village. The view from the Meeting House towards the immediate woodland, open fields and traditional houses enhances the stark beauty of the Meeting House. The Rockingham Village Historic District was named to the National Register of Historic Places in 2008.

Development and uses should be sensitive to preserving the historic appearance of the old village and its style of buildings including the surrounding area. Future development must enhance the visual character of the historic district by encouraging and regulating the compatibility of architectural styles which reflect unique and established architectural traditions in order to preserve and important part of the heritage of the Town.

PERMITTED USES	CONDITIONAL USES	
1. Agriculture and Forestry	1. Multiple Family Dwelling only as part of a PUD	2. Bed and Breakfast
2. One Family Dwelling	3. Residence Office	4. Retail Store
3. Two Family Dwelling	5. Reservoir	6. Planned Unit Development
4. Outdoor Recreation	7. Religious Institutional	8. School
5. Accessory Use or Structure	9. Community Center	10. Cemetery
6. Camp	11. Enclosed Storage	12. Rooming (Boarding) House

DIMENSIONAL REGULATIONS	ONE FAMILY DWELLING	ALL OTHER USES
Lot Area Minimum	87,120 sq. ft.	87,120 sq. ft.
Lot Frontage Minimum	150 ft.	200 ft.
Lot Depth Minimum	200 ft.	250 ft.
Front Yard Minimum	50 ft.	50 ft.
Rear Yard Minimum	50 ft.	50 ft.
Side Yard Minimum	30 ft.	50 ft.
Coverage Maximum	15%	10%
Maximum Residential Density Dwelling units per square ft. of lot area:	1 unit per 87,120 sq. ft.	1 unit per 87,120 sq. ft.
Building Height Maximum, except for Agricultural Buildings	35 ft.	35 ft.

[Amended April 3, 1989 creating new district and section; Effective April 24, 1989. Amended August 7, 2007; Effective August 28, 2007. Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011.]

2419 OVERLAY DISTRICT (OV-1)

Purpose. The Natural Resources Overlay District includes portions of land already governed by bylaws regulating the uses in districts RR-1, RC and Commercial-Industrial C-I. The Overlay District covers the lands beginning at the intersection of Routes 103 and 5 (North) to the south, thereafter running to Route 91 to the west, thereafter running north along Route 91 to the town line of the Town of Springfield, Vt. to the north, then running along the town line directly easterly to the Connecticut River and thereafter running south along the shoreline (defined as the mean low water mark of the Connecticut River) past the Upper Meadow, around Roundy's Cove to and around Herrick's Cove and the Williams River back to the intersection of Routes 5 and 103. The Overlay District includes portions of Zoning Districts RR-1, RC and C-I (2) as shown on the Town Zoning Map.

The following uses shall be allowed within the Natural Resources Overlay District. Where the uses allowed in the Natural Resources Overlay District conflict with the uses allowed in the underlying zoning districts, the Overlay District regulations shall preempt those of other districts.

RURAL RESIDENTIAL ZONING DISTRICT (RR-1)

PERMITTED USES	CONDITIONAL USES	
1. Agriculture and Forestry	1. Multiple Family Dwelling	2. Tourist Home/Boarding House
2. One Family Dwelling	3. Residence Office	4. Retail Store
3. Two Family Dwelling	5. Planned Unit Development-Residential	6. Religious Institutional
4. Outdoor Recreation	7. School	8. Community Center
5. Accessory Use or Structure	9. Hospital	10. Dormitory Use
6. Camp	11. Club	12. Campground
	13. Rooming (Boarding) House	14. Group/Residential Care Home
	15. Community Care Home	16. Nursing Care Facility
	17. Hospice	18. Family Childcare

RECREATION CONSERVATION ZONING DISTRICT (RC)

PERMITTED USES	CONDITIONAL USES
1. Agriculture & Forestry	1. Camp
2. Outdoor Recreation	2. Club
3. Accessory Use or Structure	3. Campground

COMMERCIAL – INDUSTRIAL ZONING DISTRICT (C-I)

PERMITTED USES	CONDITIONAL USES	
1. One Family Dwelling	1. Religious Institutional	2. Community Center
2. Two Family Dwelling	3. Club	4. Retail Store
	5. Personal Service	6. Business Office
	7. Hotel/Motel	8. Indoor Recreation
	9. Parking	10. Accessory Use
	11. Residence Office	12. Storage of Boats
	13. Restaurant with or without lounge	14. Bar
	15. Residential Accessory Use	16. Family Childcare

[Amended: section added, adopted and effective March 1, 2005, as voted on at Town Meeting. Amended August 7, 2007; Effective August 28, 2007. Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011.]

2421 RESIDENTIAL (R-7)

Purpose. The Residential 7 area includes the lower and terrace areas of the older village and includes a mix of single and multi-family homes. The lower area has relatively large homes on small lots with narrow frontage on the street. The terrace areas are a mix of large and smaller homes, again on small lots. The Morgan's field area is more suburban in style having been developed post-World War II and is primarily single-family. The Residential 7 district provides for dense residential development in a compact neighborhood setting which is near municipal services and which is served by municipal water and sewer. While the primary permitted uses intended are residential dwellings and associated home-based uses, other types of residential accommodations, related service enterprises, and public facilities are allowed in a manner which protects the residential character of the neighborhoods within the district.

Given the small lots, retaining greenspace is a challenge and goal for this district. Other types of uses should be allowed only in a manner which protects the residential character of the neighborhood with careful consideration given to noise, traffic, and potential hours of operation to prevent the loss of peace, quiet, and privacy essential to a residential environment.

PERMITTED USES	CONDITIONAL USES	
1. One Family Dwelling	1. Bed and Breakfast	2. Religious Institution
2. Two Family Dwelling	3. School	4. Community Center
	5. Club	6. Hospital
	7. Public/Municipal Facility	8. [Deleted]
	9. Multiple Family Dwelling	10. Recreation Outdoor
	11. Residence Office	12. Enclosed Storage
	13. Wireless telecommunication tower or facility – Type A, B and C	14. Rooming (Boarding) House
	15. Group/Residential Care Home	16. Community Care Home
	17. Nursing Care Facility	18. Hospice
	19. Family Childcare	20. Multiple Family Dwelling as part of a PUD

DIMENSIONAL REGULATIONS	
Lot Area Minimum	7,000 sq. ft.
Lot Frontage Minimum	70 ft.
Front Yard Minimum	25 ft.
Rear Yard Minimum	30 ft.
Side Yard Minimum	20 ft. (a)
Coverage Maximum	33%
Maximum Residential Density Dwelling units per square ft. of lot area:	1 unit per 2,500 sq. ft.
Building Height Maximum, except for Agricultural Buildings	35 ft.

(a) Sum of both side yards shall be at least 20 ft., but no single yard shall be less than 8 ft.

[Amended: #3 deleted & #9 changed to Multiple family dwelling, April 28, 1986, Effective May 19, 1986. Amended: #8 deleted, #7 Public/Municipal Facility & #11 Residence office December 22, 1986, Effective January 12, 1987; Amended: density February 18, 1987, Effective March 11, 1987. Amended by adding #12, Enclosed storage May 2, 1988, Effective May 3, 1988. Amended adding Wireless facility May 21, 2002, Effective June 11, 2002. Amended August 7, 2007; Effective August 28, 2007. Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011.]

2422 RESIDENTIAL (R-14)

Purpose. The Residential 14 zoning district is located on the hillside area of Bellows Falls. This was an area developed after WWII and is more suburban in style as compared to the older lower village area. Homes are primarily single family and separated from neighbors by generous yards. Many lots are half-acre in area. Access to these districts is via steep roadways without pedestrian sidewalks. The district provides low density residential development within village limits with most lots having access to public water and sewer. The primary permitted use is single family and associated home-based uses.

Future development should be allowed only in a manner which enhances the residential character of the neighborhood with careful consideration given to noise, traffic and potential hours of operation to prevent the loss of peace, quiet and privacy essential to a residential environment.

PERMITTED USES	CONDITIONAL USES	
1. One Family Dwelling	1. Bed and Breakfast	2. Religious Institution
	3. School	4. Community Center
	5. Club	6. Hospital
	7. Public/Municipal Facility	8. [Deleted]
	9. Residence Office	10. [Deleted]
	11. Recreation Outdoor	12. Planned Unit Development Residential
	13. Planned Unit Development	14. Enclosed Storage
	15. Wireless telecommunication tower or facility – Type A, B and C	16. Rooming (Boarding) House
	17. Group/Residential Care Home	18. Community Care Home
	19. Nursing Care Facility	20. Hospice
	21. Family Childcare	

DIMENSIONAL REGULATIONS	
Lot Area Minimum	14,000 sq. ft.
Lot Frontage Minimum	100 ft.
Front Yard Minimum	40 ft.
Rear Yard Minimum	20 ft.
Side Yard Minimum	30 ft.
Coverage Maximum	15%
Maximum Residential Density Dwelling units per square ft. of lot area:	1 unit per 7,260 sq. ft.
Building Height Maximum, except for Agricultural Buildings	35 ft.

[Amended: #10 deleted April 28, 1986, Effective May 19, 1986. Amended: #8 deleted, #7 Public/Municipal Facility & #9 Residence Office, December 22, 1986, Effective January 12, 1987. Amended by adding #14, Enclosed storage May 2, 1988, Effective May 23, 1988. Amended adding Wireless facility May 21, 2002, Effective June 11, 2002. Amended August 7, 2007; Effective August 28, 2007. Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011.]

2423 ROADSIDE BUSINESS (RB-14)

Purpose. This is a small district on the north end of Bellows Falls Village was originally developed by businesses more dependent on roadway traffic. The area is shallow in depth and located between the east side of U.S. Rte. 5/Rockingham Road and the Connecticut River. Development constraints include the small lot area, the steep embankments on the east, and site distances. Access drives and curb cuts must be carefully planned to avoid traffic nuisances and dangers. Uses generating noise need to be mindful of the residential areas to the west. Uses and site design should preserve and enhance this approach into the Village and should avoid strip-type development and traffic hazards which would be caused by major traffic generators in unsuitable locations.

PERMITTED USES	CONDITIONAL USES	
1. One Family Dwelling	1. Bed and Breakfast	2. Religious Institution
2. Two Family Dwelling	3. School	4. Community Center
3. [Deleted]	5. Club	6. Hospital
	7. Public/Municipal Facility	8. Financial Institutions
	9. Residence Office	10. Restaurant/Bar
	11. Retail Store	12. Motel/Hotel
	13. Business Office	14. Gasoline Station
	15. Recreation Outdoor	16. Recreation Indoor
	17. Planned Unit Development-Residential	18. Planned Unit Development
	19. Multiple Family Dwelling	20. Personal Service
	21. Convenience Store with Fuel Service	22. Auto Repair Services
	23. Rooming (Boarding) House	24. Group/Residential Care Home
	25. Community Care Home	26. Nursing Care Facility
	27. Hospice	28. Family Childcare

DIMENSIONAL REGULATIONS	
Lot Area Minimum	14,000 sq. ft.
Lot Frontage Minimum	100 ft.
Front Yard Minimum	30 ft.
Rear Yard Minimum	20 ft.
Side Yard Minimum	50 ft.
Coverage Maximum	25%
Maximum Residential Density Dwelling units per square ft. of lot area:	1 unit per 7,260 sq. ft.
Building Height Maximum, except for Agricultural Buildings	35 ft.

[Amended: #3 deleted, #19 Multiple Family Dwelling – April 28, 1986, Effective May 19, 1986. Amended #7 Public/Municipal Facility, #9 Residence office, #13 Business Office, #20 Personal Services (in error listed as #14) December 22, 1986, Effective January 12, 1987. Amended July 7, 1998, Effective July 28, 1998 adding convenience store and auto repair uses. Amended August 7, 2007; Effective August 28, 2007. . Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011.]

2424 CENTRAL BUSINESS (CB-7)

Purpose. The CB7 district includes a mix of commercial, office and cultural uses with upper story apartments in an area of town with on-street parking and limited potential to adversely impact residential neighborhoods or natural resources. This district is the downtown core of the community and retains its historic architectural styles, buildings close to the street, on-street parking, pedestrian walkability, and a mixed use environment. It is separated from the residential neighborhood to the west by the rise of land directly behind the downtown buildings, creating a natural and effective buffer. This buffer makes the downtown area more suitable for uses which have more activity during evening hours.

The purpose of the CB7 district is to maintain the traditional downtown as the social, commercial, cultural and civic center of the community while protecting the area's pedestrian scale, historic character and economic vitality.

PERMITTED USES		CONDITIONAL USES
1. School	2. Community Center	1. Multiple Family Dwelling
3. Club	4. Retail Store	2. Religious Institutions
5. Motel/Hotel	6. Recreation Indoor	3. Public/Municipal Facility
7. Parking Facilities	8. Business Office	4. Restaurant/Bar
9. Financial Institution	10. Personal Service	5. [Deleted]
11. Residence Office		6. Wireless telecommunication tower or facility Type A, B and C

DIMENSIONAL REGULATIONS	
Lot Area Minimum	7,000 sq. ft.
Lot Frontage Minimum	70 ft.
Front Yard Minimum	N/A
Rear Yard Minimum	30 ft.
Side Yard Minimum	12 ft. (a)
Coverage Maximum	50%
Maximum Residential Density Dwelling units per square ft. of lot area:	N/A
Building Height Maximum, except for Agricultural Buildings	(b)

(a) The required side yard may be omitted and the building built to the side lot line, provided that the wall of such building at the lot line is of masonry construction and without openings. By agreement of the owners of two adjacent lots duly recorded in the Land Records of the Town of Rockingham, a common side yard may be established lying on both lots and with an aggregate width of not less than twelve (12) feet as measured on both lots combined, provided that the walls of the building where facing such a common side are of masonry construction.

(b) A building's total height shall be approved by the Bellows Falls Fire Dept

[Amended: deleted #5, #8 Business Office, #9 Financial Institution, #10 Personal Service, #11 Residence Office, #3 Public/Municipal Facility December 22, 1986, Effective January 12, 1987. Amended adding Wireless facility May 21, 2002, Effective June 11, 2002. Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011. Revised height restrictions 2019]

2425 CENTRAL BUSINESS EXPANSION (CBE-14)

Purpose. This district expands north and south from the CB7 district. It is a shallow district, generally one lot deep. The lots face Rockingham and Westminster Streets, the main north-south access into the downtown area. The district includes a mix of commercial uses with cultural facilities. Off-street parking is limited on some lots. Office and cultural uses utilize large historic former residential structures on relatively small lots. A few lots are large in comparison where smaller residential lots were combined together to provide off-street parking.

The CBE-14 district provides area for non-residential uses to locate along heavily travelled public streets. Uses generating noise and site lighting plans need to be mindful of the residential areas to the west. Uses and site design should preserve and enhance the major visual approaches into the Village and should avoid strip-type development which would impact the historic neighborhood and traffic hazards which would be caused by major traffic generators in unsuitable locations.

PERMITTED USES	CONDITIONAL USES
1. School	1. Multiple Family Dwelling
2. Community Center	2. Religious Institutions
3. Club	3. Public/Municipal Facility
4. Retail Store	4. Restaurant Without Lounge
5. Motel/Hotel	5. [Deleted]
6. Motor Vehicle Sales	6. Gasoline Station
7. Recreation Indoor	7. Convenience Store with Fuel Service
8. Parking Facilities	8. Auto Repair Services
9. Business Office	9. Wireless telecommunication tower or facility – Type A, B and C
10. Financial Institution	10. Rooming (Boarding) House
11. Personal Service	11. Group/Residential Care Home
12. Residence Office	12. Community Care Home
	13. Nursing Care Facility
	14. Hospice
	15. Family Childcare

DIMENSIONAL REGULATIONS	
Lot Area Minimum	14,000 sq. ft.
Lot Frontage Minimum	100 ft.
Front Yard Minimum	20 ft.
Rear Yard Minimum	30 ft.
Side Yard Minimum	20 ft.
Coverage Maximum	25%
Maximum Residential Density Dwelling units per square ft. of lot area:	N/A
Building Height Maximum, except for Agricultural Buildings	(a)

(a) A building's total height shall be approved by the Bellows Falls Fire Dept

[Amended #4 Restaurant without lounge April 28, 1986, Effective May 19, 1986. Amended #5 deleted, #9 Business Office, #10 Financial Institution, #11 Personal Service, #12 Residence Office, #3 Public/Municipal Facility – December 22, 1986, Effective January 12, 1987. Amended July 7, 1998, Effective July 28, 1998 adding convenience store and auto repair uses. Amended adding Wireless facility May 21, 2002, Effective June 11, 2002. Amended August 7, 2007; Effective August 28, 2007. Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011. Revised height restrictions 2019]

2426 ISLAND INDUSTRIAL (IIND-14)

Purpose. This area is surrounded by water being located to the east of the hydroelectric canal and west of the Connecticut River. It is separated from the core downtown by the canal and includes old brick mill buildings which have been converted to other types of manufacturing and commercial uses. While there is more separation between buildings than in the downtown, on-site parking is not extensive due to the fact that the “Island” was used in the past predominately for manufacturing and most employees at that time walked to work. Businesses that operate at this location may utilize off-site parking lots. The purpose of this district is to promote the greatest potential for re-development and to reclaim the Island’s role as a tourism destination and employment center for the community.

PERMITTED USES	CONDITIONAL USES
1. Business Office	Wireless telecommunication or facility – Type A, B and C
2. Professional Service	Family Childcare
3. Energy/Heating service	1. Public/Municipal Facility
4. Radio Station	2. Educational Facilities
	3. Community Center
	4. Wholesale / Retail Store
	5. Hotel
	6. Hotel and Conference Center
	7. Recreation Facilities
	8. Parking Facilities
	9. Restaurant
	10. PUD – Commercial / Industrial Uses that can include Multiple Family Dwelling units only as an accessory use
	11. Residential Accessory Use
	12. Auto Repair Services
	13. Other General Commercial Uses
	14. Other General Industrial Uses

DIMENSIONAL REGULATIONS	
Lot Area Minimum	14,000 sq. ft.
Lot Frontage Minimum	100 ft.
Front Yard Minimum	30 ft.
Rear Yard Minimum	40 ft.
Side Yard Minimum	20 ft.
Coverage Maximum	80%
Maximum Residential Density Dwelling units per square ft. of lot area:	N/A

Building Height Maximum, except for Agricultural Buildings	(a)
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(a) A building's total height shall be approved by the Bellows Falls Fire Dept

[Amended section heading Industrial (Ind-14) April 28, 1986, Effective May 19, 1986. Amended #6 Business office, #7 Residence office, #3 Public/Municipal facility – December 22, 1986, Effective January 12, 1987. Amended to 40% coverage May 2, 1988, Effective May 23, 1988. Amended July 7, 1998, Effective July 28, 1998 deleting permitted uses and adding conditional uses, and changing building height. Amended adding Wireless facility May 21, 2002, Effective June 11, 2002. Amended August 7, 2007; Effective August 28, 2007. Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011. Revised height restrictions 2019]

2427 BELLOWS FALLS DOWNTOWN DESIGN REVIEW DISTRICT (DDRD)

Purpose. The DDRD includes three distinct design sub-districts ranging from the traditional downtown with storefronts, to the more industrial Island area and the former residential, now commercial, areas which extend north and south from the concentrated downtown business district.

The natural beauty and the visual and historic character of the Town represent an important asset to the community by providing a source of pleasure for both residents and visitors, and also by contributing substantially to the economic base of the community and to its tax base. In order to protect these characteristics, it is necessary to encourage high quality building design and construction that enhances the visual quality of the Downtown District, protects neighborhood and community character, fosters the economic well-being of the community, and encourages sensitivity to natural, architectural, cultural and historic resources.

The three distinct design sub-districts recognize that each sub district will have different, but related, guidelines and criteria given the uses and existing buildings in the particular sub-district.

The standards established by this Article supplement and do not supersede other requirements of these regulations. The standards of this Article shall apply to site plans, planned unit developments and other applications for development approval as required by these regulations.

The Bellows Falls Downtown Design Review District (DDRD) is an overlay district. The Uses and Dimensional Regulations of the underlying districts remain applicable therein. See Section 4700, Design Review District.

[Amended Oct. 5, 1999 adding DHD, Effective Oct. 26, 1999. Amended Jan. 4, 2005 deleting DHD and adding DDRD, Effective Jan. 25, 2005. Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011]

2428 RIVERFRONT – 14 (R-14)

Purpose. This district is a narrow strip of land between the Connecticut River on the east and the railroad tracks and a steep embankment on the west. It is long and narrow with easterly portions subject to flooding. What is now open and wooded land was once a large paper mill site with intense industrial use which was strongest in the early 1900s. Five remaining historic mill buildings are located within the district which is crossed by high tension lines from the hydroelectric plant and substations.

The district allows for recreational uses of land adjacent to the Connecticut River while also allowing for other commercial or industrial uses which would not negatively impact this fragile area. While few mill buildings remain, the district allows for adaptive re-use of these structures for activity compatible with the recreational potential of riverfront property. Any facility in which more than eighteen (18) people are incarcerated at any time or in which any person or persons are incarcerated for seven (7) or more consecutive days is not compatible with the recreational potential of riverfront property.

PERMITTED USES	CONDITIONAL USES
1. Community Center	1. Residential Accessory Use per section 4546
2. Club	2. Religious Institution
3. Retail Store	3. Restaurant with or without Lounge
4. Motel/Hotel	4. Wireless telecommunication tower or facility – Type A, B and C
5. Recreation Indoor	5. Multiple Family Dwelling - as part of PUD only
6. Recreation Outdoor	6. Planned Unit Development
7. Parking Facilities	7. Other General Commercial & Light Industrial Uses
8. Removed	8. Public/Municipal Facility
9. Business Office	
10. Financial Institution	
11. Personal Service	
12. Accessory Use or Structure	

DIMENSIONAL REGULATIONS	
Lot Area Minimum	14,000 sq. ft.
Lot Frontage Minimum	100 ft.
Front Yard Minimum	10 ft. (a)
Rear Yard Minimum	10 ft. (a)
Side Yard Minimum	20 ft.
Coverage Maximum	40%
Maximum Residential Density Dwelling units per square ft. of lot area:	N/A
Building Height Maximum, except for Agricultural Buildings	(b)

(a) The sum of the front and rear yards shall be at least 50 ft. but no front or rear yard shall be less than 10 ft.

(b) A building's total height shall be approved by the Bellows Falls Fire Dept

[Adopted May 19, 2009 adding new district; Effective June 9, 2009. Amended adding Purpose, Adopted Oct. 18, 2011; Effective Nov. 9, 2011, Move Public/Municipal Facilities to Conditional Use, Amended March 1, 2016, Effective March 1, 2016, Revised height restrictions 2019]

2430 PUD-R/PUD DIMENSIONAL REGULATIONS

DIMENSIONAL REGULATIONS	PUD-R	PUD
Lot Area Minimum	(a)	80,000 sq. ft.
Lot Area Minimum – Single Family	10,000 sq. ft.	N/A
Lot Area Minimum – Two Family	15,000 sq. ft.	N/A
Lot Area Minimum – Multi Family/Per Family Dwelling Unit	6,000 sq. ft.	N/A
Lot Frontage Minimum	(b)	50 ft.
Front Yard Minimum	(b)	50 ft.
Rear Yard Minimum	(b)	50 ft.
Side Yard Minimum	(b)	40 ft.
Coverage Maximum	20%	20%
Maximum Residential Density Dwelling units per square ft. of lot area:	1 unit per 6,223 sq. ft.	N/A
Building Height Maximum, except for Agricultural Buildings	35 ft.	35 ft.

- (a) 10,000 sq. ft. for single-family residential, 15,000 sq. ft. for two-family residential, 6,000 sq. ft. per family dwelling unit for multi-family residential use.
- (b) Front, side, and rear yards shall be designed so that no building is closer than 20 ft. to any other building nor closer than 30 ft. to any boundary line of the PUD-R or Public Street.

[Amended August 7, 2007; Effective August 28, 2007]

2500 DENSITY OF USE REGULATIONS

All structures hereinafter erected in any zoning district shall be constructed and location on a lot such that all of the requirements in the Schedule of Dimensional Regulations are met.

2510 RIGHTS-OF-WAY

In calculating the required lot area, width and depth, existing and proposed rights-of-way shall be excluded.

2520 FRONT YARD SETBACK

- A. Within the territorial limits of Bellows Falls Village Corporation and Saxtons River Village, the required front yard setback shall be measured from the edge of the dedicated street line.
- B. Within the Town of Rockingham, outside of the territorial limits of Bellows Falls Village Corporation and Saxtons River Village, the required front yard setback shall be measured from the edge of the dedicated street line,
 - 1. Except that streets with less than a fifty (50) foot wide right-of-way shall be considered as having a fifty (50) foot wide right-of-way. Under this subsection, the street line shall be considered to be twenty-five (25) feet from the center of the dedicated right-of-way; the front yard setback shall be measured from the edge of this street line.
- C. Where the width of the street or right-of-way is not established in Bellows Falls Village, Saxtons River Village, or the Town outside these villages, the street line shall be considered to be 25 feet from the center of area used or that appears to be used. *[Amended section generally February 18, 1987, Effective March 11, 1987.]*

2525 LOTS ADJACENT TO RAILROAD

In the Commercial-Industrial and Industrial-14 zoning districts, where a portion of a lot is contiguous to a railroad right-of-way, no side yard or rear yard setback shall be required for that portion of the lot abutting the railroad right-of-way for construction of dock facilities for railroad use and access which involve commercial or industrial purposes. *[New section added April 15, 1997, Effective May 6, 1997.]*

2530 REDUCTION OF LOT AREA

No lot so reduced in area, lot width, frontage, yards, coverage or other requirements of this Regulation shall be smaller than herein prescribed for each zoning district, except when part of a lot is taken for a public purpose.

2540 BUILDINGS AND USES ON LOTS

There shall be only one principal building and one principal use on a lot unless otherwise approved under Section 1530 of this Regulation or unless approved as a conditional use by the Development Review Board.

2550 DENSITY

- A. The number of dwelling units on any lot shall not exceed the maximum residential density allowed per lot in the district in which the property is located unless approved under a Planned Unit Development or Planned Residential Development.
- B. In calculating the maximum residential density for a lot, the maximum number of units allowed shall be the lower whole number resulting when the area of the lot is divided by the required minimum area per dwelling unit. *Amended: added new section February 18, 1987, Effective March 11, 1987.]*

2600 NON-CONFORMING USES AND STRUCTURES

The following provisions shall apply to all structures and uses lawfully existing on the effective date of this Bylaw, or any pertinent amendments thereto, which do not conform with the requirements set forth in this Bylaw, and shall apply to all structures and uses that in the future do not conform by reason of any subsequent amendment to this Bylaw.

1. NON-CONFORMING USES:

Non-conforming uses, as defined, are uses which were in existence prior to the enactment of the zoning bylaw, or any amendments thereto. Pre-existing non-conforming uses are considered incompatible with uses allowed in a district and should not be allowed to expand or intensify their activity in a manner that will increase the degree of non-conformity or be detrimental to a neighborhood.

- A. Any non-conforming use of a structure or land may be continued indefinitely, but it:
 - 1. Shall not be changed to another non-conforming use without conditional use approval by the Development Review Board provided that the Development Review Board finds that the proposed use is no more non-conforming than the previous use, that the proposed use is the same or a more restrictive use, and that no greater detrimental effect on the neighborhood or increase of the non-conformity will result; examples of a change of a non-conforming use include, but are not limited to, change from a retail grocery store to a retail convenience and drug store, or change from an accountant business office to a real estate office use;
 - 2. Shall not be re-established or restored without conditional use approval by the Development Review Board if such use has been discontinued for a continuous period of 6 months or has been abandoned for a period of 6 months regardless of the intent to resume the non-conforming use provided that the Development Review Board finds that the proposed re-establishment or restoration is no more non-conforming than the previous use, that the proposed use is the same or a more restrictive use, and that no greater detrimental effect on the neighborhood or increase of the non-conformity will result;
 - 3. Shall not be re-established if such use has been replaced by a conforming use.
 - 4. Shall not be re-established or restored if such use has been discontinued or a period of 18 months;
 - a. In all districts, except the C-I, IInd-14, SR, CB-7, CBE-14, RB-14, shall not be extended or enlarged nor shall any external evidence of such use be increased by any means whatsoever;
 - b. In all other districts, shall not be extended or enlarged nor shall any external evidence of such use be increased by any means whatsoever without conditional use approval of the Development Review Board which shall find that no greater detrimental effect on the neighborhood will result;

1. Examples of extension, enlargement, or increase of external evidence include, but are not limited to, the following:
 - a. Increase in noise levels,
 - b. Increase in outside storage,
 - c. Extension of hours of operation,
 - d. Expansion into additional area of the property,
 - e. Enlargement of a structure.
5. A structure housing a non-conforming use, if destroyed or damaged by fire collapse, explosion or similar cause may be reconstructed or repaired for the same or a less non-conforming use provided that the non-conforming use is not extended, expanded or enlarged in any way, and provided that such reconstruction or repair is completed within one year of the damage or destruction.
6. Shall not be extended so as to displace a conforming use;
7. A non-conforming use to be replaced by a conditional use must meet the criteria for a conditional use permit;
8. Nothing in this section shall be construed to prevent normal maintenance and repair of a structure housing a non-conforming use, provided that such action does not increase the degree of or create any new non-conformance;
- B. Factors the Development Review Board shall consider in reviewing non-conforming uses to determine if the proposed use would be a detriment to the neighborhood are as follows:
 1. Impact on abutters and the neighborhood;
 2. The intensity of the existing non-conforming use and the intensity of the proposed non-conforming use; and whether the proposed non-conforming use is a more restrictive use than the existing non-conforming use;
 3. Whether an increase in business hours or a change in hours from day to night will result;
 4. Whether the proposed use will result in an increase in air pollution: i.e. noise, fumes, dust, odors;
 5. Whether greater volumes of traffic will be generated than would normally be expected in the neighborhood;
 6. Whether there will be an increase in the numbers of employees;
 7. Whether an increase in outdoor activity or outdoor storage will result;
 8. Availability of adequate off-street parking as required by this Bylaw;
 9. Distance from adjacent or nearby uses and structures, and the types of uses in the neighborhood;
 10. Existing density in the area, and the density allowed under the zoning bylaw;
 11. Location of existing structures on the lot;
 12. Suitability to the character of the neighborhood;
 13. Increased lighting at night so as to be detrimental to abutters or the neighborhood.
- C. Any re-establishment, restoration, expansion or change to another non-conforming use shall require site plan approval by the Development Review Board.

2. NON-CONFORMING STRUCTURES:

Any structure, or part thereof, including signs, existing on the effective date of this Bylaw or any amendments thereto, which is not in conformance with the zoning regulations covering building bulk, dimensions, height, area, yards, density or loading requirements, where such structure conformed to all applicable laws, ordinances and regulations prior to the enactment of such zoning regulations or any amendments thereto, shall be considered a non-conforming structure.

- A. Such non-conforming structure, except non-conforming signs, may continue to be used indefinitely, but it:
1. Shall not be moved, enlarged, or re-constructed by any means whatsoever, without the approval of the Development Review Board. In order to allow an increase in the non-compliance, the Development Review Board must determine that no greater detrimental effect on the neighborhood or abutting property will result.
 2. A non-conforming structure which is damaged or destroyed by fire, collapse, explosion or other similar cause may be reconstructed, repaired or restored, provided that the reconstruction or repair results is a structure that is no more non-complying than the original structure, and that the work is completed within one year of the damage or destruction. The Development Review Board may grant one year extensions to this deadline if it is demonstrated that the delays were unavoidable and that the work is progressing.
 3. Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-conforming structure provided that such action does not increase the degree of non-compliance.
 4. An addition to, or expansion of, an existing non-conforming one or two family residential structure, or its accessory buildings, which addition or expansion meets all required minimum dimensional regulations for the zoning district in which it is located shall be approved by the Administrative Officer; an addition to, or expansion of, an existing non-conforming one or two family residential structure, or its accessory buildings, which addition or expansion does not meet the required minimum dimensional regulations for the district in which it is located shall require approval by the Development Review Board under I(a) above.
- B. Factors the Development Review Board shall consider in reviewing non-conforming structures to determine if the proposed alteration or reconstruction would be a detriment to the neighborhood are as follows:
1. Impact on abutters and the neighborhood;
 2. The configuration of the lot and lot size;
 3. Retention of open space area as required in the zoning district;
 4. Coverage on the subject lot and neighboring lots, and as required by the zoning bylaw in that district;
 5. Whether a proposal increases an existing non-compliance; whether the increase is due to the configuration of the location;
 6. Distance from adjacent or nearby uses and structures;
 7. Configuration and location of existing structures on the subject lot and neighboring lots;
 8. Whether an increase in drainage off the lot and onto abutting properties will result;
 9. Blockage of natural light to or views from abutter's property of neighboring properties;

10. Existing density in the neighborhood, and the density allowed under the zoning bylaw.

3. GENERAL

This section shall not be construed to permit any unsafe use or structure, or to affect any proper procedures to regulate or prohibit the unsafe use of a structure or to prohibit or regulate any unsafe structure.

4. SIGNS

A sign which is non-conforming as of the date of this amendment may continue indefinitely, but shall not be replaced, enlarged, extended, moved, changed in design or content, or otherwise altered, unless the sign as so enlarged, extended, moved, altered or changed is in conformity with Section 3300 of this Bylaw.

- A. A person shall not re-establish a non-conforming sign taken down for a purpose other than as set forth in subparagraph 4(b), unless the sign as re-established conforms to all parts of Section 3300.
- B. A person may re-establish a non-conforming sign which has been damaged by fire or other accident, but only within one year from such damage or destruction.
- C. A non-conforming sign removed for normal maintenance and repair such as painting and/or cleaning may be re-established. *[Amended section generally May 6, 1985, Effective May 27, 1985. Amended 1(a) and 1(e) February 18, 1987, Effective March 11, 1987. Amended section generally May 2, 1988, Effective May 23, 1988. Amended August 7, 2007; Effective August 28, 2007, Removed PC and ZBA, added DRB references December 2017]*

ARTICLE III GENERAL REGULATIONS

3100 STATUTORY PROVISIONS

In accordance with Section 4414 of the Act, the following shall apply; *[Amended August 7, 2007; Effective August 28, 2007]*

3110 EXISTING SMALL LOTS

If a lot not conforming to the minimum lot size requirements in the zoning district in which is it located subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot shall be deemed merged with the contiguous lot. However, a nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply:

- A. The lot is conveyed in its preexisting, nonconforming configuration.
- B. The lot was legally subdivided on the effective date of this subsection.
- C. The lot is connected to municipal water and municipal sanitary sewer. *[Amended April 28, 1986, Effective May 19, 1986. Amended August 7, 2007; Effective August 28, 2007]*

3120 REQUIRED FRONTAGE ON, OR ACCESS TO PUBLIC ROADS OR WATERS

No land development may be permitted on lots which do not have frontage on a public road or public waters or, with the approval of the Development Review Board, access to such a road or waters by a permanent easement or right-of-way meeting the following requirements.

3120.1 RIGHTS OF WAY

Rights-of-way widths which afford the means of vehicular access shall be a minimum of 50' wide except as provided below:

- A. Existing Lots. Existing lots of record served by a right-of-way of less than 50' in width, recorded prior to the date of this regulation, may be developed for the permitted and conditional uses allowed within the zoning district upon finding that the applicable criteria there under are met. Such lot shall not be further subdivided except as provided for in 3120.1(b) below.
- B. Exception. A right-of-way serving no more than ONE lot which is no more than one (1) acre in area may be reduced 20' in width provided that the Development Review Board finds the lot meets the minimum size requirement for the zoning district in which it is located and cannot be further subdivided.
- C. Outside the Development. Private rights-of-way located on land other than the proposed development but which provide access thereto shall be a minimum of 50' wide for any development involving three or more lots. Applicant shall submit information to the Development Review Board that such right-of-way meets the requirement of the Bylaw.
- D. Streets and/or rights-of-way serving a PUD or PUD-R with subdivision shall follow the requirements of the Subdivision Regulations.

- E. Streets or rights-of-way serving a PUD or PUD-R without subdivision shall comply with the Town of Rockingham Highway Construction Specifications and as provided below unless specifically waived by the Development Review Board.
1. PUD or PUD-R of no more than two principal uses: Construction to Town Highway Specifications is not required for a street or right-of-way serving no more than two principal uses. Upon further development which results in three or more principal uses served by a right-of-way, the requirements of the sections below shall then be met.
 2. PUD or PUD-R of three or more principal uses: Any right-of-way serving three or more principal uses shall be constructed to Town Highway Specifications whether located within or without the development. An existing PRD/PUD including those previously receiving Town Permits, of two or more principal uses shall be required to upgrade an existing right-of-way to Town Highway specifications upon creation of a third or any additional uses.
 3. Where an access road to a PUD or PUD-R is a Class 4 road, the Development Review Board shall require the developer to improve the access road to the Town of Rockingham Highway Construction Specifications. If in the Municipal 5-year Highway Plan, the Class 4 road is not intended to be reclassified as Class 3, the developer must make arrangements for maintenance of the access road satisfactory to the legislative body until such time as the legislative body may reclassify the road.

[Amended section generally July 7, 1998, Effective July 28, 1998. Amended August 7, 2007; Effective August 28, 2007]

3130 HOME OCCUPATIONS – HOME BUSINESSES

The Town of Rockingham recognizes the need of some residents to use their place of residence for limited nonresidential activities. However, the Town believes that this must be balanced with the need to protect the character of its residential areas and to protect these neighborhoods from the nuisances.

Business activities in residential areas may lead to changing the dominant residential character to a partially commercial one. This can result from altering traffic patterns, police and fire service, parking requirements, noise, and appearance including signs and lighting.

Many home occupations which were once “traditional” or “customary” have evolved into commercial enterprises which are no longer compatible with residential neighborhoods while new occupations have developed which do not have any impact on a residential area. Home-based businesses that employ nonresidents may expand to the point that the business is no longer secondary to the residential use.

Further, home activities in more rural areas are less likely to disturb neighbors than those occurring in close proximity to an abutter. This needs to be taken into account.

Therefore, two categories of nonresidential use are set forth in order to adequately provide for the needs and protection of residents.

Home Occupation approval allows for resident occupants to conduct limited nonresidential activity if meeting the criteria set forth in the General Standards (Section 3131) and Category 1 – Home Occupations (Section 3132) upon issuance of a zoning permit by the administrative officer.

Home Business approval is less restrictive and allows for limited outside employees for those uses meeting the criteria set forth in the General Standards (Section 3131) and Category 2 – Home Businesses (Section 3133). A Home Business must be approved as a conditional use by the Development Review Board.

It is the intent of this section to:

- A. Ensure the compatibility of home occupations and businesses with other uses permitted in the residential districts;
- B. Maintain and preserve the character of residential neighborhoods.

3131 GENERAL STANDARDS

The general standards set forth below are applicable to both Home Occupations and Home Business.

- A. No home occupation or home business shall be permitted without the issuance of a zoning permit.
- B. The home occupation or home business shall be operated by a person for whom the property is a primary residence. The permit is valid only while that person(s) resides thereon.
- C. The permit is not transferable from address to address.
- D. In order to guarantee that a home occupation or home business, once authorized, will not become a nuisance to the neighbors or otherwise violate these criteria, the permit shall be valid for a period of five (5) years, and shall be renewed by the applicant. It shall be the responsibility of the applicant to renew a permit.
- E. A home occupation or home business permit, once granted, may be renewed without additional hearings, subject to the provisions of this subsection, by completing the renewal form provided by the zoning office and paying the renewal fee.
- F. Notice of a request for renewal without hearing shall be provided by the administrative officer to all abutters and those properties located within 300' of the applicant's property by certified mail. Any interested party, as defined under Title 24, V.S.A., section 4465(b), may request a hearing upon filing a written request with the administrative officer. The request for hearing shall be filed no later than fifteen (15) days from the date of the notice. *[Amended August 7, 2007; Effective August 28, 2007]*

3132 CATEGORY I-HOME OCCUPATIONS:

A home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a nameplate/sign as permitted under this bylaw.

The standards for home occupations are intended to insure compatibility with the residential character of the neighborhood, and that the home occupation is a clearly secondary or incidental use in relation to the residential use of the main structure.

A. APPLICATION.

1. Application for home occupation permit shall be made to the Administrative Officer.
2. The administrative officer shall review the application and make findings that the application meets the criteria set forth in subsection 3132(B) below.
3. Upon finding that the criteria set forth below are met, the administrative officer shall issue a home occupation permit without hearing.
4. Notice of Permit issuance shall be provided by the administrative officer to all owners of abutting properties and properties located within 300' of the subject property including properties located across a public or private road/right-of-way.
5. In cases where the Administrative Officer finds that the application is not within the scope of the Home Occupation criteria, the application shall be denied. The applicant may submit the application to the Development Review Board for hearing on appeal to determine if the proposed use is a home occupation. No appeal hearing fee shall be required for appeal.
 - a. In the alternative, the applicant may re-submit an application for a home business. In such instance, the fee for home business submittal shall be the difference between the base home occupation fee and the conditional use hearing fee.

B. A HOME OCCUPATION SHALL MEET THE FOLLOWING CRITERIA:

1. The occupation is one which is customary in residential areas.
2. The home occupation shall be conducted solely by resident occupants of the premises; there shall be no nonresident personnel, profit or nonprofit employees or volunteers.
3. The home occupation shall be conducted wholly within the residence.
4. The home occupation use may increase customer, delivery, and pickup vehicular traffic flow and parking by no more than one additional vehicle at a time on the lot. There shall be adequate on street or off-street parking for residential and one customer vehicle, and deliveries and pick-ups.
5. Customers or deliveries shall not exceed that reasonably occurring for a residence including no more than eight business visitors or customers per day, and no more than two deliveries or shipments of products or materials per day.
6. Deliveries or shipments of supplies or products shall only be made by vehicles such as step-van type vehicles. Nor shall the home occupation involve the use of vehicles with more than two (2) axles by the residents as a part of the home occupation activity.
7. A home occupation use may have no more than one dedicated vehicle, limited to two axles, in addition to personal vehicles not dedicated to the home occupation.
8. There shall be no outward appearance change, or variation from the residential character of the residence or accessory buildings, and no outside storage of materials, equipment, products, or

outside display except for a sign as permitted by this bylaw. There shall be no excessive lighting which is incompatible with the characteristics of a residential neighborhood.

9. The occupation shall be clearly secondary to the dwelling used for living purposes. Secondary use is that which occupies no more than 25% of the total floor area of a dwelling unit. Floor area of a dwelling unit, in determining the percentage for home occupation, shall include the floor area of all heated and ventilated and thereby habitable rooms and areas within the dwelling unit including basements and habitable attic space.
10. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, electrical interference or adversely affects water quality off-site. In the case of electrical interference, no equipment or process shall be used which created visual or audible interference in any radio or television receivers, nor produces electrical or electromagnetic interference off-site. A legally approved discharge of wastewater to an on-site wastewater disposal system, publicly owned sewage treatment works, or surface water is not considered to adversely affect water quality. In the case of a single family residence home occupation, off-site shall mean beyond the boundaries of the lot. For other than a single family residence, off-site shall mean beyond the confines of the subject dwelling including through vertical or horizontal party walls.
11. No acutely hazardous, explosive, or radioactive or other restricted materials shall be used or stored on the site for home occupation use.
12. No retail or wholesale transactions (except for articles produced by the residents residing on the premises) shall be made on the premises except via telephone or mail.
13. An activity which grows to exceed the definition and criteria of a home occupation will be required to relocate to a district in which the activity is a permitted or conditional use, or apply and obtain a home business permit if applicable. For example, the need for additional employees is usually an indication that the home occupation has grown to such an extent that it should no longer be considered incidental to the residential use but rather has become a home business or a full-fledged commercial business.

C. THE FOLLOWING ACTIVITIES ARE SOME EXAMPLES OF ACTIVITIES WHICH MAY MEET HOME OCCUPATION REQUIREMENTS.

1. Dressmaking, sewing, tailoring, millinery, contract sewing.
2. Laundry, ironing service.
3. Music or dance teaching, provided that the instruction shall be limited to no more than two pupils at a time.
4. Art or sculpturing studio, art restoration. (May include gallery and sales but limited to OWN works. May not include sales of others' works.)
5. Writing, composing.
6. Home crafts, such as model making, rug weaving, flower arranging.
7. Home Office. Includes home office facilities for a
 - a. Salesman, sales representative, or manufacturing representative, provided that no retail or wholesale transactions are made on the premises except via telephone or mail. This is a home

office of convenience wherein the applicant conducts no business other than by phone or mail, where no persons are employed by the applicant, where an office is needed for the purpose of sending and receiving mail and telephone calls, maintaining records, and other similar functions. Includes direct sale product distribution (e.g. Avon, Tupperware, Mary Kay) where stock in trade is kept for distribution, but not retail sales at the premises.

- b. Drafting & graphic services.
 - c. Consulting, financial planning, investment services.
 - d. Interior design
 - e. Telephone answering, switchboard, call forwarding
 - f. Computer programming, data processing.
 - g. Typing services, word processing service.
 - h. Mail orders (not including retail sales from site)
- 8. Individual tutoring, no more than two students at a time.
 - 9. Preserving and home cooking.
 - 10. Off-premise catering. Only work done on premise is food preparation.
 - 11. Repair, servicing of watches, typewriters, cameras, counter-top appliances, or other similar small items.

3133 CATEGORY II – HOME BUSINESS

A home business is an accessory use of a dwelling or its accessory building(s) for gainful employment involving the creation, provision, or sales of services and/or goods wherein a limited number of persons in addition to the resident occupants may be employed.

Because other than resident occupants may be employed in a home business, this activity has a greater chance of disturbing a neighborhood. Waste disposal and use of hazardous materials are also of concern. Therefore, more scrutiny is needed for these applications.

This classification also recognizes that in less populated areas, home businesses are less likely to disturb the residential peace of adjacent properties. Thus, lot size, location and proximity to neighbors are important criteria in determining the impact a home business may have on the residential neighborhood.

A. APPLICATION.

Application for a Home Business permit shall be made to the Development Review Board and shall require conditional use permit approval by the Board as provided for under section 1413 of this Bylaw.

- 1. A Home Business permit is a permit issued for a home business or commercial activity by the Development Review Board after public hearing.
- 2. Notice of the Hearing must be given to owners of all properties adjoining the property subject to development, without regard to any public right-of-way, and to all property owners within 300' of the applicant's premises.

B. IN ADDITION TO THE GENERAL CRITERIA OF SECTION 1413, THE FOLLOWING SPECIFIC CRITERIA SHALL BE MET:

1. The home business shall be subordinate to the primary use of the property as a residence.
2. The home business shall be conducted wholly within the residence and/or accessory structures. Work outside the residence or accessory structures is not allowed.
3. The home business shall be owned and conducted by the resident occupants of the premises. There shall be no more than three (3) nonresident personnel, profit or nonprofit employees or volunteers working at or from the premises.
4. There shall be no outward appearance change, or variation from the residential character of the residence or accessory buildings, and no outside storage of materials, equipment, products, or outside display except for a sign as permitted by this bylaw.
5. Retail sales and/or wholesale sales from the premises shall be prohibited except for the retail sales of products or goods produced or fabricated on the premises as a result of the home business. However, orders previously made by telephone or at an off-premise sales party may be filled on the premises. That is, direct sales of merchandise, supplies, or products off display shelves or racks is not allowed, but a person may pick up an order placed earlier as described above. Except as allowed above, stock for general retail sales shall not be stored on the premises. Stock used for work carried on at or off the premises may be stored at the premises. For example, wallpaper ordered for a specific job from a catalog.
6. In no case shall a home business be open to the public at times earlier than 8:00 a.m. nor later than 8 p.m.
7. No more than fifteen (15) customers or clients are allowed at the home business during any one day, and no more than two deliveries or shipments of products or materials are allowed a day.
8. Any need for parking generated by the conduct of such home business shall be met with on-street or off-street parking . Parking must be provided for at a location other than a required front yard. This includes parking for vehicles dedicated to the business, employees and other personnel, customers, and pick-ups and deliveries. Consideration shall be given to the impact of parking on the landscaping and residential character of the neighborhood.
9. No equipment or process shall be used in such home business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot, or adversely impacts water quality either on or off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
10. There shall be no lighting which is incompatible with the characteristics of a residential neighborhood.
11. The home business shall not adversely affect the residential character of the neighborhood. Consideration shall be given to parking, lighting, signs, traffic, screening, and other criteria included within this bylaw.
12. Home businesses that attract customers, clients, or students to the premises for sales or services may be more suitable for rural areas, and not suitable for smaller lots or multi-family lots.

13. There are certain activities which may have a significant impact on residential neighborhoods including but not limited to auto repair, auto body repair or painting, welding, and similar activities. These activities will receive additional scrutiny; lot size, distance from neighbors, and location (for example rural versus village) are critical considerations.
14. An activity which grows to exceed the definition and criteria of a home business will be required to relocate to a district in which the activity is a permitted or conditional use.

C. THE FOLLOWING ACTIVITIES ARE SOME EXAMPLES OF ACTIVITIES WHICH MAY MEET HOME BUSINESS REQUIREMENTS. USES MARKED * BELOW ARE NOT ALLOWED IN THE FOLLOWING ZONING DISTRICTS: RESIDENTIAL 7, RESIDENTIAL 14, AND SXTONS RIVER DISTRICTS.

1. Beauty shop
2. Barber shop
3. Photo studio
4. Radio repair
5. Television repair
6. Cabinet making*
7. Office facility of an architect, artist, broker, dentist, physician, engineer, instructor in arts and crafts, insurance agent, land surveyor, lawyer, musician, real estate agent, accountant, off-premise appliance repair
8. Stable or kennel*
9. Veterinary clinic/animal hospital*
10. Small engine repair*
11. Appliance repair
12. Gardening, landscape maintenance
13. Wallpapering
14. Swimming pool cleaning service
15. Office facility of a contractor including building, construction, masonry, plumbing, or house painting wherein the home is used only for an office base wherein it does not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as construction equipment used in the business; the office is used for the purpose of sending and receiving mail and telephone calls, maintaining records, and other similar functions.
16. Printing
17. All those uses permitted as a home occupation, above. *[Amended (A, B, C, & D) December 22, 1986, Effective January 12, 1987. Amended sections dealing with home occupation and adding home business generally July 7, 1998, Effective July 28, 1998. Amended August 7, 2007; Effective August 28, 2007]*

3140 EQUAL TREATMENT OF HOUSING

- A. Except as provided in Section 4412(1) of the Act, no zoning regulation shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality except upon the same terms and conditions as conventional housing is excluded.

- B. No zoning regulation shall have the effect of excluding from the municipality housing to meet the needs of the population as determined in Section 4382(c) of the Act.
- C. No provision of Chapter 117, Title 24 VSA, shall be construed to prevent the establishment of mobile home parks pursuant to Chapter 153, Title 10 VSA. *[Amended August 7, 2007; Effective August 28, 2007]*

3141 ACCESSORY DWELLING UNITS

- A. Per the requirements of 24 V.S.A. § 4412(1)(E), 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:
 - 1. The property has sufficient wastewater capacity.
 - 2. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
 - 3. Applicable setback, coverage, and parking requirements specified in the bylaws are met.
 - 4. Appurtenant means an accessory dwelling unit which is physically attached to the single-family dwelling or located within one hundred and fifty feet of the owner-occupied single-family dwelling.
- B. Notwithstanding the provisions above, the creation of an accessory dwelling unit will require conditional use approval when one or more of the following is involved:
 - 1. The accessory dwelling unit is located within a new attached accessory structure, constructed after the enactment of this subsection.
 - 2. The creation of the accessory dwelling unit results in an increase in the height or floor area of the existing dwelling.
 - 3. The creation of the accessory dwelling unit results in an increase in the dimensions of the parking areas.
 - 4. The accessory dwelling unit is located within a detached nonconforming structure. *[Amended August 7, 2007; Effective August 28, 2007]*

3143 GROUP/RESIDENTIAL CARE HOME

- A. A residential care home or group home, to be operated under state licensing or registration, serving not more than 8 persons who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be considered to constitute a permitted single family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another existing or permitted home.
- B. A licensed or registered residential care home or group home shall require conditional use and site plan approvals as follows:
 - 1. Where located within 1,000 feet of another existing or permitted home, or
 - 2. When more than 8 persons are served, and
 - 3. Where specified in the schedule of uses under Article II. *[Amended August 7, 2007; Effective August 28, 2007]*

3150 SPECIAL PUBLIC USE EXCEPTIONS

- A. The following uses may only be regulated with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking and loading facilities, traffic, noise, lighting, landscaping and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:
1. State or community owned and operated institutions and facilities;
 2. Public and private schools and other educational institutions certified by the Vermont Department of Education;
 3. Churches and other places of worship, convents, and parish houses;
 4. Public and private hospitals;
 5. Regional solid waste management facilities certified under 10 V.S.A. chapter 159;
 6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. 6606a.
- B. Public utility power generating plants and transmission facilities regulated under 30 V.S.A. 248 are exempted from regulation under this bylaw. *[Amended section generally Jan. 18, 2005, Effective Feb. 8, 2005.]*

3151.1 REGIONAL SOLID WASTE MANAGEMENT FACILITIES & HAZARDOUS WASTE MANAGEMENT FACILITIES

Application for a solid waste management facility or hazardous waste management facility shall include the location of the site on a recordable survey showing all phases of the facility to maximum built-out, permanent and intermittent streams and other waterways, and class 1, 2 and 3 wetlands, and shall demonstrate compliance with each of the following.

- A. Height of Structures, including the permitted vertical landfill dimensions - maximum height 35 ft. Landfill height shall be measured from the average elevation of the existing grade to the highest point of the landfill.
- B. Setbacks - Setbacks are measured from the toe of the maximum build-out of the waste facility, including the landfill, unless otherwise specified. Setbacks may be increased if evidence is presented to show that the minimum setback will not provide adequate protection. For example, cleared land or steep slopes may require greater setbacks than forested land or shallow slopes.
1. Minimum Setbacks: To nearest state, town highway, or legal town trail - 100 ft.
 2. To the property line of the solid or hazardous waste management facility site or lands under control of the facility by ownership, easement or other control mechanism - 1500 ft.
 3. The distance will be increased if necessary to assure that a facility will not (a) result in any objectionable odors or vectors off-site of the facility; (b) result in an unreasonable visual impact, including any adverse impact from facility lighting, for anyone off-site of the facility; (c) unreasonably increase the level of noise detectable by persons off-site of the facility; or (d) otherwise adversely affect public health. The final height and area of the landfill at build-out shall be considered in making these determinations.

4. To FAA airport - 10,000 ft. from runway for turbojet aircraft 5000 ft. from runway for piston only aircraft
 5. To Surface Waters -500 ft. or 2.5 times the width of the waterway, whichever is greater
 6. To municipal or private potable water supply –1000 ft. from the waste management facility site property line or any land under control of the waste management facility ownership for the purpose of maintaining the minimum 1,500 feet setback as required above.
 7. To Outstanding Natural Resource Water as defined in state statutes, Title 10, sections 47 and 40 - 500 ft.
 8. To Historic Sites on or eligible for the National Register of Historic Places, the Vermont Historic Sites list, or local historic zoning districts - 300 ft.
 9. To archeological sites identified by the Vermont Division for Historic Preservation - 1,000 ft.
 10. To bear feeding areas or travel corridors, including wetlands in the spring and beech stands in the fall, identified by the Vermont Agency of Natural Resources (ANR) - 2,500 ft.
 11. To deer yards identified by the Agency of Natural Resources – 300 ft.
 12. To other critical wildlife areas identified by the Agency Of Natural Resources - 300 ft.
- C. Prohibited Areas: Regional solid waste management facilities or hazardous waste management facilities shall not be located in the following areas:
1. Durand State Forest, Bellows Falls Village Forest, Town of Rockingham Forest, and Horan Forest;
 2. Bellows Falls Village Watershed lands or within an approved public water supply source protection area or watershed;
 3. Class 1 and 2 ground water areas;
 4. Class 1, 2 and 3 wetlands and their associated buffer zones, as defined in the Vermont Wetlands Rules;
 5. Within the floodway or 100 year or 500 year floodplain;
 6. Areas with slope greater than 15%;
 7. In or within 500 feet of Natural Resource Conservation Service hydric soils;
 8. In or within 300 feet of a National Fish and Wildlife Refuge, as designated by the United States Fish and Wildlife Service, including the Silvio O. Conte Wildlife Refuges, and the Herrick's Cove Important Bird Area;
 9. In or within 300 feet of a wildlife management area, as designated by the Vermont Agency of Natural Resources;
 10. A watershed for Class A waters, as designated by the Vermont Water Resources Board;
 11. Threatened or endangered species habitat, as designated by the Vermont Agency of Natural Resources;
 12. Prime agricultural lands as determined by the Rockingham Land Evaluation Site Assessment (LESA) study on file at the Rockingham Town Offices;
 13. Aquifer recharge areas affecting potable and recreational waters.
- D. Landscaping & Screening Requirements:

1. Within 2000 feet of the solid or hazardous waste management facility property: Landscaping and screening shall fully screen the facility, including a landfill, from view from public and private roadways, public water, and properties not under the ownership or control of the facility.
 2. Beyond 2000 feet of the solid or hazardous waste management facility property: Landscaping and screening shall fully screen the facility, including a landfill, from historic sites, significant view sheds and scenic areas including those listed in the Town Plan, and the Connecticut River Scenic Byway routes.
 3. Landscaping and screening shall be a combination of natural vegetation and planted vegetation, and may include a fence. Existing vegetation shall remain in place from within 100 feet of the toe of maximum build-out. Sites which have had vegetation removed, including tree harvesting, will be required to re-plant to assure full landscaping and screening of the site. For the purposes of this subsection, a barrier will be deemed to “fully screen” a facility, if during each season of the year, it completely obstructs any and all views of a solid or hazardous waste management facility, landfill, structures, and the equipment associated therewith.
- E. Off-street parking & loading. Facilities shall meet the parking and loading requirements under section 3200.
- F. Lighting. Lighting shall meet the requirements under section 3450.
- G. Noise. Within residential zoning districts, noise generated by the solid or hazardous waste management facility shall not have an undue adverse impact on the surrounding area. Facilities shall not generate noise above 50 dBa, as measured at 500 feet from the waste management facility or nearest residence, whichever is closer, or otherwise offend the sensibilities of the average person. Facilities shall take all generally available mitigating steps that a reasonable person would take to minimize off-site noise. Off-site noise generated before 7 a.m. and after 6 p.m. shall be prohibited. For the purposes of this subsection, “undue adverse impact” shall mean an impact that offends the sensibilities of the average person.
- H. Traffic. A waste management facility shall not adversely affect traffic on the roads and highways in the vicinity and shall provide for adequate traffic access and circulation.
- I. Size. The combined area of the waste management facility, setbacks and buffers shall be no less than two hundred (200) acres and no more than three hundred fifty (350) acres.
- J. Surface Waters. For the purposes of section 3151.1 of the Bylaw, surface waters shall include all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, springs, and all bodies of surface waters which are contained within, flow through, or border upon the State of Vermont or any portion of it, whether natural or manmade. *[Amended Jan. 18, 2005, Effective Feb. 8, 2005 adding new section.]*

3155 FAMILY CHILDCARE

- A. A state registered or licensed day childcare facility serving no more than six full-time children and four part-time children, as defined in 33 V.S.A. § 4902(3)(A), shall be considered by right to constitute a permitted single family residential use of property (24 V.S.A. 4412(5)). The use shall be limited to no

more than six full-time children and four part-time children at any one time not including the operator's children.

- B. A state registered or licensed childcare facility, serving more than six full-time and four part-time children, shall meet the requirements of this Bylaw. Refer to §2400, Zoning District Use Regulations.

[Amended July 7, 1998, Effective July 28, 1998 adding new section. Amended August 7, 2007; Effective August 28, 2007]

3200 OFF-STREET PARKING AND LOADING

3210 PARKING

Parking standards ensure development provides adequate off-street parking while avoiding excessive impervious surfaces that result in increased stormwater run-off and flooding. Off-street parking shall be located as to promote an attractive landscape and pedestrian-friendly environment.

For residential uses to include one family, two family, and multi-family units (not to exceed 4 total units), one parking space per dwelling unit is required. Residential development that proposes exemptions from these parking minimums may be approved by the Development Review Board.

For multi-family residential (5 total units or more) and commercial uses, a parking study from a licensed traffic engineer is required or parking numbers shall be based upon the relevant land use category found in the current edition of the Institute of Traffic Engineering Parking Generation Manual. Parking requirements shall be adjusted downward to reflect proximity to public transit as well as access to bicycle and pedestrian facilities.

Parking spaces shall not be less than 8 feet wide by 16 feet deep or as approved by the Development Review Board.

[Amended April 28, 1986, Effective May 19, 1986. Amended 2019, Effective 2019.]

3220 LOADING

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:

- A. Hotel, Motel, Hospitals, Commercial, Business, Service and Industrial Establishments; one off-street loading space for every ten thousand square feet of floor area.
- B. Wholesale, Warehouse, Freight and Trucking Uses: one off-street loading space for every seven thousand five hundred square feet of floor area.

3230 SPECIAL REQUIREMENTS

3231 COMBINED LOTS

Parking spaces for any number of separate uses may be combined in one parking lot, but the required space assigned to one use may not be assigned to another at the same time. Parking space allocation shall account for time-of-use requirements so that spaces allocated to daytime land uses can be shared to meet parking space requirements for evening and overnight land uses. For example, daytime retail businesses can share parking spaces with apartment complexes that primarily occupy spaces evenings and weekends.

3232 OTHER PROPERTY

With the approval of the Development Review Board, off-site parking spaces may be used to meet required parking standards. The spaces provided can be a municipal allocation, easement, or lease for the parking, recorded in the Town of Rockingham Land Records. *[Amended April 28, 1986; Effective May 19, 1986]*

3233 RESIDENTIAL DISTRICTS

Where any non-residential district or use abuts a residential district or use, the parking or loading space shall be no closer than fifteen feet to the property line abutting the residential district, and the spaces shall be suitably screened and landscaped.

3234 CREATION OF NEW OR ADDITIONAL PARKING AREA

The conversion or change of any lot area, except for single and two family dwelling units, to parking area shall require site plan approval by the Development Review Board. *[Amended: Added new section April 28, 1986, Effective May 19, 1986]*

3300 SIGNS

3310 GENERAL

The following requirements shall apply to all signs in all districts:

- A. All new signs, and/or movement, enlargement, alterations, or reconstruction of existing signs shall be in compliance with the regulations as stated herein. Repainting or changing the message on the sign shall not be considered alteration.
- B. All signs shall be constructed of durable materials and shall be maintained in a safe condition and in good repair at all times.
- C. Every sign shall be designed, lighted, illuminated and located in such a manner as to
 1. Not impair public safety;
 2. Not restrict clear vision of the street or between a sidewalk and street;
 3. Not be confused with or obscure any traffic sign or signal;
 4. Not obstruct any door, window or fire escape.
- D. Lighting

1. General. Illuminated signs shall be shielded so as to not produce glare, undue distraction, or hazard either to the surrounding area or to pedestrian and vehicular traffic. The illumination of said signing shall be properly directed at the sign either upon or from within the sign.
 2. Within Residential Districts. Signs in the following zoning districts, including the R-7, R-14, RR-1, RR-5, AF, RC, SR, and MHHD districts, shall meet the following requirements.
 - a. Shall be illuminated only by downward focused external lights directed towards the sign, unless approved by the Development Review Board.
 - b. The light source (e.g. bulb) shall be shielded and shall not be directly visible from surrounding properties or any public roadway.
 - c. Signs within these districts may only be lighted during the hours that the use or business is open to the public.
 - d. Reflective nighttime materials may be used in lieu of lighting.
 - e. An illuminated sign meeting the criteria above shall be approved by the Administrative Officer.
 - f. Within these zoning districts, internally lighted signs or signs utilizing other methods of illumination must be approved by the Development Review Board. The Development Review Board shall consider the amount of light which would be cast onto nearby properties. For example, internally lit with light colored lettering against a dark background is preferred over a light background.
 3. Within All Other Districts. Signs located in all other zoning districts shall meet the following requirements:
 - a. If located on property not abutting a residential zone or use, the sign may be internally or externally lighted. The sign shall meet the general lighting standards herein. A sign meeting these requirements may be approved by the Administrative Officer.
 - b. If located on property abutting a residential zone or use, the sign:
 1. Shall be illuminated only by downward focused external lights directed towards the sign, except as approved by the Development Review Board.
 2. The light source shall be shielded and shall not be directly visible from surrounding properties or any public roadway.
 3. Signs which meet the requirements above may be lighted 24 hours a day.
 4. The Administrative Officer shall approve signs which meet the requirements of (1) and (2).
 5. Signs on property abutting a residential district or use which are internally lighted or utilize other methods of illumination must receive approval from the Development Review Board.
 4. The Development Review Board shall consider the amount of light which would be cast onto nearby properties. For example, light colored lettering against a dark background is preferred over a light background.
- E. Sign Area: Sign area shall be the area of the signboard which carries or supports the lettering or message. The sum of the areas of each part of a sign built in separate sections shall constitute its area. The area of signs composed only of individual letters and symbols attached to a wall shall be the area of the minimum rectangle necessary to enclose all the letters or symbols of the message. Up to two faces of a multi-faced sign constitute a single sign. The sign area of irregularly shaped signs and logos shall be the

area of the minimum rectangle necessary to enclose the said irregularly shaped sign or logo. The depth of three dimensional signs shall not exceed four (4) feet.

- F. Projecting signs. Every projecting sign shall;
 - 1. Not extend within the area used by vehicular traffic;
 - 2. Not extend more than five (5) feet from the building wall, or as otherwise restricted in this bylaw.
 - 3. Not be less than ten (10) feet above finished grade when located over a public right-of-way;
 - 4. Not be less than eight (8) feet above finished grade when located over a private right-of-way;
 - 5. Not exceed thirty-two (32) square feet in area, or as otherwise restricted in this bylaw.
- G. Ground Signs: Every ground sign shall:
 - 1. Not exceed twenty (20) feet in overall height above finished grade;
 - 2. Not be closer than ten (10) feet to a neighboring property line;
 - 3. Not be closer than five (5) feet to the street line, or half the distance to the building front wall, whichever is less.
- H. MHHD. Development Review Board approval shall be required of all signs located within the Meeting House Historic District as provided for in sections 4800 – 4920 of this Bylaw prior to approval by the Administrative Officer. *[Amended section generally May 6, 1985; Effective May 27, 1985. Amended section generally, added #8, April 15, 1997, Effective May 6, 1997]*

3315 SIGNS IN ALL DISTRICTS

The following signs are permitted when located on the premises on which the structure, use, or business is located.

- A. One unlighted home occupation wall sign not exceeding two (2) square feet.
- B. One unlighted home business wall, projecting or ground sign not exceeding six (6) square feet.
- C. Unlighted home occupation and/or home business signs may be approved by the administrative officer.
- D. Exception. Within the MDDH, home occupation signs may be approved by the administrative officer. Home business signs are subject to the approval requirements of section 3310(8) of this Bylaw.

3320 SIGNS IN R-7, R-14, RR1, RR5, AF, RC, AND MHHD DISTRICTS:

The following signs are permitted when located on the premises on which the structure, use, or business is located.

- A. [Deleted]
- B. Up to two signs identifying any use permitted in the district, the total of the two signs not to exceed thirty-two (32) square feet. *[Amended section generally May 6, 1985; Effective May 27, 1985, Amended by adding MHHD April 15, 1997, Effective May 6, 1997. Amended section deleting reference to home occupation sign July 7, 1998, Effective July 28, 1998]*

3330 SIGNS IN SR, CBE-14, & RB DISTRICTS:

The following signs are permitted when located on the premises on which the structure, use or business is located:

- A. [Deleted]
- B. For permitted uses within the district, any two (2) of the following:
 - 1. One ground sign per lot no larger than forty (40) square feet;
 - 2. One wall sign per business no longer than 85% of the lineal frontage of the building occupied by the business which in no case shall exceed fifty (50) square feet;
 - 3. One projecting sign per business no larger than thirty-two (32) square feet.
- C. Those properties within the CBE-14 zoning district which are within the overlay Downtown Design Review District must also meet the requirements of section 3356 following. *[Amended section generally May 6, 1985; Effective May 27, 1985. Amended section deleting reference to home occupation sign July 7, 1998, Effective July 28, 1998, Amended Jan. 4, 2005 adding #3, Effective Jan. 25, 2005.]*

3340 SIGNS IN INDUSTRIAL 14 AND COMMERCIAL-INDUSTRIAL DISTRICTS:

Any permitted use in an Industrial-14 or Commercial-Industrial district shall be permitted the following signs when located on the premises:

- A. [Deleted]
- B. Signs for permitted uses may be any two (2) of the following:
 - 1. One ground sign per lot no larger than sixty (60) square feet;
 - 2. One wall sign per business no larger than sixty (60) square feet;
 - 3. One projecting sign per business no larger than thirty-two (32) square feet.
- C. Those properties within the Industrial 14 zoning district which are within the overlay Downtown Design Review District must also meet the requirements of section 3356 following. *[Amended section generally May 6, 1985; Effective May 27, 1985. Amended section deleting reference to home occupation sign July 7, 1998, Effective July 28, 1998. Amended Oct. 5, 1999 adding #3, Effective Oct. 26, 1999. Amended Jan. 4, 2005 deleting DHD and adding DDRD, Effective Jan. 25, 2005.]*

3350 SIGNS IN THE CB 7 DISTRICT:

The following signs are permitted when located on the premises on which the structure or use is situated:

- A. Business with Basement Level or Ground Floor Location: Each permitted business or use with a basement level or ground floor location in the CB district shall be permitted signing in ONE of the following categories: A, or B, or C:
 - 1. Any two of the following:
 - a. One wall sign which shall not be greater than three (3) feet in overall height, and which shall not be longer than 85% of the overall length of the store front.
 - b. One projecting sign which shall not exceed ten (10) square feet in overall area, and which shall not be more than six (6) feet in overall height;
 - c. One ground sign which shall not exceed ten (10) square feet in area; OR
 - 2. ONE projecting sign ONLY which shall not be greater in area than thirty (30) square feet; OR
 - 3. One ground sign ONLY which shall not exceed thirty (30) square feet in area.

- B. Business with Location above the Ground Floor: A business with a location above the ground or street level shall be permitted ONE sign in ONE of the following categories: (1), or (2). Said sign shall be mounted near an upper-story window of the business being identified.
 - 1. One wall mounted sign no larger than eight (8) square feet in area; OR
 - 2. One projecting sign which shall not exceed eight (8) square feet in area or extend more than four (4) feet from the face of the building wall.
- C. Those properties within the Central Business zoning district which are within the overlay Downtown Design Review District must also meet the requirements of section 3356 following. *[Amended section generally May 6, 1985; Effective May 27, 1985. Amended Oct. 5, 1999 adding #3, Effective Oct. 26, 1999. Amended Jan. 4, 2005 deleting DHD and adding DDRD, Effective Jan. 25, 2005.]*

3356 SIGNS IN THE DOWNTOWN REVIEW DISTRICT

Signs within the Downtown Design Review District shall meet the general and dimensional requirements for signs in the underlying zoning district in which the property is located. This applies to wall, projecting, ground, roof, awning, and portable signs. Signs which meet the requirements of this subsection and the underlying district may be approved by the Administrative Officer, unless noted in the sections below.

- A. The proposed sign shall be sited to coordinate with the façade of the building. Wall signs shall be located within a sign band if one exists.
- B. Signs within the boundaries of the National Register of Historic Places Bellows Falls Downtown Historic District established in 1982 must meet the following additional requirements:
 - 1. Signs shall be constructed of wood or metal
 - 2. Lighting shall be exterior downcast and shall be the minimum to adequately light the sign. Internally illuminated signs and neon signs are not allowed.
 - 3. All new and replacement signs must meet these criteria. Re-use of materials not approved here-in is not permitted.
 - 4. Other than sign maintenance, no nonconforming sign shall be reconstructed, remodeled, relocated, or changed in size or content to show a new trade name, different words, letter or numbers, new design or different logo, unless such action will make the sign conforming in all respects.
 - 5. Nothing in this subsection shall be deemed to prevent keeping in good repair a non-conforming sign, including sign maintenance, repainting, and replacement of broken or deteriorated parts of the sign itself.
- C. Within the boundaries of the National Register of Historic Places Bellows Falls Downtown Historic District, signs constructed of materials other than wood or metal, such as stone, glass, or synthetic materials, shall be approved by the Development Review Board. The following standards shall be used to review the proposed material:
 - 1. The proposed material is similar in character and detailing to the listed materials;
 - 2. The proposed material has a demonstrated durability in this climate;
 - 3. The proposed sign is compatible with and enhances the existing surrounding signs and architecture.

[Amended Jan. 4, 2005 adding section, Effective Jan. 25, 2005]

3360 SPECIAL SIGNS:

The following special signs may be permitted upon approval by the Development Review Board if the Development Review Board finds that such is in the public interest, not detrimental to surrounding properties, and will not create a safety hazard:

- A. Signs necessary or beneficial to the public welfare.
- B. A sign identifying the commonly accepted name of a commercial building which shall sign not exceed sixteen (16) square feet in overall area, two (2) feet in overall height, or ten (10) feet in overall length.
- C. State of Vermont Official Business Directory signs.
- D. Off-premise directional signs located out of the highway right-of-way, the area of which shall not exceed (4) square feet, and which provide directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place.
- E. Roof signs: Limited to Industrial-14 and Commercial-Industrial districts. Roof signs shall in no case exceed forty (40) square feet in overall area.
- F. Shopping Plaza/Industrial Park/Mall Signs: A shopping plaza, industrial park, or mall may have one free-standing directory sign. Each business within the plaza, park or mall may have a sign within the directory sign. They shall all be equal in size and shape, and shall not exceed three (3) square feet in size. The directory sign shall not exceed.
 - 1. Fifty (50) square feet for five (5) or fewer businesses;
 - 2. Seventy-five (75) square feet for six (6) to ten (10) businesses;
 - 3. One-hundred (100) square feet for more than ten (10) businesses.
- G. A business with two separate street frontages (each with its own entrance open for public access) may be permitted one additional secondary wall mounted sign ONLY on the secondary frontage which sign shall be:
 - 1. No greater than two (2) feet in overall height; and
 - 2. No longer than 85% of the overall length of the business' secondary store frontage or twenty (20) feet whichever is less.
- H. A business directory sign may be permitted for the identification of ground floor businesses without direct access onto a street, or businesses with a principal location above the ground floor. Said directory shall be located within the immediate vicinity of the building entrance or entrances. Each business identified by the directory shall be permitted no more than two (2) square feet in area of directory signing. Each directory shall not exceed eight (8) square feet in overall area. *[Amended: New Section added May 6, 1985, Effective May 27, 1985.]*

3361 AWNING SIGNS

- A. One awning sign, located on the vertical surface of the awning overhang, shall be allowed in the CB-7, CBE-14, RB-14, C-I, IInd-14, and SR zoning districts.

- B. An awning sign is a sign located on a structural protective cover made of cloth and located over a door, entrance, window or outdoor service area, which is affixed to a building and which is either retractable or remains in place and which identifies the name or logo of the business only.
- C. The bottom edge of the awning overhang shall be located at least 7' above a public sidewalk. The height of lettering on the awning shall not exceed 8".
- D. An awning sign meeting these requirements may be approved by the Administrative Officer. *[Added new subsection April 15, 1997, Effective May 6, 1997.]*

3362 PORTABLE SIGNS

Portable signs may be erected and maintained only in accordance with the provisions contained in this Bylaw.

- A. Portable signs shall be limited to the CB-7 district and SR district on Main Street only between its intersections with Oak and Grove Streets.
- B. Portable signs are limited to one A-frame or sandwich board sign per storefront, located on the ground, easily movable, and not permanently attached thereto.
 - 1. Within the CB7 district, the portable sign shall be located immediately adjacent to the storefront wall of the business which is the subject of the sign.
 - 2. Such signs are ordinarily in the shape of an "A" or some variation thereof and are usually two-sided.
- C. Portable signs shall not be illuminated. Portable sign shall be removed from outside display when the business is not open to the public, during or 24 hours after a snow storm, and shall immediately be removed if blown down by wind.
- D. No single side of a portable sign shall exceed eighteen inches (18") in width and four (4) feet in height including its base.
- E. A portable sign may be located on a public sidewalk in the CB7 district. A minimum of 4' of sidewalk shall be kept open between the curb edge and any part of the sign. (Portable signs cannot be placed where there is less than 4' remaining.)
 - 1. Except as provided in (a) above, a portable sign shall not be located on a public sidewalk, or within the laid-out highway right-of-way, or within 25' from road center whichever is greater.
- F. A portable sign meeting these requirements may be approved by the Administrative Officer. *[Added new subsection April 15, 1997, Effective May 6, 1997.]*

3370 SIGNS WHICH DO NOT REQUIRE A PERMIT:

The following signs do not require a permit and are permitted in all districts:

- A. Signs wholly within the confines of a building.
- B. Temporary real estate signs, each of which does not exceed six (6) square feet in overall area. Said sign shall only be permitted on property which is either being sold or leased, and shall be removed within thirty (30) days from the date on which its intended purpose has been fulfilled.

- C. A temporary construction sign located on the property which is being developed. Said sign shall not exceed thirty-two (32) square feet in area and shall be removed immediately when its stated purposes has been fulfilled.
- D. Entrance and exit signs located near a driveway not exceeding two (2) square feet each.
- E. Two enclosed display cases for a cinema which display cases shall not exceed sixteen (16) square feet in overall area each. Said display cases shall be used exclusively for the display of advertising promoting the motion picture(s) currently being shown, or coming attractions.
- F. Signs to be maintained for not more than two weeks announcing an auction, or a campaign, drive or event of a civic, philanthropic or religious organization, or for a legal yard sale conducted on the premises of a homeowner. Each sign shall not exceed two (2) square feet. *[Amended: New Section added May 6, 1985; Effective May 27, 1985.]*

3380 PROHIBITED SIGNS

The following signs shall be prohibited in every district:

- A. Flashing, oscillating or revolving signs;
- B. Free standing signs in excess of twenty (20) feet in height;
- C. Signs which impair public safety;
- D. Signs not in conformance with this bylaw;
- E. Any sign, permanent or temporary, located within a highway right-of-way, except for Official Business Directory Signs maintained by the State of Vermont, and official traffic control signs. *[Amended: New Section added May 6, 1985; Effective May 27, 1985.]*

3390 REMOVAL OF SIGNS

- A. All signing related to a business shall be removed by the owner of the property on which the signing is located within thirty (30) days following the closing of said business. Closing shall be defined here as a said business ceasing to admit the general public onto the business premises. Seasonal closures are exempted.
- B. Historical signs, as determined by the Development Review Board upon recommendation of the Rockingham Certified Local Government (CLG) Historic Commission, shall be exempted from (1) above. Signs determined to be historical shall be listed in the appendix to this bylaw. *[Amended: New Section added May 6, 1985; Effective May 27, 1985. Amended by adding #2, April 15, 1997, Effective May 6, 1997.]*

3400 LANDSCAPING AND SCREENING

3410 GENERAL REQUIREMENTS

All landscaping shall be maintained in a healthy growing condition, with ground cover or grassed areas. When required by the Development Review Board, shade trees at least ten feet in height and at least two

inches in diameter shall be planted no nearer than five feet to any lot line, and deciduous shrubs or evergreens shall be planted.

3420 MINIMUM REQUIREMENTS

- A. Where any land use in non-residential districts abuts land in any residential district, a strip of land, at least twenty-five feet in width, shall be maintained as a landscape area in front yard, side yards, and rear yards which adjoin a residential district.
- B. Where any non-residential land use in a residential district abuts land use in a residential district, a strip of land at least fifteen feet in width shall be maintained as a landscape area in the front yard, side yards, and rear yard which adjoin these residential areas.
- C. In any commercial or industrial district a strip of land at least fifteen feet in width shall be maintained as a landscape area in the front, side and rear yards.
- D. In any Planned Residential District, as required by the Development Review Board.
- E. In any residential district, 35% of any lot must be maintained as a landscape area, and the front yard, from the front building wall to the front lot line, shall be maintained as a landscape area. In calculating the landscape area, those landscape or grass areas less than two feet wide or two feet deep shall not be included in the square footage of the landscape area. Any conversion from a single or two family dwelling unit to a multi-family dwelling shall be required to meet the minimum greenspace/landscape requirement and existing gravel, shure-pack, concrete, asphalt or other surfaced areas shall be reduced and/or removed as necessary to meet this requirement. *[Amended: (e) added April 28, 1986, Effective May 19, 1986. Amended a, b, & c December 22, 1986, Effective January 12, 1987. Amended (e) February 18, 1987, Effective March 11, 1987.]*

3430 CREATION OF NEW OR ADDITIONAL PARKING AREA

See section 3234. *[Amended: added April 28, 1986; Effective May 19, 1986]*

3440 SCREENED SERVICE AREA REQUIREMENTS

All areas designated, used, or intended to be used as service areas for any building or land use, except single and two family dwelling units, shall be located and screened from view as provided below.

- A. In all districts, shall be screened from view on all sides, except as provided below.
- B. In all districts, shall be located behind the building front line unless waived by the Development Review Board upon finding that there is no other feasible location on the lot.
- C. Within the C-I, Ind 14, and CB7 districts, may be screened on a minimum of three sides when the service area is located in a part of the lot which is abutted by other commercial uses. The area within the service area, and the open fourth side, shall not be visible to abutters or visible from public and/or private roadways.
- D. Suitable screening materials include a wall, a solid fence, or a fence and evergreens to a height of at least six (6) feet above grade level or as determined by the Development Review Board. *[Amended: new section added December 22, 1986; Effective January 12, 1987, amended April 15, 1997, Effective May 6, 1997.]*

3450 SITE PLAN REVIEW & DRAINAGE, LIGHTING, AND LANDSCAPING

Site plan review includes assessing the provisions for adequate on-site and off-site drainage, as well as all lighting of the site and its structures, and landscaping.

A. Drainage.

1. All site development shall include adequate provision for the discharge of surface water so as to prevent adverse effects on adjacent properties and/or public or private drainage systems.
2. State agencies responsible for discharges into watercourses shall approve the proposed system, where applicable.
3. The town highway department shall review and make recommendations on systems which discharge to the Town's storm water system, or any portion of a town right-of-way.
4. The Development Review Board may require: that a drainage system be designed and installed under the direction of a licensed professional civil engineer, and that there be no increase in the peak discharge, or be retained on site.

B. Exterior Lighting.

1. All lighting, existing and proposed, shall be shown on the site plan.
2. All lighting shall be shielded so that the light source itself is not visible from adjacent properties or roadways. It is not the intent to stop all illumination of nearby areas, but to keep it from directly shining on the adjacent properties or roadways.
3. Flood lighting and lighting of high intensity are discouraged. A minimum amount of site area lighting is desired.
4. In discussing their lighting plans, applicants should give accurate examples based on existing sites in town.
5. Except for one and two family dwellings, additional lighting shall not be added to a site unless a site plan is approved. This section shall also apply to sites which existed prior to adoption of this bylaw.

[Amended adding new section April 15, 1997, Effective May 7, 1997.]

3500 SPECIAL HEIGHT RESTRICTIONS

3510 AIRPORTS

Heights of structures within 2000 feet of airports shall not exceed limitations prescribed by FCC and FAA Rules and Regulations or as provided in this Bylaw. *[Amended section generally May 21, 2002, Effective June 11, 2002.]*

3520 EXCEPTIONS

Except as provided by this bylaw, or within 2000 feet of an aircraft landing strip nothing herein shall be interpreted to limit or restrict the height of silos, church spires, cupolas, bell, clock, fire and observation towers and essential public utility structures. *[Amended section generally May 21, 2002, Effective June 11, 2002.]*

3600 ABANDONED – DAMAGED STRUCTURES

Within one year after work on an excavation for a building has begun, or within one year after any permanent or temporary building or structure, or significant portion thereof, has burned, collapsed or otherwise been destroyed, or demolished, or abandoned, all structural materials, building debris, and/or rubble shall be removed from the site, and the excavation thus remaining shall be covered or filled to existing grade.

Nothing in this section shall prevent reconstruction or restoration within two years of a building damaged by fire, accident or act of God, to its condition prior to such damage. Such reconstruction shall be considered a permitted use, and shall require a permit without payment of a fee. Such reconstruction shall not increase the nonconformity of the structure or use. *[Amended section generally July 7, 1998, Effective July 28, 1998.]*

3700 FENCES

3710 REQUIREMENTS AND EXCEPTIONS

- A. Zoning permits are required for walls or fences over four and one half (4.5) feet high except those located on an operating farm.
- B. Fences with a height greater than 4.5' and nor more than 6.5' and which meet the requirements of this bylaw shall be approved by the Administrative Officer.
- C. Development Review Board approval is required for all fences over six and one half (6.5) feet high.
- D. The fence and its supporting posts shall be located wholly within the property lines unless an agreement is made between the abutting property owners to locate the fence on the property line. This agreement shall be recorded in the Town land records. Fences are not required to meet the dimensional regulations for the zoning district in which the property is located or abuts. Issuance of a permit for a fence does not authorize maintenance of the fence from the abutting property.
- E. No wall or fence shall be located at street intersections so as to obscure clear vision of a street, or between a sidewalk and street, or as to impair public safety. A fence shall not unduly interfere with the maintenance of nearby buildings.
- F. Fences shall be constructed of standard commercially available fencing materials including wood, iron, vinyl, or chain-link. The use of barbed wire fencing in the R-7, R-14, and SR zoning districts shall require approval by the Development Review Board. The Development Review Board may approve barbed wire fencing upon finding that the barbed wire fencing does not create a safety hazard to the neighborhood.

[Amended: new section added April 28, 1986; Effective May 19, 1986. Amended April 15, 1997, Effective May 6, 1997.]

3750 OUTDOOR SWIMMING POOLS

Every outdoor swimming pool with a 3' sidewall depth or height or any combination thereof shall be required to obtain a zoning permit and shall meet the following requirements:

- A. Every outdoor swimming pool constructed after the effective date of this amendment shall be completely enclosed by a wall and/or fence not less than four (4) feet in height measured on the outside

of the enclosure measured from grade. The fence must be maintained year-round. Temporary fencing, such as snow fencing or poly/vinyl safety fencing, does not meet the requirements of this Bylaw.

- B. Railings and posts shall be within the enclosure.
- C. No openings, other than gates, with dimensions greater than four (4) inches shall be permitted. Where a picket fence is provided, horizontal openings between pickets shall not exceed four (4) inches.
- D. Gates provided in the fencing shall be self-closing and self-latching with the latch handle located within enclosure. Provided, however, that the door of any residence forming any part of the enclosure need not be so equipped.
- E. A wall of a dwelling is permitted to serve as part of the enclosure.
- F. A fence as required herein, must also meet the requirements for fencing as established in section 3700 of this Bylaw.
- G. Where an above ground pool has a deck attached to a dwelling and access to the deck may be achieved through a door in the exterior wall of the dwelling, the pool shall be provided with an enclosure which shall comply with subsections a, b, c, d, e, and f above.
- H. Exceptions:
 - 1. An above-ground pool with at least forty-eight (48) inches between pool decking or pool top and adjoining grade is exempt from the requirements of this subsection provided that the access ladder or steps be blocked with a self-closing or a self-latching gate.
 - 2. A pool with a sidewall depth and/or height or any combination thereof less than 3' is exempt from these requirements. *[New section added April 15, 1997; Effective May 6, 1997]*

3800 FILL MATERIAL

3810 REQUIREMENTS

In all districts site plan approval is required to dump manmade material and/or material and debris from demolished structures onto another property excepting a duly licensed sanitary landfill. The material or debris must be covered over with sufficient soil so as to support vegetation within such time as the Development Review Board shall specify, but in no event later than one year from the time of dumping.

[Amended: new section added April 28, 1986; Effective May 19, 1986]

ARTICLE IV SPECIAL REGULATIONS

4100 FLOOD PLAIN AREAS

4110 ROCKINGHAM AND BELLOWS FALLS VILLAGE

In accordance with Section 4411 and 4424 of the Act, within the Town of Rockingham and Village of Bellows Falls, the Town of Rockingham Flood Hazard Area Zoning Bylaw shall apply to all lands identified as areas of special flood hazard in and on the most current flood insurance studies and maps for the Town of Rockingham and the Village of Bellows Falls published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. 753, which are hereby adopted by reference and declared to be part of these regulations.

The Flood Hazard Area Zoning Bylaw supplements but does not replace the Town of Rockingham Zoning Bylaw. *[Amended August 7, 2007; Effective August 28, 2007]*

4120 [REPEALED.]

4130 [REPEALED.]

[Amended 4100 & deleted 4120 & 4130 January 27, 1984, Effective February 17, 1984.]

4200 MOBILE HOMES AND MOBILE HOME PARKS

4210 MOBILE HOME INSTALLATION.

Mobile homes may be installed only: where single family dwellings are permitted, or in an approved mobile home park. Any mobile home so located shall be connected to water and sewer facilities.

4211 MOBILE HOME STORAGE

- A. Mobile homes may be stored only in an approved mobile home sales lot, except as provided below.
- B. A temporary zoning permit may be issued by the administrative officer for storage of a mobile home on property located within the Industrial 14 or Commercial-Industrial zoning districts.
- C. The temporary permit shall be valid for a period not to exceed (6) month from the effective date of the permit.
- D. Such mobile home shall not be connected to sewage or water facilities, and shall not be occupied for any use for the duration of the storage or temporary permit.

4220 MOBILE HOME PARK PERMIT

4221 APPLICATION

Application for a mobile home park site plan approval shall be made to the Development Review Board. The application shall be accompanied with a site plan and drawings showing property lines, area, contours showing any proposed grading, roads, walkways, lots, parking, water lines, sanitary and storm sewer drainage facilities, garbage collection stations and electrical distribution.

4222 APPROVAL

No person shall construct or operate a mobile home park without first obtaining a site plan approval from the Development Review Board and a permit from the Administrative Officer. Before issuing a mobile park permit, a performance bond may be obtained from the operator to assure that the park is constructed and maintained in a satisfactory manner.

4223 STATE AGENCIES

Vermont Health Department, District Environmental Control Commission and Agency of Environmental Protection approval must be secured.

4230 MOBILE HOME PARK STANDARDS

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

- A. Minimum area required for a mobile home park shall be not less than 5 acres.
- B. Mobile homes and accessory structures;
 - 1. Whose combined building area is no greater than 1,100 square feet shall require a minimum lot area of 6,000 square feet which shall be at least 60 feet wide by 100 feet in depth.
 - 2. Whose combined building area is greater than 1,100 square feet shall require a minimum lot area of 7,500 square feet which shall be at least 75 feet wide by 100 feet in depth. In no case shall the combined area exceed 1,800 square feet.
 - 3. There shall be at least 3,000 square feet per mobile home site in common open space, per mobile home lot, exclusive of roads and parking areas. Such common area shall be accessible to all residents of the mobile home park, and shall have a minimum dimension of 30 feet.
Common area should include a suitable mix of recreational facilities, landscape buffer area, woodland, and open spaces suitable for use by residents of the park. Open space may be more suitable for elderly housing while mixed or family housing may require more children's play area.
- C. Interior roads shall have a minimum 12 feet wide travel way if a one-way road and a minimum 18 feet wide travel way if two-way. At a minimum, roads shall have 12 inches of compacted gravel on the travel way and three feet shoulders on each side.
- D. Parking.
 - 1. Per mobile home lot – There shall be a minimum of two off-street parking spaces per mobile home lot. These spaces may be stacked parking, one behind the other on the lot. The parking space may be included in the minimum lot area requirement of the subsections above.

2. Visitors' parking. There shall be a minimum of one off-street parking space for each two mobile home lots for visitor parking. Visitor parking may not be stacked.
3. Parking areas shall, at a minimum, be surfaced with crushed stone, or a stone dust combination mixture.
- E. Each lot shall have a water supply source meeting the requirements of the State of Vermont regulations.
- F. Each lot shall have attachment for sewage disposal meeting the requirements of the State of Vermont regulations.
- G. No mobile home park lot shall be closer to a public or private street or property line than fifty feet.
- H. A strip of land at least twenty-five feet in width shall be maintained as a landscape area abutting all mobile home park property lines.
- I. [Deleted]
- J. No mobile home or its accessory buildings shall be located on a lot closer than 10 feet to a lot line.
- K. No mobile home or its accessory structures shall be located within 100 feet of a stream, pond, or lake.
- L. At least two trees (of at least one inch caliper) shall be planted and maintained on each mobile home site.
- M. All buildings not physically connected must be at least fifteen feet apart except where adequate provision is made for air circulation, drainage, orientation to sun and wind, and where location would not interfere with other factors affecting the safety and welfare of the residents of the park. *[Amended mobile home section generally July 7, 1998, Effective July 28, 1998.]*

4300 CAMPS AND CAMPGROUNDS

4310 CAMP

No tent, cabin, trailer, shelter, houseboat, recreational vehicle, or other accommodation used for human occupancy shall be occupied on any lot, other than in a campground, for more than ninety (90) days within a twelve month period unless the Town of Rockingham Health Regulation requirements for a full size disposal field are complied with. *[Amended October 14, 1986, Effective November 4, 1986]*

4320 CAMPGROUND PERMIT

These rules shall apply to all campgrounds as defined in this Bylaw.

- A. Application for campground site plan approval shall be made to the Development Review Board. The application shall be accompanied with a site plan and drawings showing in property lines, area, contours, roads, walkways, lots, parking, water lines, sanitary sewer and storm sewer drainage facilities, garbage collection stations and electrical distribution. Site plans and accompanying materials shall be drawn to scale.
- B. Approvals and Bond. No person or persons shall construct or operate a campground without first obtaining site plan approval from the Development Review Board and a permit from the Administrative Officer. Before issuing a campground permit, a performance bond shall be obtained from the operator to assure that the camp is maintained in a satisfactory manner.

- C. State Regulations. There must be compliance with State of Vermont Rules and Regulations for trailer camps or campgrounds.
 - D. The Development Review Board may accept the proposed plans, accept the proposed plans with recommended changes, or reject the plans. *[Amended October 14, 1986. Effective November 4, 1986.]*
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4330 CAMPGROUND STANDARDS

- A. A campground shall have an area of not less than three acres.
 - B. Campgrounds shall provide for individual trailer sites, tent sites, access driveways, and parking.
 - C. Each trailer, recreational vehicle or tent site lot shall be at least 2,500 square feet in area, with at least thirty feet of roadway frontage per site lot and shall front onto an access driveway.
 - D. All access driveways within a trailer camp must be at least thirty feet (20 feet, one way) in width and have compacted gravel surface at least twenty feet in width.
 - E. Each trailer lot shall have provision for water supply, the water supply source must be approved by the State Department of Health.
 - F. Each trailer or recreational vehicle or tent site lot shall have provisions for public toilets and sewage disposal. The method of sewage disposal shall be in compliance with the State of Vermont, Department of Health Regulations, and the Agency of Environmental Conservation Regulations.
 - G. No trailer lot or service building shall be closer to a public street, right-of-way line than eighty feet, nor closer to a property line than fifty feet.
 - H. A strip of land at least twenty-five feet in width shall be maintained as a landscaped area abutting all trailer camp property lines.
 - I. No trailer shall be parked on a lot closer than ten feet to a lot line. *[Amended 1, 2, 3 & 6 October 14, 1986, Effective November 4, 1986.]*
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4400 PLANNED UNIT DEVELOPMENT & PLANNED UNIT DEVELOPMENT – RESIDENTIAL

- A. In specified areas and as provided in the Town Plan, the modification of zoning regulations by the Development Review Board is permitted, subject to the conditions set forth in Section 4417 of the Act, in order to promote creative and efficient use of the land, encourage the preservation of open space, provide for economical development of the site, and more efficient use of public facilities, promote an improved level of amenities, creative design, and a more attractive environment, and provide greater opportunities for housing and development.
- B. Provision is hereby made for planned unit developments to encourage innovation in design and layout, and more efficient use of land. Permitted uses include and shall be limited to:
 - 1. Planned Unit Development-Residential: Dwelling units in detached, semi-detached, or multi-storied structures or any combination thereof.
 - 2. Planned Unit Development: Dwelling units in detached, semi-detached, or multi-storied structures or any combination thereof;
 - a. Any non-residential use;
 - b. Public and private education facilities; and

- c. Industrial uses and buildings. *[Amended August 7, 2007; Effective August 28, 2007]*

4415 PLANNED UNIT DEVELOPMENT PERMITS

- A. Procedures. Approval of a Planning Unit Development-Residential, or a Planned Unit Development shall be granted using the procedures and standards contained within the Town of Rockingham Subdivision Regulations, the Act, the Flood Hazard Area Zoning Bylaw and this Bylaw, as adopted and as may be amended or repealed, from time to time.
- B. Not all PUD-Rs or PUDs will require the actual subdivision of the land contained within them. This is most notably true under a condominium or cooperative development. Where land is not being subdivided, the application submission and review shall follow the procedures of the Town of Rockingham Subdivision Regulations and this Bylaw as if a subdivision were involved.
- C. All PUD-Rs and PUDs shall be classified as major and subject to sketch, preliminary and final review under the Rockingham Subdivision Regulations.
- D. When the PUD-R or PUD is permitted as a conditional use, it shall receive a conditional use permit from the Board prior to submission of the preliminary plat to the Development Review Board. *[Amended August 7, 2007; Effective August 28, 2007]*

4420 DEVELOPMENT PLAN – SKETCH PLAN SUBMISSION

The sketch plan submission shall include the following information presented in drawn form and which may be accompanied by a written text, in addition to that required under the Subdivision Regulations:

- A. Proposed site plan, showing building locations and land use areas.
- B. Proposed traffic circulation, parking areas and pedestrian walks.
- C. Proposed landscaping layout.
- D. Proposed construction sequence for buildings, parking spaces, and landscaped areas

4425 DEVELOPMENT PLAN – PRELIMINARY PLAN SUBMISSION

The owner or agent shall submit a development plan to the Development Review Board for review, together with the application for change of district classification. The development preliminary plan submission shall be prepared by an architect, landscape architect, engineer, land surveyor, or planner, and shall include the following information presented in drawn form and which may be accompanied by a written text, in addition to that required under the Subdivision Regulations:

- A. Survey of the property, showing existing features of the property, including contours, buildings, structures, trees over four inches in trunk diameter, streets, utility lines, easements, rights-of-way, and land use.
- B. Site Plan showing building locations and land use areas.
- C. Traffic circulation, parking areas, and pedestrian walks.
- D. Landscaping plans, including site grading and landscape design.

- E. Preliminary drawings for buildings delineated to be constructed in the current phase, including floor plans, exterior elevations and sections.
- F. Preliminary engineering plans, including street improvements, drainage system, and public utility extensions.
- G. Engineering feasibility studies of any anticipated problems which might arise due to the proposed development, as required by the Development Review Board and/or Selectboard.
- H. Evidence that the owner has sufficient control over the land to effectuate the proposed development plan.
- I. Construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas.
- J. Approval shall be secured by the owner for each phase of the development. Such approval shall be valid for two years, at which time, unless the proposed development has been completed, the development plan approval shall be considered denied. *[Amended August 7, 2007; Effective August 28, 2007]*

4430 FINDINGS REQUIRED

The Development Review Board after determining that all the requirements of the Zoning Bylaw and Subdivision Regulations have been met, shall approve with modifications, or disapprove the development plan. In recommending modifications or disapproval of any development plan, the reasons for such actions must be entered within the body's records. The Development Review Board may approve the establishment of a Planned Unit Development provided that they find the facts submitted with the development plan establish that:

- A. The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under any other district.
- B. Any waiver from the Zoning Bylaw requirements is warranted by the design and amenities incorporated in the planned unit development plan.
- C. The land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in use.
- D. The proposed change is in conformance with the general intent of the Town Plan.
- E. Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed development and in the vicinity of the proposed development.
- F. Existing and proposed utility services are adequate for the proposed development.
- G. Each phase of the proposed development, as it is proposed to be completed, must contain the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.
- H. The proposed Planned Unit Development and all proposed buildings, parking spaces and landscape and utility areas can be completely developed within five years of the establishment of the district. *[Amended August 7, 2007; Effective August 28, 2007]*

4435 [REPEALED.]

4500 SPECIFIC USES

4510 CAMPS

No camp structure may be converted to or occupied as a residence or permanent dwelling without meeting all Zoning requirements for the district, obtaining a new permit, and complying with applicable state and local health regulations.

4515 RESIDENTIAL ACCESSORY BUILDINGS, WITHIN THE R-7, R-14, AND SR ZONING DISTRICTS

Detached accessory buildings not more than 10 feet in height, no more than 80 square feet in area, and not used for human habitation, the housing of animals, or the repair of machinery or vehicles, may be located in the required rear yard and in so much of the required side yard as lies not less than 75' from any street line, provided that they are not less than 4' from any side or rear line. *[Amended: section added April 15, 1997, Effective May 6, 1997.]*

4520 ALTERNATE ENERGY SOURCE

No part of this Bylaw shall be interpreted as prohibiting construction of alternate energy sources.

- A. Freestanding alternate energy sources shall be considered as accessory uses in all districts.
- B. Construction of alternate energy sources which conflict with height, coverage or yard requirements may be permitted only with conditional use permits.

4530 WIRELESS TELECOMMUNICATIONS FACILITIES

Wireless telecommunications facilities shall include all wireless telecommunication providers, licensed and/or regulated by the Federal Communications Commission, and associated towers, antenna, equipment and buildings.

Essential Services and Public Utilities. Wireless Telecommunications facilities shall not be considered infrastructure, essential services, or public facilities, as defined or used elsewhere in the Town's ordinances and regulations.

Amateur Radio & Receive-Only Antennas. Any tower, or the installation of any antenna that is under 70 feet in height, and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas is regulated under section 4544 below.

4530.1 Purpose

The purposed of this subsection is to protect the public health, safety and general welfare of the Town of Rockingham while accommodating the communication needs of residents and businesses. This subsection shall:

- A. Preserve the character and appearance of the Town of Rockingham while allowing adequate wireless telecommunications services to be developed.
- B. Protect the scenic, historic, environmental, and natural resources of the Town of Rockingham.
- C. Provide standards and requirements for the operation, siting, design, appearance, construction, monitoring, modifications, and removal of wireless telecommunications facilities.
- D. Minimize tower and antenna proliferation by requiring the sharing of existing towers and sites where possible and appropriate.
- E. Facilitate the provision of telecommunication services to the residences and businesses of the Town of Rockingham.
- F. Minimize the adverse visual effects of towers and other facilities through careful design and siting standards.
- G. Encourage, through this Bylaw, the location of towers and antennas in non-residential areas and away from scenic vistas, recreational and historic areas.

4530.2 Authority

Pursuant to 24 V.S.A. 4401 et seq. The Development Review Board of the Town of Rockingham is authorized to review, approve, conditionally approve, and deny applications for wireless telecommunications facilities, including sketch, preliminary and final plans, and installation. Pursuant to 24 V.S.A. 4407, 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.

4530.3 Consistency with Federal Law

The Board's findings under this Bylaw shall be consistent with federal law, including the Telecommunications Act of 1996. In particular, the Bylaw does not regulate personal wireless services on the basis of the environmental effects of radio-frequency emission to the extent that the regulated services and facilities comply with the Federal Communications (FCC) regulations concerning such emissions.

4530.4 Wireless Telecommunications Facilities.

Type A. Commercial Facilities to be built and used to provide Telecommunications to wireless users for a fee.

Type B. Municipal/Emergency Services. Facilities to be built and used to provide telecommunications services solely for federal, state, and municipal users and/or emergency services. Type B is considered a small scale facility under section 4531.1.

Type C. Personal Use. Facilities to be built and used solely as a means of communication internal to a business or organization. Personal use facilities may not be used by others. Type C is considered a small scale facility under section 4531.1.

4531 Zoning District Requirements

Wireless telecommunication facilities (including towers and/or antenna) may be approved as conditional uses upon compliance with the provisions of this bylaw. Those applications requiring conditional use approval are also subject to site plan review and approval by the Development Review Board.

Type A – Commercial. In CB7, CBE 14, SR, and R7 zoning districts, the facilities must be compatible with and blend in with surrounding structures. Within the DHD, existing structures must be utilized. For example, it may be possible to install such a facility utilizing church steeples and bell towers. The tower and/or antenna may not exceed 10 feet above the highest point of the structure on which it is located. All buildings and structures accessory to a tower shall meet these and the criteria following.

Additionally, freestanding telecommunications tower or antennas over 20 feet in elevation shall not be located in any of the following locations:

- A. Within 1000 feet of any Historic District established under this bylaw.
- B. Closer than two times the combined height of the tower and antenna to the boundary of the lot on which the tower is located.
- C. Closer than 500 feet to any primary or secondary residence existing at the time of the application.
- D. Within 1000 feet of a designated scenic road or highway as established under Vermont Statutes.

In the event an existing structure is proposed as a mount for an antenna, additional setbacks shall not be required.

4531.1 Small Scale Facilities

The placement of wireless telecommunications antennas, repeaters or microcells on existing buildings, structures, roofs, or walls and not extending more than 10 feet from the same, may be approved by the Administrative Office, provided the antennas, repeaters or microcells meet the applicable requirements of this bylaw, upon submission of:

- A. A final site and building plan
- B. A copy of the applicant's executed contract with the owner of the existing structure.
- C. No such device may be located closer than 50 feet to an existing residence.

4532 Application Requirements for Wireless Telecommunications Facilities not covered Under Section 4531.1

4532.1 General

An applicant for a permit must be a personal wireless services 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 tower or facility to be built on speculation.

No construction, alteration, modification (including the installation of antennas for new uses) or installation of any wireless telecommunication tower or facility shall commence without site plan approval and a conditional use permit first being obtained from the Development Review Board.

4532.2 Supplemental Information

In addition to information otherwise required in the Town of Rockingham Zoning Bylaws, and application form, applications for wireless telecommunications towers or facilities shall include the following supplemental information:

- A. The name and address of the applicant, the record landowners and any agents of the landowners or applicants as well as an applicant's registered agent and registered office. If the applicant is not a natural person, the name and address of the business and the state in which it is incorporated and has its principal office shall be provided.
- B. 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.
- C. The names and addresses of the record owners of all abutting property.
- D. A report from qualified engineers that:
 - 1. Describes the facility height, design and elevations. This must be completed by a structural engineer licensed in the State of Vermont.
 - 2. Describes the tower's proposed capacity, including the number, height and type(s) of antennas that the applicant currently proposes, and the numbers the applicant expects the tower to accommodate. Information shall be provided on the capacity (i.e., the number and types of antennas) that the tower is structurally designed to accommodate. This data must be completed by a structural engineer licensed in the State of Vermont.
 - 3. If the tower is designed to accommodate excess capacity, the Board may request a letter of intent committing the facility owner and his or her successors to permit shared use of the facility.
 - 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 5 miles of the proposed site cannot reasonably provide adequate coverage and adequate capacity within the Town of Rockingham. The documentation shall include, for each facility site or proposed site within such radius, the exact location, ground elevation, height of tower or structure, and sufficient additional data to allow the independent reviewer to verify that other locations will not be suitable.
 - 5. Describes potential changes to existing facilities or sites that would enable them to provide adequate coverage.
 - 6. Describes the output frequency, number of channels, sector orientation and power output per channel, as appropriate for each proposed antenna.
 - 7. Includes a written explanation for use of the proposed facility, including reasons for seeking capacity in excess of immediate needs if applicable, as well as plans for additional development and coverage within the Town.

8. Demonstrates the tower's compliance with the municipality's setbacks for towers and support structures.
 9. Provides assurance that the applicant will establish and maintain compliance with all FCC rules and regulations at the proposed site, particularly with respect to radio frequency exposure.
 10. 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 (to be provided to the Administrative Officer at the time an application is submitted).
 11. Includes other information required by the Development Review Board that is necessary to evaluate the request.
- E. Site Plan Supplemental Information
1. Location map: a copy of a portion of the most recent USGS Quadrangle map showing the area within at least a two-mile radius of the proposed facility site.
 2. Vicinity Map showing the entire vicinity within a 1,000-foot radius of the facility site, including the facility or tower, topography, public and private roads and driveways, buildings and structures, water bodies, wetlands, landscape features, historic sites and habitats for endangered species. It shall indicate the 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.
 3. Town-wide maps showing the locations of all existing and planned communication facilities in the town and abutting towns to a five-mile radius from the proposed site.
 4. Property lines for the subject lot.
 5. Property lines of all properties adjacent to the subject lot and within 300 feet.
 6. Outline of all existing buildings, and their use, within 500 feet.
 7. Proposed location of antenna, mount, and equipment shelter(s).
 8. For free standing, towers, proposed security barrier, indicating type and extent as well as point of control entry.
 9. Distances at grade from the communication facility to each building on the site plan.
 10. Contours at two feet intervals.
 11. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
 12. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction on the property.
 13. Elevations showing all facades and indicating all exterior materials and color of towers, buildings and associated facilities.
 14. Computer generated photo simulations or photographic simulations of the proposed facility showing the facility from representative locations from all public roads, properties, and parks from which it may be visible as well as from additional sites requested by the Development Review Board.
 15. Tree cover on the subject property and adjacent properties, by dominant species and average height, as measured by or available from a verifiable source. Types of dominant vegetation.
 16. Photo of an existing similar tower.

17. Balloon test. The Development Review Board may require balloon tests. If required, applicant shall provide notice of the date to the Development Review Board. If required, at least one balloon must float at the maximum height shown on the application, and applicant will provide pictures from designated locations around the town and neighborhoods.

- F. Construction sequence and time schedule for completion of each phase of the entire project.
- G. A copy of the application or draft application for an Act 250 permit, if applicable.
- H. Plans shall be drawn at a minimum at the scale of one (1) inch equals fifty (50) feet.

4523.3 Waiver

The Development Review Board may waive one or more of the application filing requirements of this section if it finds that such information is not needed for a thorough review of a proposed facility.

4533 Co-location Requirements

- A. An application for a new wireless telecommunications facility shall not be approved unless the Development Review Board finds that the facilities planned for the proposed structure cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:
- B. The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer licensed to practice in the State of Vermont. Additionally, the existing or approved tower 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.
- C. The proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer and such interference cannot be mitigated at a reasonable cost.
- D. Existing or approved towers and structures cannot accommodate the planned equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a qualified engineer.
- E. There is no existing or approved tower in the area in which coverage is sought.
- F. Other unforeseen specific reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.
- G. The owner of an existing tower refuses to allow co-location.
- H. Towers may be designed to allow for future placement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted height allows. Towers may be designed structurally and in all other respects to accommodate both applicant's antennas and additional antennas when overall permitted height allows.
- I. The Board may disallow sharing of facilities upon finding that siting is improved under the conditions and purposes of these Bylaws.
- J. Horizontal co-location may be required as siting permits.

4534 Access Roads and Above Ground Facilities

Where the construction of new wireless telecommunications towers and facilities requires construction of or improvement to access roads, to the extent practicable, 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 services lines shall be designed and located so as to minimize or prevent disruption to the scenic character or beauty of the area.

4535 Tower and Antenna Design Requirements

It is recognized herein that most wireless communications towers are, by the nature of their design, readily visible and cannot be completely screened from sight. Nevertheless, proposed facilities shall not have an undue adverse effect on or unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor. Height and mass of facilities shall not exceed that which is essential for the intended use and public safety.

- A. Towers, antennas and any necessary support structures shall be designed to blend into the surrounding environment through the use of color camouflaging and architectural treatment and other alternative design tower structures as well as by minimal disruption of existing vegetation, except in cases in which the Federal Aviation Authority (FAA), state or federal authorities have prescribed design requirements (including color and/or lighting.) The least visually intrusive facility shall be built. Designs which imitate natural features, such as trees, may be required in visually sensitive locations. Materials used for the exterior of any structure shall be of a type, color and location so as to minimize glare and the impact on any scenic or historic areas, public vantage points including roads and park, or neighboring properties.
- B. In order to protect public safety and to preserve the scenic character and appearance of the area, the following shall apply:
 - 1. A communications antenna may be located on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tank.
 - 2. Height, General
The height limit for towers, antennas and tower-related fixtures shall be not more than 20 feet above the average height of the tree line measured within a 500 foot radius of the tower.
If there are not trees or buildings within 500 feet, the facilities shall not project higher than twenty feet above the average height of nearby tree lines or buildings.
 - 3. Height, Existing Structures. New antennas located on any of the following structures existing on the effective date of this ordinance shall be exempt from the height restrictions of this ordinance provided that there is no increase in the height of the existing structure: Water tanks, guyed towers, lattice towers, fire towers, and monopoles.
 - 4. Height, Existing Structures, (Utility). New antennas located on any of the following existing structures shall be exempt from the height restrictions of this ordinance provided that there is no more than a twenty foot increase in the height of the existing structure as a result of the installation of the antenna: electrical transmission, and distribution towers, telephone poles and similar existing utility structures. This exemption shall not apply within 300 feet of any scenic highway.

5. Notwithstanding the above, additional height may be approved upon a finding by the Board that the additional height is necessary in order to provide adequate coverage in the Town of Rockingham or to accomplish co-location of facilities where co-location is determined beneficial to the community, and the additional height will not cause an undue visual impact on the scenic character or appearance of the area.
- C. Screening Standards. The usefulness of wireless telecommunications facilities requires line of sight capability, and some height above tree lines and nearby buildings. Total screening of such facilities is not possible. Wireless service facilities shall be screened as follows:
1. Screened by Existing Buildings or Structures:
 - a. When a facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front façade in order to limit their impact on the building's silhouette.
 - b. Facilities which are side mounted shall blend with the existing building's architecture and, if over 5 square feet, shall be painted or shielded with the material which is consistent with the design features and materials of the building.
 2. Screened by Vegetation:
 - a. If facilities are not screened from public viewing areas and neighboring properties by existing buildings or structures, they shall be surrounded by buffers of dense tree growth and understory that extends continuously in all directions for a minimum distance of two hundred feet from the mount, security barrier, or designated clear area for access to equipment to create an effective year round visual buffer. Ground mounted facilities shall provide a vegetated buffer of sufficient height and depth to effectively screen the facility.
 - b. The vegetative buffer used for screening may be existing on the subject lot, planted on site, or be within a landscape easement on an adjoining site. The vegetative buffer area shall be protected by a landscape easement or be within the area of the telecommunication facility lease.
 - c. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying and present a hazard to persons or property, or unless the vegetative buffer area is included in a professionally prepared forest management plan which is approved by the Board.
 - d. The Development Review Board shall determine the types of trees and plant materials and depth of the needed buffer based on site conditions.
 - e. With approval of the Board, trees may be topped if found to interfere with reception or transmission, and where continued growth would necessitate increasing the tower height.
 3. Ground mounted equipment as well as buildings and structures accessory to a tower shall be screened from view by suitable vegetation, except where a non-vegetative screen better complements the architectural character of the surrounding neighborhood. Existing on-site vegetation outside the immediate site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless the disturbance is demonstrated to result in less visual impact on the facility from surrounding property and other vantage points.

4. Color: Facilities which are side mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them. To the extent that any facilities extend above the height of the vegetation immediately surrounding it, they shall be painted in a light gray or light blue hue which blends with the sky and clouds.
5. Equipment Shelters for communication facilities shall be designed with one of the following standards:
 - a. Shall be located in underground vaults; or
 - b. Shall be designed consistent with the traditional community architectural styles and materials; or
 - c. Shall be camouflaged behind an effective year round landscape buffer, equal to height of the proposed building, and/or opaque fence. The fencing and/or landscaping buffer shall be compatible with the neighborhood.

D. Protection of Scenic Ridges and Hillsides.

The Development Review Board shall determine the likely visual impact of any proposed telecommunications facility. Based on the information presented, the Development Review Board may require a redesign in order to minimize the visual impact on the scenic character and beauty of the area. In determining whether or not a facility or tower would have an undue adverse visual impact, and when setting conditions on the permit, the Development Review Board shall consider:

1. The period of time during which it would be viewed by persons traveling on public highways;
2. The frequency with which persons traveling on public highways will view the facility;
3. The degree to which it will be screened by existing vegetation, the topography of the land, and existing structures;
4. Background features that will either obscure it or make it more conspicuous;
5. Its distance from key vantage points and the proportion of it which will be visible above the skyline or tree line;
6. The sensitivity or unique value of the particular view affected by it; and
7. Significant disruption of a view shed that provides context to a historic or scenic resource.

4536 Amendments to Existing Wireless Telecommunications Facility Permit

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 facilities permitted on the site;
- B. Addition or change of any equipment resulting in greater visibility or structural load, or additional height of the tower, including profile of additional antennas, not specified in the original application;
- C. Change in technology used for the facility.

4536.1 Reconstruction or Replacement of Existing Towers

Towers in existence at the time of adoption of this Ordinance may be reconstructed, altered, extended or replaced on the same site, provided the Development Review Board finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood than

the existing structure. In making such a determination, the Development Review Board shall consider whether the proposed reconstruction, alteration, extension or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or compatibility with surrounding neighborhoods.

4537 Lighting

Unless required by the Federal Aviation Administration, no lighting of towers is permitted. In any case where a tower is determined to need obstruction marking or lighting, the applicant must demonstrate that it has or will request the least visually obtrusive marking and/or lighting scheme in FAA applications. Copies of required FAA applications shall be submitted by the applicant. Heights may be reduced to eliminate the need for lighting or another location selected.

All exterior lighting, existing and proposed, shall be shown on the site plan. All lighting shall be shielded so that the light source itself is not visible from adjacent properties or roadways. It is not the intent to stop all illumination of nearby areas, but to keep it from directly shining on the adjacent properties or roadways. Flood lighting and lighting of high intensity are discouraged. A minimum amount of site area lighting is desired.

4538 Signage

No commercial signs or lettering shall be placed on a tower or facility. Signage shall be limited to that required by federal or state regulation, needed to identify the owner, and warn of danger.

4539 Historic Buildings

Any communications facilities located within or on a historic structure as defined by this Bylaw or listed as a contributing structure on the National Register of Historic Places shall not alter their character defining features, distinctive construction methods, or original historic materials of the building. Any alteration made to a historic structure to accommodate a communication facility shall be fully reversible, and in the case of structures located within the DHD shall meet the requirements of sections 4800 and 4900 of this Bylaw.

4540 Open Areas

Ground-mounted facilities shall not be located within open areas that are clearly visible from public roads or neighboring properties. A buffer of dense tree growth as per section 4535(C) shall surround all ground-mounted wireless service facilities.

4541 Maintenance Requirements

The Applicant shall maintain all facilities in good condition. Such maintenance shall include, but not be limited to painting, structural integrity and landscaping.

4542 Facility Removal

Abandoned, unused, obsolete, or noncompliant towers or facilities governed under this bylaw shall be removed as follows:

- A. Abandoned or unused towers or facilities shall be removed within 180 days of cessation of operations at the site unless a time extension is approved by the Development Review Board. In the event the tower or facility is not removed within 180 days of the cessation of operations at a site, the municipality shall notify the owner and may remove the tower or facilities. Costs of removal shall be assessed against the property or tower owner.
- B. Removal shall include, but not be limited to:
 - 1. Removal of antennas, mount, equipment shelters and security barriers from subject property.
 - 2. Proper disposal of the waste materials from the site in accordance with State of Vermont requirements.
 - 3. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain.
- C. The Applicant shall, as a condition of the conditional use permit, provide a financial surety bond or other security acceptable to the Selectboard, to finance facility decommissioning, or dismantling activities and disposal. The bond shall be reviewed at three year intervals by the Selectboard to determine whether it is of sufficient amount to adequately cover the costs of decommissioning or dismantling and disposal. If determined insufficient, the Selectboard may require an increase in the amount of the bond.

4543 Fees

Fees may include the reasonable costs of an independent technical assessment of the application that may be incurred during the review and permitting process.

4544 Amateur Radio & Receive Only Antennas

This section shall govern any tower, or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

Amateur radio towers are considered to be accessory uses. Amateur radio towers closer to plot lines than regular district yard requirements or whose height is greater than its distance from a lot line may be erected but only with issuance of a conditional use permit. However, no part of a radio tower installation shall be located closer than ten feet to a lot line.

4545 Retail Stores

Retail stores in residential districts, including the Meeting House Historic District, shall not exceed 2,000 square feet in building area including storage and office area associated with the retail use.

The retail use shall be owned and operated by the occupant of the residence, and shall be an accessory use to an owner-occupied single family residential use. The business may be located in an attached or detached

accessory building. Lot area shall be a minimum of two acres. *[Amended April 3, 1989 to include MHHD, Effective April 24, 1989. Amended generally July 7, 1998, Effective July 28, 1998. Amended August 7, 2007 changing section number; Effective August 28, 2007]*

4546 WATCHPERSON'S & CARETAKER'S RESIDENTIAL UNITS

In the Commercial-Industrial and Industrial 14 zoning districts a minor residential accessory use to a nonresidential use, such as a watchperson's apartment or caretaker's quarters, is allowed. The residential unit must be contained within the primary structure, except as otherwise allowed within a Planned Unit Development. *[Amended July 7, 1998, Effective July 28, 1998 added section. Amended August 7, 2007 changing section number; Effective August 28, 2007]*

4550 GASOLINE STATIONS

In all districts where allowed, gasoline or motor vehicle service stations shall comply with the following:

- A. [Deleted]
- B. Lot size shall be a minimum of 20,000 square feet, or the district minimum, whichever is greater.
- C. Lot frontage shall be a minimum of 150 feet, or the zoning district minimum, whichever is greater
- D. Lot depth shall be at least 125 feet or the district minimum, whichever is greater.
- E. Pumps, lubricating and other services devices, and above-ground tanks shall meet setback minimums for the zoning district in which located.
- F. Small container storage, including for example, oils, lubricants, solvents, antifreeze and other hazardous materials, and underground tanks shall be stored outside the landscape buffer zone and away from the flow of traffic.
- G. Underground storage tank vent pipes shall be located to minimize off-site discharge of gasoline vapors and fumes.
- H. [Deleted]
- I. There shall be no more than two access driveways per street, and no more than a total of four per lot. The maximum width of each access driveway shall be as established in the Town of Rockingham Highway Specifications, as amended.
- J. A suitable landscaped area shall be maintained at least fifteen feet in depth around all lot boundaries not used as driveway. See also section 3400.
- K. All automobile parts and dismantled vehicles shall be stored within a building, only minor repair work is to be done outside the building. *[Amended section generally July 7, 1998, Effective July 28, 1998.]*

4560 EXTRACTION OF SOIL, SAND, OR 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.

- A. Before approval of any new or extension to a sand or gravel operation, a rehabilitation plan must be submitted and be found 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 or proposed improvements to accomplish this end.

- B. Extension of an existing non-conforming operation may continue on a temporary basis with approval of the Development Review Board.
- C. The Development Review Board may attach any additional conditions as it may find necessary for the safety and general welfare of the public including but not limited to the submission of a bond, escrow account, or other surety in a form acceptable to the Selectboard to assure the completion of the project, adequate stabilization, and/or protection of public facilities which may be affected by a project. *[Amended August 7, 2007; Effective August 28, 2007]*

4570 PUBLIC UTILITY and SUBSTATIONS

Public utility and substations and similar utility structures, where permitted, shall comply with the following:

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

4580 RESIDENCE OFFICE

- A. A residence office shall meet the following specific conditions in addition to the general conditions under Section 1413:
 - 1. There shall be regularly no more than three persons, including the occupant(s), working at or from said office;
 - 2. Adequate off-street parking for residents, employees and customers shall be provided as required by Section 3200;
 - 3. Landscape buffer zones may be required as necessary to protect abutting residential properties;
 - 4. There shall be no outward appearance change or variation from the residential character of the principal and accessory buildings, and no outside storage of materials or equipment, or outside display except for a sign as permitted by this bylaw;
 - 5. There shall be only occasional step-van delivery and shipment of supplies or products;
 - 6. The business shall be conducted wholly within the principal or accessory buildings;
 - 7. The conditional use permit issued for a residence office shall be personal to the occupant only at that location and shall not attach to the land or buildings.
- B. A residence office which grows to exceed the definition and criteria of a residence office shall be required to relocate to a district in which the activity is a permitted or conditional use. *[Amended: new section added December 22, 1986, Effective January 12, 1987.]*

4590 ENCLOSED STORAGE

Enclosed storage in Residential 7, Residential 14, and Saxtons River zoning districts shall meet the following specific requirements in addition to the general conditions under Section 1413:

- A. The residential use of the property shall continue.

- B. The storage use shall be only secondary and accessory to a residential use on the same lot. The storage area shall be limited to a minor portion of the buildings.
- C. The enclosed storage use shall not change the residential character of the property. There shall be no outward appearance change or variation from the residential character of the principal and accessory buildings.
- D. All storage shall be inside a building. There shall be no outside storage of materials, equipment, or outside display.
- E. There shall be no additional lighting on the property except that suitable for residential use.
- F. The storage use shall not utilize parking necessary for the residential use and shall not block access to the residential parking.
- G. There shall be adequate space on the lot for on-site parking for deliveries and pick-ups and employees accessing the storage area.
- H. Deliveries to the enclosed storage area shall be made by van-type vehicles only. No deliveries shall be made by tractor trailer trucks or semi-tractor trailer units.
- I. The storage area shall be accessed only by employees of the business. There shall be no visits from sales representatives to the storage site.
- J. The hours of access to the storage area shall be reasonable for a residential neighborhood. Regular use of the storage area shall be intended for weekdays.
- K. No traffic shall be generated in greater volumes than would normally be expected in the area.
- L. No work shall be conducted at the site.
- M. The enclosed storage area shall not include showroom space, storage of trucks exceeding $\frac{3}{4}$ tons, sales from the store area, storage of hazardous, toxic or highly flammable materials, office use, or telephones other than an intercom telephone.
- N. There shall be no appreciable noise from the use or from traffic generated by the use.
- O. A permit issued for enclosed storage in the above residential zoning districts shall be issued for a period of one year only.
- P. An applicant shall re-apply and seek approval annually for continued enclosed storage use.
- Q. A permit issued for enclosed storage in the above residential districts shall be personal only to the applicant at that location and shall not attach to the land or buildings. *[Amended adding new section re: enclosed storage May 2, 1988, Effective May 23, 1988.]*

4700 DOWNTOWN DESIGN REVIEW DISTRICT

4710 PURPOSE

The natural beauty and the visual and historic character of the Town represent an important asset to the community by providing a source of pleasure for both residents and visitors, and also by contributing substantially to the economic base of the community and to its tax base. In order to protect these characteristics, it is necessary to encourage high quality building design and construction that enhances the visual quality of the Downtown District, protects neighborhood and community character, fosters the economic well-being of the community, and encourages sensitivity to natural, architectural, cultural and

historic resources. The standards established by this Article supplement and do not supersede other requirements of these regulations. The standards of this Article shall apply to site plans, planned developments and other applications for development approval as required by these regulations.

4711. ENABLING LEGISLATION

In accordance with 24 V. S. A. Chapter 117 4414(1) (E), the Downtown Design Review District has been created to guide development in areas with particular historical, architectural, urban design, visual and cultural significance. *[Amended August 7, 2007; Effective August 28, 2007]*

4712 GOALS OF THE DISTRICT

The Design Goals of the Downtown Design Review District are as follows:

- A. To promote the use of buildings and property in a manner that benefits the community and individual property owners, while preserving those features that have architectural, historic, or cultural merit.
 - B. To encourage public and private investments that may result in a positive contribution to visual harmony and economic vitality, and protect these assets for future generations.
 - C. To attract visitors and encourage tourism by enhancing the visual character of the community.
 - D. To support and encourage changes to buildings and property which respect generally accepted design principles.
 - E. To accommodate growth within the community and maintain the community character which attracts it.
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4713 DISTRICT BOUNDARIES

The Downtown Design Review District Boundaries are illustrated on the map entitled “Downtown Design Review District.” These boundaries coincide with the Designated Downtown District. The Design Review District encompasses the Central Business District in its entirety and portions of the Industrial and the Central Business Expansion Districts.

4713.1 Design Sub-Districts

The following sub-districts have been established, recognizing that each district will have different, but related, guidelines and criteria given the uses and existing buildings in the particular sub-district. The term sub-district refers to that portion of the district that falls within the Downtown District and therefore is subject to design review.

Central Business Sub-District (Zoning District CB 7)

The Central Business sub-district can be divided into three distinct neighborhoods: the downtown commercial core, a transitional area leading into the downtown core, and a small residential area located on Canal Street.

The downtown core has the greatest concentration of traditional commercial storefronts aligned along the sidewalk of Rockingham Street, Canal Street, and Bridge Street in the area known as The Square. The

majority of the buildings were built during the late 19th century and display characteristics of the Italianate, Second Empire, Romanesque, and Queen Ann style. Interspersed among those buildings are scattered examples of earlier vernacular Federal and Greek revival styles. Red brick is the predominant building material in the downtown core, however there are buildings sheathed in wood, tin and other materials. Most structures are two to three stories in height, although an occasional one-story building can be found. Some of the upper stories are used for residential purposes. There are little to no side setbacks. Roof forms in the downtown core appear predominantly flat, reflecting horizontal cornices and moldings of traditional commercial structures. Unifying façade components include storefront display windows, defined entrances, and sign bands. Additionally, the majority of upper story windows are vertically proportioned, with wood frame and sash. Most upper story windows are spaced in a uniform pattern. Street trees line the sidewalks and on-street parking is provided. Flush mounted signs and projecting signs represent the majority of signs found in the downtown core.

In the transition area, the downtown core changes to wood frame commercial blocks along the incoming streets of Rockingham, Canal and Westminster Streets. There is a mix of wood, vinyl, and concrete block building materials used. Parking lots can be found on Westminster Street and on the west side of the Rockingham Street, just north of The Square.

On Canal Street, a row of 19th century detached brick and wooden 1 ½ story houses, with gable ends facing the street, align along the street. Small landscaped yards and residential parking areas are located on the sides of the residences.

Industrial Sub-District (Zoning District IND 14)

The Industrial sub-district encompasses the entire island as well as a portion of land off of Mill Street. Red brick is the predominant building material, however renovations and expansions to buildings have introduced other materials to the district. The roofs are generally flat. Historically, the island was a hub of manufacturing. While industrial uses are still prevalent, commercial activities, including tourism, have expanded into the district. The parcels are large and there is open space due to demolition of buildings and municipal parking lots. The island serves as an intermodal transportation center with rail transportation having a strong presence. The east end of Bridge Street serves as a gateway to the Central Business sub-district.

Central Business Expansion Sub-District (Zoning District CBE-14 and part of Zoning District R-7)

The Central Business Expansion sub-district extends in a linear fashion to the north and south of the Central Business sub-district. These are areas that serve as transition zones between the Central Business sub-district and residential areas. They are areas with a mix of new commercial structures and large residential structures that have been, or have the potential to be, converted to commercial and institutional uses. The lots are generally larger and parking is often provided on site, usually within the side setback. The height of the buildings generally decrease the further away from the Central Business District the building is located. Most of the converted residential structures are 2 ½ stories with the newer commercial buildings being only one story with flat roofs. The roofs along Westminster Street are predominately gable and mansard. The

structures are generally masonry and wood framed buildings that have been sheathed in various materials such as clapboard, vinyl, brick, and concrete block. The northern section of the sub-district has open views to the river.

4714 REVIEW PROCESS

- A. **Proposals that Require Design Review.** Within the Design Review District no structure may be erected, reconstructed, substantially altered, restored, moved, demolished, or changed in use or type of occupancy without review of the design plans by the Administrative Officer and approval of design plans by the Development Review Board. Mechanical equipment, utility connections, trash storage, and fencing that will be located on the property are subject to design review. Development, renovation or demolition may commence only if one of the following criteria is met:
 - 1. The proposed development is an exempt activity as defined below; or
 - 2. The Development Review Board has granted Design Review approval and a zoning permit for the project has been issued by the Administrative Officer. In the cases of new land development, Design Review Approval can be sought at the same time as Site Plan Review Approval.
- B. **Exempt Development.** The following land development is exempt from Design Review Approval requirements:
 - 1. The subdivision of land;
 - 2. Changes in use that do not cause any exterior changes in appearance of the building;
 - 3. The repair or replacement of architectural features using materials of identical composition, type and appearance;
 - 4. Exterior changes due to vegetation on structures;
 - 5. The removal of signs;
 - 6. Storm windows;
 - 7. Satellite dishes which are less than 3 feet in diameter; and
- C. **Interior renovations** (the alteration to doors or windows, located on exterior walls, is not an exempt activity).
- D. **Minor Alterations.** The Administrative Officer may issue a permit for these alterations after administratively reviewing the design. These alterations may not require Development Review Board review:
 - 1. New or modified retractable awnings;
 - 2. One 8 x10 storage accessory building per lot;
 - 3. Modifications to a Design Review permit which, in consultation with the Development Review Board chair, is determined to be minor in nature;
 - 4. Storm doors that do not require permanent alteration to the door opening;
 - 5. Storm windows that do not require permanent alteration to the window openings and where all visually-related windows on the same façade receive the same storm window treatment;
 - 6. The siting of transformers, meters, bollards, and pipes;
 - 7. Above ground storage tanks not exceeding a total of 500 gallons per property;

8. Alteration to doors or windows to comply with Americans with Disabilities Act (ADA) or National Fire Protection Association (NFPA) Codes & Standards;
 9. Changes in use that do not require any modifications to the site or structure other than those listed herein as Minor Alterations;
 10. Changes in types of occupancy that do not require any modifications to the site or structure other than those listed herein as Minor Alterations.
- E. Review by the Administrative Officer. The Administrative Officer shall, within 30 days of receiving a complete application, either issue a zoning permit, submit it to the Development Review Board for review if the project is deemed major, or deny the zoning permit. All non-substantial alterations are deemed minor and the Administrative Officer may issue a zoning permit for these alterations after administratively reviewing the design.
 - F. Plan Revisions. The Administrative Officer may request that additional information be submitted as part of the application for further review by either the Administrative Officer or the Development Review Board. The additional information could include physical samples or pictures of building materials.
 - G. Development Review Board Review Action. The Development Review Board shall act to approve, approve with conditions, or deny the proposed plans.
 - H. Time Limit on Decisions. The application is considered to be received by the Development Review Board on the date of the Development Review Board meeting at which the application is first considered. The Development Review Board shall act to approve or deny any application for design review approval within 45 days after the adjournment of the hearing. Failure to act within this period shall be deemed approval.

4714.1 Required Application Materials

- A. Required Materials. In addition to the materials required by section 1321 of this bylaw, any application for construction, reconstruction, or alteration of any structure in the Design Review District shall include the following:
 1. A written description of proposed work;
 2. Current color photographs showing the site and affected structures, all sides, neighboring structures with subject in photo and relevant details;
 3. Elevation drawings showing the sides of the buildings where the proposed work will take place must be submitted. These drawings do not need to be drawn by an architect, but must be drawn to scale, easy to read and must include architectural details. Physical samples of building materials would be helpful for review; and
- B. Optional Materials. The Development Review Board may require an applicant to submit additional information including samples or pictures of roofing, siding, windows, etc. that might be relevant for a clear understanding of a proposal.

4714.2 Review Criteria

In its consideration of approval of plans requiring design review approval, the Development Review Board shall make the following findings:

- A. New additions and alterations respect the architectural integrity of the structure in regards to materials, features, size, scale, proportion, and massing of the structure.
- B. The basic design of the structure, alteration or addition is compatible with its surrounding and is appropriate for the particular Design Review sub-district in which it is being proposed;
- C. Building exteriors are compatible with the subject structure and other properties within the Design Review sub-district; and
- D. The location and appearance of all signs, mechanical equipment, utility connections, trash storage, and fencing that will be associated with the property have been sited to minimize adverse visual impact in the sub-district.

4715 EMERGENCY REPAIRS

Emergency repairs are those repairs made necessary by an unanticipated failure of systems or materials, presenting immediate threat to public safety, a structure or its contents. Prior review of such repairs is not required. Emergency repairs shall be accomplished in a manner which avoids or minimizes damage to exterior finishes and features. However, if the repair is not made with in-kind materials and to the same structural design as prior to the emergency, the property owner shall have sixty-days to make application for design review approval by the Development Review Board. Extensions to the sixty-day time period may be granted by the Development Review Board on a case-by-case basis. The applicant must submit a request for extension in writing to the Development Review Board.

4716 DEMOLITION

4716.1 Emergency Review for Demolition

In the case of a structure which is damaged by fire, wind, or any other casualty so as to be dangerous to life of safety and/or is in danger of imminent collapse or which has parts thereof so attached that they may fall, the Administrative Officer shall promptly forward upon receipt, an application for the demolition and/or dismantling of such structure or parts thereof to the Development Review Board. The Development Review Board shall promptly hold a special meeting to review the application based upon the criteria set forth in Section 4716.2 or Section 4716.3, whichever applies.

4716.2 Demolition of Non-Historic Structures

- A. Applicability. The demolition or replacement of any structure or portion thereof or any application which involves demolition of such structures within the Design Review District shall be reviewed by the Development Review Board.
- B. Required Application Materials. The application shall include:

1. Current color photographs showing the site and affected structures, all sides, neighboring structures with subject in photo and relevant details;
 2. A written statement from the applicant indicating the reasons the applicant is seeking to demolish same, and information on the age and prior uses or renovations to the building; and
 3. A demolition and site restoration plan which, at minimum, describes the intended use of the site; and the manner in which the site is to be restored to grade, surfaced, landscaped and/or screened to minimize adverse visual impacts, and secured to prevent hazards to public safety and adjoining properties.
- C. Standards for Determination. In order for the demolition of a non-historic structure to occur, the Development Review Board must:
1. Determine that any such structure is not historically significant or otherwise worthy of preservation; and
 2. Approve the demolition and site restoration plan.

4716.3 Demolition of Historic Structures

- A. Applicability. The demolition of any structure or portion thereof listed on the National Register of Historic Places Inventory is prohibited unless the Development Review Board reviews and approves the demolition.
- B. Required Application Materials. The application shall include:
1. Current color photographs showing the site and affected structures, all sides, neighboring structures with subject in photo and relevant details; and
 2. A demolition and site restoration plan which, at minimum, describes the intended use of the site; and the manner in which the site is to be restored to grade, surfaced, landscaped and/or screened to minimize adverse visual impacts, and secured to prevent hazards to public safety and adjoining properties; and documentation that rehabilitation of the structure would cause undue financial hardship to the owner; or that demolition is part of a development plan that would provide clear and substantial benefit to the community; and
 3. Additional materials, as listed below in the Additional Information for Determining Undue Financial Hardship.
- C. Standards for Determination. In order for the demolition of a historic structure to occur, the Development Review Board must find that:
1. Retention of the structure is not feasible because it is structurally unsound (based on the Determination of Structural Soundness criteria below); or
 2. Rehabilitation of the structure or portion thereof would cause undue financial hardship which includes the determinations in the sections below; or
 3. Demolition is part of a site development plan and design plan (if applicable) that would provide clear and substantial benefit to the community.
- D. Determination of Structural Soundness. In order for the Development Review Board to deny a permit to dismantle, move, or demolish a structure deemed to be significant, the Development Review Board shall make findings based on an analysis of the structure by a structural engineer showing that it is structurally

sound and possible to repair. The cost of the analysis shall be evenly allocated between the Town and the applicant. A mutually acceptable engineer will be hired by the Town of Rockingham to perform the structural analysis. The Development Review Board may consider the financial cost of rehabilitation or retention of the structure in making its determination.

- E. Determination of Undue Financial Hardship for Income Producing Historic Structures. The applicant must provide clear and convincing evidence that any reasonable return cannot be obtained from the structure without approval of the request for demolition or for new construction. In order to show that a reasonable return cannot be obtained, the applicant must show that:
 - 1. The structure is not capable of providing any reasonable return; and
 - 2. Efforts to sell or lease the structure have been fruitless; and
 - 3. The costs to rehabilitate the structure are such that any reasonable return on such investment is not achievable.
- F. Determination of Undue Financial Hardship for Non-income Producing Historic Structures. The applicant must provide clear and convincing evidence that the property or structure cannot be put to any reasonable beneficial use without approval of the request for demolition or for new construction. In order to show that the beneficial use of the structure cannot be obtained, the applicant must show that:
 - 1. The structure cannot now be put to any beneficial use; and
 - 2. Efforts to sell or lease the structure have been fruitless; and
 - 3. It is not economically feasible to rehabilitate the structure.
- G. Additional Information for Determining Undue Financial Hardship. An applicant seeking a financial hardship may be requested to provide the following information pertaining to the historic structure.
 - 1. Financial Information. Purchase price, date, and seller, including relationship if any; copy of current deed; current assessed value of land and improvements; annual gross income of property, if applicable; operating and maintenance expenses; real estate taxes, if applicable; annual cash flow from property; other federal income tax deductions, if applicable; any and all appraisals; all listing for sale or rent in the past 2 years; prices asked and offer received, including broker's testimony; profitable and adaptive reuses considered, as applicable; tax returns on or relating to property.
 - 2. Determination of Reasonable Return/Feasibility of Beneficial Uses. Report from licensed architect or engineer regarding condition of structure; identification of alternative uses; cost estimates associated with rehabilitation for reasonable uses, including the scope of work upon which the cost estimate is based; pro forma of projected revenue and expenses for use or reuse of existing improvements, including the use of any tax credits, if applicable; estimate of current market value of property with land and existing improvements as is; estimate of Internal Rate of Return based upon pro forma of income and expenses, including tax credits and estimate of equity investment, if applicable; such other information as the Development Review Board may reasonably request.
- H. Conduct to be excluded from Review of Undue Financial Hardship. Demonstration of undue financial hardship by the owner shall not be based on conditions caused by or resulting from the following:
 - 1. Willful or negligent acts by the owner; or
 - 2. Purchasing the property for substantially more than market value at the time of purchase; or
 - 3. Failure to perform normal maintenance and repairs; or

4. Failure to diligently solicit and retain tenants; or
5. Failure to prescribe a reasonable rental amount; or failure to provide normal tenant improvements.

4717 COMPLETION OF APPROVED WORK

All work, for which a zoning permit has been issued within the Design Review District, shall be completed within two years of the start of the project.

4717.1 Maintenance of Approved Alterations

A failure to maintain development as approved within the Design Review District shall be deemed a violation of the zoning permit.

4718 SPECIFIC GUIDELINES

4718.1 Specific Guidelines for the Central Business Sub-District

- A. Alterations or Additions in the Central Business Sub-District
 1. Alterations and additions to an existing structure shall be compatible with the existing structure.
 2. Alterations and additions to an existing structure shall be designed to be compatible with the existing building in massing, height, form, scale, proportion, and roof shape as well as the visual and spatial character of the building's setting.
 3. Windows and Doors
 - a. Windows and doors for alteration or additions shall be similar in configuration, materials, and proportion with the windows and doors of the existing building. Vinyl-clad wood windows of the same style are acceptable replacements for wood windows.
 - b. On facades facing a public street, windows should be chosen and located to provide the appearance of a solid wall containing a regular pattern of openings, whether grouped or regularly spaced. Random patterns of window placement and window sizes shall be avoided.
 - c. The addition, covering over, or removal of a window or door opening on any facade visible from a public street of any historic building shall not be permitted.
 - d. Storm windows are permitted. Storm windows should be placed on the inside where possible. If exterior storm windows are proposed, the frames of the storm windows shall align with frames of the windows they protect and all visually related windows on the same façade shall receive storm windows.
 - e. Mirrored glass or severely tinted glass will not be approved.
 - f. Shutters are permitted where historically appropriate to the architecture of the building. Aluminum or vinyl shutters may be approved if they adequately simulate wood. Shutters shall be the size of the inside window frame, extending from just below the top of the window to just above the sill. Shutter size and shape not appropriate to the window size and shape will not be permitted. For example, rectangular shutters will not be permitted on arched windows.

4. The exterior materials and finishes of the addition or alteration shall be characteristic of the existing building with regard to composition, texture, pattern, detail and color. However, if the applicant can prove that it both contributes to the style and compliments the appearance of the Central Business sub-district, different types of siding materials may be mixed.

5. Roofs

- a. Roof forms and pitch shall not be altered on the main façade. The location of mechanical equipment related to building function will not be considered as altering the roof form or pitch.
- b. Different roofing materials shall not be mixed on a given structure when visible from public streets or ways.
- c. Skylights may be used on non-residential structures only when they are inconspicuous and cannot be viewed from public streets or sidewalks.
- d. Mechanical equipment, utility structures, exposed storage areas, truck loading areas, and similar accessory structures shall be screened if feasible.
- e. In order to preserve the appearance of the Central Business District, modern appliances and accessories, such as satellite dishes, swimming pools, dumpsters, and chain link fencing shall be carefully placed and screened from view where possible so as to minimize the visual impacts on the sub-district.
- f. Alterations to buildings called for by public safety, handicapped access, and fire codes shall be designed to maintain the character of the construction materials and features.

- B. New Construction in the Central Business Sub-District

1. New structures shall present an architecturally consistent appearance that is compatible with the adjacent and neighboring structures.
2. New designs shall minimize significant appearance differences in massing between new and adjacent or neighboring structures.
3. New buildings shall have a visible notation of the year of construction on the exterior of the building. This notation shall not conflict with Emergency 911 addressing.
4. Location on lot
 - a. To provide a uniform streetscape, new principal structures shall be located with their fronts parallel to the street and setback a distance comparable to adjacent structures.
 - b. Free standing accessory buildings or attachments shall be located to the rear or side of the main structure so that they do not detract from the streetscape.
5. Exteriors
 - a. Materials for new construction shall be visually compatible with the types and textures of materials used within the District.
 - b. The chosen siding material should be used exclusively over the entire structure, however, if the applicant can prove that it both contributes to the style and compliments the appearance of the Central Business sub-district, different types of siding materials may be mixed.
 - c. Architectural features shall be incorporated into the design of the building and be consistent with those of adjacent and neighboring structures. Should a specific architectural style be proposed, elements consistent with that style shall be incorporated into visible facades.

6. Windows
 - a. Windows on the front of a structure shall be regularly spaced or grouped. Vertically hung windows are encouraged.
 - b. Mirrored glass or severely tinted glass will not be approved.
 - c. Shutters are permitted where historically appropriate to the architecture of the building. Aluminum or vinyl shutters may be approved if they adequately simulate wood. Shutters shall be the size of the inside window frame and shall be attached to the window frames, extending from just below the top of the window to just above the sill. Shutter size and shape not appropriate to the window size and shape will not be permitted. For example, rectangular shutters will not be permitted on arched windows
7. Different roofing materials shall not be mixed on a given structure when visible from public streets or ways.
8. Front entrances shall be located on a prominent façade and the size and style should clearly identify the formal entrance to the structure.
9. Mechanical equipment, utility structures, exposed storage areas, truck loading areas, and similar accessory structures shall be screened if feasible.
10. In order to preserve the appearance of the Central Business District, modern appliances and accessories, such as satellite dishes, swimming pools, dumpsters, and chain link fencing shall be carefully placed and screened from view where possible so as to minimize the visual impacts on the sub-district.

4718.2 Specific Guidelines for the Industrial Sub-District

- A. Alterations or Additions in the Industrial Sub-District
 1. Alterations and additions shall be compatible with the existing building and site in terms of massing, height, form, scale, proportion and roof shape.
 2. On facades facing a public street, windows should be chosen and located to provide the appearance of a solid wall containing a regular pattern of openings, whether grouped or regularly spaced. Random patterns of window placement and window sizes shall be avoided. It is not appropriate to add, cover over, or remove a window or door opening on facades visible from a public street or way unless the applicant can show it is essential to operations occurring within the building.
 3. Material and finishes should be characteristic of the existing building. Newer, synthetic materials may be considered, if they appear similar in character and detailing as existing materials in the sub-district and have a demonstrated durability in this climate.
 4. Freestanding accessory buildings or attachments shall be located in the least conspicuous location if possible.
 5. Different roofing materials shall not be mixed on a given building when visible from public streets or ways.
- B. New Construction in the Industrial Sub-District
 1. Principal buildings should be oriented towards the street and sited in conformity with the building setbacks or principal buildings on abutting properties where possible.

2. Freestanding accessory buildings or attachments shall be located in the least conspicuous location if possible.
3. Proposed exterior materials shall be compatible with other materials in the sub-district. Newer, synthetic materials may be considered, if they appear similar in character and detailing as existing materials in the sub-district and have a demonstrated durability in this climate.
4. Mechanical equipment, utility structures, exposed storage areas, truck loading areas, and similar accessory structures shall be screened if feasible.

4718.3 Specific Guidelines for the Central Business Expansion Sub-District

A. Alterations or Additions in the Central Business Expansion Sub-District

1. Alterations and additions shall be compatible with the existing building and site in terms of massing, height, form, scale, proportion and roof shape.
2. Windows and Doors
 - a. On facades facing a public street, windows should be chosen and located to provide the appearance of a solid wall containing a regular pattern of openings, whether grouped or regularly spaced. Random patterns of window placement and window sizes shall be avoided. It is not appropriate to add, cover over, or remove a window or door opening on facades visible from public streets.
 - b. Vinyl-clad wood windows of the same style are acceptable replacements for wood windows.
 - c. Storm windows are permitted. If the storm windows are placed on the exterior, the frames of the storm windows shall align with frames of the windows they protect and all visually related windows on the same façade shall receive storm windows.
 - d. Mirrored glass or severely tinted glass will not be approved.
 - e. Shutters are permitted where historically appropriate to the architecture of the building. Aluminum or vinyl shutters may be approved if they adequately simulate wood. Shutters shall be the size of the inside window frame, extending from just below the top of the window to just above the sill. Shutter size and shape not appropriate to the window size and shape will not be permitted. For example, rectangular shutters will not be permitted on arched windows.
3. Exteriors
 - a. Exterior material and finishes shall be characteristic of the existing building with regard to composition, texture, pattern, detail and color.
 - b. The chosen siding material should be used exclusively over the entire addition or alteration, however, if the applicant can prove that it both contributes to the style and compliments the appearance of the sub-district, different type of siding materials may be mixed.
4. Roofs
 - a. Roof forms and pitch shall not be altered on the main façade. The location of mechanical equipment related to building function will not be considered as altering the roof form or pitch.
 - b. Different roofing materials shall not be mixed on a given structure when visible from public streets or ways.

- c. Skylights may be used on non-residential structures only when they are inconspicuous and cannot be viewed from public streets or sidewalks.
- B. New construction in the Central Business Expansion Sub-District
 - 1. New structures in the Central Business Expansion Sub-District shall preserve the character of the sub-district and be compatible with existing neighboring buildings and land patterns. Siting, massing, scale, and materials will be among the factors considered in evaluating compatibility with the immediate neighborhood.
 - 2. Windows:
 - a. Mirrored glass or severely tinted glass will not be approved.
 - b. Shutters are permitted where historically appropriate to the architecture of the building. Aluminum or vinyl shutters may be approved if they adequately simulate wood. Shutters shall be the size of the inside window frame and shall be attached to the window frames, extending from just below the top of the window to just above the sill. Shutter size and shape not appropriate to the window size and shape will not be permitted. For example, rectangular shutters will not be permitted on arched windows.
 - 3. Proposed exterior materials shall be compatible with other materials in the sub-district. Newer, synthetic materials may be considered, if they appear similar in character and detailing as existing materials in the sub-district and have a demonstrated durability in this climate.

4718.4 Specific Guidelines for Murals

All murals to be located within the Design Review District shall require Design Review approval. For the purposes of this bylaw murals consist of painting, mosaic or relief work applied directly or mounted to exterior walls, facilities or structures for decorative purposes that contain no trademarks, corporate logos, words or letters, and therefore not a sign. A mural and a permitted wall sign may be combined on the same wall. In such applications, the sign will also be reviewed for conformance with the Section 4716.4.

- A. The location and scale of a mural shall be in keeping with and enhance the building, wall, or structure on which it is located as well as the local environment.
- B. The mural should contribute to the visual quality of the Downtown District.
- C. A mural should not be permitted where any adjacent sign or development may detract from the appearance or effectiveness of the mural.
- D. Murals are not permitted on facades that parallel public streets. *[Amended Jan. 4, 2005 adding §4700, DDRD, Effective Jan. 25, 2005.]*

4800 HISTORIC DISTRICTS

4810 PURPOSE

In order to promote the public health, safety, and other aspects of the general welfare, it is the policy of the Town of Rockingham to preserve and to enhance structures, sites, areas, and districts within the Town having historic, architectural or cultural significance.

The purposes of this section of the zoning bylaw are to:

- A. Safeguard the heritage of the Town by providing for the protection of the structures/areas representing significant elements of its history;
- B. enhance the visual character of the Town by encouraging and regulating the compatibility of architectural styles within Historic Districts reflecting unique and established architectural traditions;
- C. Foster public appreciation of and civic pride in the beauty of the Town and the accomplishments of its past;
- D. Strengthen the economy of the Town by protecting and enhancing the Town's attraction to residents, tourists, and visitors, and visitors;
- E. Stabilize and improve property values within the Town;
- F. Promote the private and public use of structures/areas within Historic Districts for the education, prosperity and general welfare of the community.

4811 HISTORIC DISTRICT ZONES

Historic District Zones may be overlaid upon the other zoning districts established in this zoning bylaw or may be separate free-standing zoning districts. The regulations and procedures of Section 4800, Historic Districts, shall apply in addition to the regulations of the underlying districts and other applicable ordinances.

Procedures for designation of local historic districts shall be in conformance with Vermont Statutes Annotated, Title 24, Section 4414(1) (F). *[Amended August 7, 2007; Effective August 28, 2007.]*

4812 CRITERIA

Criteria for the designation of local historic districts:

Historic Districts shall include structures and areas of historic or architectural significance, and may include distinctive design or landscape characteristics, areas and structures with a particular relationship to the historic and cultural values of the surrounding area, and structures whose exterior architectural features bear a significant relationship to the remainder of the structures or to the surrounding area.

The historic district designation may apply to designation of individual landmarks as well as to designation of historic districts. A landmark is any individual building, structure, or site having by itself a special historic, architectural, or cultural value.

4813 BOUNDARIES

Boundaries shall be shown on the zoning map as from time to time adopted and/or amended. The historic district may coincide with, cross, or include all or part of one or more of the underlying districts. A district may include a large area with many historic properties, or a limited area with only one historic property.

4814 USES

Uses, permitted or conditional, in the particular freestanding historic district or in the underlying zoning district, as applicable, are allowed.

4815 PERMIT

With respect to external appearances, and other than normal maintenance, no structure within an historic district shall be rehabilitated, substantially altered, restored, or changed, no new structure within an historic district shall be erected, and no structure designated historical under Section 4920 or 4940 may be moved, demolished, or dismantled, without first obtaining a zoning permit after approval of the plans by the Development Review Board in the manner prescribed in this section. Activities requiring review as enumerated under subsection 4818.1 shall also require a zoning permit and approval by the Development Review Board. *[Amended Oct. 5, 1999 adding reference to section 4940. Effective Oct. 26, 1999.]*

4818 SCOPE OF REVIEW

4818.1 Activities Requiring Review

With respect to external appearances, and other than normal maintenance, no structure within a designated historic district may be substantially altered, restored, moved, or changed, and no new structure within an historic district may be erected, without approval of the plans therefore by the Development Review Board.

In addition to the above, activities requiring review include:

- A. Erection, construction, sandblasting, major repairs of, or any addition to, a building or structure;
- B. Demolition, dismantling or moving of a building or structure which has been designated historical in section 4920;
- C. Erection, alteration, or removal of any exterior, visible feature of a building or structure;
- D. Construction, reconstruction, or significant repair of any sidewalk, street, street light, traffic control device, pole, by a public agency or utility, including public buildings.
- E. Alteration, including grading, excavating, paving of a site, and/or removal of live trees with a diameter of nine inches and greater at four and one half feet from grade level for development, commercial or logging/lumbering purposes.
- F. Erection, placement, replacement or alteration, other than normal maintenance, of any sign which is subject to section 3300 of this bylaw. *[Amended section Oct. 5, 1999 adding reference to 4940, and exceptions included in subsections, Effective Oct. 26, 1999. Amended Jan. 4, 2005 deleting reference to DHD, Effective Jan. 25, 2005.]*

4818.2 Exceptions:

Activities not requiring review:

- A. Ordinary maintenance and repair of any architectural feature which does not involve a change in design, materials, or outer appearance or involve removal thereof.
- B. Painting or repainting of a building(s) or structure(s).

- C. Re-construction or repair of a structure existing prior to the effective date of Section 4800 (Historic Districts) and which is not included as a structure designated historical under section 4920, which is partially or wholly destroyed or damaged by fire, wind or other casualty. Such reconstruction or repair is limited to rebuilding to the same size (dimensions, height) and in like and kind.
 - D. Repair of an existing structure in use as part of an active agricultural operation in existence as of the effective date of Section 4800 (Historic Districts) and which does not include retail sales to the public.
 - E. Removal of live or dead trees for regular sugar bush maintenance or agricultural activity. *[Amended Oct. 5, 1999 adding reference to section 4940. Effective Oct. 26, 1999. Amended Jan. 4, 2005 deleting reference to DHD, Effective Jan. 25, 2005.]*
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4819 STANDARDS FOR REVIEW

4819.1 Criteria

The Development Review Board shall consider the following in its review of plans submitted:

- A. The historic or architectural significance of the structure, its distinctive characteristics, and its relationship to the historic significance of the surrounding area;
- B. The relationship of the proposed changes in the exterior architectural features of the structure to the remainder of the structure and to the surroundings area;
- C. The general compatibility of the proposed exterior design, arrangement, texture, and materials proposed to be used;
- D. The scale and general size of the buildings or structures in relationship to existing surroundings including consideration of such factors as the building's overall height, width, street frontage, number of stories, roof type, façade openings (windows, doors, etc.) and architectural details.
- E. Other factors, including yards, off-street parking, screening, fencing, entrance drives, sidewalks, signs, lights, and/or landscaping which might affect the character of any building within the district, and similar factors which relate to the setting for such structure or grouping of structures.
- F. Any other factors including the environmental setting and aesthetic factors which the Development Review Board deems to be pertinent. The Development Review Board may utilize and study the information provided in the Meeting House Historic District Report, Building Surveys and Guidelines Manual, the Design Review Resource Guide prepared for the Vermont Division for Historic Preservation, December 1997, or other guidance documents as appropriate, in reviewing applications. The information provided in these manuals is a guideline only, and is not controlling in the Development Review Board's decision.
- G. Modern Accessory Structures: Modern life introduces non-historic elements into an historic district which are necessary or have become convenient to modern life. In order to preserve the appearance of a Historic District, such modern appliances and accessories, such as satellite dishes, swimming pools, dumpsters, chain link fencing, should be carefully placed and screened from view where possible so as to

minimize the visual impact upon the Historic District. *[Amended Oct. 5, 1999 (f) generally, Effective Oct. 26, 1999. Amended Jan. 4, 2005 deleting reference to DHD, Effective Jan. 25, 2005.]*

4819.2 Review

When the Development Review Board is reviewing an application relating to an historic district the following shall apply:

- A. The Development Review Board shall be strict in its judgment of plans for those structures deemed to be valuable under subsection 4812 of this section and shall adhere to the guidelines provided in subsection 4818.
 - B. The Development Review Board is not required to limit new construction, alteration, or repairs to the architectural style of any one period, but may encourage compatible new design.
 - C. An application shall be approved only when the Development Review Board is satisfied that the proposed plan will not materially impair the historic or architectural significance of the structure or surrounding area.
 - D. If an application is submitted for the alteration of the exterior appearance of a structure or for the dismantling, moving or demolition of a structure deemed to be significant under subsection 4920, the Development Review Board shall meet with the owner of the structure to seek an economically feasible plan for the preservation of the structure.
 - E. In the case of a structure deemed to be significant under subsections 4812 and 4920, the Development Review Board may approve the proposed alteration, dismantling, moving or demolition despite subdivision 4819.2(b) of this section if retention of the structure is not feasible because it is structurally unsound. In order for the Development Review Board to deny a permit to dismantle, move, or demolish a structure deemed to be significant under subsections 4812 and 4920, the Development Review Board shall make findings based on an analysis of the structure by a structural engineer showing that it is structurally sound and possible to repair. The cost of the analysis shall be borne by the Town. The Development Review Board may consider the financial cost of rehabilitation or retention of the structure in making its determination. *[Amended Oct. 5, 1999 adding reference to section 4940, Effective Oct. 26, 1999. Amended Jan. 4, 2005 deleting reference to DHD, Effective Jan. 25, 2005.]*
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4820 APPLICATION PROCEDURE

The following procedure shall be followed in processing the application for approval of work covered by this section.

4820.1 Submission to the Administrative Officer

The applicant shall make written application to the Development Review Board through the Administrative Officer. The application shall include:

- A. Completed standard zoning application form.
- B. Written narrative description of the project.

- C. Drawings of sufficient clarity and detail that the Development Review Board will have a clear understanding of the appearance of the finished project.
- D. Any site plans, building plans, elevations, perspective sketches, photographs, building materials samples or other information reasonably required by the Development Review Board to make its findings shall be made available to the Development Review Board by the applicant.

4820.2 Submission to the Development Review Board

The Administrative Officer shall forward a completed application to the Development Review Board for review. The Development Review Board shall review the application at the next regularly scheduled meeting following fifteen days after acceptance of the application by the Administrator.

Written notice of the Development Review Board review date shall be given to each abutting property owner without regard to any public right-of-way.

Where a use is a conditional use, the review may be conducted on the same date as the warned hearing for the conditional use permit, if the applicant so agrees in writing.

The Development Review Board in its discretion, for applications it deems necessary, may require notice of the hearing to be published in a newspaper of general circulation in the Town following the procedures of V.S.A., Title 24.

Emergency review by Development Review Board: In the case of a structure designated historical under Section 4920 or 4940 which is damaged by fire, wind or any other casualty so as to be dangerous to life or safety and/or is in danger of imminent collapse or which has parts thereof so attached that they may fall, the Administrative Officer shall immediately forward, upon receipt, an application for the demolition and/or dismantling of such structure or parts thereof to the Development Review Board. The Development Review Board shall immediately hold a special meeting to review the application and shall take action at that meeting. The Development Review Board shall review the application based upon the criteria set forth in the Bylaw. *[Amended Oct. 5, 1999, Effective Oct. 26, 1999. Amended August 7, 2007; Effective August 28, 2007]*

4820.4 Action

The Development Review Board shall issue a decision act to approve or disapprove an application within 45 days after close of the evidence and adjournment of the review.

Failure to issue a decision within this time period shall be deemed to constitute approval by the Development Review Board and shall be effective on the 46th day. *[Amended Oct. 5, 1999, Effective Oct. 26, 1999. Amended August 7, 2007; Effective August 28, 2007]*

4830 FINDINGS

At the conclusion of its review, the Development Review Board shall issue, in writing, one of the following:

If in the opinion of a majority of the Development Review Board the applicant's proposal meets the purpose of this section, the Development Review Board shall grant approval together with any changes, conditions, and/or stipulations necessary to secure the purposes of this section.

If in the opinion of a majority of the Development Review Board the applicant's proposal does not meet the purpose of this Section, the Development Review Board shall issue notice of disapproval in writing together with the reasons for such decision.

If the applicant's proposal is denied, the applicant may, and is encouraged, to make modifications to the proposed plans and may resubmit an application after so doing. *[Amended April 3, 1989 creating sections 4800 through 4830, Effective April 24, 1989. Amended Oct. 5, 1999, Effective Oct. 26, 1999.]*

4900 HISTORIC DISTRICT AREA DESIGNATIONS

4910 MEETING HOUSE HISTORIC DISTRICT

There is hereby established an Historic District, to be known as the Meeting House Historic District: The boundaries of the district are shown on a plan of the area known as the Meeting House District Zoning Map which is made a part of these bylaws and attached thereto.

4910.1 History

This area was the center of the Town of Rockingham until the need for industry to locate near the rivers for power resulted in the emergence of the villages of Bellows Falls and Saxtons River.

The Rockingham Meeting House is the focal point and it is located near the geographic center of the Town where it was the custom to build houses of worship. In 1753 a meeting took place to lay out six acres for a meeting house place. It was not until 1773 that it was voted to build a meeting house which was the forerunner of the present Meeting House. In 1787 it was voted to build a larger meeting house and the Meeting House as we know it was erected.

Many of the old buildings in Rockingham "Old Town" were destroyed in a disastrous fire in 1909 including houses, stores, hotel and the post office. Today in the area around the Meeting House remain some of the older houses of the Town dating back to the late 1700's and early 1800's.

4910.2 Purpose

The establishment of the Meeting House Historic District recognizes the historical value of this area. It is the intent of this bylaw to guide future development in this Historic District in a manner that will be complimentary to the historic flavor of the area and to preserve an important part of the heritage of the Town of Rockingham.

4920 HISTORICAL DESIGNATION

The following structures, located within the Meeting House Historic District, are designated Historical and are specifically subject to subsection 4818.1(b) in addition to the other requirements of the historic district regulations.

HISTORIC STRUCTURE	MAP #
Severance-Wheeler House & Barns	2
Burt House	3
Rockingham Meeting House	4
Grange Hall	5
Proctor-Vayo House	7
Divoll House	8
Wright House	9
Corner House	10
Schoolhouse	11
Betsey House	12
Stowell-Webb House	13

[Amended April 3, 1989 creating 4900, through 4920. Effective April 24, 1989.]

4930 [REPEALED.]

4940 [REPEALED.]

DEFINITIONS

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

Adequate Capacity: Capacity for wireless telephony is considered to be 'adequate' if the grade of services ('GOS') is p.05 or better for median tele-traffic levels offered during the typical busy hour, as assessed by direct measurement of the facility in question. The GOS shall be determined by the use of standard Erlang B calculations. As call blocking may occur in either the land line or radio portions of wireless network, Adequate Capacity for this regulation shall apply only to the capacity of the radio components. Where capacity must be determined prior to the installation of the personal wireless services facility in questions, Adequate Capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimated of the expected traffic in the coverage area. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Adequate Coverage: Coverage for wireless telephony is 'adequate' within the area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that most of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be a signal strength of at least – 90 dBm. It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Agricultural Use: Land containing at least two acres which is used for raising livestock, or agricultural or forest products, including farm structures and the storage of agricultural equipment; riding and boarding stables; and as an accessory use, the sale of agricultural and forest products raised on the property.

Alteration: Structural change, change of location, or addition to a building or structure, excluding normal maintenance and repair. Alterations shall include any construction that increases the size of the building or structure in terms of height, length, width, footprint or gross floor area. Within the Design Review District and the Historic District, alteration also encompasses changes to exterior architectural features. *[Amended generally Jan. 4, 2005, Effective Jan. 25, 2005. Amended August 7, 2007; Effective August 28, 2007]*

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

Antenna: A device for transmitting and/or receiving electromagnetic waves, which is attached to a tower or other structure. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between

the highest and lowest grades shall be used in calculating the antenna height. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Antenna Support Structure: Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Applicant (as it applies to telecommunication facility applications): A person who applies for a telecommunications facility siting. An applicant can be the telecommunications service provider with the owner's written permission (or other legally designated representative) or the owner of the property. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Architectural Feature: For purposes of the Design Review District and the Historic District, architectural features are the architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of a structure or building, including but not limited to, the type and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such building or structure. *[Amended Jan. 4, 2005, added; Effective Jan. 25, 2005.]*

Auto Repair Service: An establishment for the repair of motor vehicles, including mechanic's shops, muffler shops, brake shops, body shops, paint shops, tire shops, and similar activities.

Available Space: The space on a tower or structure to which antennas of a telecommunications provider are both structurally able and electromagnetically able to be attached. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Awning: Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, window or outdoor service area from the elements. *[Amended Jan. 4, 2005, added; Effective Jan. 25, 2005.]*

Bar: An establishment which is used primarily to serve alcoholic beverages to the public. *[Amended: added April 28, 1986, Effective May 19, 1986.]*

Base Station: The primary sending and receiving site in a telecommunications facility network. More than one base station and/or more than one variety of telecommunications provider can be located on a single tower or structure. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Basement: Story partly underground. A basement shall be counted as a story if the vertical distance between the basement ceiling and the average grade level of the adjoining ground is more than six feet.

Bed & Breakfast: A detached single-family residence, accommodating transient guests, for short-term overnight lodging by the day or by the week, which serves breakfast to guests and may serve other meals to guests. Meals may only be provided to guests. The single-family residence must be the primary residence of the owner or operator of the bed and breakfast. An accessory building to a residence is not a bed and breakfast facility. Employment shall not exceed one (1) full-time employee in addition to the owner. Bed and breakfasts are also known as tourist homes. Bed and breakfast uses shall be reviewed as separate

conditional uses, rather than as home occupations or home businesses. *[Amended August 7, 2007; Effective August 28, 2007]*

Building: Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or chattel.

Building Area: Total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, including attached extensions.

Building Front Line: Line parallel to the front lot line tangent to that point in the building face which is closest to the front lot line.

Building Height: 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.

Business Office: A building or place wherein the business of a commercial service, governmental operation, or professional organization is transacted. *[Amended: added December 22, 1986, Effective January 12, 1987.]*

Camp: Land on which is located only one tent, cabin, trailer, shelter, houseboat, recreational vehicle or other accommodation occupied seasonally or for brief periods for vacation or recreational purposes excluding long term residential occupancy, and excluding mobile homes. *[Amended October 14, 1986, Effective November 4, 1986]*

Campground: Land on which are located two or more, or any combination thereof, tents, cabins, trailers, shelters, houseboats, recreational vehicles, or other accommodations occupied seasonally or for brief periods for vacation or recreational purposes, excluding long term residential occupancy, and excluding mobile homes. *[Amended: added October 14, 1986, Effective November 4, 1986.]*

Cellular Telecommunications: A commercial Low Power Mobile Radio Service bandwidth licensed by the FCC to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Cellular Telecommunications Facility: Consists of the equipment and structures at a particular site involved in receiving telecommunications or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Channel: The segment of the radiation spectrum to or from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

Clinic: An office building used by member of the medical professions for the diagnosis and out-patient treatment of human ailments. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Club: Building or use catering exclusively to club members and their guests for recreational purposes, and not operated primarily for profit. Includes; YMCA, YWCA, YMHA, fraternity, sorority, lodge, religious and similar clubs which may have dormitory accommodations.

Co-locations: Locating wireless communications equipment from more than one provider on a single site.

[Amended: added May 21, 2002, Effective June 11, 2002.]

Communication Equipment Shelter: A structure located to a base station designed principally to enclose equipment used in connection with telecommunications transmissions. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Communication Tower: A guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communications. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Communications Facility: A land facility supporting antennas and/or microwave dishes that sends and/or receives radio frequency signals. Communications facilities may include structures, towers or accessory buildings. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Community Center: Includes public or private meeting hall, place of assembly, museum, art gallery, library, place of further education, church, not operated primarily for profit.

Community Care Home: State licensed group living arrangement, excluding a licensed foster home, for nine or more residents unrelated to the home operator, which is designed to meet the needs of people who cannot live independently and usually do not require the skilled nursing care provided in a nursing home. When needed, help is provided, for profit or otherwise, on a 24-hour a day basis with daily activities such as eating, walking, toileting, bathing, and dressing. Community care homes are divided into two groups, depending upon the level of care they provide. Level III homes provide nursing overview, but no full-time nursing care. Level IV homes do not provide nursing overview or nursing care. *[Amended August 7, 2007; Effective August 28, 2007]*

Compatible: For purposes of the Design Review District and the Historic District, a building or structure that blends with, conforms to, or is harmonious with the surrounding ecological, physical, visual or cultural environment. A compatible structure is one that possesses patterns of proportion, scale, mass, form and materials found in surrounding buildings. The orientation and detailing of compatible structures result in a consistent relationship of built form to the street and to human scale. Compatible structures are built of materials that are harmonious in texture and form. *[Amended Jan. 4, 2005, added; Effective Jan. 25, 2005.]*

Correctional Home: A secure care facility, licensed by the state, which houses between two and eight residents excluding staff, and is maintained and operated primarily for persons, including children placed under the supervision of a state or federal agency or department, who have been placed on probation, released on parole, or admitted for correctional or rehabilitative purposes. It specifically excludes Rooming

Homes and Group Homes for the disabled or handicapped, as otherwise defined herein. *[Amended August 7, 2007; Effective August 28, 2007]*

Coverage: That percentage of the lot area covered by the building area.

Demolish: For the purpose of the Design Review District, any act or process that destroys or removes 75 per cent or more of the exterior walls of a structure, improvement or object. *[Amended Jan. 4, 2005, added; Effective Jan. 25, 2005.]*

Development: Division of land into two or more parcels; construction, reconstruction, structural alteration, relocation or enlargement of any building; mining; excavation or landfill required for construction; and any change in the use of a building, structure or land; or extension of use of land.

Dish Antenna: A dish-like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Dormitory Use: Includes fraternity, sorority, nurse's home, and college dormitory.

Dump: Land used for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, or garbage, sewage, trash refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

Dwelling Unit: Building or part thereof used as living quarters for one family. The terms "dwelling", "one-family dwelling", "two-family dwelling" or "multiple family dwelling" shall not include a motel, hotel, boarding house, tourist home, or similar structure; a building or part of a building designed for occupancy, used or to be used as a separate and individual housekeeping unit, each unit containing living accommodations which may include kitchen facilities and/or toilet facilities. *[Amended February 18, 1987, Effective March 11, 1987.]*

Dwelling, One Family: Building used as living quarters by one family.

Dwelling, Two Family: Building used as living quarters by two families living independently of each other.

Elevation: For the purposes of the Design Review District and the Historic District, the view of any building or other structure from one (1) of four (4) sides showing features such as construction materials, design, height, dimensions, windows, doors, other architectural features and the relationship of grade to floor level. *[Amended Jan. 4, 2005, added; Effective Jan. 25, 2005.]*

Façade: The exterior walls of a building. The principal façade shall include all exterior walls which are adjacent to or front on a public road, street, right-of-way, park or plaza. *[Amended Jan. 4, 2005, added; Effective Jan. 25, 2005.]*

Facility Site: A property, or any thereof, which owned or leased by one or more telecommunications facility(s) and where required landscaping is located. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Family: One or more person living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

FCC: Federal Communications Commission: The government agency responsible for regulating telecommunications in the United States. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. A free standing wall is a fence; a retaining wall is not a fence. *[Amended: added April 15, 1997, Effective May 6, 1997.]*

Flood Plain: Land subject to periodic flooding, as shown on the Rockingham and Bellows Falls Flood Plain Maps.

Frequency: The number of cycles completed each second by an electromagnetic wave measured in hertz (Hz). *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Gasoline Station: Building or land that is used for the sale of motor fuel, oil and motor vehicle accessories, and which may include facilities for lubricating, washing or servicing motor vehicles, but not including painting or body repairs. *[Amended July 7, 1998, Effective July 28, 1998.]*

GHz: Gigahertz. One billion hertz. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Grade, Finished: Completed surfaces of ground, lawns, walks, paved areas and roads brought to grades as shown on plans relating thereto.

Group/Residential Care Home: A state licensed or registered residential care home serving not more than 8 persons who have a handicap or disability as defined in 9 V.S.A. section 4501. In accordance with the Act, a group home, as defined, shall be considered by right to constitute a permitted single family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another group home. For the purposes of these regulations, the definition of Group/Residential Care Home shall not include halfway homes, boarding houses, correctional homes, or shelter homes, as defined herein. *[Amended August 7, 2007; Effective August 28, 2007]*

Halfway House: A use of land for the housing of two or more unrelated people in which meals are prepared and/or served to the group in common. Housing of the group is part of an organized program to provide transitional housing and for the needs of an affinity-group such as, but not limited to parolees or prison-release program members, or in lieu of imprisonment. The individuals may be under sponsorship or care of a public, nonprofit, or for profit agency where the sponsor or caretaker provides, or arranges for, the provision of varying degrees of personal supervision and/or care in a residential environment. It specifically excludes Rooming Homes and Group/Residential Care Homes for the disabled or handicapped, as otherwise defined herein. *[Amended August 7, 2007; Effective August 28, 2007]*

Hertz: (Hz) One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Historic Building or Structure: For the purpose of the Design Review District, any building or structure listed in the National Register of Historic Buildings. *[Amended Jan. 4, 2005, added; Effective Jan. 25, 2005.]*

Home Occupation: Accessory use conducted only by the occupants of the dwelling, which is clearly secondary to the dwelling used for living purposes and which does not change the residential character thereof. Secondary use is that which occupies no more than 25% (1/4) of the total square footage of the residential living area of the occupant, excluding basements and accessory buildings. *[Amended December 22, 1986; Effective January 12, 1987.]*

Hospice: An inpatient facility which provides short periods of stay for the terminally ill in a home-like setting for either direct care or respite. The care program provides palliative and supportive services in the form of physical, psychological, social and spiritual care. It may operate a home care program in conjunction with the inpatient unit. The supportive care includes the patient and their family. *[Amended August 7, 2007; Effective August 28, 2007]*

Hospital: An institution authorized by the state for to provide primary and emergency health services and medical or surgical care to persons, primarily inpatients, including twenty-four hour care by a full-time certified medical staff. The use includes accessory facilities such as laboratories, outpatient facilities, and medical offices. *[Amended April 28, 1986, Effective May 19, 1986. Amended August 7, 2007; Effective August 28, 2007]*

Junk Yard: Land or building used for the collecting, storage or sale of waste paper, rags, scrap metal or discard material; or for the collecting, wrecking, dismantling, storage, salvaging and sale of machinery parts.

Loading Space: Off-street, used for the temporary location of one licensed motor vehicle, which is at least twelve feet wide and forty feet long and fourteen feet high, not including access driveway, and giving access to a street or alley.

Location: References to site location shall be the exact longitude and latitude, to the nearest tenth of a second. Bearing or orientation should be referenced to true North. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Lot: Land occupied or to be occupied by a building and its accessory buildings together with the required open spaces, having not less than the minimum area, width, and depth required for a lot in the district in which such land is situated, and having the district minimum frontage on a street, or on public waters, or on or at the end of a fifty (50) foot right-of-way. The provisions used to delineate a lot, including the boundaries, must be recorded in the Rockingham Land Records. *[Amended May 6, 1985, Effective May 27, 1985]*

Lot Area: Total area within the property lines excluding any part thereof lying within the boundaries of a public street, proposed public street, or public or private right-of-way.

Lot Depth: Mean horizontal distance from the street line of the lot to its opposite rear line measured at right angles to the building front line.

Lot Frontage: Distance measured across the width of the lot at the street line except corner lots.

Corner lots – Corner lots shall have one lot frontage as measured across the width of the lot at one street line.

Undeveloped corner lots – Upon submission of a zoning application for development on an undeveloped corner lot, the application shall indicate which lot line is the frontage and this frontage shall not be changed for any subsequent development or zoning application submission.

Developed corner lots – Lot frontage shall be along the street line by which the property is identified by municipal tax bill or land records as of the effective date of this amendment. *[Amended generally April 15, 1997, Effective May 6, 1997.]*

Lot Line: Property lines bounding a lot.

Lot Width: Width measured at the right angles to its lot depth at the required building front line.

Maintenance: The upkeep of buildings, structures, amenities or lots including the repair, painting, trimming, pruning, watering, and other on-going activities required to provide attractive site appearance and to prevent deterioration of improvements. No alteration or reconstruction is involved. *[Amended Jan. 4, 2005, added; Effective Jan. 25, 2005.]*

Manufacturing, enclosed: Any manufacturing, including storage, wholly contained within the walls and roof of the building involved. *[Amended: added April 28, 1986, Effective May 19, 1986.]*

Massing: The visual and physical mass of a building or structure; including the size, height, shape, location, and relationship of a building or structure to adjoining structures, open areas, and building, street, and lot lines. *[Amended Jan. 4, 2005, added; Effective Jan. 25, 2005.]*

Micro-Cell: A low power mobile radio service telecommunications facility used to provide increased capacity in high call-demand areas or to improve coverage in areas of weak coverage. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Microwave Antenna: A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Mobile Home: A pre-fabricated movable dwelling unit with or without wheels, designed for long term residential occupancy, containing the same type of water supply and waste water disposal connections as immovable dwelling units, whether or not such connections are complete. A trailer left in place for more than eight (8) months, or to which sanitary facilities are connected, or which is occupied for more than ninety (90) days within a twelve month period unless such occupancy is within an approved campground, shall be deemed a mobile home. A sectional prefabricated house shall not be considered a mobile home. *[Amended October 14, 1986; Effective, November 4, 1986.]*

Mobile Home Park: Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adopted to accommodate, more than two mobile homes excluding premises used solely for storage or display of mobile homes. *[Amended July 7, 1998, Effective July 28, 1998.]*

Monopole: A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal or wooden pole with below grade foundations. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Motel and Hotel: Building or buildings containing rooms which are rented as a series of sleeping units for transients, each sleeping unit consisting of at least a bedroom and bathroom.

Motor Vehicle Sales: Establishment for the display, sale and/or repair of new and used motor vehicles, trailers, mobile homes, and boats.

Non-conforming lot or parcel: A lot or parcel which does not conform to the present Bylaws covering dimensional requirements but which was in conformance with all applicable laws, ordinance, and regulations prior to the enactment of the present Bylaws or any amendments thereto, including a lot or parcel improperly authorized as a result of error by the administrative officer or appropriate municipal panel. *[Amended August 7, 2007; Effective August 28, 2007]*

Non-Conforming Structure: A structure or part of a structure that does not conform to the present Bylaws, but was in conformance with all applicable law, ordinances, and regulations prior to the enactment of the present Bylaws or any amendments thereto, including a structure improperly authorized as a result of error by the administrative officer or appropriate municipal panel *[Amended: repealed non-conforming structure and added non-complying structure, May 2, 1988, Effective May 23, 1988. Amended August 7, 2007; Effective August 28, 2007]*

Non-Conforming Use: Use of land that does not conform to the present Bylaws, but which did conform to all applicable Bylaws, ordinances, and regulations prior to the enactment of the present Bylaws, or amendment thereto, including a use improperly authorized as a result of error by the administrative officer or appropriate municipal panel. *[Amended August 7, 2007; Effective August 28, 2007]*

Non-Residential Use: All uses of buildings, structures, or land except one family dwelling, two family dwellings, and multiple family dwellings.

Nursing Care Facility: An establishment that provides licensed, skilled, full-time nursing care and related services for patients who require medical, nursing, and/or rehabilitative services. The institution shall provide extended and/or intermediate care for those who by reason of advanced age, illness, infirmity, or mental impairments need acute, chronic or convalescent care. Such institution shall also be known as a nursing home, rest home, convalescent facility or long-term care facility. It does not include a hospital, clinic, or group/residential care home. *[Amended August 7, 2007; Effective August 28, 2007]*

Omnidirectional Antenna: An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it is designed. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Parking Spaces: Off-street space, used for the temporary location of one licensed motor vehicle, which is at least nine feet wide and twenty-two feet long, not including access driveway, and having direct access to a street or alley.

Permit: Embodies the rights and obligations extended by the municipality to an operator to own, construct, maintain, and operate its facility within the boundaries of the municipality. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Personal Communications Services or PCS: Digital wireless telephone technology using higher frequency spectrum than cellular. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Personal Services: Includes barber, hairdresser, beauty parlor, shoe repairs, electronic repairs, and businesses providing similar services.

Personal Wireless Services: Commercial mobile services, unlicensed wireless exchange access services. These services include: cellular services, personal communications services, specialized mobile radio services, and paging services. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Planned Unit Development (PUD): One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. *[Amended August 7, 2007; Effective August 28, 2007]*

Planned Unit Development – Residential (PUD-R): One or more lots, tracts, or parcels of land to be developed as a single entity for residential uses, and their accessory uses, and the plan for which may propose any authorized combination of density or intensity transfers or increases. *[Amended August 7, 2007; Effective August 28, 2007]*

Preexisting Towers and Antennas: Any tower or antenna for which a permit has been issued prior to the effective date of these regulations. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Preservation: Keeping an existing building in its current state by a careful program of maintenance and repair. *[Amended Jan. 4, 2005, added; Effective Jan. 25, 2005.]*

Professional Residence Office: *[Amended to residence office December 22, 1986, Effective January 12, 1987.]*

Public Assembly Use: Includes auditorium, theater, public hall, school hall, meeting hall, church, and temple.

Public Water, Public Sewer: Water supply and sewage disposal system approved by the applicable legislative body for municipal operations.

Public/Municipal Facility: A building or operation, owned or leased, and operated by federal, state, or local government, or a public utility facility which provides essential services for police and fire protection, libraries, water, sewer, electricity, telephone, highways, post offices, but excluding any facility which exists primarily as an administrative office or any facility in which more than eighteen (18) people are incarcerated or held for short-term psychological evaluation at any time or in which any person or persons are

incarcerated for seven (7) or more consecutive days or held for short-term psychological evaluation for thirty (30) or more consecutive days, and also excluding the bulk storage of fossil fuels and natural gas and schools.

[Amended: March 1, 2016. Effective March 1, 2016.]

Radiated-Signal Propagation Studies or Coverage Plots: Computer generated estimates of the signal emanating, and prediction of coverage, from antennas or repeaters sites on a specific tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tools for determining a need and whether the telecommunications equipment will provide adequate coverage for that site. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Reconstruction: The replacement or rebuilding of a building, premises or structure, or portions thereof.

[Amended Jan. 4, 2005, added; Effective Jan. 25, 2005.]

Recreation, Indoor: Includes indoor bowling alley, theater, table tennis and pool hall, skating rink, gymnasium, swimming pool, hobby workshop and similar places of indoor commercial recreation.

Recreation, Outdoor: Includes yacht club, golf course, trap, skeet and archery range, swimming pool, skating rink, riding stable, park, lake and beach, tennis court, recreation stadium and skiing facility. Includes publicly owned and operated playground, playfield, park, open space, swimming pool.

Religious Institution: Includes church, temple, parish house, convent, seminary, and retreat house.

Repeater: A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas which are not able to receive adequate coverage directly from a base or primary station.

[Amended: added May 21, 2002, Effective June 11, 2002.]

Residence Office: A residence in which the occupant has an office, including but not limited to that of an architect, accountant, chiropractor, dentist, doctor of medicine, landscape architect, land surveyor, lawyer, optometrist, osteopath, physiotherapist, planning consultant, podiatrist, engineer or psychologist, which is clearly secondary to the dwelling used for living purposes and which does not change its residential character. Secondary use is that which occupies no more than 25% (1/4) of the total square footage of the residential living area of the occupant, excluding basements and accessory buildings. *[Amended December 22, 1986, Effective January 12, 1987.]*

Residential Use: Includes one family dwelling, two family dwelling, multiple family dwelling.

Restaurant with Lounge: An establishment for public eating in which the main business is the serving of food for consumption on the premises and wherein a separate portion of the structure or premises may be used primarily to serve alcoholic beverages. *[Amended: added April 28, 1986, Effective May 19, 1986.]*

Restaurant without Lounge: An establishment for public eating in which the main business is serving of food for consumption on the premises, and wherein alcoholic beverages may be served with a meal, but which

does not have a separate portion of the structure or premises which may be used primarily to serve such beverages. *[Amended: added April 28, 1986; Effective May 19, 1986.]*

Restoration: For the purposes of the Design Review District, reproduce the appearance of a building, structure, or object as it looked at a particular moment in time. *[Amended Jan. 4, 2005, added; Effective Jan. 25, 2005.]*

Roof and/or Building Mount Facility: A facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or a building face. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Roof Sign: A sign painted on, or part of, or placed on a roof, or the location of which exceeds the height of the wall on which it is attached. *[Amended: added December 22, 1986, Effective January 12, 1987.]*

Rooming (Boarding) House: An owner-occupied residential dwelling which is operated to provide furnished rooms for rent, for up to three (3) boarders, excluding the proprietor, members of the proprietor's family, and household staff. No more than two (2) rooms shall be used for such accommodations. A rooming house shall have no more than one kitchen facility, whether shared or not. Meals may be provided to boarders only; dining facilities shall not be available to the public at large. A boarding house is not open to transient guests, in contrast to a hotel or motel. This definition excludes a bed and breakfast, half-way house, correctional home, shelter home, and group home. *[Amended August 7, 2007; Effective August 28, 2007]*

Scenic View: A scenic view is a wide angle or panoramic field of sight and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a faraway object, such as a mountain, or a nearby object. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

School: Includes parochial, private, public, and nursery school, college, and university.

Self-Supporting Tower: A communications tower that is constructed without guy wires. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Service Areas: Area of a lot used for trash storage, dumpsters, air conditioning equipment, utility tanks, and/or building maintenance equipment. *[Amended: added December 22, 1986, Effective January 12, 1987.]*

Shelter Home/Emergency Shelter: Any building, structure, residence or place for the temporary housing or care of individuals or families (including limited counseling) for a period not to exceed thirty (30) days. This term shall not be deemed to include rooming/boarding house, day care facilities, day care homes, family care homes, group homes, community care homes, nursing care facilities, halfway houses, correctional homes, or similar facilities. *[Amended August 7, 2007; Effective August 28, 2007]*

Sign: Any device, logo, structure, building, or part thereof for visual communication that is used for the purposed of directing the attention of the public to any business, industry, profession, service, commodity, or entertainment. Signs shall be deemed land development as herein defined and shall require a zoning permit before erected, constructed, or altered. *[Amended: May 6, 1985, Effective May 27, 1985.]*

Sign, ground: A freestanding sign which is supported from the ground only. *[Amended: added May 6, 1985; Effective May 27, 1985.]*

Sign, illuminated: A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign. *[Amended: added April 15, 1997, Effective May 6, 1997.]*

Sign, portable: A portable sign includes any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels, signs converted to A-frames or T-frames; menu and sandwich board signs, balloons used as signs, umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. *[Amended: added April 15, 1997, Effective May 6, 1997.]*

Sign, projecting: A sign which projects from the face of the building on which it is mounted. *[Amended: added May 6, 1985, Effective May 27, 1985.]*

Sign, wall: A sign which is mounted on and runs parallel to the building and which shows only one face. *[Amended: added May 6, 1985; Effective May 27, 1985.]*

Spectrum: Relating to any transmission or reception of electromagnetic waves. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Storage, enclosed: a place for storing goods, materials, equipment, supplies or vehicles wholly contained within the walls and roof of a building. *[Amended: Added April 28, 1986; Effective May 19, 1986.]*

Storage, outside: A place for storing goods, materials, equipment, supplies or vehicles outside of the walls and roof of a building. *[Amended: Added April 28, 1986; Effective May 19, 1986.]*

Story: Part of a building which is between one floor level and the next higher floor level, or if there is no floor above it then the ceiling above it.

Street: Way for vehicular traffic, including public and private right-of-way, which affords the principal means of access.

Street Frontage: Lot lines which abut a street.

Street Line: Private right-of-way or right-of-way of a street as dedicated by deed or record. Where the width of the street or private right-of-way is not established, the street line shall be considered to be 25 feet from the center of area used or that appears to be used.

Streetscape: The street edge, or vertical face, formed by building facades, street trees and screening walls or fences, that is aligned along a street and forms a pedestrian-scaled space. *[Amended Jan. 4, 2005, added; Effective Jan. 25, 2005.]*

Structurally Able: The determination that a tower or structure is capable of carrying the load imposed by the proposed new antenna(s) under all reasonable predictable conditions as determined by professional structural engineering analysis. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground except a wall or fence less than four and one half feet (4.5') high or on an operating farm. A structure includes swimming pools as defined herein. *[Amended April 15, 1997, Effective May 6, 1997.]*

Swimming Pool: A structure intended for bathing, swimming, or diving, made of concrete, masonry, metal, vinyl, or other impervious materials with a three feet (3') sidewall depth or height or any combination thereof at any one point which remains in place year-round. It does not include a man-made pond.

System: The communications transmission system operated by a telecommunications service provider in the municipality or region. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Telecommunications Facility: 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 structures(s) owned and permitted by the provider or another owner or entity. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Telecommunications Provider: An entity licensed by the FCC to provide telecommunications services to individuals or institutions. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Temporary Wireless Communication Facility: Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction, or for a special event or conference. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Tower: A vertical structure for antenna(s) that provide telecommunications services. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Trailer: Includes any vehicle used as sleeping or camping or living quarters mounted on wheels or a camper body usually mounted on a truck, and any vehicle which is customarily towed by a motor vehicle and used for carry goods, equipment, machinery, boats, or as an office. Any trailer left in place for more than eight months, or to which sanitary facilities are connected, or which is occupied for more than ninety (90) days within a twelve month period, unless such occupancy is within an approved campground, shall be deemed a mobile home. *[Amended: October 14, 1986, Effective November 4, 1986.]*

Trailer Camp: Land on which two or more trailers are parked.

Use, Permitted: Use specifically allowed in the district, excluding illegal uses and non-conforming uses.

View Corridor: A three dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as a mountain, which would result in a narrow corridor, or a group of objects, such as a downtown skyline, which would result in a

wide corridor. Panoramic views have very wide corridors and may include a 360-degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the view point and is based on the area where base zone heights must be limited in order to protect the view. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Whip Antenna: A vertical antenna that normally transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape, narrow (less than 6 inches in diameter) and long (often measure 18 inches in height or more). *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Wireless Telecommunications Facilities:

- Type A. Commercial Facilities to be built and used to provided Telecommunications to wireless users for a fee.
- Type B. Municipal/Emergency Services. Facilities to be built and used to provide telecommunications services solely for federal, state, and municipal users and/or emergency services. Type B is considered a small scale facility under section 4531.1.
- Type C. Personal use. Facilities to be built and used solely as a means of communication internal to a business or organization. Personal use facilities may not be used by others. Type C is considered a small scale facility under section 4531.1. *[Amended: added May 21, 2002, Effective June 11, 2002.]*

Yard: Space on a lot not occupied by a building or structure. Porches, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into a required yard. All yards facing streets are considered front yards; there shall be only one front yard if there is frontage on more than one street.

Yard, Front: Yard between street line and the front line of a building extended to the side lot lines of the lot. Depth of front yard shall be measured from street line to front of building.

Yard, Rear: Yard between the rear lot line and the rear line of a building extended to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the rear line of the building, excluding public and private right-of-way.

Yard, Side: Yard between the principal building or accessory building and a side lot line, and extending through from the front yard to the rear yard, excluding public or private right-of-way.

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AMENDMENTS TO THE ROCKINGHAM ZONING BYLAW MAPS:

Changing the zone of that land located on the east side of Westminster Street, Bellows Falls, and bounded on the north by the south property line of #102 Westminster Street, the property of Frederick J. Myerson and E. James Roberts, and the south side of Earle St., and by the west side of Barker and Granger Streets, and on the south by the Rockingham-Westminster Town Line, from Central Business Expansion 14 to Residential 7, as shown on a plan prepared by the Development Review Board; *[Amended: April 28, 1986; Effective May 19, 1986.]*

Changing the zone of that land located on the west side of Atkinson Street beginning at the south line of #128 Atkinson Street, the property of Burlington Associates, and running southerly along the rear lines of those properties with frontage on Atkinson Street, to Wells Street, crossing Atkinson Street and running southerly on the east side of Atkinson Street, to the intersection with Williams Street, thence running easterly on the north side of Williams Street, crossing Green Street, to a point 230 feet from the Green and Williams Streets intersection, thence running and northerly along the rear property lines of those parcels with frontage on Green Street, up to the north line of the property known as #53 Green Street, thence turning and crossing Green Street in a westerly direction and running along the west side of Green Street to the north line of the property known as #60 Green Street, thence turning and running westerly along the south line of V.S.H. Realty, #123 Atkinson Street, thence crossing Atkinson Street in a westerly direction and running northerly to the south line of #128 Atkinson Street, from a Central Business Expansion 14 zone to a Residential 7 zone as shown on a plan prepared by the Development Review Board. *[Amended: April 28, 1986; Effective May 19, 1986.]*

Changing the current Rural Residential-1 zoning district to a Commercial-Industrial zoning district that land, formerly the Steamtown land, bounded on the west by the railroad tracks of the State of Vermont, southerly by the lands of New England Power Company, easterly by the Connecticut River excluding the wetlands, marsh areas, and a stream buffer zone extending 100 feet from the shorelines; and changing from Rural Residential-1 to Recreation Conservation those wetlands, setbacks, marsh areas and a stream buffer zone extending 100 feet from the shorelines including land of New England Power Company as shown on a plan prepared by the Development Review Board. *[Amended: July 6, 1987; Effective July 27, 1987.]*

Changing the existing Commercial-Industrial (C-I) zoning districts into two categories of Commercial-Industrial districts:

Commercial-Industrial 1 (C-I 1): includes those existing Commercial-Industrial zoning districts outside Bellows Falls Village as shown on the Town of Rockingham Zoning Map which are located easterly of Interstate 91 and south of the Williams River, as shown on a plan prepared by the Development Review Board.

Commercial-Industrial 2 (C-I 2): includes all other existing Commercial-Industrial zoning districts outside Bellows Falls Village not included within the C-I designation above, as shown on a plan prepared by; the Development Review Board. *[Amended May; 2, 1988, Effective May 23, 1988.]*

Changing from the current Residential-7 zoning district to a Central Business Expansion – 14 zoning district a parcel of land beginning approximately 200' easterly of the intersection of Williams and Green Streets, Bellows Falls, being the easterly portion, approximately 30' wide, of the parcel known as #11 Williams Street, abutting land of Cheshire Oil Co., Inc. on the east and Sanel Realty on the north, both zoned Commercial-Business Expansion-14, and leaving the westerly portion of #11 Williams Street, approximately 25' wide, in the current Residential-7 zoning district, bounded by Kawaky on the west, also zoned Residential-7, as shown on a plan prepared by the Development Review Board. *[Amended May 2, 1988, Effective May 23, 1988.]*

Changing from the current Rural Residential 1 zoning district to the Residential 14 zoning district land located westerly of Rte. 5 and bounded on the south by the north boundary of Village Corporate limits, on the northwest by the brook from Minards Pond, northerly by an old farm road so-called running westerly from Webb Terrace and by Webb Terrace road, and to change from the current Roadside Business 14 zoning district to the Residential 14 zoning district land located in Bellows Falls Village bounded on the north by the Bellows Falls Village Corporate limits, on the east by Rte. 5, and by DeMuzio land on the west and south, reference Tax Map panel U-8, being part of parcels #15 and #16, as shown on plan prepared by the Development Review Board. *[Amended May 2, 1988, Effective May 23, 1988.]*

To change from the current Rural Residential 1 zoning district to the Meeting House Historic District an area of land including the following:

All land located between Rte. 103 and Meeting House Road (old Rte. 103); and beginning at a point 1,250' south of the center of the intersection of Meeting House Road the Rockingham Hill Road that land lying east of the Hill Road and south of Meeting House Road and southwesterly of Rte. 103 to a point 550' southeasterly of the center of the intersection of Meeting House Road and Rte. 103, the boundary of the zone shall extend out 500' from centerline of these roads; and beginning at a point 1,250' south of the center of the intersection of Meeting House Road and the Rockingham Hill Road that land lying west of the Hill Road and southerly and southwesterly of Meeting House Road, the boundary of the zone shall extend out 600' from centerline of these roads; and beginning at a point 800' northwesterly of the center of the intersection of Meeting House Road and Rte. 103 and continuing southeasterly to a point 800' southeast of the center of the intersection of Rte. 103 and Parker Hill Road that land lying north-northeasterly of Rte. 103, the boundary of the zone shall extend out 300' from centerline of Rte. 103; and beginning at a point 800' southeasterly of the center of the intersection of Rte. 103 and Parker Hill Road and continuing in the same direction to a point 1,333' southeasterly of this intersection, marked by a ravine, that land lying north-northeasterly of Rte. 103, the boundary of the zone shall extend out 600' from centerline of Rte. 103; the

boundaries of the zone are more particularly shown on a plan which is a part of the proposed amendments; this plan shall be used in determining the boundaries of the district.

All distances described as extending out from road center shall be measured to the farthest distance from the center-line of any town or state road adjacent to the property. *[Amended August 22, 1988, Effective September 13, 1988.]*

To expand the Central Business Expansion-14 (CBE-14) zoning district to the west side of Westminster Street, Bellows Falls, by changing the current Residential 7 zoning to Commercial Business Expansion-14 that area bounded on the north by the south side of Old Terrace Street (aka: Redlight Hill), bounded on the south by the hospital service entrance road, on the east by Westminster Street, and on the west by land of Rockingham Memorial Hospital; the west boundary shall begin at a point 168' west of the corner intersection of Old Terrace Street and Westminster Street, and shall run south 39' 42' east to the point of intersection with the hospital service road, all as more particularly shown on a plan prepared by the Development Review Board which plan shall define the boundaries of the proposed change. *[Adopted April 30, 1991, Effective May 21, 1991.]*

To expand the Commercial-Industrial I (C-I 1) zoning district by changing the current Rural Residential 1 Zoning to Commercial-Industrial 1 beginning at the southerly boundary of the existing C-I 1 zone (at the Emerson property, west side of Rte. 5) and extending southerly to the north side of Darby Hill Road. The east side of the proposed expanded C-I 1 zone shall be the west side of Rte. 5 and the west boundary shall be an extension of the existing C-I 1 westerly boundary running southerly to the north side of Darby Hill Road as more particularly shown on a plan prepared by the Development Review Board which plan shall define the boundaries of the proposed change. *[Amended April 15, 1997, Effective May 6, 1997.]*

To create an overlay zoning district known as the Downtown Design Review District. The boundaries of the district are shown on a plan of the area entitled the Downtown Design Review District Zoning Map which is made a part of these Bylaws and attached thereto. The Bellows Falls Design Review District is an overlay district. *[Amended Jan. 4, 2005, repealed DHD, added DDRD; Effective Jan. 25, 2005.]*

The Natural Resources Overlay District will include all of the land encompassed within the following bounds: beginning at the intersection of Routes 103 and 5 (North) to the south, thereafter running to Rt. 91 to the west, thereafter running north along Rt. 91 to the town line of the Town of Springfield to the north, and then running directly easterly to the Connecticut River and thereafter running south along the shoreline (defined as the mean low water of the Connecticut River) past the Upper Meadow, around Roundy's Cove to and around Herrick's Cove and the Williams River back to the intersection of Routes 5 and 103. The Overlay District will include portions of Zoning Districts RR-1, RC and C-1 (2) as shown on the Town Zoning Map. *[Amended March 1, 2005, Effective March 1, 2005.]*

The proposal amends the Rockingham Zoning Map creating a new Riverfront zoning district bounded as follows: on the north by the access road from Mill Street to the TransCanada Hydroelectric Plant, on the east by the property line of TransCanada and the Connecticut River, on the south by the Westminster Town line, and on the west by the mainline railroad track. *[Amended May 19, 2009. Effective June 9, 2009.]*