

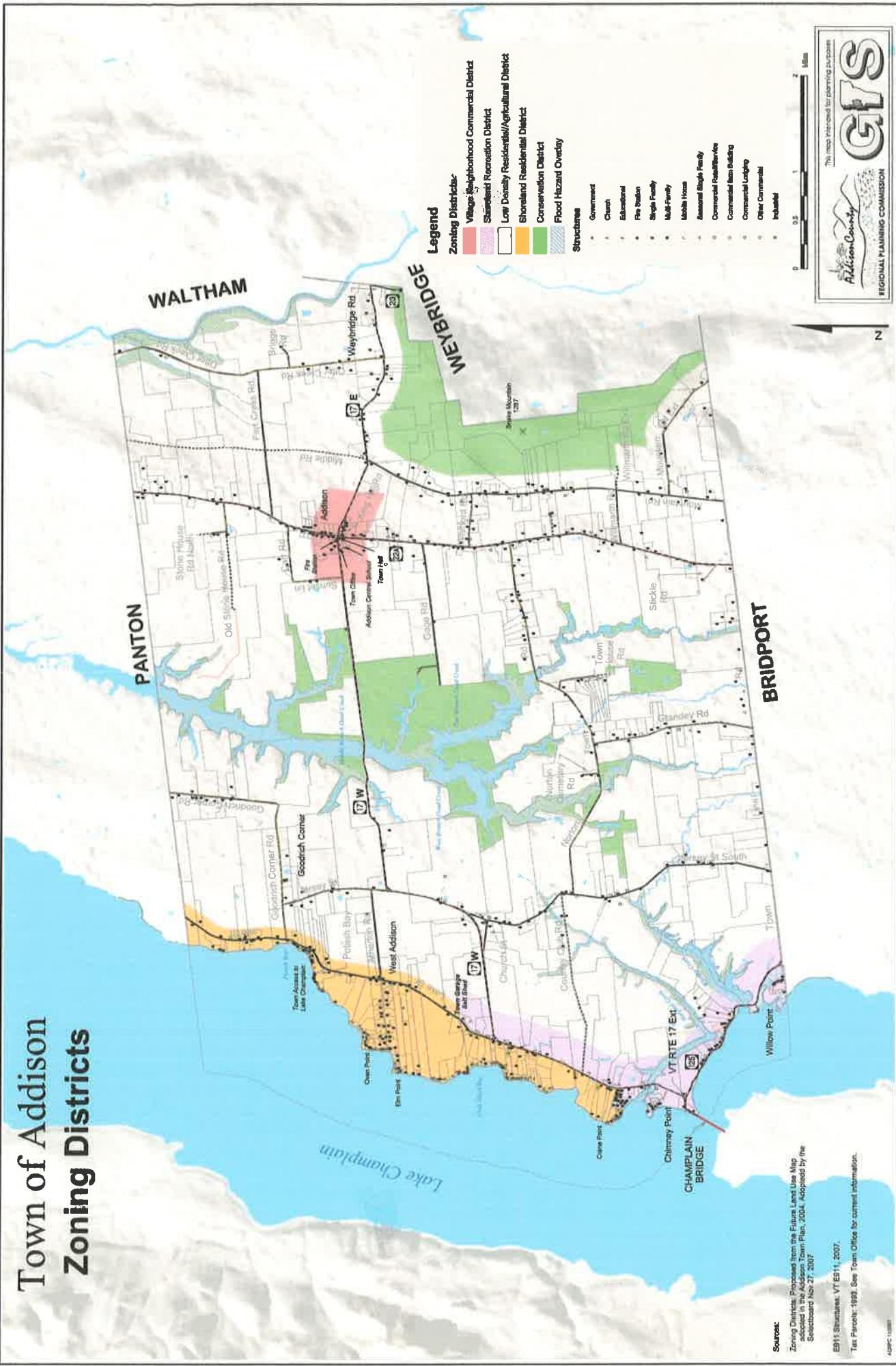
Town of

# **Addison**

## **ZONING REGULATIONS**

**ADOPTED: NOVEMBER 27, 2007**

# Town of Addison Zoning Districts



# **TOWN OF ADDISON ZONING REGULATIONS**

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## ARTICLE 1: AUTHORITY & PURPOSE

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### **SECTION 1.1 ENACTMENT & TITLE**

In accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117], hereinafter referred to as the "Act," there are hereby established zoning regulations for the Town of Addison which are set forth in the text and map(s) that constitute these regulations. These regulations shall be known and cited as the "**Town of Addison Zoning Regulations.**"

### **SECTION 1.2 PURPOSES**

It is the purpose of these regulations to provide for orderly community growth, to further the goals and purposes established in the Act, and to implement the *Addison Town Plan*.

### **SECTION 1.3 APPLICATION & INTERPRETATION**

A The application of these regulations is subject to all subchapters of the Act as most recently amended. In accordance with the Act, no land development shall commence within the jurisdiction of the Town of Addison except in compliance with the provisions of these regulations. Any land development not specifically authorized under these regulations, unless otherwise exempted under the Act or Section 6.2 of these regulations, is prohibited.

*Land development:* the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, or of any mining, excavation, or land-fill, any change in use of any building or other structure, or land or extension or use of lands

B The subdivision of land, which includes the division of a parcel of land into two or more parcels, shall require subdivision approval under the Town of Addison Subdivision Regulation, in conformance with these zoning regulations, but shall not require a separate zoning permit issued under Section 6.3.

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

D Except where specifically provided to the contrary, these regulations are not intended to repeal, annul or in any way impair any regulation or permit previously adopted or issued; however, in accordance with the Act, where these regulations impose a greater restriction upon the use of a structure or land than is required by any other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of these regulations shall control.

**SECTION 1.4 AMENDMENTS**

- A)These regulations and associated zoning map(s) may be amended in accordance with the requirements and procedures established in the Act.
- B)A request for an amendment of these regulations, including a proposed change to the zoning map, should be submitted to the Chair of the Planning Commission. In accordance with the Act, an amendment request may be acted upon at the discretion of the Planning Commission, unless supported by a petition signed by not less than 5% of citizens registered to vote in the Town of Addison. When considering an amendment to these regulations, the Planning Commission may prepare a written report on the proposal in accordance with the Act.

**SECTION 1.5 EFFECTIVE DATE**

These regulations, and subsequent amendments to these regulations, shall be adopted and take effect in accordance with the requirements and procedures established in the Act.

**SECTION 1.6 SEVERABILITY**

The provisions of these regulations are severable. If any provision is held invalid, the invalidity shall not affect any other valid provision or application of these regulations.

## **ARTICLE 2: ZONING DISTRICTS**

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### **Section 2.1 Establishment of Zoning Districts**

- A. The Town of Addison is hereby divided into the following zoning districts as described in the accompanying tables (Tables 2.1 – 2.6), and as shown on the official zoning map and associated overlay.

Village Neighborhood Commercial District	VC
Low Density Residential/Agricultural District	LDR/A
Shoreland Residential District	SR
Recreation District	REC
Conservation District	CON
Flood Hazard Area Overlay District	FHO

- B. The location and boundaries of each zoning district are established as shown on the official "Town of Addison Zoning Map" and the most current National Flood Insurance Program maps for the Town of Addison, which are hereby adopted by reference and declared to be part of these regulations. The official zoning map may be altered only by adoption or amendment in accordance with the Act and Section 1.4.
- C. The official zoning map is located in the Addison Town Office, and shall be identified by the signatures of the Selectboard, as attested to by the Town Clerk. This map, and associated overlays, shall be the final authority as to the zoning status of any lands or waters in the town.

### **Section 2.2 Interpretation of District Boundaries**

- A. Where uncertainty exists as to the location of district boundaries as shown on the official zoning map and overlays, the following rules shall apply:
1. Boundaries indicated as following roads, transportation or utility rights-of-way shall be interpreted to follow the centerlines of such features.
  2. Boundaries indicated as following rivers or streams shall be interpreted to follow the channel centerline and shall move with the centerline of such features.
  3. Boundaries indicated as following shorelines shall be interpreted to follow the mean low water mark, which for Lake Champlain is considered 98 feet in elevation above mean sea level. In the event of change in the shoreline the boundary shall move with the shoreline.
  4. Boundaries indicated as following lot lines shall be interpreted to follow the delineated property boundary.
  5. Boundaries indicated as following contour lines shall be interpreted to follow a constant, specified elevation as measured from mean sea level or other accepted

reference datum.

6. Boundaries indicated as following compass headings shall be interpreted to follow such headings.
  7. Boundaries indicated as parallel or perpendicular to, or extensions of the above features, shall be so interpreted on the ground.
  8. The scale on the official zoning map shall determine distances not specifically indicated.
- B. Abandonment, relocation or change in a line or feature which references a district boundary after the effective date of these regulations shall not affect the location of the district boundary line except as specified for shorelines, streams, and rivers.
- C. Where available (i.e., in Zones 1-A30, AE and AH), base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP), in the Flood Insurance Study and accompanying maps, shall be used to administer and enforce the flood hazard area overlay district provisions of these regulations. In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e., Zone A), base flood elevation and floodway information available from state or federal agencies or other sources shall be obtained and reasonably used to administer and enforce the provisions of these regulations.
- D. When the Administrative Officer cannot definitely determine the location of a district boundary, the Planning Commission and/or appropriate state or federal official may be consulted prior to issuing a determination. A determination by the Administrative Officer regarding the location of a district boundary may be appealed to the Development Review Board under Section 6.5.
- E. Where a district boundary divides a lot in single ownership as of the effective date of these regulations, or any amendment thereto, the Development Review Board may permit, subject to conditional use review under Section 5.7, the extension of district standards for either portion of the lot up to 50 feet beyond the district line into the remaining portion of the lot.
- F. Where a lot is divided by a town boundary, the standards of these regulations shall be applied to that portion of the lot located in the Town of Addison in the same manner as if the entire lot were located in this town.

### **Section 2.3 Application of District Standards**

- A. As of the effective date of these regulations, all uses and structures must meet all standards for the district in which they are located, as set forth in Tables 2.1-2.6, unless specifically exempted under Section 6.2. The standards for each district shall apply uniformly to each class of use or structure, unless otherwise specified for a particular use or structure under Article 4. Nonconforming uses and noncomplying structures in lawful existence as of the effective date of these regulations shall be

- regulated in accordance with Section 3.7.
- B. Overlay district standards shall be applied concurrently with the standards for underlying zoning districts. Where overlay districts impose more restrictive standards on the use of land or a structure, the standards of the overlay district shall apply.
  - C. Uses for each district are classified as "**permitted uses**" ("uses by right") to be reviewed by the Administrative Officer in accordance with Section 6.3, or as "**conditional uses**" to be reviewed by the Development Review Board in accordance with Section 5.7. Permitted and conditional uses are subject to applicable district requirements and general standards set forth in Article 3; permitted uses may also be subject to site plan review under Section 5.6.
  - D. **Variances** from the provisions of these regulations may be considered only upon appeal to the Development Review Board, in accordance with Sections 6.5 and 6.6.
  - E. Any use not specifically allowed under or exempted from these regulations is prohibited.

#### **Section 2.4 District Uses and Standards**

The following Tables 2.1 – 2.6 set forth the stated purpose, allowed uses, and specific standards for each zoning district. Additional district standards pertaining to conditional uses may be found under Section 5.7, and for planned residential and planned unit developments under Section 5.9.

**TABLE 2.1**  
**VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT (VC)**

**A. Purpose.** The purpose of this district is to preserve and develop a traditional village character and pattern of neighborhood commercial development that allows for a mix of commercial, residential, and public uses, supports existing businesses, and attracts new businesses to serve the community.

**B. Permitted Uses**

- Accessory Structure/Use (to a 4.1] permitted use)  
conditional
- Agriculture [see Section 6.2]
- Bakery
- Bed and Breakfast
- Financial Institution
- Forestry [see Section 6.2]
- Funeral Home
- Group Home
- Home Child Care [see Section 4.6]
- Home Occupation [see Section 4.9]
- Office
- Personal Service
- Place of Worship
- Private Club
- Public Facility [see (E)(3), Section 4.13]
- Retail Store
- Roadside Stand
- School [see Section 4.13]
- Single-Family Dwelling
- Two-Family Dwelling

**C. Conditional Uses**

- Accessory Apartment [see Section  
Accessory Structure Use (to a  
use)
- Agricultural Sales & Service
- Cemetery
- Community Center
- Cottage Industry [see Section 4.9]
- Cultural Facility
- Day Care Facility [see Section 4.6]
- Delicatessen
- Gas Station
- Health Clinic
- Inn
- Marine Sales & Service
- Mixed Use [see Section 4.11]
- Motor Vehicle Sales & Service
- Multi-Family Dwelling
- Parking Facility
- Recreation/Indoor
- Recreation/Outdoor
- Residential Care Facility
- Restaurant
- Snack Bar
- Storage Facility (enclosed)
- Veterinary Clinic
- Telecommunications Facility [see  
Section 4.14]

**TABLE 2.1**  
**VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT (VC) – CONTINUED**

**D. Dimensional Standards** (unless otherwise specified for a particular use):

Minimum Lot Area	0.5 acres
Minimum Frontage	100 feet
Minimum Lot Depth	200 feet
Minimum Setback/Front (from CL)	50 feet
Minimum Setback/Side, Rear	20 feet
Maximum Lot Coverage	75 %
Maximum Height/ Structure, Building	35 feet

**F. District Standards**

1. All permitted uses are subject to site plan review under Section 5.6.  
**Exceptions:** agriculture, single and two-family dwellings, and associated accessory structures and uses (including home occupations, group homes, and child care homes providing day care for up to 6 full-time and four part-time children).
2. PUDs are allowed and will be encouraged within this district (see Section 5.9).
3. Public facilities in this district, other than those specified, are limited to indoor and outdoor recreation facilities (e.g., parks, playgrounds, recreation center), emergency service facilities (e.g., fire station) and offices and facilities providing direct services to the general public (town clerks, state offices, post office).

**TABLE 2.2**  
**LOW DENSITY RESIDENTIAL/AGRICULTURAL DISTRICT (LDR/A)**

**A. Purpose.** This district is characterized primarily by agricultural and low-density residential development. Soils are generally wet and poorly suited for higher density development. Much of the land is remote from existing roads. The intent of this district is to prevent development that would place a burden on the community, and to retain land for agriculture and open space purposes.

**B. Permitted Uses**

Accessory Structure/Use (to a permitted use)  
Agriculture [See Section 6.2]  
Forestry [See Section 6.2]  
Group Home  
Home Child Care [see Section 4.6]  
Home Occupation [see Section 4.9]  
Single-Family Dwelling

**C. Conditional Uses**

Accessory Apartment [See Section 4.1]  
Accessory Structure/Use (to a conditional use)  
Adaptive Reuse of a barn  
Agriculture Sales and Service  
Bed and Breakfast  
Campground  
Cemetery  
Community Center  
Cottage Industry [see Section 4.9]  
Day Care Facility [see Section 4.6]  
Extraction & Quarrying [see Section 4.7]  
Inn  
Kennel  
Mobile Home Park [see Section 4.12]  
Multi-Family Dwelling  
Public Facility [see (E)(3), Section 4.13]  
Recreation / Outdoor  
Residential Care Facility  
Retail Store [Seasonal Only, see (E)(4)]  
Roadside Stand  
Sawmill  
School [see Section 4.13]  
Telecommunications Facility [see Section 4.14]  
Two-Family Dwelling  
Veterinary Clinic

**TABLE 2.2**  
**LOW DENSITY RESIDENTIAL/AGRICULTURAL DISTRICT (LDR/A) – CONTINUED**

**D. Dimensional Standards** (unless otherwise specified for a particular use):

	<b>Single/Two-Family Dwelling</b>	<b>Other</b>
Minimum Lot Area	5 acres	5 acres
Minimum Frontage (must be continuous)	400 feet state highway 400 feet town highway 400 feet private road	400 ft. state highway 400 ft. town
Minimum Lot Depth	200 feet	200 feet
Minimum Setback/Front (from CL)	75 feet state highway 75 feet town highway 75 feet private road	75 feet
Minimum Setback/Side, Rear	25 feet	75 feet
Maximum Lot Coverage	15 percent	15 percent
Maximum Height/Structure, Building	35 feet	35 feet

**E. District Standards**

1. All permitted uses are subject to site plan review under Section 5.6.  
**Exceptions:** agriculture and forestry, single and two-family dwellings, and associated accessory structures and uses (including home occupations, group homes, and child care homes providing day care for up to 6 full-time and four part-time children).
2. PUDs are allowed and will be encouraged within this district (see Section 5.9).
3. Public facilities in this district, other than those specified, are limited to outdoor recreation facilities (parks, sports fields) and service and maintenance facilities not requiring regular access to the general public (town garage).
4. Retail sales in this district are limited to seasonal retail establishments, open only seven (7) months in the calendar year, which do not exceed 1200 square feet in gross floor area, and which cater primarily to tourists and sell arts, crafts, souvenirs, and other locally produced goods.

**TABLE 2.3**  
**SHORELAND RESIDENTIAL DISTRICT (SR)**

**A. Purpose.** This district is intended to protect the present residential character of town's northern portion of the lakeshore, and to encourage the long-term environmental protections of Lake Champlain and its shorelands.

**B. Permitted Uses**

Accessory Structure/Use (to a permitted Use)  
Agriculture [see Section 6.2]  
Forestry [see section 6.2]  
Group Home<sup>1</sup>  
Home Child Care<sup>1</sup> [see Section 4.6]  
Home Occupation<sup>1</sup> [see Section 4.9]

**C. Conditional Uses**

Accessory Apartment [see Section 4.1]  
Accessory Structure/Use (to a conditional use)  
Bed & Breakfast  
Community Center  
Cottage Industry [see Section 4.9 ]  
Cultural Facility  
Day Care Facility [see Section 4.6]  
Delicatessen  
Inn  
Multi-Family Dwelling  
Public Facility [see (E)(4), Section 4.13]  
Recreation Facility/Outdoor  
Residential Care Facility  
Retail Store [Seasonal Only, see E(5)]  
Roadside Stand  
Seasonal Dwelling (Camp) [see Section 3.2]  
Single Family Dwelling [see Section 3.2]  
Snack Bar  
Two-Family Dwelling

**TABLE 2.3**  
**SHORELAND RESIDENTIAL DISTRICT (SR) -- CONTINUED**

**D. Dimensional Standards** (unless otherwise specified for a particular use):

	<b>Single/Two-Family Dwelling</b>	<b>Other</b>
Minimum Lot Area	2.5 acres	2.5 acres
Minimum Frontage/Road (must be continuous)	400 feet on Lake Street 200 feet on other town & private roads	400 feet
Minimum Frontage/Shoreline (applicable only for lakefront lots)	200 feet	200 feet
Minimum Lot Depth	200 feet	200 feet
Minimum Setback/Front (from CL)	75 feet	75 feet
Minimum Setback/Side, Rear	20 feet	40 feet
Min. Setback/Shoreline (MHW- 98' msl) Buildings [see Subsection (E)(5)] Septic Systems	200 feet	100 feet 200 feet
Maximum Lot Coverage	25 percent	25 percent
Maximum Height/Structure, Building	35 feet	35 feet

**E. District Standards**

**F.**

1. All permitted uses are subject to site plan review under Section 5.6.

**Exceptions:** agriculture and forestry, single and two-family dwellings, and associated accessory structures and uses (including home occupations, group homes, and child care homes providing day care for up to 6 full-time and four part-time children).

2. Setbacks from the shoreline shall be measured from the mean high water mark, determined to be the elevation of 98 feet above mean sea level.
3. PUDs are allowed and will be encouraged within this district (see Section 5.9).
4. Public facilities in this district, other than those specified, are limited to water system intakes, collection and treatment facilities, outdoor recreation facilities (e.g.,

- beaches, boat accesses), seasonal campgrounds and associated accessory structures.
5. Retail sales in this district are limited to seasonal retail establishments, open only seven (7) months in the calendar year, which do not exceed 1200 square feet in gross floor area, and which cater primarily to tourists and sell arts, crafts, souvenirs, and other locally produced goods.
  6. The following structures may be allowed within shoreland setback areas:
    - a. Each landowner may have one temporary removable dock per lot as per state and federal regulations without obtaining a zoning permit. It is to be used solely for noncommercial uses, and for the occupant's use with no more than four (4) motorized watercrafts.
  7. The following structures may be allowed within shoreland setback areas with the issuance of a zoning permit by the Administrative Officer:
    - a. One detached deck, gazebo, or similar structure per lot, which does not exceed 500 square feet in area and does not extend beyond the mean high water mark, in addition to access stairs / ramps that are not greater than four (4) feet wide.
  8. Public facilities in this district, other than those specified, are limited to water system intakes, collection and treatment facilities, outdoor recreation facilities (e.g. beaches, boat accesses), seasonal campgrounds and associated accessory structures.
  9. Retail sales in this district are limited to seasonal retail establishments, open only seven (7) months in the calendar year, which do not exceed 1200 square feet in gross floor area, and which cater primarily to tourists and sell arts, crafts, souvenirs, and other locally produced goods.
- Other structures which provide visual or physical access to the lake (such as walkways, larger docks and boat ramps), or public facilities or utilities requiring lakeshore access (e.g., pumping stations, road and utility line crossings) may be located within the shoreland setback area subject to conditional use review under Section 5.7.
10. To maintain water quality, prevent erosion, and protect the scenic qualities of the shoreline as viewed from Lake Champlain, uses subject to site plan or conditional use review in accordance with Article 5 shall, in addition to the application materials required under Section 5.5, submit a shoreland buffer management plan to the Development Review Board. The management plan shall address all development, landscaping and vegetative management proposed for all land located within 100 feet of the mean high water mark of the lake. The buffer management plan shall be developed in accordance with the guidelines set forth in Figure 2.1. The Board may make implementation and ongoing adherence to the plan a condition of approval.

**Figure 2.3**  
**Shore Line Buffer Management:**  
**Recommended Guidelines for use in all Shoreland Districts**

- The removal of existing trees, shrubs, and ground cover should be minimized to help prevent runoff and erosion and provide a filter for nutrients and sediments.
- Protective vegetative ground cover should be re-established as appropriate, particularly to stabilize actively eroding areas. Retaining walls are strongly discouraged and should be considered only as a stabilization measure of last resort.
- Clearing for views should be limited to narrow openings between trees and beneath tree canopies.
- Impervious surfaces that would increase surface runoff should be avoided.
- Lake access should be confined to those areas least subject to erosion and runoff. Access paths, stairways, and ramps should be designed and maintained to avoid conducting runoff into the lake.
- The storage and use of fertilizers, pesticides or other chemicals within the buffer area should be avoided.

**TABLE 2.4**  
**RECREATION DISTRICT (REC)**

- A. Purpose. This district, located primarily east of Routes 125 and Route 17, extends to the shoreline of Lake Champlain. This district is intended to support and encourage the development of recreation on the shores of Lake Champlain, while encouraging the long-term environmental protection of the lake and its shorelands.

**B. Permitted Uses**

Accessory Structure/Use (to a permitted use)  
 Agriculture [see Section 6.2]  
 Forestry [see Section 6.2]  
 Group Home<sup>1</sup>  
 Home Child Care<sup>1</sup> [see Section 4.6]  
 Home Occupation<sup>1</sup> [see Section 4.9]

**C. Conditional Uses**

Accessory Apartment [Section 4.1]  
 Accessory Structure/Use (to a conditional use)  
 Bed & Breakfast  
 Campground [see Section 4.5]  
 Cottage Industry [see Section 4.9]  
 Cultural Facility  
 Gas Station  
 Inn  
 Marina [see Section 4.10]  
 Marine Sales & Service  
 Mixed Use [see Section 4.11]  
 Multi-Family Dwelling  
 Personal Service  
 Public Facility [see (E)(4), Section 4.13]  
 Recreation Facility/Indoor  
 Recreation Facility/Outdoor  
 Recreation Vehicle Sales and Service  
 Restaurant  
 Retail Store  
 Roadside Stand  
 Seasonal Dwelling (Camp) [see Section 3.2]  
 Single Family Dwelling [see Section 3.2]  
 Storage (enclosed)  
 Two-Family Dwelling

**TABLE 2.4**  
**SHORELAND RECREATION DISTRICT (REC) – CONTINUED**

**D. Dimensional Standards** (unless otherwise specified for a particular use):

Minimum Lot Area	1.5 acres
Minimum Frontage/Road (must be continuous)	300 feet on state highways 200 feet on town/private roads
Minimum Frontage/Shoreline	200 feet
Minimum Lot Depth	200 feet
Minimum Setback/Front (from CL)	75 feet state highway 50 feet town highway
Minimum Setback/Side, Rear	20 feet
Min. Setback/Shoreline (MHW - 98' msl) Buildings [see subsection (E)(5)] Septic Systems	100 feet 200 feet
Maximum Lot Coverage	50 percent
Maximum Height/ Structure, Building	35 feet

**E. District Standards**

1. All permitted uses are subject to site plan review under Section 5.3.  
**Exceptions:** agriculture and forestry, single and two-family dwellings, and associated accessory structures and uses (including home occupations, group homes, and child care homes providing day care for up to six (6) full-time and four part-time children).
2. Setbacks from the shoreline shall be measured from the mean high water mark, determined to be the elevation of 98 feet above mean sea level.
3. PUDs are allowed and will be encouraged within this district (see Section 5.6).  
 9)
4. Public facilities in this district, other than those specified, are limited to water system intakes, collection and treatment facilities, outdoor recreation facilities (e.g., beaches, boat accesses) and seasonal campgrounds and associated accessory structures.
5. The following structures may be allowed within shoreline setback areas:

Each landowner may have one temporary removable dock per lot as per state and federal regulations without obtaining a zoning permit. It is to be used solely for noncommercial uses, and for the occupant's use with no more than four (4) motorized watercrafts.

6. The following structures may be allowed within shoreline setback areas with the issuance of a zoning permit by the Administrative Officer:

One detached deck, gazebo, or similar structure per lot, which does not exceed 500 square feet in area and does not extend beyond the mean high water mark, in addition to access stairs / ramps that are not greater than four (4) feet wide.

Other structures which provide visual or physical access to the lake (such as walkways, larger docks and boat ramps), or public facilities or utilities requiring lakeshore access (e.g., pumping stations, road and utility line crossings) may be located within the shoreland setback area subject to conditional use review under Section 5.4.

7. To maintain water quality, prevent erosion, and protect the scenic qualities of the shoreline as viewed from Lake Champlain, uses subject to site plan or conditional use review in accordance with Article 5 shall, in addition to the application materials required under Section 5.5, submit a shoreland buffer management plan to the Development Review Board. The management plan shall address all development, landscaping and vegetative management proposed for all land located within 100 feet of the mean high water mark of the lake. The buffer management plan shall be developed in accordance with the guidelines set forth in Figure 2.1. The Board may make implementation and ongoing adherence to the plan a condition of approval.

**Figure 2.4**  
**Shoreland Buffer Management: Recommended Guidelines**

➤ See Figure 2.3 on page 13.

**TABLE 2.5**  
**CONSERVATION (CON) DISTRICT**

A. **Purpose.** This district, which includes publicly owned land, ecologically sensitive floodplains, wetlands, and upland areas, and soils that are generally unsuited for development, is intended to support conservation and open space uses only.

**B. Permitted Uses**

- B) Agriculture [see Section 6.2]  
conditional use)
- C) Forestry [see Section 6.2]

**C. Conditional Uses**

- Accessory Structure / Use (to a Public Facility [see (E)(2), Section 4.13])

**D. Dimensional Standards** (unless otherwise specified for a particular use):

Minimum Lot Area	25 acres
Minimum Frontage	800 feet
Minimum Lot Depth	400 feet
Minimum Setback/Front (from CL)	75 feet
Minimum Setback/Side, Rear	200 feet
Maximum Height/ Structure, Building	35 feet

**E. District Standards**

1. Should any of the boundaries encompassing land designated in the Conservation District prove to be incorrectly designated, those lands and premises shall then be subject to the requirements for the district immediately adjacent to such lands.
2. Public facilities in this district, other than those specified, are limited to public parking, boat access, information kiosks, wildlife viewing structures, habitat enhancements, and equipment storage.

**TABLE 2.6**  
**FLOOD HAZARD AREA OVERLAY (FHO) DISTRICT**

**A. Purpose.** The purpose of the flood hazard area overlay district, adopted in accordance with the Act, is to, within designated flood hazard areas, promote public health, safety and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard, and to minimize losses due to floods by:

- restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;
- requiring that uses vulnerable to floods, including public facilities that serve such uses, are protected against flood damage at the time of initial construction;
- protecting individuals from buying lands that are unsuited for their intended purposes because of flood hazard;
- ensuring that property owners within flood hazard areas are eligible for flood insurance through municipal participation in the National Flood Insurance Program (NFIP).

**B. Permitted Uses**

[see subsection (E)(2)]

Agriculture [see Section 6.2]  
 Forestry [see Section 6.2]  
 Group Home<sup>1</sup>  
 Home Child Care<sup>1</sup> [see Section 4.6]  
 Home Occupation<sup>1</sup> [see Section 4.9]  
 Public Park, Access [no structures]  
 Recreation / Outdoor [no structures]

**C. Conditional Uses**

All other uses as allowed within the underlying district, which do not involve a prohibited use or activity [see (E)].

**D. Dimensional Standards** (unless otherwise specified for a particular use type):

As specified for the underlying district.

**E. District Requirements**

1. Where the standards of this overlay district differ from underlying district standards, the more restrictive shall apply.
2. Uses permitted within the Flood Hazard Area Overlay specifically include agriculture and forestry; unimproved open space, and those uses generally permitted within existing single-family dwellings, which do not require structural alterations (i.e., child care and home occupations as defined herein). All other uses and structures, including but not limited to new or expanded single family dwellings and accessory structures, shall be subject to review under Section 5.8, as well as all other applicable municipal and state regulations. A "permitted use" in the underlying zoning district shall be reviewed only in accordance with the standards set forth in Section 5.6, and not also general conditional use standards under Section 5.7.

3. Within this district all dredging, filling, grading, channel modification, paving, drilling, and equipment or materials storage, or any other changes to improved or unimproved real estate, shall be considered conditional uses subject to conditional use review under Section 5.7, and the provisions of this district under Section 5.8.
4. Mandatory state and federal [44 CFR 60.3 and 60.6] requirements for continued eligibility in the National Flood Insurance Program – including, but not limited to, associated structural standards, definitions, administrative and variance requirements as most recently amended – are hereby adopted by reference and shall be applied to all development in this district. Accordingly:
  - a. Applications for development within the Flood Hazard Area Overlay District shall be submitted in accordance with the provisions of Section 5.8, and are subject to state and federal agency referral requirements in accordance with Sections 5.1 and 6.1.
  - b. Development in the Flood Hazard Area Overlay District shall be subject to conditional use review under Section 5.8, as well as applicable requirements of the underlying zoning district.
  - c. Requests for variances for development within the Flood Hazard Area Overlay District shall be subject to review under Section 6.6.
  - d. The Administrative Officer in accordance with Section 6.9(C) shall record permits, certificates and variance actions for development within the Flood Hazard Area Overlay District.

## **ARTICLE 3: GENERAL REGULATIONS**

### **SECTION 3.1 APPLICABILITY**

The following general standards, including provisions required under the Act, apply to all uses and structures as specified within the Town of Addison.

### **SECTION 3.2 CONVERSION OR CHANGE OF USE**

- A. A conversion or change in the use of land, existing buildings, or other structures is subject to the following provisions of these regulations.
  1. The proposed use must meet all requirements of these regulations pertaining to such use, including but not limited to any district, access, parking, and/or sewage disposal requirements, as well as any other applicable municipal regulations currently in effect.
  2. A conversion or change of use from one permitted use to another permitted use requires a zoning permit issued by the Administrative Officer in accordance with Section 6.3. Site plan approval also may be required under Section 5.5 depending on the type of proposed use.
  3. A conversion or change of use from a permitted to a conditional use, or from one conditional use to another conditional use, requires conditional use approval under Section 5.7 prior to the issuance of a zoning permit.
  4. Changes or conversions involving nonconforming uses and/or noncomplying structures are subject to review under Section 3.7.
- B. The conversion of a seasonal dwelling (camp) to a year-round dwelling within the Shoreland Residential or Recreation Districts shall be subject to conditional use review under Section 5.7, and the following additional requirements:
  1. The dwelling shall contain, at minimum, 800 square feet of livable floor space, which is suited for year-round occupancy (e.g., insulated, heated, and equipped with indoor plumbing and kitchen facilities).
  2. Adequate parking shall be provided in accordance with Section 3.8, unless otherwise waived by the Development Review Board.
  3. Access to a town or private road shall be provided by a driveway, which at minimum meets driveway standards set forth in Section 3.5.
  4. Adequate water and wastewater systems shall be provided in accordance with Section 3.10.

**SECTION 3.3 EQUAL TREATMENT OF HOUSING**

- A. In accordance with the Act, no provision of these regulations shall have the effect of:
1. 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;
  2. excluding from the municipality housing to meet local housing needs as identified in the *Addison Town Plan*;
  3. preventing the establishment of a mobile home park within designated zoning districts, in accordance with state and municipal regulations (see Section 4.12); or,
  4. excluding for review as a conditional use one accessory dwelling unit constructed within a single family dwelling located in a district where such dwellings are a permitted or conditional use, in accordance with Section 5.7.

**SECTION 3.4 EXISTING SMALL LOTS**

- A. In accordance with the Act [§4406(1)], any lot in individual and non-affiliated ownership from surrounding properties in existence on the effective date of these regulations may be developed for the purposes permitted in the district in which it is located, and in accordance with all applicable requirements of these regulations, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth (1/8) of an acre in area with a minimum width or depth of 40 feet.
- B. Pre-existing, undeveloped small lots in affiliated or common ownership or such lots which subsequently come under common ownership with one or more contiguous lots shall be deemed merged with the contiguous lots for the purpose of these regulations. However, such lots shall not be deemed merged, and may be separately conveyed, if:
1. the lots are conveyed in their pre-existing, nonconforming configuration; and
  2. on the effective date of these regulations, each lot had been developed with a water supply and wastewater disposal system; and
  3. at the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and,
  4. the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems in case a wastewater system fails, pursuant to the Act [§4406(1)(A)(iv)].

**SECTION 3.5 HIGHWAY ACCESS & FRONTAGE REQUIREMENTS**

- A. In accordance with the Act [§4406(2)], no land development may be permitted on lots in existence prior to the effective date of these regulations which do not either have frontage on a maintained State, Class I, II or III public road or public waters, or with the approval of the Development Review Board, access to such a road or waters by means of a Class IV road, or permanent easement or right-of-way at least 30 feet in width, in accordance with the following provisions:
  - 1. Use of a right-of-way or easement for access shall be limited to lots in existence as of the effective date of these regulations. Lots created after the effective date shall meet all applicable access and frontage requirements contained in these regulations.
  - 2. The Development Review Board may consider the intended use of the property, safety, traffic, road, and site conditions in granting, conditioning or denying access approval. Conditions may be imposed by the Board based on site, road and traffic conditions as required to ensure public safety and welfare. Such conditions may include, but not be limited to, agreements contained in these regulations.
  - 3. Residential development on a parcel accessed by a right-of-way or easement under this provision is limited to one seasonal or single-family dwelling.
  - 4. If a Class IV road is to be used for access, the applicant shall be required, as a condition of approval, to upgrade the road to town specifications to allow year-round access for emergency vehicles. Maintenance shall be the responsibility of the applicant and subsequent landowners. The town shall not be required to upgrade the road, nor to maintain the road for year-round use, except in accordance with adopted town road policies and ordinances.
- B. Access onto public highways is subject to the approval of the Addison Selectboard, and for state highways, the Vermont Agency of Transportation. As a condition of access approval, compliance with all local regulations and ordinances pertaining to roads and land use is required. Access permits must be issued prior to the issuance of a zoning permit. In the event that subdivision, site plan and/or conditional use approval is required, access approval shall be obtained following the issuance of such approvals.
- C. No lot shall be served by more than one access road or driveway unless otherwise approved by the Development Review Board under site plan or conditional use review or the *Addison Subdivision Regulations*. Accesses (curb cuts) are to be installed in accordance with municipal and/or state regulations, and shall not be permitted to extend along the length of road frontage. For parcels having direct

Copies of the Addison Access Policy and pertinent applications are available from the Addison Zoning Administrator and / or the Addison Town Clerk.

- access to more than one public road, access to the property may be limited to a side street or secondary road as a condition of site plan or conditional use approval.
- D. For the purposes of these regulations, private rights-of way serving more than three lots shall be considered private roads, and shall have a minimum right-of-way of 50 feet. Private roads may be taken over by the town only in accordance with town road policies and ordinances, and state statutes governing the laying out of public rights-of-way.
  - E. All access roads and driveways entering onto public roads must meet Selectboard specifications for culverts, grading, and ditching. In addition:
    - 1. Driveways, including access roads serving up to three (3) lots, must meet town driveway (B-71) standards; access roads serving four (4) or more lots must meet town road (A-76 or other) standards.
    - 2. Driveways and access roads shall be logically sited in relation to existing topography; no access road or driveway shall exceed an average grade of 10% for any 50-foot section (i.e., maximum 5 foot rise per 50 foot stretch).
    - 3. Driveways 500 feet or more in length and less than 15 feet wide shall include, at minimum, one 10 foot by 30 foot pull-off area. Additional pull-offs may be required subject to site plan or conditional use review.
    - 4. Driveways shall be located at least 100 feet from road intersections, as measured from the road rights-of-way.

### **SECTION 3.6 LOT & YARD REQUIREMENTS**

- A. Only one principal use or structure may be located on a single lot, with the exception of agriculture and/or forestry, unless otherwise allowed as a mixed use under Section 4.11, an adaptive reuse under Section 4.2, or with the approval of the Development Review Board as part of a PUD under Section 5.9.
- B. Only one dwelling may be located on a single lot, unless the second dwelling is permitted as an accessory apartment in accordance with Section 4.1 or a two-family or multi-family dwelling in a district in which such use is permitted. A dwelling shall not be considered an accessory use to another use, including agriculture.
- C. An accessory structure or use must conform to all lot, setback, coverage and other dimensional requirements for the district in which it is located, unless specifically exempted from such requirements under Section 6.2.
- D. A long term lease of a portion of a parcel for occupancy by a use in addition to the use of the remaining portion of the property (e.g., a long term lease of land for the purpose of erecting a telecommunications or wind generation facility) shall be reviewed under the *Addison Subdivision Regulations* and the leased parcel shall

- meet the standards of the district in which it is located.
- E. Space required under these regulations to satisfy area, yard or other open space provisions in relation to one structure shall not be counted as part of the open space for any other structure.
  - F. Frontage requirements for lots served by private roads shall be the same as frontage requirements for lots served by public roads; the minimum frontage shall be contiguous and not interrupted by a separate parcel, and frontage is measured only on one road.
  - G. Any interior lot which does not have frontage on a public or private road or public waters shall meet minimum setback requirements for all setbacks equal to the front yard setback distance for the district in which it is located.
  - H. Any yard adjoining a public or private road shall be considered a front yard (e.g., a corner lot shall be considered to have two front and two side yards); and shall meet applicable front setback requirements.
  - I. No lot shall be so reduced in area that it cannot meet area, yard, setback, frontage, coverage and other dimensional requirements for the district in which it is located, except as approved by the Development Review Board for a PRD or PUD under Section 5.9.

### **SECTION 3.7 NONCONFORMITIES**

- A. **Uses.** Any use of land or a structure in lawful existence as of the effective date of these regulations, or any subsequent amendment, which does not conform with the requirements of these regulations, may continue indefinitely in accordance with the Act [§4408] and the following requirements. A nonconforming use:
  1. shall not be moved, enlarged, altered, extended, reconstructed or restored except as provided in this section, nor shall any external evidence of such use be increased;
  2. shall not be changed to another nonconforming use without approval of the Development Review Board in accordance with conditional use review under Section 5.7, and then only to a use which is of the same or a more restricted nature.
  3. shall not be re-established if such use has been changed to, or replaced by, a conforming use, or if such use has been discontinued for a period of 12 months. Intent to resume a nonconforming use shall not confer the right to do so;
  4. shall not be restored for other than a conforming use after damage from any cause unless the non-conforming use is re-instated by the commencement of construction within 12 months of such damage and the completion of

construction and reestablishment of the nonconforming use within 24 months of such damage; otherwise the nonconforming use shall be deemed to have been discontinued, unless such nonconforming use has been carried on in a portion of the damaged building;

5. shall not be extended or enlarged except with conditional use approval of the Development Review Board in accordance with Section 5.7 and the following requirements:

- a. the extension or enlargement does not create a greater nuisance or adversely impact adjacent properties; and
- b. the extension or enlargement is consistent with the goals and policies of the *Addison Town Plan* and conforms with all applicable requirements of these regulations, including lot, yard, setback, coverage, height and associated standards.

- B. **Noncomplying Structures.** Any structure, or portion thereof, in lawful existence as of the effective date of these regulations which is not in compliance with the requirements of these regulations, may continue indefinitely in accordance with the Act [§4408]. A noncomplying structure also:

1. may undergo normal maintenance and repair without a permit, provided that such action does not increase the degree of noncompliance;
2. may be restored or reconstructed after damage from any cause provided that the restoration or reconstruction is commenced within 12 months and completed within 36 months, and the restoration or reconstruction does not increase the degree of noncompliance; and
3. may be structurally enlarged, expanded or moved, subject to conditional use review by the Development Review Board under Section 5.7, provided that the enlargement, expansion or relocation does not increase the degree of noncompliance.

### **SECTION 3.8 PARKING, LOADING, & SERVICE AREA REQUIREMENTS**

- A. **Required Parking.** Off-street parking spaces shall be provided for all new or expanded uses and structures, on the same lot as the associated use, or on adjacent lots under the same ownership or under permanent easement, as set forth below:

1. All required parking spaces shall have a minimum width of 10 feet, a minimum length of 20 feet, unobstructed access and maneuvering room, and gravel or paved surface sufficient to permit year-round use.
2. A minimum number of parking spaces as determined by the proposed use shall be provided in accordance with the requirements listed in Table 3.1.

3. With the exception of parking associated with single and two-family dwellings, parking areas shall be reviewed and approved by the Development Review Board in accordance with site plan or conditional use review and the requirements of this section. Parking areas shall not be located within 20 feet from the edge of the traveled road. The parking of motor vehicles is allowed within side or rear yard areas unless otherwise specifically prohibited under other provisions of these regulations.
4. Nonresidential parking areas are to be located to the side or rear of buildings, unless otherwise specifically approved by the Development Review Board under site plan or conditional use review.
5. In addition to the requirements listed in Table 3.1, all multi-family, public, commercial and industrial developments must provide adequate, clearly marked handicapped parking spaces in accordance with state and federal (ADA) requirements.

<b>Table 3.1 Minimum Off-Street Parking Requirements</b>	
<b>Use</b>	<b>Parking Spaces</b>
Bed & Breakfast	2 per dwelling unit, and 1 per guest room
Cottage Industry	2 per dwelling unit, and 1 per nonresident employee
Day Care Facility (7 or more children)	3 spaces per 10 children enrolled at the facility
Dwelling/Accessory Apartment	2 per dwelling unit
Dwelling/ Multi-Family	2 per dwelling unit
Dwelling/Single or Two Family	2 per dwelling unit
Funeral Home	2 per dwelling unit (if residential), 1 per 2 nonresident employees, and 15 per chapel/visiting room
Health Clinic	5 per doctor or other primary professional care giver
Home Child Care, Home Occupation	2 per dwelling unit, and 1 per nonresident employee
Inn	1 per guest room, and 1 per employee for the largest shift
Mixed Use	Total required per each individual use
Motor Vehicle Service Station	5 per service bay
Office (business, government, professional)	1 per 300 sq. ft. of gross floor area
Personal Service	1 per employee, and one per customer service station

Private Club	1 per 4 seats or 1 per every 200 sq. ft. of gross floor area, whichever is greater
Public Assembly (church, auditorium, cultural facility etc.)	1 per 4 seats or 1 per every 200 sq. ft. of gross floor area, whichever is greater
Public Facility (e.g., station, garage)	1 per 1000 sq. ft. of gross floor area, and 1 per employee
Recreation/Outdoor	1 per three patrons at capacity
Residential Care Facility (7 or more residents)	1 per 4 beds, and 1 per employee for the largest shift
Restaurant (eating and drinking establishments)	1 per 3 seats, and one per employee for the largest shift
Retail Establishment	1 per 300 sq. ft. of gross floor area
School	3 spaces per 10 children enrolled at the facility.
Storage Facility	1 per 1,000 sq. ft. of gross floor area, and 1 per employee.
Unspecified	As determined by the Development Review Board, under site plan or conditional use review, to be the minimum necessary to accommodate the proposed use, in accordance with accepted standards (e.g., Institute of Transportation Engineering).

6. All off-street parking areas in excess of eight (8) parking spaces shall provide landscaped areas, which at minimum are equal to at least 10% of the total parking area, unless otherwise approved by the Development Review Board under site plan or conditional use review. Landscaped areas shall be integrated into the parking lot design, and be regularly maintained.
7. For development subject to site plan or conditional use review, shared parking, landscaping, screening, lighting, snow removal, and/or pedestrian or transit facilities may be required as a condition of approval.
8. Driveways and parking areas shall be so arranged that vehicles are not required to back into a public road on entering or exiting.

B. **Loading & Service Areas:** Where a proposed development will require the frequent or regular loading or unloading of goods, sufficient on-site service areas shall be provided. Service areas also may be required for emergency vehicles, waste disposal and collection, bus, taxi, or van service, and other purposes as may be necessitated by the proposed use. All loading and service areas shall be clearly marked and located in such a manner so that parked vehicles will not block or obstruct sight visibility at intersections or to or from any internal road or access.

C. **Waivers.** The Development Review Board may, under site plan or conditional use review, waive on-site parking, loading and/or service area requirements based on a

determination under one or more of the following provisions that, due to circumstances unique to the development, the strict application of these standards is unnecessary or inappropriate:

1. green areas are to be set aside and maintained as open space for future conversion to parking, loading and/or services areas in the event that the spaces initially permitted are subsequently deemed inadequate to meet demonstrated need;
2. adequate shared parking, loading, and/or services areas for use by two or more businesses exist on the same or contiguous lots, under common ownership or a long-term lease;
3. adequate off-site public parking exists within reasonable walking distance of the establishment; or
4. the proposal is for the development of affordable or elderly housing as defined under Article 7.

### **SECTION 3.9 PERFORMANCE STANDARDS**

A. The following standards apply to all uses, with the exception of agriculture and forestry, in all districts. In determining ongoing compliance, the burden of proof shall fall on the applicant and/or all assessors and assigns. No use shall cause, create or result in:

1. **smoke dust, odors, noxious gases, or other forms of air pollution** which constitute a nuisance to neighboring landowners, businesses, or residents; which endanger or adversely affect public health, safety, or welfare; or which are offensive or uncharacteristic of the area;
2. **continuous noise**, which is excessive at the property line and represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area. In no case will noise levels exceed 65 decibels as measured at the nearest property line, with the exception of noise directly associated with:
  - a. vehicles or maintenance equipment not used in the ordinary operation of a use or business or not under the control of the property owner, tenant or leaser;
  - b. occasionally used safety signals, warning devices, and emergency relief valves; and
  - c. temporary construction activity between 7:00 A.M. and 7:00 P.M.;

3. **noticeable or clearly apparent vibration** which, when transmitted through the ground, is discernable at property lines without the aid of instruments;
  4. **glare, lights, or reflection which could impair the vision** of a driver of any motor vehicle or which are detrimental to public health, safety, and welfare. Outdoor lighting and wall-mounted fixtures shall be shielded and down-cast. Landscape lighting fixtures shall be directed so as not to cause glare on adjacent roadways, cause excessive levels of illumination, or result in direct illumination of neighboring properties;
  5. **fire, safety, explosive, radioactive emission or other hazard** which endangers the applicant's or neighboring properties, or the general public or which results in a significantly increased burden on municipal facilities and services;
  6. **electromagnetic disturbances or electronic transmissions or signals** which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to public health, safety and welfare (except from telecommunications facilities which are specifically licensed and regulated through the Federal Communications Commission); or
  7. **liquid or solid wastes or refuse** in excess of available capacities for proper disposal; which cannot be disposed of by available or existing methods without undue burden to municipal facilities; which pollute ground and surface waters; or which are otherwise detrimental to the public health, safety, and welfare.
- B. Agricultural operations shall at minimum observe Accepted Agricultural Practices (AAPs) as defined and administered by the Vermont Department of Agriculture, as revised (see Section 6.2).
- C. Agricultural operations within 200 feet of waterways (high water mark) shall at minimum observe Best Management Practices.
- D. Forestry operations shall observe Acceptable Management Practices (AMPs) as defined and administered by the Vermont Department of Forests, Parks, and Recreation, as revised (see Section 6.2).

### **SECTION 3.10 SEWAGE DISPOSAL**

- A. Within the Shoreland Residential and Recreation Districts, wastewater disposal systems shall meet the following standards:
1. The location of all subsurface disposal systems (including septic tanks, leach fields) shall be located a minimum of 200 feet from the shoreline, in accordance

with Section 3.12.

2. All subsurface wastewater disposal systems shall be designed by a professional Vermont-licensed engineer, or a Certified Site Technician, who shall certify in writing that the proposed system complies with the *Vermont Department of Environmental Conservation's Small Scale Wastewater Treatment and Disposal Rules*, as amended. Documentation that the proposed system meets these standards, including system design specifications and required certification, shall be submitted to the Administrative Officer together with an application for a zoning permit.
3. Connection to an existing community disposal system is allowed, providing that certification by a Vermont-licensed engineer that the community system has adequate disposal and capacity to accommodate the proposed use in accordance with all applicable state regulations is provided to the Administrative Officer at the time of application for a zoning permit.
4. The conversion of any seasonal dwelling (camp) to a year-round dwelling shall require conditional use approval in accordance with Sections 3.2 and 5.7. In addition to the application materials described in Section 5.5, the applicant shall submit to the Administrative Officer certification by a Vermont-licensed engineer that any existing or proposed disposal system meets the standards set forth in subsections 1, 2, and/or 3 above.

### **SECTION 3.11 SIGNS**

- A. **Exempted & Prohibited Signs.** A zoning permit shall be required prior to the erection, construction or replacement of any outdoor sign, unless such sign is specifically exempted or prohibited in Table 3.2 or under Subsection (B).
- B. **Allowed Signs.** All other signs shall require a zoning permit issued by the Administrative Officer in accordance with the following requirements:
  1. No outdoor advertising signs shall be permitted in any district except for the purposes of identifying an existing, on-premise recreational, commercial, business, public or industrial use in those districts where such uses are permitted. Signs advertising businesses and/or activities located on a separate lot are prohibited unless listed as exempted in Column 1 of Table 3.2.
  2. No sign may have a surface area exceeding 32 square feet, measured in accordance with Subsection (D).
  3. More than one free-standing or wall-mounted hanging sign may not be located on a single lot, except that no more than two signs may be permitted on a single lot provided such signs are separated by a minimum distance of 125 linear feet.
  4. Externally illuminated signs shall be lighted so as not to produce undue glare,

hazards. A constant, shielded light source may be used for indirect lighting, provided that the lighting is directed only on the sign surface, preferably from above, and does not adversely affect neighboring properties, rights-of-way, or vehicular traffic. The light source shall not be visible from adjacent properties or roads. The use of flashing lights or neon lamps, and internally illuminated signs, are not permitted. No sign shall be illuminated during hours when the premises is not occupied or open for business.

5. Free-standing signs, as measured from the average grade of the ground to the top of the supporting structure, shall not exceed 18 feet in height.

1)

**Table 3.2 Exempted & Prohibited**

Column 1.	Column 2.
Signs erected by the state or town on public roads	Signs which impair highway safety.
Non-advertising signs placed for directional, safety or public service purposes.	Signs which are animated, flashing, made of reflective material or are intermittently or internally
One residential sign per dwelling unit identifying the occupant, not to exceed two (2) square feet in area; and residential flags or banners intended solely for	Signs painted on or attached to rock outcrops, trees, or similar natural features.
Signs relating to trespassing and hunting, each not to	Advertising signs or banners attached to utility poles
Temporary auction, lawn, or garage sale or real estate for sale signs, not to exceed two (2) in number or six (6) square feet in total area, which shall be	Roof and wall signs which extend above the eave, unless approved by the DRB.
Temporary election signs to be posted and removed	Permanent signs which project over public rights-of
Temporary signs or banners advertising public or community events, to be displayed in designated locations on town property with the permission of the Selectboard, which shall be removed immediately	Off-premises signs, except for those which conform to state laws.
Temporary real estate sign not exceeding six (6)	Signs identifying businesses or uses which are no
One (1) temporary construction sign, not to exceed sixteen (16) square feet in area or ten (10) feet in height, may be placed on any site under development providing such sign is promptly removed immediately	Signs located on motor vehicles which are used primarily as a support or foundation.
Signs or bulletin boards incidental to places of worship, schools, libraries or public facilities, not to exceed one per establishment, 16 square feet in total	

Unlit wall-mounted or freestanding signs advertising a home occupation, home based business or home day care facility, not to exceed one (1) per residential	
On-premise historic or landmark signs, not to exceed	
Wall murals intended solely for artistic, non-	
Window signs which do not exceed thirty (30) percent	

6. Projecting signs shall not extend over public rights-of-way.
7. Notwithstanding district setback requirements for structures, free-standing signs may be placed within 33 feet of the centerline of a state or town highway; however, such signs shall not obstruct sight distances or travel lanes or otherwise create a safety hazard, nor be located within 20 feet of an adjacent private property as measured from the property line, unless combined on the same stand with the sign of an adjacent business.
8. Nothing in these regulations shall prevent normal sign maintenance and repair, including the replacement of broken parts. Nonconforming signs may remain in use unless they are damaged beyond 50% of their appraised value, and/or are reconstructed, remodeled, relocated, replaced or enlarged.
9. All permitted signs shall be maintained in a secure and safe condition.
- C. **Exceptions.** In addition to the provisions of Subsection (B) above, the following may be permitted:
1. In addition to the signs allowed for business under this section, gas stations may erect one (1) pricing sign which does not exceed 16 square feet in area and/or pump-top pricing signs, each not to exceed two (2) square feet in area.
  2. In addition to freestanding and/or wall-mounted hanging signs permitted in this section, under lettering and/or graphics may be affixed or applied directly to the front facade of a building, including its wall and windows, provided the total area of the lettering and/or graphics meet the following:
    - a.) the total area of the lettering or graphic shall not exceed a maximum of 10% of the total area of the building facade, including window and door openings; in computing the area of a building sign or wall graphic, the area shall be the area of the smallest rectangle with a level base line which can contain a sign including the lettering, graphic, panel and frame, if any; and
    - b.) lettering shall not exceed 18 inches in height.

3. In addition to freestanding and/or wall-mounted hanging signs permitted this section, commercial uses located within the Village District and the Recreation District are permitted one moveable "sandwich board" sign advertising specials or events on a seasonal basis, provided such sandwich board does not exceed nine (9) square feet in area and four (4) feet in height, and is set back from road rights-of-way and property lines.
4. Proposed signs which may not otherwise meet the requirements of this section may be approved by the Development Review Board as a conditional use under Section 5.7 upon finding that the sign has distinctive artistic and/or cultural merit which will contribute significantly to the character of the neighborhood and community.

D. **Measurement.** When computing the total number of signs or permissible sign area for any use, the following shall apply:

1. Existing signs, except for those specifically exempted under Subsection (A), shall be included in the calculation of the total number and area.
2. Freestanding and projecting signs printed back-to-back (having two visible sides) shall be counted as one sign, and the area shall be computed for one side only.
3. Signs consisting of freestanding letters or numerals shall include any intervening spaces (the entire message area), in the calculation of total sign area.
4. Sign area measured shall be the area included within the extreme limits of the sign surface, excluding supporting structures.

### **SECTION 3.12 SURFACE WATER PROTECTION**

A. **Applicability.** To maintain water quality, protect wildlife habitat, and prevent soil erosion and pollution associated with surface runoff, the following shall apply to all new development, including additions to existing structures:

1. **Lakeshore.** All structures shall be located a minimum of 100 feet from the mean high water level (98 feet msl) of Lake Champlain; all septic systems shall be located a minimum of 200 feet from the mean high water level of Lake Champlain.
2. **Streams.** All structures shall be located a minimum of 100 feet from the tops of the banks of all streams and rivers identified from current U.S. Geological Survey maps, Vermont Base Maps (orthophotos) or through site investigation.
3. **Wetlands.** An undisturbed, vegetated buffer strip at least 50 feet in width shall be maintained around all wetlands as identified on current Vermont

Significant Wetland Inventory (VSWI) maps, National Wetland Inventory (NWI) maps, Vermont Base Maps (orthophotos), or through site investigation. The width of the buffer strip shall be measured from the delineated wetland boundary.

- B. For development subject to site plan or conditional use review, the Development Review Board may also require:
  - 1. increased setback and buffer distances, based on site, slope and/or soil conditions, and the nature of the proposed use,
  - 2. a storm water and erosion control plan which incorporates best management practices as recommended by the state,
  - 3. a buffer management plan to include at minimum clearing and cutting restrictions, access provisions, and landscaping and screening requirements.
- C. Development subject to site plan or conditional use review and located in the Shoreland Residential and Recreation Districts shall comply with the shore line buffer management requirements described in Tables 2.3 and 2.4, respectively.
- D. Development proposals under this section also may be subject to state agency referral requirements under Section 6.3 and/or state agency approval. No zoning permit shall be issued for development requiring state agency approval until the applicant has submitted evidence of such approval.

## ARTICLE 4: SPECIFIC USE REGULATIONS

### **SECTION 4.1 ACCESSORY APARTMENT**

- A. An apartment will be considered a by-right accessory use to an owner-occupied single-family dwelling if it meets the standards below:
  1. the unit must be an efficiency or one-bedroom apartment;
  2. the area of the apartment cannot exceed 30 percent of the total habitable floor area of the principal dwelling;
  3. the unit must be within the principal dwelling or in an accessory building to that dwelling that meets all the applicable standards for the district in which it is located;
  4. the accessory dwelling is occupied by no more than two (2) persons, one of whom is related by blood or marriage to the owner of the single family dwelling, is disabled as defined by the state [18 V.S.A. §251(2)] or is at least 55 years of age; and
  5. the single family dwelling is occupied by the owner.
- B. A zoning permit issued for an accessory apartment will clearly state that the dwelling is permitted only as an accessory to the principal residential use of the property and as such will be retained in common ownership. Such a dwelling may be subdivided and/or converted for conveyance or use as a principal dwelling only if it is found to meet all current municipal regulations applying to a two-family dwelling, including all density and dimensional requirements for the district in which it is located. All applicable municipal permits and approvals will be required prior to the subdivision, conversion, or conveyance as a principal dwelling.

### **SECTION 4.2 ADAPTIVE REUSE OF HISTORIC BARNs**

- A. Purpose. To encourage the viability, reuse, restoration and rehabilitation of historic barns which are no longer used for agricultural purposes and which may not meet district dimensional requirements, by allowing for uses, including uses not otherwise allowed in the district in which they are located, within the current dimensions of such barns in a manner that does not alter their exterior appearance.
- B. Applicability. All adaptive reuse of historic barns is subject to conditional use review under Section 5.7 and the provisions of this section. Historic barns, for the purposes of these regulations, shall include all barns which are 50 years old, and/or are listed or eligible for listing on the *State Survey of Historic Sites and Structures, for the Town of Addison* prepared by the Vermont Division of Historic Preservation.

C. **Allowed Uses.** The following uses may be allowed, subject to conditional use review:

1. Permitted and conditional uses allowed in the district in which the barn is located.
2. The following uses, if not otherwise allowed in the district:
  - a.) Community Center
  - b.) Cultural Facility
  - c.) Day Care Facility
  - d.) Warehouse/Storage
3. Special events, not to exceed four (4) weeks in duration.
4. A combination of the above listed uses.

D. **Special Requirements.** All adaptive reuse, restoration and rehabilitation of historic barns shall also meet the following requirements:

1. If the barn is a noncomplying structure, the adaptive reuse shall in no way increase the degree of noncompliance, except in accordance with the requirements of Section 3.7.
  2. The proposed adaptive reuse shall not significantly alter the facade, footprint, character or immediate context (e.g., barn yard) of the historic barn. In reviewing proposals for an adaptive reuse of an historic barn, the Development Review Board shall determine that the historic character of the barn will be retained to the extent practical.
- E. A zoning permit issued for an adaptive reuse shall clearly state that the use is allowed only as a permitted use of the existing structure, and shall not be reestablished if the structure is substantially modified, destroyed or demolished, except in accordance with the requirements of these regulations. All applicable municipal permits and approvals shall be required prior to the reestablishment of such use in a substantially modified or new structure.

#### **SECTION 4.3 TEMPORARY STRUCTURE OR USE**

- A. A zoning permit may be issued by the Administrative Officer for temporary nonconforming uses, excluding residential dwellings, which are incidental to a construction project, providing such project commences construction within 30 days of the placement of the temporary structure. Such permits shall be issued for a period not exceeding one (1) year, conditional upon written agreement by the owner to remove the structure and/or discontinue the use upon expiration of the permit. The Administrative Officer may renew such permits upon application for an additional period not to exceed one (1) year.

- B. Special events (e.g., weddings, receptions, concerts, festivals, fairs and other cultural events, trade and antique shows), may be allowed as temporary accessory uses to an existing use, provided that such use occurs for no more than seven (7) days within any 12 month period, and adequate off-street parking and circulation, sanitary and trash collection facilities are provided. Special events must be issued a temporary zoning permit by the Administrative Officer, for a specified period of time not to exceed one year from the date of issuance, with the provision that the use will be discontinued upon the expiration of the permit. In addition:
1. family or household events associated with a residential use are exempt from this provision, and shall not require a zoning permit; and
  2. special events with an expected attendance of over 150 people, or extending more than seven (7) days within a 12 month period, also shall be subject to conditional use review by the Development Review Board, under Section 5.7 , prior to the issuance of a temporary zoning permit.
- C. Any unregistered trailer used for storage or other accessory use shall be considered a structure subject to all of the terms and conditions of these regulations.

#### **SECTION 4.4 CAMPERS & TEMPORARY SHELTERS**

- A. No camper (travel trailer, recreation vehicle) shall be parked on any public or private property except in conformance with the following regulations:
1. Campers are permitted to be parked in approved campgrounds for temporary periods and on construction sites subject to the standards contained in Section 4.14.
  2. A registered camper may be parked on the premises of a principal dwelling or an undeveloped lot, provided that it is parked no closer than 25 feet to any lot line and is not occupied for dwelling purposes for more than 30 days per calendar year.
  3. Any camper used for living quarters for more than 30 days per calendar year, or is sited so as not to be readily moveable, shall be subject to all zoning regulations applicable to single-family dwellings or seasonal camps, as appropriate.
  4. Any wastewater or sewage generated by a camper shall be disposed of in accordance with all applicable local, state and federal regulations.
- B. A temporary shelter that is constructed to be not readily movable, or which requires disassembly (e.g., teepee, yurt), shall not be occupied more than 30 days per calendar year and shall meet all applicable standards set forth in Subsection (A) above.

**SECTION 4.5 CAMPGROUND**

- A. A new or expanded travel trailer, recreational vehicle, or primitive campground, consisting of two or more camp sites or cabins on a single parcel of land, may be allowed in designated zoning districts subject to conditional use review under Section 5.7, and the following requirements:
1. The parcel of land for a campground shall be no less than 10 acres in area, with at least 20% of the total campground area set aside for conservation, recreation and open space.
  2. Each campsite shall have at least 3,000 square feet of dedicated land, and the minimum dimension of any dedicated campsite shall be 30 feet. Land set aside for conservation, recreation and/or open space may not be allocated to any campsite.
  3. Sufficient access and parking will be provided for each camp site.
  4. Roads within the campground shall meet the minimum standards set forth in Table 4.1 and be properly maintained:

Table 4.1 Campground Road Standards		
	One-way Roads	Two-way Roads
Right-of-Way Width	18 feet	33 feet
Gravel Depth	12 inches	12 inches
Gravel Width	10 feet	20 feet

5. The campground shall meet minimum setback requirements for the district in which it is located. Buffer areas of at least 50 feet in width along property boundaries, and 75 feet in width along public rights-of-way and waters, are to be maintained. Such areas shall be suitably landscaped, and shall not be included in the calculation of open space under Subsection (A)(1). No building, campsite, parking or service area shall be located in a buffer area.
6. Landscaping and/or fencing along property boundaries will be provided as appropriate for screening, security, and privacy.
7. Lavatory, shower, and toilet facilities sufficient to serve all campsites are to be provided. Water and wastewater disposal systems must be designed and installed in accordance with applicable municipal and state regulations, including Vermont Environmental Protection Rules as most recently amended for

campgrounds.

8. The campground shall operate for a period not to exceed six (6) months (180 days) during any calendar year. Recreational vehicles may be stored on the property only if they are properly registered for highway use. No site may be used as a permanent dwelling.
  9. Covered and screened facilities for the sanitary collection and disposal of trash and recyclables shall be provided.
  10. Customary accessory uses and structures to campgrounds, subject to conditional use review, include equipment and supply stores, playground and athletic fields, recreation and dining halls, snack bars, laundry and shower facilities and similar facilities solely for the use of campground residents and guests.
  11. Applications for campgrounds must meet state agency referral requirements, as applicable under Section 6.3.
- B. For substantially undeveloped, primitive camping areas (e.g., tenting areas) located on public or private land, the Development Review Board may waive any or all of the requirements under Subsection (A) if it is demonstrated to their satisfaction that access, total lot area, camp site area, and setback distances are sufficient to:
1. support the proposed level of use, and
  2. avoid any adverse impacts to water quality, natural areas, and adjoining properties and uses.

#### **SECTION 4.6 DAY CARE FACILITY**

- A. **Home Child Care.** A childcare home that meets all of the following standards will be permitted as an accessory use in all districts where single-family dwellings are a permitted use or in any single-family dwelling in existence as of the effective date of these regulations.
1. A resident of the dwelling in which the use is occurring operates the childcare home.
  2. The childcare home will be operated under state licensing or registration.
  3. The childcare home serves six (6) or fewer full-time children and four (4) or fewer part-time children.
  4. One unlit exterior sign is permitted in accordance with section 3.11.
  5. The childcare activities will occur primarily within the single-family dwelling. This should not be interpreted to prohibit use of other parts of the home or property

such as porches, decks, or yards for children's play areas as is customary in residential areas.

- B. Day Care Facility.** Nonresidential child and adult day care facilities, and childcare homes which serve greater than six (6) children on a full-time basis, may be allowed in designated zoning districts in accordance with conditional use review under Section 5.7.

#### **SECTION 4.7 EXTRACTION & QUARRYING**

**A. Applicability.** The extraction, quarrying or removal of topsoil, sand, gravel, rock, minerals or other similar materials, and the on-site storage and processing of materials, may be allowed in designated zoning districts subject to conditional use review under Article 5.7 and the provisions of this section. The following are specifically exempted from these provisions:

1. the extraction of up to a total of 3,500 cubic yards of material for on-site use associated with a development activity permitted in accordance with these regulations,
2. the extraction of materials associated with agricultural and forestry operations, for use in such operations (e.g., for farm and logging roads) on the same parcel from which the materials were extracted;
3. site and excavation work incidental to another use for which a zoning permit has been issued (such as for building foundations, driveways, cemeteries, etc.); and
4. extraction and quarrying operations in lawful existence as of the effective date of these regulations, which maintain existing rates of extraction and do not expand onto adjoining parcels of land.

**B. Application Requirements.** The application for conditional use approval under Section 5.7 also shall include site, erosion control and reclamation plans which show the following:

1. existing grades, drainage, and depths to bedrock and the seasonal high water table;
2. the extent and magnitude of the proposed operation, including any proposed phasing schedules;
3. areas for the on-site storage and/or processing of materials, and a description of the processing equipment to be used on-site;
4. the location and a description of the type of erosion control measures to be used during extraction or quarrying operations, and site reclamation measures to be

used after completion; and

5. finished grades and drainage patterns at the conclusion of the operation.

**C. Review Requirements.** In granting conditional use approval, the Development Review Board shall find that the proposed extraction or quarrying operation does not:

1. create a hazard to public health and safety, nor
2. have an undue adverse impact on neighboring properties, property values; public facilities and services; drainage, surface and groundwater supplies; or other natural, cultural, historic or scenic features in the vicinity of the operation.

**D. Conditions of Approval.** In granting approval, the Development Review Board may consider and impose conditions with regard to any or all of the following as it deems appropriate:

1. the depth of excavation or quarrying;
2. slopes created by the removal of materials;
3. the storage of equipment and stockpiling of materials on-site;
4. potential impacts to surface drainage, on and off-site;
5. potential impacts to ground and surface water quality, and drinking water supplies;
6. potential impacts to traffic and road conditions, including potential damage to public roads;
7. potential impact to other properties in the vicinity due to noise, dust, or vibration;
8. potential impacts to natural, cultural, historic or scenic resources on-site, or within the vicinity of the project;
9. hours of operation for blasting, trucking, and processing operations;
10. landscaping and screening requirements for safety and aesthetics;
11. temporary and permanent erosion control and site reclamation measures; and
12. barriers to prevent access and protect public safety.

**E. Surety.** In accordance with the Act [§4407(8)], a performance bond, escrow account, or other form of surety acceptable to the Selectboard shall be required as a condition of approval to cover the cost of any regrading, reseeding, reforestation or other required site reclamation activity. This provision, in accordance with the Act, specifically does not apply to mining or quarrying operations; however, upon the failure of the permit holder, their successors or assigns to complete site reclamation as required, the town may take legal action as appropriate to ensure site stabilization, reclamation, and cost recovery.

**SECTION 4.8 FARM WORKERS HOUSING**

- A. A conditional use permit for a non-conforming use (Farm Worker Housing) in any zoning district may be granted with the following restrictions and requirements:
1. The applicant must submit to the Development Review Board for approval a dimensional plot plan showing the entire parcel with all existing structures and with the proposed site of the new dwelling for a plan review.
  2. The proposed dwelling must have the appropriate road frontage for that district on a public or private road separate from the existing dwellings required frontage.
  3. The proposed dwelling will have the same setback requirements as the existing zoning district dimensional standards.
  4. A separate septic system is required to meet all current state laws and regulations.
  5. The dwelling cannot be a temporary structure, R.V., camper, or alike.
  6. The dwelling must comply with all building requirements of the state of Vermont and Town of Addison.
  7. The dwelling cannot be rented.
  8. If conditional approval is granted the permit is limited to the present owners.
  9. The owner must notify the town in writing of any proposed change of use.

**SECTION 4.9 HOME-BASED BUSINESS [HOME OCCUPATION, COTTAGE INDUSTRY]**

- A. **Home Occupation.** In accordance with the Act [§4406(3)], these regulations shall not infringe upon the right of any resident to use a minor portion of a dwelling for an occupation that is customary in a residential area, and which does not change the character of the surrounding area or neighborhood. A home occupation, as distinguished from a Cottage Industry under Subsection (B), is allowed as an accessory use to a dwelling in all districts where residential uses are allowed, in accordance with the following:
1. The home occupation shall require a permit issued by the Administrative Officer in accordance with Section 6.3.
  2. The home occupation shall be conducted on-site by one or more residents of the dwelling, and/or no more than two (2) part-time non-resident employees.
  3. The primary purpose of the dwelling shall be that of a private residence. The home occupation shall be carried on within a minor portion of the dwelling; in no

case shall the home occupation occupy more than 50% of the total floor area of the principal dwelling or accessory structure.

4. One unlit exterior sign is permitted and may be placed on the site in accordance with Section 3.11. Other exterior displays of goods and wares, the exterior storage of materials, or other exterior indications of the home occupation, including alterations to the residential character of the dwelling, are not permitted.
  5. Adequate off-street parking shall be provided for residents and for any vehicles associated with the home occupation, in accordance with Section 3.8.
  6. The home occupation shall not generate noise, smoke, vibration, dust, glare, odors, electrical interference, heat or other nuisance that is detectable at or beyond the boundaries of the property.
  7. The home occupation shall not result in an increase in the amount of wastewater generated by the dwelling, nor in the generation of any hazardous materials or wastes.
  8. The home occupation shall not result in traffic volumes (e.g., associated with commercial deliveries or sales) which are uncharacteristic of a residential use.
  9. The home occupation shall be open to the public; the retail sale of goods or services is limited to products related to the services provided.
- B. **Cottage Industry.** A cottage industry, as distinguished from a home occupation under Subsection (A), may be allowed in designated zoning districts in association with a single family dwelling as a conditional use subject to conditional use review under Section 5.7, and the following provisions:
1. The cottage industry shall be conducted on-site by one or more residents of the single family dwelling, and no more than five (5) nonresident employees.
  2. The cottage industry may be conducted in a building or buildings accessory to the dwelling.
  3. The cottage industry shall be compatible with the residential use of the property, and not change the character of the neighborhood in which it is located.
  4. One unlit sign exterior sign is permitted may be placed on the site in accordance with Section 3.11.
  5. Exterior storage areas for materials and equipment may be screened from the view of public rights-of-way and neighboring properties.
  6. Adequate off-street parking shall be provided for all residents, employees, customers and vehicles associated with the cottage industry, in accordance with

**Section 3.8.**

7. The home business shall not generate traffic of a type or volume that would adversely affect the character of the neighborhood or area.
8. Adequate provision shall be made for water supply, wastewater and solid waste disposal in accordance with all applicable municipal and state regulations and, where applicable, Section 3.10.
9. Any hazardous materials used on-site shall be stored and disposed of in accordance with all applicable state and federal regulations.
10. The cottage industry shall not generate noise, smoke, vibration, dust, glare, odors, electrical interference, heat or other nuisance that is detectable at or beyond the boundaries of the property in accordance with Section 3.9.
11. On-site sales shall be limited to products produced or services provided on the premises.
12. The permit for a cottage industry shall clearly state that the industry is a home-based business which is accessory to the principal residential use, and shall be retained in common ownership and management. A cottage industry may be subdivided and/or converted for sale or use apart from the residential use only if it meets all current municipal and state regulations and bylaws pertaining to such use, including all density, dimensional, and other requirements for the district in which it is located. Separate permits shall be required as appropriate prior to subdivision, sale and/or conversion.

**SECTION 4.10 MARINA**

- A. Marinas may be permitted in designated districts in accordance with conditional use review under Section 5.7. All marinas, whether intended for public or private use, shall:
  1. in addition to meeting all zoning district requirements, have minimum continuous shoreline frontage of 300 feet;
  2. provide at least one off-street parking space for every two (2) rental boats, and one (1) off-street parking space for every three (3) moorings, and/or berths;
  3. provide screened garbage collection and toilet facilities; and, for marinas accommodating boats with sleeping berths, facilities for the pumping and/or disposal of wastes in accordance with municipal and state regulations;
  4. meet all performance standards under Section 3.9;
  5. meet sewage disposal requirements under Section 3.10;

6. not result in erosion or water pollution;
  7. not adversely impact natural, cultural, and/or scenic resources on-site or within the vicinity of the marina; and
  8. not prevent the use of adjacent shoreland property or lake access.
- B. In addition, marinas, including any accessory structures or uses, shall meet all other applicable federal, state and municipal regulations.

#### **SECTION 4.11 MIXED USE**

- A. In designated zoning districts, more than one principal use may be allowed within a single building, or on a single lot, subject to conditional use review under Section 5.7, and the following provisions:
1. Each of the proposed uses is allowed as a permitted or conditional use within the zoning district in which the mixed use is located.
  2. The combined uses meet all applicable standards for the district in which the mixed use is proposed, including minimum lot, frontage and setback requirements, and maximum lot coverage; or the mixed use is part of a planned unit development (PUD) reviewed in accordance with Section 5.9.
  3. The mixed use meets all applicable general regulations under Article 3, including parking requirements as required for each use under Section 3.8.

#### **SECTION 4.12 MOBILE HOME PARK**

- A. Mobile home parks may be permitted in designated districts subject to conditional use review in accordance with Section 5.7, and the following standards:
1. Proposed parks shall comply with the requirements of 10 V.S.A. Chapter 153.
  2. Proposed parks shall comply with all applicable state and local laws, ordinances and regulations relating to water supply and waste disposal.
  3. The parcel of land for a mobile home park shall be no less than 10 acres in area. A minimum of 25% of the total land area in any mobile home park shall be set aside for common recreational use or open space.
  4. Each mobile home shall be located on a dedicated site of not less than 8,000 square feet in area. Each site shall be landscaped with at least three (3) trees of native species at least 2.0 inches in diameter at chest height for deciduous trees, or not less than eight (8) feet in height for coniferous trees. Land set aside for

conservation, recreation and/or open space may not be allocated to any mobile home site.

5. All roads within a mobile home park shall comply with town road standards, and adequate walkways shall be provided.
  6. Parking shall be provided in accordance with Section 3.8.
  7. A mobile home park shall meet minimum setback requirements for the district in which it is located. Buffer areas of at least 50 feet in width along property boundaries, and 75 feet in width along public rights-of-way and waters, are to be maintained. Such areas shall be suitably landscaped, and shall not be included in the calculation of open space under Subsection (A)(3). No building, mobile home site, parking or service area shall be located in a buffer area.
- B. Changes or alterations to park area, design, layout or common facilities are subject to conditional use review in accordance with the above provisions. Changes or alterations to individual mobile home sites or mobile homes within the park (e.g., the addition of a porch, deck or accessory structure serving the residents of the dwelling), shall be allowed in the same manner as changes or alterations to a single family dwelling.
- C. If a mobile home park, which was legally in existence as of the effective date of these regulations, does not conform to these regulations, it will be considered a nonconformity under Section 3.7. However, individual mobile home sites within the park will not be considered nonconformities. An individual mobile home site that is vacant will not be considered discontinued, but if all sites are vacant the nonconforming park will be considered discontinued.

#### **SECTION 4.13 PUBLIC FACILITY**

- A. In accordance with the Act [§4409(a)], the following may be allowed, subject to conditional use review under Section 5.7, but may be regulated only with respect to size, height, bulk, yards, courts, setbacks, building density, off-street parking and loading facilities, and landscaping or screening requirements:
1. public utility power generating plants and transmission lines,
  2. public and private hospitals,
  3. regional solid waste management facilities certified by the state [10 V.S.A. Chapter 159] (prohibited in the Conservation, Shoreland Residential and Recreation Districts), and
  4. hazardous waste management facilities for which a notice of intent to construct has been received under state law [10 V.S.A. §6066a] (prohibited in the Conservation, Shoreland Residential and Recreation Districts).

- B. In accordance with the Act [§4409(a)], reasonable provision has been made within designated zoning districts for the following uses, which are subject to all applicable provisions of these regulations including, but not limited to, zoning district requirements:
1. publicly-owned and operation institutions and facilities (see Public Facility/Utility)
  2. public and private schools and other educational institutions certified by the Vermont Department of Education (see School), and
  3. churches, convents and parish houses (see Place of Worship).

#### **SECTION 4.14 TELECOMMUNICATIONS FACILITY**

A. **Purpose.** The purpose of this provision is to:

1. preserve the character and appearance of the Town of Addison while allowing adequate telecommunications services to be developed;
  - 2) 1. protect the scenic, historic, environmental, natural and human resources of Addison;
  - 3) 1. provide standards and requirements for the regulation, placement, design, appearance, construction, monitoring, modification and removal of telecommunication facilities and towers;
  - 4) 1. preserve property values and protect scenic views within the town;
  - 5) 1. locate towers and/or antennas in a manner which promotes the general safety, health, welfare and quality of life of the citizens of Addison and all those who visit this community;
  - 6) 1. require the use of existing structures where possible;
  - 7) 1. require the sharing of existing communications facilities, towers and sites where possible.
- B. **Consistency with Federal Law.** This provision is intended to be consistent with state and federal law, particularly the Telecommunications Act of 1996, in that:
1. it does not prohibit or have the effect of prohibiting the provision of personal wireless services;
  2. it is not intended to be used to unreasonably discriminate among providers of functionally equivalent services; and

3. it does not regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC's regulations concerning such emissions.

**C. Applicability.** No tower or telecommunications facility shall be erected, constructed or installed without obtaining conditional use approval in accordance with Section 5.7. Conditional use approval is required for:

1. new tower construction (or modification of an existing tower);
2. the installation of other telecommunications facilities (or major modification of existing facilities) to be mounted on a tower or structure;
3. installation of telecommunications equipment on an existing structure (or major modifications of existing equipment).

**D. Provision for Hiring Independent Consultants.** In connection with review of an application for conditional use approval under these regulations, the Development Review Board may determine that the assistance of an independent consultant or consultants is needed to evaluate the application under applicable standards. Upon making such a determination, the Board may hire independent consultants, the reasonable costs of whose services shall be paid for by the applicant. These consultants shall be qualified professionals with an appropriate combination of training, record of service, and/or certification in one or more of the following areas:

1. telecommunications/radio frequency engineering;
2. structural engineering;
3. assessment of electromagnetic fields;
4. other areas as determined necessary by Board.

The applicant shall provide any independent consultant(s) hired pursuant to this section with a complete copy of the application for their analysis and review.

**E. Conditional Use Approval.** Prior to granting conditional use approval, the Development Review Board shall find that the proposed telecommunications facility is in compliance with all applicable requirements of these regulations, including the provisions of Section 5.7. In addition, the Board shall make all of the following findings which are applicable before granting conditional use approval:

1. The applicant is not already providing adequate coverage and/or adequate capacity within the town.
2. The applicant is not able to use existing tower/facility sites either with or without the use of repeaters to provide adequate coverage and/or adequate capacity to the town.
3. The applicant has endeavored to provide adequate coverage and capacity to the

town with the least number and/or least obtrusive design.

4. Efforts have been made to locate new towers adjacent to existing towers.
5. The applicant has agreed to rent or lease available space on the tower, under the terms of a fair- market lease, with reasonable conditions and without discrimination to other telecommunications providers.
6. The proposed telecommunications facility, to the extent feasible, makes use of available public lands and suitable existing public and/or privately owned structures.
7. The proposed facility shall be built and maintained in compliance with FCC Rules, using procedures outlined in FCC Bulletin 65 regarding exposure from electromagnetic radiation, and the required monitoring program is in place and shall be paid for by the applicant.
8. Telecommunications facilities shall be located and designed so as to minimize the following potential impacts:
  - a. Visual/Aesthetic Impacts: Towers shall, whenever possible, be sited off ridge lines and where their visual impact is least detrimental to highly rated scenic areas. In determining whether or not a tower will have an undue adverse visual impact on the scenic or natural beauty of a ridge or hillside, the Board shall consider:
    - i. the period of time during which the proposed tower would be viewed by the traveling public on a public highway;
    - ii. the frequency of the view of the proposed tower as experienced by the traveling public;
    - iii. the degree to which the view of the tower is screened by topographic features;
    - iv. background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;
    - v. the distance of the proposed tower from the viewing vantage point and the portion of the facility that is visible above the skyline;
    - vi. the number of vehicles traveling on a public highway or waterway at or near the critical vantage point; and
    - vii. the sensitivity or unique value of the particular view affected by the proposed development.
  - b. Property Values: The facility shall be sited and designed to minimize the devaluation of property values in the vicinity.
  - c. Safety Hazards: The facility shall be sited and designed to minimize safety hazards from structural failure, ice accumulation and discharge, and/or as an attractive nuisance.
  - d. Electromagnetic Radiation: The facility shall be sited and designed to so that the tower, guy wires, or and/equipment does not exceed the FCC guidelines for electromagnetic radiation.
  - e. A tower is located in one or the following districts designated in Article 2 of

these regulations:

- i. LDR/A- Low Density Residential/Agricultural, or
- ii. VC - Village Commercial.

Towers may not be approved within any other district established in accordance with these regulations.

- f. The facility shall meet minimum lot size standards for the district within which it is located, as set forth in these regulations.

**F. Decisions of the Development Review Board.** Any decision of the Development Review Board shall be made in accordance with Section 5.4 of these regulations, and in accordance with 47 U.S.C. 332 (7)(B)(iii) of the Telecommunications Act of 1996.

**G. Exemptions.** The following telecommunication facilities, if less than 25 feet in height above ground level, are exempt from this section unless such facility is subject to review under Act 250:

- a. police, fire, ambulance and other emergency dispatch services;
- b. amateur (ham) radios;
- c. citizens band radios;
- d. local business radio dispatch services;
- e. personal use antennae.

No other telecommunication facility shall be considered exempt from these regulations for any reason whether or not said facility is proposed to share a tower or other structure with such exempted facilities.

**H. General Project Requirements.** In addition to the standards set forth in Section 5.7, all telecommunications facilities and towers shall meet the following:

1. **Access Roads & Utilities.** Where new telecommunication towers and facilities require construction of, or improvement to, access roads, such roads shall, to the extent practical, follow the contour of the land and be constructed or improved within existing forest or forest fringe areas and not in open fields. Utility or service lines shall be designed and located to minimize or prevent disruption of the scenic character or beauty of the area.

2. **Landscaping & Screening.** Screening shall be installed at the perimeter or the site. A natural or planted vegetative screen a minimum of 20 feet in depth and 6 feet in height shall be maintained at all times. Vegetation shall be of a type that has the potential to reach a height of at least 15 feet at maturity. Existing vegetation surrounding the site shall be preserved and maintained to the greatest extent possible. Applicants shall obtain a financial surety to cover the cost of remediation of any damage to existing landscaping which occurs during site clearing and construction.

3. **Fencing & Signs.** The area around the tower and communication equipment

shelter(s) shall be completely fenced. Such fence shall be a minimum height of six (6) feet and gated. Use of razor wire is not permitted. A sign no greater than two (2) square feet indicating the name or the facility owner(s) and a 24 hour emergency telephone number, either local or toll-free, shall be posted adjacent to the entry gate. In addition, "No Trespassing" or other warning signs, and the tower registration plate, where applicable, may be posted on the fence or as required to meet federal requirements.

4. **Building Design.** Communication equipment shelters and accessory buildings shall be designed to be architecturally similar and compatible with other buildings in the vicinity, and shall be no more than 12 feet high. The buildings shall be used only for the housing or equipment related to this particular site. Whenever possible, the buildings shall be joined or clustered so as to appear as one building.
5. **Height of Towers.** New towers shall not exceed 30 feet above treetops within a 200-foot radius. Applicants may submit a request for additional height to accommodate future sharing, or to provide indirect service as described in Subsection (J), below, and shall provide design information to justify such additional height. Repeaters shall not be closer than 25 feet to the ground.
6. **Tower Finish.** New towers shall have a galvanized finish unless otherwise required. The Board may require towers to be painted or otherwise camouflaged to minimize adverse visual impacts.
7. **Use of Repeaters.** The use of repeaters to assure adequate coverage, or to fill holes within areas of otherwise adequate coverage while minimizing the number of towers required, is permitted and encouraged. A system similar to the Sanders PCS over-cable, in which transmitter/antenna mounting is on existing utility infrastructure, is considered a use of repeaters and one application may be submitted which covers all such units. Applicants shall detail the number, location, power output, and coverage of any proposed repeaters in their system and provide engineering data to justify their use.
8. **Commercial Advertising.** Commercial advertising shall not be allowed on any antenna, tower, or accessory building or communication equipment shelter.
9. **Lighting.** No external lighting is permitted, except for manually operated emergency lights for use only when operating personnel are on site.
10. **Air Navigation.** No tower or telecommunications facility that would be classified as a hazard to air navigation, as defined by the Federal Aviation Administration (FAA) regulations (Title 14 CFR) is permitted. In the event of subsequent FAA determination that obstruction lighting or painting is required, permittees under this section agree to apply for the least obtrusive means of satisfying FAA regulations.

**11. Setbacks.** Telecommunications facilities and towers shall meet the following standards.

- a. No repeater shall be located closer than 100 feet to a dwelling unit, nor closer than 25 feet to the ground.
- b. No other telecommunications facility or tower, including guy-wire anchors and protective fencing, if any, shall be located:
  - i. closer than 300 feet horizontally to any boundary of the site on which the tower is located;
  - ii. within the habitat of any state-listed rare or endangered wildlife or plant species;
  - iii. within 200 feet horizontally of any state or federally regulated wetland;
  - iv. within 200 feet horizontally from any river or perennial stream;
  - v. when the telecommunications facility is on an existing structure, the setback requirement will be 75 feet.

I. **Removal Requirements.** Any telecommunications facility which ceases to operate for a period of one (1) year shall be removed. "Cease to operate" is defined as not performing the permitted functions associated with the telecommunications facility and its equipment on a continuous and ongoing basis for a period of one (1) year. At the time of removal, the facility site shall be remediated such that all telecommunications facility improvements which have ceased to be utilized are removed. If all facilities on a tower have ceased to operate, the tower shall also be removed. If all facilities on a tower have ceased to operate, the tower shall also be removed and the site shall be revegetated. Existing trees shall only be removed if necessary to complete the required removal. Applicants shall, as a condition of conditional use approval, provide a financial surety bond payable to the town and acceptable to the Board to cover the cost of removal of the telecommunications facility and the remediation of the landscape, should the facility cease to operate.

J. **Evidence of Need.** In addition to the materials set forth in Section 5.5, applicants for proposed telecommunications facilities reviewed under this section shall also provide the following.

1. **Existing Coverage.** Applicants shall provide written documentation demonstrating that existing telecommunications facility sites and other existing structures of suitable height in Addison, in abutting towns, and within a 30 mile radius of the proposed site, cannot reasonably be made to provide adequate coverage and/or capacity to areas lacking such coverage and/or capacity. The documentation shall include, for each facility site listed which is owned or operated by the applicant, the exact location (in longitude and latitude, to degrees, minutes and seconds to the nearest tenth), ground elevation, height of tower or structure, type of antennae, antenna gain and polarization, height of antennae on tower or structure, output frequency, number of channels, power input and maximum power output per channel. Potential adjustments to these existing facility sites, including changes in antenna type, orientation, height or power output shall be specified. Radial or tiled coverage plots showing each of these existing facility sites, as they exist and with adjustment as noted above,

shall be provided as part or the application.

2. **Repeaters.** Applicants shall demonstrate with written documentation that they have analyzed the feasibility of repeaters in conjunction with facilities listed in compliance with Subsection (J)(1), above, to provide adequate coverage and/or adequate capacity to the town. Radial or tiled coverage plots of all repeaters considered for use in conjunction with these facility sites shall be provided as part of the application.
3. **Indirect Service.** Applicant shall demonstrate which portion of a tower or structure and which antennae, if any, are to reduce or eliminate reliance on land lines or otherwise provide communications capability to the applicant, as opposed to providing direct service to customers. Such provision of indirect service may be considered if reasonable alternative are not available and the incremental effect is consistent with the purposes set forth in Subsection (A), above.
4. **Five-year Plan.** All applications shall be accompanied by a written five-year plan for the utilization of the proposed facilities. This plan should include justification for capacity in excess of immediate needs, as well as plans for any further development within the town.

K. **Legal & Technical Documentation.** In addition to the materials set forth in Section 5.5 and Subsection (J), above, applicants for proposed telecommunications facilities reviewed under this section shall also provide the following.

1. **Federal Permits.** In connection with its review, the Board may request copies of all pertinent submittals and showings pertaining to: FCC permitting/licensing; Environmental Assessments and Environmental Impact Statements required under the National Environmental Protection Act (NEPA); FAA Notice of Construction or Alteration; aeronautical studies; all pertinent data, assumptions and calculations related to service coverage; and all pertinent calculations and/or measurement data related to non-ionizing radiation emissions and exposure.
2. **Contacts.** Applicants shall submit the exact legal name, address or principal place of business and phone number of the following:
  - a. The applicant; if any applicant is not a natural person, it shall also give the type of business entity and the state in which it is registered.
  - b. The person to whom correspondence and communications regarding the application are to be sent. Notice, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant.
  - c. The person to be contacted in the event of an emergency involving the facility. This should be someone available on a 24-hour basis that is authorized by the applicant to act on behalf of the applicant regarding an

- emergency situation.
- d. The owner(s) of the property on which the proposed tower and/or facility shall be located. Written permission of the owner(s) to apply for all applicable approvals and permits in accordance with these regulations, together with written permission for the town's independent consultant(s) to conduct any necessary site visit(s), shall be provided.
  - e. The names and addresses of the owners of record of all abutting properties.
3. **Surety.** Details of proposed method of financial surety as required in Subsection (I), above, regarding removal requirements.
4. **Commitment to Available Space.** Applicants for approval to construct new towers or to modify existing towers shall provide a written irrevocable commitment valid for the duration of the existence of the tower to rent or lease available space for collocation on the tower at fair market prices and terms without discrimination to other telecommunications providers.
5. **Lease of Tower.** Applicants for conditional use approval for a facility to be installed on an existing structure shall provide a copy of their lease/contract with the owner of the existing structure.
6. **Contract with Provider.** Applicants for a telecommunications facility must be a telecommunications provider or must provide a copy of its lease/contract with an existing telecommunication provider. Conditional use approval shall not be granted for a tower to be constructed on speculation.
7. **Plans & Maps.** Required physical plans shall be prepared, stamped and signed by a professional engineer licensed to practice in Vermont. Survey plans should also be stamped and signed by a land surveyor registered in Vermont. Signal propagation and radio frequency studies, plots and related material should be prepared, clearly identified and signed by a qualified radio-frequency engineer. Plans shall be on 24" X 36" sheets, on as many sheets as necessary, and at scales that are no smaller (i.e., no less precise) than listed below. Each plan sheet shall have a title block indicating the project title, sheet title, sheet number, date, revision dates, scale(s), and signature(s) of the professional(s) who prepared the plan. In addition to the materials identified in Section 5.5, applications under this section shall include the following:
- a. **Location Map.** A copy of a portion of the most recent U.S.G.S Quadrangle map, at a scale of 1:25,000, showing the area within at least two (2) miles of the proposed tower site. The tower location and the exact latitude (degrees, minutes, and seconds to the nearest tenth) shall be indicated on the map.
  - b. **Vicinity Map.** A vicinity map, prepared at a scale of 1 inch = 416 feet (1:5,000) with contour intervals no greater than 10 feet (3 meter) showing the entire vicinity within a 2,500 feet radius of the tower site, and including the topography, public and private roads and driveways, buildings and

structures, surface waters, wetlands, landscape features, historic sites, and critical wildlife habitat. Property boundaries of the proposed tower site parcel and all abutters to the tower site parcel (from Addison Land Records) shall also be indicated. In addition, the map shall indicate any access easement or right-of-way needed for access from a public road to the tower, and the names of all abutters or property owners along the access easement or who have deeded rights to the easement.

- c. **Existing Conditions Plan.** A survey of the area, prepared by a Vermont registered land surveyor within two (2) years of the date of application, which covers all land within 500 feet of the tower site at a scale no smaller than 1 inch = 40 feet (1:480 or metric equivalent 1:500) with topography drawn with a minimum of five (5) feet (1.5 meter) contour intervals. The survey shall show existing utilities, property lines, existing buildings and structures, stone walls or fence lines, wooded areas, existing water wells and springs. The plan shall also show the boundary of wetlands, floodplains and surface waters.
- d. **Proposed Site Plans.** A proposed facility plan showing site layout, grading and utilities at the same or larger scale as the existing conditions plan prepared under Subsection (7)(C), above. Such plan shall also show:
  - i. Proposed tower location and any appurtenances, including supports and guy wires, if any, and any accessory buildings (e.g., communication equipment shelter or other).
  - ii. Property boundaries and setback distances to the base(s) of the tower and to the nearest corners of each appurtenance and accessory structure to those boundaries, and dimensions of all proposed improvements. Where protective fencing is proposed, setback distances from the edge of the fencing shall be indicated.
  - iii. Proposed spot elevations at the base of the proposed tower and at the base of any guy wires, and the corners of accessory structures.
  - iv. Proposed utilities, including distances from the source of power, sizes of service available and required, locations of any proposed utility or communication lines, and whether underground and/or above-ground power is proposed.
  - v. Detailed plans for emergency power generation, if any, including demonstration of the percent of electrical demand being proposed in event of loss of commercial power; the type of fuel, storage method, and expected means and frequency of delivery to the site; the amount of generator time based on historical power reliability for the area of the facility; the proposed frequency and duration of tests; a description of the muffler system and methods for noise abatement; and, the feasibility of using alternative solar power in conjunction with storage batteries.
  - vi. Proposed access driveway or roadway and parking area serving the site, including proposed grading, drainage, provision for erosion control and stormwater management, and construction specifications (e.g., cross section indicating width, depth of gravel, surface materials).

vii. Proposed landscaping, screening, fencing and lighting.

e. **Proposed Tower & Appurtenances**, which shall include:

- i. Plans, elevations, sections and details at appropriate scales but no smaller than 1 inch = 10 feet.
- ii. Two (2) cross sections of the proposed tower, drawn at right angles to each other, showing the ground profile to at least 100 feet beyond the limit of clearing; any guy wires or supports; and the dimensions of the proposed facility, including tower height above average grade at the tower base, and the location and dimensions of all proposed antennae. Details of proposed tower foundation, including cross sections, ground attachments, specifications for anchor bolts and other anchoring hardware.
- iii. Details of proposed exterior finish of the tower.
- iv. An indication of the relative height of the tower to the tops of surrounding trees as they presently exist, and the height to which they are expected to grow in 10 years.
- v. Illustration of the modular structure of the proposed tower indicating the heights of sections which could be removed or added in the future to adapt to changing communications conditions or demands.
- vi. A professional structural engineer's written description of the proposed tower structure and its capacity to support additional antennae or other communications facilities at different heights and the ability of the tower to be shortened if future communications facilities no longer require the original height.
- vii. A description of available space on the tower, providing illustrations and examples of the type and number of telecommunications facilities which could be mounted on the structure.

f. **Plans of Proposed Communications Equipment**, which shall include:

- i. Floor plans, elevations and cross sections at a scale of no smaller than  $\frac{1}{4}$  inch = 1 foot (1:48) of any proposed accessory structure, and
- ii. Representative elevation views, indicating the roof, facades, doors, and other exterior appearance and materials.

g. **Proposed Equipment Plan**, which shall include:

- i. Plans, elevations , sections, and details at appropriate scales but no smaller than one inch = 10 feet.
- ii. Number of antennae and repeaters, as well as the exact locations of antenna(s) and/or all repeaters (if any) located on a map as well as by degrees, minutes, and seconds to the nearest tenth of latitude and longitude.
- iii. Mounting locations on the tower or structure, including the height above ground.
- iv. A recent survey of the facility site at a scale no smaller than 1 inch = 40

- feet ( 1:480 or metric equivalent 1500), showing horizontal and radial distances of antenna(e) to nearest point on property line, and to the nearest dwelling unit.
- v. Antenna(e) type(s), manufacturer(s), model number(s).
  - vi. For each antenna, the antenna gain, polarization and radiation pattern (composite pattern for an antenna array).
  - vii. Number of channels per antenna, projected and maximum.
  - viii. Power input to the antenna(e).
  - ix. Power output, in normal use and at maximum output for each antenna and all antennae in the aggregate.
  - x. Output frequency of the transmitter(s).
  - xi. For a facility with multiple emitters, the results of an intermodulation study to predict the interaction of the additional equipment with existing equipment.
- h. **Visibility Maps**, including a minimum of eight (8) view lines, in a zero (0) to two (2) mile radius from the site shown, beginning at true north and continuing clock-wise at 45 degree intervals, in addition to a map of the town on which any visibility of the proposed tower from a public way (including all existing public rights-of-way) shall be indicated.
- i. **Balloon Test.** Within 35 days of submitting an application, the applicant shall arrange to fly, or raise upon a temporary mast, a three (3) feet diameter brightly colored balloon at the maximum height of the tower and within 50 horizontal feet of the center of the proposed tower. The date, time, and location of this balloon test shall be advertised by the applicant, seven (7) and 14 days in advance of the test date, in the *Addison Independent*, the *Valley Voice*, the *Addison Eagle*, and the *Burlington Free Press*. The applicant shall inform the Development Review Board, Planning Commission, and abutting property owners in writing of the dates and times of the test, at least 14 days in advance. The balloon shall be flown for at least four (4) consecutive hours between 9.00 a.m. and 5.00 p.m., and at least two (2) hours before sunset, on the dates chosen. One additional balloon test may be required at the discretion of the Board.
- j. **Visual Analysis.** The applicant shall develop and submit to the Board a written analysis of the visual impact of the proposed tower. This analysis shall include photographs of the balloon test taken from at least 10 different perspectives within the town.
- L. **Pre-Testing.** After the granting of conditional use approval and before applicant's telecommunications facilities begin transmission, the applicant shall conduct a survey, prepared by an independent qualified telecommunications or radio-frequency engineer, on the background levels of non-ionizing radio-frequency radiation around the proposed facility site and/or any repeater locations to be utilized for the applicant's telecommunications facilities. The independent engineer shall use the accepted monitoring protocol, or one substantially similar. This report shall be submitted to the Selectboard, Development Review Board, Planning Commission,

and the Town Clerk.

- M. **Post-Testing.** Upon commencement of transmission, and annually thereafter, the owner(s) of any telecommunications facility(s) located on any facility site shall submit reports prepared by an independent qualified telecommunications or radio-frequency engineer regarding any non-ionizing radio-frequency radiation emission or exposure from said site, and to report results as follows:

ss  
 sss. There shall be routine annual (each calendar year, spaced less than 14 months) monitoring of emission/exposure by the independent engineer using actual field measurement of radiation, in accordance with the monitoring protocol. This monitoring shall measure levels of non-ionizing radio-frequency radiation exposure at the facility site as well as from repeaters (if any). A report of the monitoring results shall be prepared by the independent engineer and submitted to the Selectboard, Development Review Board, Planning Commission, the Town Clerk and abutting property owners.

ttt.  
 Any major modification of existing facility, or the activation of any additional permitted channels, shall require new monitoring.

- N. **Excessive Exposure.** Should the monitoring of a facility site reveal that the site exceeds current FCC standards and guidelines, the owner(s) of all facilities utilizing that site shall be so notified. In accordance with FCC requirements, the owner(s) must immediately reduce power or cease operation as necessary to protect persons having access to the site, tower, or antennae. Additionally, the owner(s) shall submit to the Development Review Board a plan for the correction or the situation that resulted in excessive exposure. Failure to act as described above shall be a violation of the conditional use approval and zoning permit, subject to enforcement and penalties as provided by Section 6.8 of these regulations.

- O. **Structural Inspection.** Tower owner(s) shall pay for an independent consultant (a licensed professional structural engineer), hired by the town, to conduct inspections of the tower's structural integrity and safety. Guyed towers shall be inspected every three (3) years. Monopoles and non-guyed lattice towers shall be inspected every five (5) years. A report or the inspection results shall be prepared by the independent consultant and submitted to the Selectboard, Development Review Board, Planning Commission, and Town Clerk. Any major modification of an existing facility which includes changes to tower dimensions or antenna numbers or type shall require new structural inspection.

- P. **Unsafe Structures.** Should the inspection of any tower reveal any structural defect(s) which, in the opinion of the independent consultant, render that tower unsafe, the following actions must be taken: Within ten (10) business days of notification or unsafe structure, the owner(s) of the tower shall submit a plan to remediate the structural defect(s). This plan shall be initiated within ten (10) days of the submission of the remediation plan, and completed as soon as reasonably

possible. Failure to accomplish this remediation of structural defect(s) within ten (10) business days or initial notification shall be a violation of the conditional use permit subject enforcement and penalties as specified in Section 6.8 of these regulations.

#### **SECTION 4.15 WIND ENERGY FACILITY**

- A. **Applicability.** A wind energy facility may be allowed in any zoning district as a conditional use subject to conditional use review by the Development Review Board under Section 5.7, and the requirements of this section. However, no wind generation facility shall be sited within the Flood Hazard Area Overlay District, or within 1,500 feet of the Dead Creek Waterfowl Area.
- B. **Application Requirements.** In addition to the application information required under Sections 5.5 and 5.7, the applicant for a wind energy facility of 15 kW rated capacity or less shall supply the following:
  1. the name and address of the applicant, landowners of record and agents, and contact information for the person(s) authorized to operate, maintain and ensure the safety of the facility;
  2. a site location map showing the proposed facility site in relation to neighboring properties, public roads and waters, and the Dead Creek Waterfowl Area,
  3. a site development plan showing the following is required:
    - a. the footprint of all proposed facilities, including generation, collection and transmission facilities, and other accessory structures and access roads, in relation to existing site features;
    - b. facility setback distances from property lines, public rights-of-way, and existing structures on the site and on adjoining properties;
    - C. prevailing wind conditions, including wind direction and speed, and wind access or buffer areas as required for facility operation.
- C. Systems of 15 kW rated capacity or less shall comply with the following:
  1. the tower shall be no taller than 120 feet at the wind turbine mounting height,
  2. towers shall be setback at least twice the height of the tower from all property boundaries and public rights-of-way,
  3. towers shall be sited as per the Public Service Board booklet "Siting a Wind Turbine on Your Property" to minimize undue adverse impacts:  
[http://www.state.vt.us/psb/application\\_forms/PSB\\_Wind.PDF](http://www.state.vt.us/psb/application_forms/PSB_Wind.PDF)
- D. **Application Requirements.** In addition to the application information required under Sections 5.5 and 5.7, the applicant for a wind energy facility or greater than 15 kW but less than or equal to 150 kW shall supply the following:

1. the name and address of the applicant, landowners of record and agents, and contact information for the person(s) authorized to operate, maintain and ensure the safety of the facility;
2. a site location map showing the proposed facility site in relation to neighboring properties, public roads and waters, and the Dead Creek Waterfowl Area; and
3. a site development plan showing:
  - a. the footprint of all proposed facilities, including generation, collection and transmission facilities, and other accessory structures and access roads, in relation to existing site features;
  - b. facility setback distances from property lines, public rights-of-way, and existing structures on the site and on adjoining properties;
  - c. prevailing wind conditions, including wind direction and speed, and wind access or buffer areas as required for facility operation.
  - d. tower design, elevations, cross-sections, and fall zones;
  - e. wind turbine information, including maximum rotor size, operational speeds, and blade throw distances;
  - f. power generation, collection and transmission capacities; and
  - g. tower, rotor, and electrical safety specifications.

**E. Facility Design Requirements.** Wind energy facilities shall be sited and designed in accordance with the following:

1. Equipment selected shall, to the extent feasible, minimize the need for structural supports (e.g., guy wires). Guy wires and other structural supports shall be clearly marked to avoid collisions.
2. Equipment shall, to the extent feasible, be consolidated on the turbine tower or foundation pad.
3. All electrical collection lines shall be placed underground.
4. Access to all facilities shall be restricted to reduce public hazards and personal injury. Warning signs shall be placed on all towers, electrical equipment and at project entrances. Perimeter fencing and screening also may be required by the Board as needed to further limit public access to the facility and/or to screen ground equipment from view.
5. Turbine towers are specifically exempt from the maximum height requirement for the district in which they are located; however a turbine tower may have a maximum height of 120 feet or extend 50 feet above tree tops within a 500-foot radius. The lowest portion of a turbine blade shall be at least 15 feet above the ground surface.
6. The lighting of turbine towers, or the use of towers for advertising purposes, is prohibited. Maximum tower height may be reduced by the Board as needed to

avoid federal or state lighting requirements.

7. Towers shall be setback at least 500 feet from all property boundaries and public rights-of-way, and at least 1,000 feet from any existing off-site residence. Required setback distances may be increased by the Board for larger wind generating facilities or as needed to mitigate potential adverse impacts to properties and uses within the vicinity of the project.
8. The facility shall not generate mechanical and/or aerodynamic noise in excess of 65 dB(A) as measured at the property line, unless otherwise approved by the Board based on submitted noise level analyses that shows no noise impacts to surrounding properties. As a condition of approval, the Board may require the monitoring and reporting of operational noise levels, and any related noise complaints, for a one year period from the date of first operation,, and impose additional noise reduction requirements as appropriate.

**F. Application Requirements.** In addition to the application information required under Sections 5.5 and 5.7, the applicant for a wind energy facility or greater than 150 kW shall supply the following:

1. the name and address of the applicant, landowners of record and agents, and contact information for the person(s) authorized to operate, maintain and ensure the safety of the facility;
2. a site location map showing the proposed facility site in relation to neighboring properties, public roads and waters, and the Dead Creek Waterfowl Area;
3. a site development plan showing:
  - a. the footprint of all proposed facilities, including generation, collection and transmission facilities, and other accessory structures and access roads, in relation to existing site features;
  - b. facility setback distances from property lines, public rights-of-ways, and existing structures on the site and on adjoining properties;
  - c. prevailing wind conditions, including wind direction and speed, and wind access or buffer areas as required for facility operation.
4. a report from a qualified Vermont licensed professional engineer, which describes facility design and installation specifications, including:
  - a. tower design, elevations, cross-sections, and fall zones;
  - b. wind turbine information, including maximum rotor size, operational speeds, and blade throw distances;
  - c. power generation, collection and transmission capacities; and
  - d. tower, rotor, and electrical safety specifications.
5. other information the Board may require to determine conformance with these regulations, including but not limited to:

- a. an analysis of projected noise levels in relation to existing (ambient) noise levels at the proposed site;
- b. a biological assessment, prepared by a qualified biologist in consultation with the Vermont Department of Fish & Wildlife, to determine potential impacts (bird risks) to avian flyways, landing and nesting areas associated with the Dead Creek Waterfowl Area, and associated operation, management and monitoring protocols;
- c. a visual impact assessment, including visual simulations of the facility from vantage points specified by the Board.

**G. Facility Design Requirements.** Wind energy facilities shall be sited and designed in accordance with the following:

1. Equipment selected shall, to the extent feasible, minimize the need for structural supports (e.g., guy wires). Guy wires and other structural supports shall be clearly marked to avoid collisions.
2. Equipment selected shall, to the extent feasible, be consolidated on the turbine tower or foundation pad.
3. All electrical collection lines shall be placed underground.
4. Access to all facilities shall be restricted to reduce public hazards and personal injury. Warning signs shall be placed on all towers, electrical equipment and at project entrances. Perimeter fencing and screening also may be required by the Board as needed to further limit public access to the facility and/or to screen ground equipment from view.
5. Turbine towers are specifically exempt from the maximum height requirement for the district in which they are located; however a turbine tower may have a maximum height of 120 feet or extend 50 feet above tree tops within a 500-foot radius. The lowest portion of a turbine blade shall be at least 15 feet above the ground surface.
6. The lighting of turbine towers, or the use of towers for advertising purposes, is prohibited. Maximum tower height may be reduced by the Board as needed to avoid federal or state lighting requirements.
7. Towers shall be setback at least 500 feet from all property boundaries and public rights-of-way, and at least 1000 feet from any existing off-site residence. Required setback distances may be increased by the Board for larger wind generating facilities or as needed to mitigate potential adverse impacts to properties and uses within the vicinity of the project.
8. The facility shall not generate mechanical and/or aerodynamic noise in excess of 65dB(A) as measured at the property line, unless otherwise approved by the Board based on submitted noise level analyses that shows no noise impacts to

surrounding properties. As a condition of approval, the Board may require the monitoring and reporting of operational noise levels, and any related noise complaints, for a one-year period from the date of first operation, and impose additional noise reduction requirements as appropriate.

9. The facility shall not create disruptive electromagnetic interference. Wind turbines shall be filtered and/or shielded to prevent interference with broadcasting signals and navigational systems.

10. towers and turbines shall be sited and designed to:

- a. minimize their overall density and visual impact, and to avoid the appearance of a "wind wall," through adequate spacing, and uniform tower design, blade number and rotational direction,
- b. minimize project visibility through the use of nonreflective, unobtrusive surfaces and colors that blend with their surroundings, except for markings as required for safety and/or to reduce avian collisions, and
- c. minimize high wind, icing, and electrical fire hazards.

11. To minimize potential environmental and visual impacts, wind energy facilities, to the extent feasible, shall:

- a. be sited and designed to avoid impacts to resident and migratory avian populations,
- b. use a roadless project design through the use of existing accesses, the use of mesh mats or grating over existing vegetation to provide temporary access, and/or air lift transport,
- c. consolidate access and utility corridors, and use local topography and land cover to minimize facility and corridor visibility, and
- d. minimize the area cleared of vegetation and disturbed for site development, and avoid areas of steep slope (>20%) to minimize the amount of cut, fill, and erosion control required.
- e. not be classified as a hazard to air navigation, as defined by the Federal Aviation Administration (FAA) regulations (Title 14CFR). In the event of subsequent FAA determination that obstruction lighting or painting is required, permittees under this section agree to apply for the least obtrusive means of satisfying FAA regulations.

H. **Removal.** All abandoned, unused, obsolete, or noncompliant wind energy facilities, including facilities that have not produced electricity for a continuous period of one year, shall be removed within 12 months of the cessation of operation, and the site shall be restored to its natural state. A copy of the relevant portions of any signed lease which requires the applicant to remove the facility shall be submitted at the time of application. A bond or other form of surety acceptable to the Board and the Addison Selectboard may be required to ensure facility removal and site reclamation.

## ARTICLE 5: DEVELOPMENT REVIEW

### **Section 5.1 Applicability of Development Review**

- A. Development review procedures and related standards under this article apply only to that requires, prior to the issuance of a zoning permit under Section 6.1, the approval of the Development Review Board under one or more of the following review procedures.
- 1) **Site Plan Review.** Site plan review by the Development Review Board under Section 5.6 shall be required for all development designated as a "Permitted Use" in Article 2, except for single (one) and two family dwellings, agriculture and related farm structures, forestry, and development that is specifically exempted from review under these regulations under Section 6.2. Development designated as a "Conditional Use" under Article 2 is not subject to site plan review. Site plan review standards and conditions are intended to ensure that building and site design are attractive, functional and consistent with the purpose and character of the district within which the development is located.  
2)
  - 2) **Conditional Use Review.** Conditional use review by the Development Review Board under Section 5.7 shall apply only to those uses designated as conditional uses in Article 2 or as otherwise specified in these regulations. Standards and conditions address the impact of proposed land uses on adjacent properties, the neighborhood or district in which the project is located, and the community at large.
  - 3) **Flood Hazard Area Review.** Conditional use approval by the Development Review Board, including the application of flood hazard area development standards, is required for all conditional uses within the Flood Hazard Area Overlay District, including but not limited to the construction of new buildings, and additions or substantial improvements to existing buildings. If a permitted use in an underlying district is identified as a conditional use within the Flood Hazard Area Overlay District, it shall be subject to review only under flood hazard area district standards under Section 5.8 (D), and not other conditional use standards under Subsections 5.7 (B) and (C).
  - 4) **Planned Unit Development (PUD) Review.** Planned unit development review under Section 5.9 shall be conducted concurrently with subdivision review according to procedures set forth for major subdivisions in the *Addison Subdivision Regulations*, as most recently amended. PUD provisions, to include associated modifications of the zoning regulations, may be applied at the request of the subdivider to any parcel to be subdivided.

### **Section 5.2 Hearings**

- A. A public hearing, warned as described below, is required for all requests for

conditional use approval, variances, waivers, and appeals of Zoning Administrator's decisions. The date, place, and purpose of the hearing must be published in a newspaper of general circulation in the Town of Addison not less than 15 days prior to the date of the public hearing. The date, place, and purpose of the hearing must be posted in three or more public places within the Town of Addison not less than 15 days prior to the date of the public hearing. One of the public posting places must be on the property within view of the nearest public right-of-way. The Town of Addison will provide the property owner with a form for posting. It is the responsibility of the property owner to insure that the notice remains posted for the entire warning period.

- B. A public hearing, warned as described below, is required for all other types of development review including requests for site plan approval and waivers.
  - 1) The date, place and purpose of the hearing must be posted in three or more public places within the Town of Addison not less than 7 days prior to the date of the public hearing.
  - 2) Written notification to the property owner (if not the applicant or appellant) and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification must include a description of the proposed project and must be accompanied by information that clearly informs the recipient where additional information may be obtained and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. The Town of Addison may supply applicants or appellants with notification forms and require them to send by certified mail return receipt requested or hand deliver the notice with proof of delivery submitted before or at the start of the hearing.
- C. The Development Review Board may recess a hearing on any application pending submission of additional information. Hearings that are recessed to a known date and time do not require further warnings when resumed.

### **Section 5.3 Combined Review**

- A. In cases where a proposed project will require more than one type of development review, the Board may warn and hold a single hearing for the purpose of reviewing and acting on the proposal. The Zoning Administrator will identify proposed projects appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.
- B. Notice for a combined review hearing shall be made in accordance with Section 5.2(A) of these regulations. The hearing notice must include a statement that the hearing will be a combined review of the proposed project and list each review processes that will be conducted at the hearing.
- C. All hearing and decision requirements, and all deadlines applicable to each review

process will apply. Separate written decisions may be issued for each review conducted as part of the combined review, but they should be coordinated where appropriate.

#### **Section 5.4 Decisions**

- A. Once the Board adjourns its hearing, it must issue a written decision, with findings of fact, within 45 days. Failure to act within 45 days will be deemed approval.
- B. In rendering a decision in favor of the applicant, the Board may attach reasonable conditions and safeguards as it deems necessary to implement the provisions of these regulations and the policies of the Addison Town Plan.
- C. Approval may be conditioned on the submission of a bond, escrow account or other surety in a form acceptable to the Selectboard to assure one or more of the following:
  - 1) The completion of the project;
  - 2) Adequate stabilization of the site; or
  - 3) Protection of public facilities that may be affected by the project.
- D. All decisions must be sent by certified mail to the applicant or appellant. Copies of the decision must also be sent to every person, body or group who participated in the hearing. A copy of the decision must also be filed with the Zoning Administrator and with the Town Clerk for recording in the town records.

#### **Section 5.5 Application Requirements**

- A. **Development Plan.** An applicant for development review by the Development Review Board shall submit, in addition to a zoning permit application under Section 6.1, one (1) original and two (2) complete copies of a development plan and supporting information, to include the following information, unless specifically waived by the Development Review Board under Subsection (B).
  - 1) the names and addresses of the property owner(s) of record, the applicant if different from the property owners, and the person(s) or firm preparing the application and plans;
  - 2) proof of notification to abutting landowners that the application has been submitted;
  - 3) a project location map showing the location of proposed development in relation to other properties, surface waters, land uses, roads, and utilities within the vicinity of the project; and

- 4) a site development plan, drawn to scale, which shows the following unless specifically waived by the Development Review Board:
- 1 title block, north arrow, scale, and the application date;
  - 2 existing and proposed property boundaries, easements and rights-of-way;
  - 3 site features, including elevation contours, prominent topographic features, and areas of steep slope; surface waters, shorelines, wetlands, and associated setback distances; designated floodplain areas; land use and land cover, tree lines, large trees, and any designated critical habitat areas, historic sites or features;
  - 4 the location of existing and proposed structures and facilities, including building footprints and elevations, walls and fence lines, utilities, roads, driveways, parking and loading areas, and pedestrian paths;
  - 5 proposed traffic and pedestrian circulation patterns, including access points to adjoining properties, public roads and public waters;
  - 6 the location of proposed water supply and wastewater disposal systems and design details; and
  - 7 proposed grading, drainage, landscaping, screening, signs, and lighting details.
- 5) a project schedule, including the sequence of construction and a schedule for the completion of each phase of development, including site clearing and preparation, building construction, the installation of roads, driveways, parking areas, utilities, facilities and landscaping, and site reclamation, as applicable to the development; and
- 6) any additional information required by the Development Review Board to determine project conformance with the provisions of these regulations (e.g., erosion control, storm water management or site reclamation plans; or traffic, fiscal or visual impact analyses).
- B. The application shall not be considered complete until all required forms, information and associated fees have been submitted. The Development Review Board may waive one or more application requirements upon determination that the information is unnecessary for the comprehensive review of the application. Such waiver shall be made at the time the application is accepted and deemed complete.

### **Section 5.6 Plan Review**

- A. **Applicability.** Any use or structure requiring site plan approval shall not be issued a zoning permit by the Administrative Officer until the Development Review Board grants such approval in accordance with the Act, and the following standards and procedures.
- B. **General Standards.** The Development Review Board shall consider and may impose appropriate conditions and safeguards with respect to the adequacy of traffic

and pedestrian access, on-site circulation, parking, landscaping and screening, and other aspects of site development, in accordance with the following:

- 1) **Site Features.** Site layout and design, to the extent feasible, shall incorporate and/or protect significant site features, including but not limited to: surface waters, wetlands, shorelands, critical habitat areas and associated buffers; ridgelines, hilltops, rock outcrops and steep slope (>20%) areas; historic sites and structures; and tree lines, walls and fences. Conditions may be imposed as appropriate with regard to structure siting, setbacks, and buffers to incorporate and/or protect existing site features.
- 2) **Site Access.** Provision shall be made for adequate and safe access from the site to maintained public or private roads and, where applicable, public waters in accordance with the requirements of Section 3.5. Shared access between adjoining properties and/or uses to public roads and waters is encouraged, and may be required by the Development Review Board where existing conditions allow. The Board may also require the reduction, consolidation or elimination of noncomplying accesses or curb cuts and/or the submission of an access management plan as a condition of approval.
- 3) **Site Circulation.** Provision shall be made for adequate and safe on-site vehicular and pedestrian circulation, in relation to the intended use and the location of buildings and parking areas. Clearly marked travel lanes, pedestrian crossings, and pedestrian paths connecting buildings, parking areas, and adjoining properties are encouraged, and may be required as appropriate by the Development Review Board to ensure vehicular and pedestrian safety and convenience.
- 4) **Site Layout.** The location and orientation of structures on the site will be compatible with their proposed setting and context, as determined from zoning district objectives, existing site conditions and features, adjoining or facing structures in the vicinity, and other applicable provisions of these regulations, including setback and buffering requirements. Buildings shall be oriented parallel to the road unless otherwise approved by the Development Review Board in relation to site conditions, or to allow for solar orientation. Conditions may be imposed as appropriate with regard to structure siting, orientation, and setbacks to ensure development is compatible with its setting and context.
- 5) **Parking, Loading, Service & Outdoor Storage Areas.** On-site parking, loading and service areas shall be provided in accordance with the requirements of Section 3.8. Shared parking between adjoining properties and/or uses is encouraged, and may be required by the Development Review Board where existing conditions allow. The Board may also require that parking, loading and service areas, and any outdoor storage areas for equipment or materials, be located to the side or rear of buildings, and/or be screened from public view and neighboring properties. Conditions may be imposed with regard to the extent, siting, landscaping, screening, paving, curbing and/or sharing of

parking, loading and service areas as appropriate to ensure site compatibility and minimize adverse impacts.

- 6) **Landscaping & Screening.** Landscaping and screening which preserve and incorporate existing vegetation, are suited to existing site conditions, enhance development and features unique to the site, and/or serve to buffer or screen incompatible development from neighboring properties, natural features, or public rights-of-way, are encouraged and may be required by the Development Review Board as appropriate to minimize any adverse impacts of site development. Landscaping and screening shall not obstruct scenic views or road visibility. Conditions may be imposed as appropriate with regard to the amount, type, size, and location of landscaping and screening materials. The Board may also require a three (3) year landscaping plan, and/or bond or other surety, to ensure installation and maintenance.
- 7) **Storm water Management & Erosion Control.** Storm water management and erosion control on-site shall incorporate best management practices for infiltration, collection, treatment and long-term maintenance, as most recently adopted by the Vermont Department of Environmental Conservation. The Development Review Board may require, as a condition of approval, the submission and implementation of storm water management and/or erosion control plans.
- 8) **Lighting.** Exterior lighting associated with the proposed development will be the minimum required for safety and security, will make use of cutoff fixtures that direct light downward, and will not adversely affect neighboring properties and uses or the quality of the night sky. Conditions may be imposed as appropriate with regard to the type, height, and layout of exterior lighting fixtures. Lighting plans may be required as appropriate and incorporated as conditions to approval.
- 9) **Water Supply & Sewage Disposal.** Adequate provision shall be made for the water supply and sewage disposal in accordance with all applicable local and state regulations, including Section 3.10 of these regulations. The Board may require documentation of site testing (e.g., soil tests, borings) for in-ground septic systems, and that such systems be designed by a qualified professional (i.e., a professional engineer or certified site technician). Conditions may be imposed as appropriate with regard to system siting, performance and maintenance. Professional certification of system installation also may be required as a condition of approval.

### **Section 5.7 Conditional Use Review**

- A. **Applicability.** Any use or structure requiring conditional use approval shall not be issued a zoning permit by the Administrative Officer until the Development Review Board grants such approval in accordance with the Act [§4407(2)], and the following

standards and procedures.

**B. General Standards.** In accordance with the Act [§4407(2)], conditional use approval shall be granted by the Development Review Board upon finding that the proposed development will not adversely affect the following:

- 1) **The capacity of existing or planned community facilities and services.** The Board shall consider the demand for community facilities and services that will result from the proposed development in relation to the existing and planned capacity of such services and facilities, and the adopted municipal capital budget and program currently in effect. The Board may request information or testimony from other local officials to help evaluate potential project impacts on existing and proposed community facilities and services. Conditions may be imposed regarding the provision of services and facilities on-site, and/or the timing and phasing of development in relation to anticipated municipal capital expenditures or improvements, to minimize any adverse impacts to community facilities and services.
- 2) **Character of the neighborhood or area affected.** The Board shall consider the design, location, scale, and intensity of the proposed development in relation to the character of adjoining and other properties likely to be affected by the proposed use. Conditions may be imposed as appropriate to ensure that the proposed development is compatible with the character of the area or neighborhood, as determined from zoning district purpose statements, the municipal plan, and relevant testimony presented to the Board. An impact assessment may be required. Conditions may be imposed as necessary to eliminate or mitigate adverse impacts, including but not limited to conditions on the design, scale, intensity or operation of the proposed use.
- 3) **Traffic on roads and highways in the vicinity.** The Board shall consider the potential impact of traffic generated by the proposed development on the capacity, safety, efficiency, and maintenance of roads, highways, intersections, and bridges in the vicinity. A traffic impact assessment may be required. Conditions may be imposed as necessary to ensure that a proposed development will not result in unsafe conditions for pedestrians or motorists, including but not limited to physical improvements on or off site, or the use of accepted traffic management strategies.
- 4) **Bylaws in effect.** The Board shall determine whether the proposed development conforms to other municipal bylaws and ordinances currently in effect, including but not limited to any road and on-site wastewater ordinances. The Board shall not approve a proposed development that does not meet the requirements of other bylaws and ordinances in effect at the time of application.
- 5) **The utilization of renewable energy resources.** The Board will consider whether the proposed development will interfere with the sustainable use of renewable energy resources by either diminishing their future availability,

or by interfering with neighboring property owners' access to such resources (e.g., for solar or wind power). Conditions may be imposed as appropriate to ensure access to and the long-term availability of renewable energy resources.

- C. **Specific Review Standards.** In addition to general standards under subsection 5.7(C), the Board may also consider the following and impose conditions as appropriate to reduce or mitigate the adverse impacts of a proposed development.

- 6) **Site Plan Review Standards.** In addition to the standards included under this section, the Development Review Board shall also review the application for conditional use approval to ensure that it meets all site plan review standards set forth under Section 5.7(C). In approving an application for conditional use, the Board shall determine that the proposed use meets all applicable site plan review standards, and may impose appropriate conditions and safeguards with respect to the adequacy of access and circulation, parking, loading, service and outdoor storage areas, storm water management and erosion control, and landscaping, screening, lighting, and other aspects of site design and development.
- 3)
- 7) **Performance Standards.** The Board shall consider whether the proposed development will meet applicable performance standards under Section 3.9. The Board may impose conditions on the installation, operation, storage or maintenance of devices or materials as reasonably necessary to prevent or reduce fumes, gas, dust, smoke, odor, noise, vibration, glare, electrical interference, or any other nuisance which may be detectable at the property line, or otherwise represent a public health or safety hazard. In determining appropriate performance standards, the Board may consult with state officials, and consider accepted industry standards. In addition, the Board may limit the hours of operation so that the use shall be consistent with the character of the area. Evening or night operations shall be permitted only if noise levels, lighting and traffic will not unreasonably interfere with surrounding uses.
- 8) **Required Buffers and Open Space.** The Board may impose or increase required setback distances and buffer areas as may be reasonably necessary to protect adjoining properties, surface waters, wetlands, shoreland areas, and other natural and cultural features from incompatible development. Storm water, erosion control and/or buffer management plans may be required as appropriate to mitigate long-term impacts.

### **Section 5.8 Flood Hazard Area Review**

- A. **Applicability.** All development within the flood hazard area overlay district, with the exception of permitted uses within the district as identified in Table 2.6, shall be subject to conditional use review by the Development Review Board under Section 5.7, and the following flood hazard area regulations. Permitted uses within the underlying district, which would otherwise not be subject to conditional use review,

are not required to meet conditional use standards under Subsections 5.7 (B) and (C). Conditional uses within the underlying district are subject to both conditional use and flood hazard area requirements.

**B. Application Requirements.** In addition to a development review application prepared in accordance with Section 5.5, an applicant for conditional use review within the flood hazard area overlay district shall submit to the Administrative Officer the following:

- the location on the site plan, and elevations of all roads, water supply and wastewater facilities in relation to the channel, floodway, and base flood elevations;
- a completed FEMA "Elevation Certificate" prepared by a registered surveyor, engineer, architect or other state official who is authorized by the state to certify building elevation information;
- where flood proofing is proposed (as allowed for nonresidential buildings) completed FEMA "Flood Proofing Certificate" prepared by a registered professional engineer or architect who is authorized by the state to certify flood proofing design and construction;
- a hydraulic analysis for development located within the floodway; and
- a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

**C. Additional Notice and Referral Requirements.** In addition to public hearing notice requirements for conditional use review under Subsection 5.2, the following shall also apply:

- 1) Prior to issuing a permit, a copy of the application shall be submitted to the Flood Plain Management Section of the Vermont Department of Environmental Conservation in accordance with the Act [§4409] and Section 6.3. A permit may be issued only following the receipt of comments from the Department, or the expiration of 30 days from the date of application, whichever is sooner.
- 2) Adjacent communities and the Vermont Department of Environmental Conservation shall be notified at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.

**D. Flood Hazard Overlay District Standards.** The Development Review Board may impose specific conditions or require project modifications for development within the Flood Hazard Area Overlay District in accordance with the following standards:

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

- 4) All development shall be designed to:
  - (a) minimize flood damage to the proposed development and to public facilities and utilities; and
  - (b) to provide adequate drainage to reduce exposure to flood hazards.
- 5) Structures shall be:
  - (a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
  - (b) be constructed with materials resistant to flood damage,
  - (c) be constructed by methods and practices that minimize flood damage, and
  - (d) be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 4) The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
- 5) New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate the infiltration of flood waters into the systems and discharges from the systems into flood waters.
- 6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- 7) New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
- 8) The lowest floor, including basement, of all new buildings, except for accessory buildings under Subsection 9, shall be at or above the base flood elevation.
- 9) Accessory buildings that represent a minimal investment may be built below the base flood elevation provided that the building:
  - a shall not be used for human habitation,
  - b shall be designed to have low flood damage potential,
  - c shall be constructed and placed on the building site so as to offer minimal resistance to the flow of floodwaters,
  - d shall be firmly anchored to prevent flotation which may result in damage to other structures, and
  - e shall have elevated or flood proofed service facilities such as electrical or heating equipment.
- 10) Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of Subsection 8.

- 11) Existing buildings to be substantially improved for nonresidential purposes shall either:
  - (a) meet the requirements of Subsection 8, or
  - (b) be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

- 12) All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other cover coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 13) Recreational vehicles shall either:
  - (a) be on the site for fewer than 180 consecutive days,
  - (b) be fully licensed and ready for highway use,
  - (c) meet the standards of Subsection 7 for manufactured homes.

**D. Other permits.** Proposed development within the flood hazard area overlay district shall also be reviewed to assure that all necessary permits have been received from federal or state agencies from which approval is required under federal or state law.

**E. Variances.** In addition to the standards for granting variances set forth in Section 6.6(A) and (B), requests for variances within the Flood Hazard Area Overlay District must also comply with the standards set forth in Section 6.6(C).

**F. Administrative officer duties.** In addition to other permit recording requirements under Section 6.9(C)(1), the Administrative Officer shall, in accordance with Section 6.9(C)(2), also maintain a record of:

- 1) all permits issued for development in areas of special flood hazard,
- 2) the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings,
- 3) the elevation, in relation to mean sea level, to which buildings have been flood proofed,

- 4) all elevation and flood proofing certifications required under this regulation, and
- 5) all variance actions, including justification for their issuance.

### **Section 5.9 Planned Unit Development Review [PUDs]**

**A. Applicability.** In accordance with the Act, the Development Review Board may modify zoning regulations, simultaneously with the approval of a subdivision plat, to enable and encourage flexibility in the design and development of land to promote its most appropriate use, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of Addison's open land. PUD review is encouraged for all major subdivisions of land and for any large, mixed use development located within the VC, SR, and/or SCR Districts. PUDs may be considered to:

- 1) increase density, reduce lot size and/or facilitate the adequate and economical provision of streets and utilities in order to maintain traditional settlement patterns, and/or provide affordable housing;
- 2) cluster residential development to preserve and maintain open space, including but not limited to important resource or conservation lands; and/or
- 3) protect significant natural, cultural or scenic features as identified in the *Addison Town Plan*, or through site investigation.

**B. Review Process.** A PUD shall be reviewed as a major subdivision under the *Addison Subdivision Regulations*; PUD review may occur concurrently with subdivision review, the procedures for which are set forth in the subdivision regulations. An application for PUD approval shall include, in addition to subdivision application requirements, a statement describing all proposed modifications, changes or supplements to existing zoning requirements. Modifications of these regulations approved by the Development Review Board shall be noted in writing and appended to the plat. All other provisions of these regulations not specifically modified shall remain in effect and be applicable to the project. Approval granted by the Development Review Board under this section for a PUD involving the development of one or more uses subject to site plan and/or conditional use review shall not exempt subsequent development from such review under Sections 5.3 and / or 5.4 of these regulations.

**C. General Standards for PUDs.** The modification of zoning bylaw requirements by the Development Review Board may be allowed simultaneously with the approval of a subdivision plat, in accordance with the following standards:

- 1) The PUD shall meet all applicable standards set forth in the existing *Addison Subdivision Regulations*, and shall be consistent with the *Addison Town Plan* and all other applicable municipal regulations and ordinances currently in effect. The PUD shall also meet all local and state regulations for sewage disposal and the protection of water quality.

- 2) The PUD shall represent an effective and unified treatment of the development site, including provisions as appropriate for the preservation or protection of surface waters, wetlands, stream banks, floodplains and shoreland areas; significant topographic features, including hilltops and ridgelines, and areas of steep slope (>20%) or shallow soil; significant resource lands, including productive agricultural and forest land; historic sites and structures; natural and critical habitat areas; and open spaces, including scenic views and vistas.
- 3) The total number of units shall not exceed that which would be permitted in the Development Review Board's judgment if the parcel were subdivided into buildable lots in conformance with the district minimum lot area required, unless a density bonus is approved by the Development Review Board in association with the following:
  - a) The number of units allowed in a PUD may, at the discretion of the Development Review Board, be increased by up to 25% of the number which the Development Review Board determines could be provided on the site in conformance with zoning district requirements to encourage the protection of natural features, productive farm and forest land, or other open space.
  - b) The number of dwelling units allowed in a PUD may, at the discretion of the Development Review Board, be increased by up to 50% of the number which the Development Review Board determines could be provided on the site in conformance with zoning district requirements to encourage the development of affordable and / or retirement housing.
  - c) Mobile home parks, as defined in Article 7 and Section 4.12, are not eligible for, and shall not be granted, a density bonus under this section.
- 4) The Development Review Board may allow for a greater concentration or intensity of development within some section(s) of the development than in others, on individual lots which are smaller than the minimum lot size for the district within which the PUD is located, provided that there is an offset by a lesser concentration in other sections, including an appropriate reservation of open space on the remaining land.
- 5) Minimum front, side and rear yard setbacks at the periphery of the PUD shall be as required for the zoning district(s) in which it is located, unless otherwise approved by the Development Review Board. For individual lots within the PUD, the Development Review Board may consider other setback standards, such as zero lot line setbacks, as part of subdivision review.
- 6) Provision shall be made for the preservation of open space. The location, size, shape, ownership, use and long-term management of land set aside to be preserved for open space shall be reviewed in relation to their intended use, and

approved by the Development Review Board in accordance with the *Addison Subdivision Regulations*.

- 7) Where a district boundary line divides a parcel, the Development Review Board may allow the development of a single PUD with a total density based on the combined allowable density of each district.
  - 3)
  - 8) Two (2) or more contiguous parcels under the ownership or control of the applicant may be combined for review as a PUD.
    - 3)
- D. **Standards specific to residential PUDs.** In addition to the general standards set forth in Subsection C, residential PUDs shall also meet the following specific standard:
  - 3)
    - 1) The PUD shall include only residential uses and associated accessory structures and uses allowed within the district in which the PUD is located. The dwelling units permitted may, at the discretion of the Development Review Board, be of varied types, including single-family, two-family, or multi-family construction, and may be attached or detached. In no case shall the maximum number of units in a multiple family dwelling exceed six (6).
- E. **Standards Specific to non-residential or mixed use PUDs.** In addition to the general standards set forth in Subsection C, non-residential or mixed use PUDs shall also meet the following specific standards:
  - 1) The PUD may include any permitted or conditional uses allowed in the district in which it is located. Multiple principle structures and/or uses on a lot, or multiple ownership of a single structure, may be permitted.
  - 2) The total number of allowable residential units and/or commercial or industrial space within the PUD shall not exceed the number which could be permitted in the Development Review Board's judgment, if the land were subdivided into lots in conformance with the zoning regulation for the district in which the project is located, including any density bonus permitted in accordance with Subsection (C)(3).

## ARTICLE 6: ADMINISTRATION & ENFORCEMENT

### **Section 6.1 Municipal Land Use Permits & Approvals**

**A. Permit Requirements.** No land development, as defined herein, may commence in the Town of Addison until all applicable municipal land use permits and approvals as provided for in the Act, unless the development exempted from the provisions of these regulations under Section 6.2. Municipal permits and approvals are identified in Table 6.1.

**MUNICIPAL LAND USER PERMIT:** A ZONING, SUBDIVISION,, SITE PLAN OR BUILDING PERMIT, OR APPROVAL, ANY OF WHICH RELATE TO LAND DEVELOPMENT AS DEFINED IN STATUTE, WHICH HAS RECEIVED FINAL APPROVAL FROM THE APPLICABLE BOARD, COMMISSION, OR OFFICER OF THE MUNICIPALITY.

<b>TABLE 6.1</b>			
<b>Permit/Approval</b>	<b>Required for</b>	<b>Issued By</b>	<b>See</b>
<b>Zoning Regulations</b>			
Zoning Permit	All land development, as defined in Section 7.2, including signs, conversions and changes of use, unless specifically exempted from these regulations under Section 6.2.	Zoning Administrator	Section 6.3
Access approval	Development without frontage on a maintained public road or public waters	Development Review Board	Section 3.5
Site Plan Approval	All development except for forestry, agriculture, single and two-family dwellings, conditional uses	Development Review Board	Sections 5.6
Conditional Use Approval	All uses classified as "conditional uses" by district, for all uses within the flood hazard area overlay district, or as otherwise specified in these regulations	Development Review Board	Sections 5.5, 5.7
Variance Approval	Requests on appeal for a variance from the provisions of these regulations	Development Review Board	Sections 6.5, 6.6
Planned Unit Development (PUD) Approval	Subdivisions of land which incorporate variances from the provisions of these regulations as specified for PRDs and PUDs – to be approved simultaneously with approval of a subdivision	Development Review Board	Section 5.9
Certificate of Occupancy	Use of a dwelling or structure constructed after the effective date of these regulations for which a	Zoning Administrator	Section 6.4
<b>Other Municipal</b>			
Subdivision Approval	All subdivisions of land, including boundary or lot line adjustments	Development Review Board	Subdivision Regulations
Access Approval	All development requiring access onto municipal highways (See 3.5 B)	Selectboard	Road Ordinances

Road Acceptance, Upgrade	The naming of roads, the upgrade of municipal roads, or municipal acceptance of private	Selectboard	Road Ordinances
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- B. Permit Requirements under Proposed bylaw Amendments. In accordance with the Act if the Selectboard has issued a public notice for a first public hearing with respect to a proposed amendment to these regulations, for a period of 150 days following such notice new permit applications shall be reviewed under the proposed amendment and applicable existing regulations and ordinances. If the proposed amendment has not been adopted within the conclusion of the 150-day period, or if the proposed amendment is rejected, then the application shall be reviewed under the existing regulations. An application that has been denied under a proposed amendment that was subsequently rejected, or has not been adopted within the 150-day period, shall be reviewed again, at no cost, under the existing regulations, upon request of the applicant. Any determination made by the Administrative Officer under this section is subject to appeal under Section 6.5.

### **Section 6.2 Exemptions**

No municipal permits or approvals are required for the following uses or activities:

- A. Normal maintenance and repair of an existing structure.
- B. Interior alterations or repairs to a structure, which do not result in exterior alterations or a change in wastewater disposal capacity.
- C. Exterior alterations to an existing structure that do not result in the relocation of any structure and/or any change in the footprint or height of the structure, or a change in use.
- D. Residential entry stairs (excluding deck or porch areas), handicap ramps, walkways, patios, and fences or walls less than six (6) feet in height, which do not extend into or obstruct public rights-of-way, or interfere with corner visibility or sight distances for vehicular traffic.
- E. Minor grading and excavation associated with public road and underground utility maintenance and private driveways located outside of public rights-of-way, including culvert replacement and road or driveway resurfacing.
- F. Customary yard improvements associated with single and two-family dwellings (e.g., lawn, garden, and landscaped areas, trails, and walkways.)
- G. Up to two (2) accessory structures associated with a residential use, providing such structures are not greater than 100 square feet in total floor area or 10 feet in height, and meet all setback distances for the district in which they are located.

- H. Garage sales, yard sales, auctions or related activities not exceeding three (3) consecutive days, nor more than 12 days in any twelve month period.
- I. Accepted agricultural and best management practices (AAPs, BMPs), including farm structures, as defined by the Commissioner of Agriculture, Food and Markets in accordance with the Act [4495]; however written notification, including a sketch plan of the structure showing setback distances from road rights-of-way, property lines, and surface waters shall be made to the Administrative Officer prior to any construction as required under the AAPs.
- J. Accepted management practices (AMPs) for silviculture as defined by the Commissioner of Forests, Parks, and Recreation, in accordance with the Act.

### **Section 6.3 Zoning Permit**

- A. **Applicability.** No land development may commence unless a zoning permit has been issued by the Administrative Officer in accordance with the Act.
- B. **Application Requirements.** An application for a zoning permit shall be submitted to the Administrative Officer on forms provided by the town, along with any application fees as established by the Selectboard. In addition, the following will be required as applicable:
  - 1) **Permitted Uses.** Applications for permitted uses shall include a statement of the existing and intended use of land and structures, and be accompanied by two (2) copies of a sketch plan, no smaller than 8 1/2" X 11" drawn to scale, which accurately depict the following:
    - a) the dimensions of the lot, including existing and proposed property boundaries,
    - b) the location, footprint, and height of existing and proposed structures and additions,
    - c) the location of existing and proposed driveways and parking areas,
    - d) the location of existing and proposed easements, rights-of-way and utilities,
    - e) setbacks from property boundaries, rights-of-way, surface waters, and wetlands; and
    - f) such other information as may be needed to determine compliance with these regulations.
  - 2) **Site Plan & Conditional Use Approval.** Uses that require site plan or conditional use approval under Article 5 shall include a development review application prepared and submitted in accordance with Section 5.5.
  - 3) **Flood Hazard Area Review.** Uses within the Flood Hazard Area Overlay District, which are subject to flood hazard area review, shall also submit information as required under Section 5.8.

- 4) **Planned Unit Development.** Applications for a planned unit development shall also submit information as required under Section 5.9.

C. **Issuance of Zoning Permit.** A zoning permit shall be issued by the Administrative Officer only in accordance with the Act and the following provisions.

- 1) The Administrative Officer shall not issue a zoning permit for any use or structure, which requires approval of the Development Review Board or Selectboard, until such approval has been obtained.
- 2) Pursuant to the Act, for applications submitted within 150 days of Selectboard notice of a first public hearing with respect to a proposed bylaw amendment, no zoning permit shall be issued except in accordance with Section 6.1(B).
- 3) The Administrative Officer shall not deem an application complete until all necessary approvals, including site plan and conditional use approval, have been granted. Within 30 days of receipt of a completed application, including all application materials, fees and approvals, the Administrative Officer shall either issue or deny a permit in writing pursuant to the Act. Denials shall include a statement of the time in which appeals may be made under Section 6.5. If the Administrative Officer fails to act within the 30-day period, a permit shall be deemed issued on the 31<sup>st</sup> day.
- 4) Within three (3) days of issuance, the Administrative Officer shall deliver a copy of the permit to the Listers, and post, for a period of 15 days from issuance, a copy at the Town Office.

D. **Effective Dates.** No zoning permit shall take effect until the time for appeal under Section 6.5 has passed, or in the event that a notice of appeal is properly filed, until final adjudication of the appeal. All activities authorized under the permit shall be substantially commenced within one (1) year of the date of issuance, or the zoning permit shall become null and void and reapplication to complete such activities shall be required. The Administrative Officer may, however, issue a single, one (1) year permit extension providing the applicant submit a request in writing prior to the expiration of the permit and is not otherwise in violation of permit conditions.

#### **Section 6.4 Certificate of Occupancy**

A. **Certificate of Occupancy.** In accordance with the Act, it shall be unlawful to use or occupy, or to permit the use or occupancy of any land or structure, or part thereof, for which a zoning permit has been issued unless a certificate of occupancy has been issued by the Administrative Officer stating the proposed use of the land or structure conforms to the provisions of these regulations, conditions of the zoning permit, and any associated approvals.

- 1) An application for a certificate of occupancy shall be provided with the zoning permit issued by the Administrative Officer. The applicant shall submit the application prior to the use or occupancy of the land or structure.
- 2) Within 14 days of receipt of the application for a certificate of occupancy, the Administrative Officer will inspect the premises to ensure that all work has been completed in conformance with the zoning permit and associated approvals, including all applicable permit conditions. A certificate of occupancy may be issued for a substantially complete structure providing that the Administrative Officer can determine it meets all applicable zoning permit conditions. If the Administrative Officer fails to either grant or deny the certificate of occupancy within 14 days of the submission of an application, the certificate shall be deemed issued on the 15<sup>th</sup> day.
- 3) If approval is required for the disposal of domestic or other wastes or effluent in accordance with municipal or state regulations, a certificate of occupancy shall not be issued by the Administrative Officer until evidence of such approval has been filed with the Administrative Officer.

### **Section 6.5 Appeals**

- A. **Decisions of the Administrative Officer.** In accordance with the Act, in addition to the applicant, any interested person may appeal a decision or act of the Administrative Officer by filing a notice of appeal with the Secretary of the Development Review Board, or the Town Clerk if no Secretary has been elected, within 15 days of the date of such decision or act.
- B. **Decisions of the Development Review Board.** The applicant and any interested person may appeal a decision of the Development Review Board within 30 days of such decision to the Vermont Environmental Court, in accordance with the Act. Notice of appeal shall be sent to every interested person appearing and having been heard at the hearing before the Board.

***Interested Person.*** In accordance with the Act, the definition of an interested person includes the following:

- 1) The owner of property that is the subject of any decision made under these regulations;
- 2) The Town of Addison or any adjoining municipality;
- 3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision made under these regulations, who can demonstrate a physical or environmental impact on their interest under the criteria reviewed, and who alleges that the decision, if confirmed, will not be in accord with the Addison Town Plan or the regulations of the town;
- 4) Any ten people who may be any combination of voters or real property owners within the Town of Addison who, by signed petition to the Board, allege that any relief requested by a person under these regulations, if granted, will not be in accord with the Addison Town Plan or the regulations of the town. This petition must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal; or
- 5) Any department and administrative subdivision of this state owning property or any interest in property within the town, and the Vermont Agency of Commerce and Community Development.

- 1) Pursuant to the Act, the Development Review Board shall hold a public hearing on a notice of appeal within 60 days of its filing. The Board shall give public notice of the hearing under Section 6.8(B), and mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.
- 2) A decision on appeal, to include written findings of fact, shall be rendered within 45 days after hearing completion, pursuant to the Act. The Development Review Board may reject an appeal without hearing, and render a decision within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal, or are based on substantially or materially the same facts, by or on behalf of the appellant. Copies of the decision shall be mailed to the appellant and hearing participants, and filed with the Administrative Officer and Town Clerk.

**C. Notice of Appeal.** Pursuant to the Act , a notice of appeal shall be in writing and include:

- 1) The name and address of the appellant;
- 2) A brief description of the property with respect to which the appeal is taken;
- 3) A reference to applicable bylaw provisions;
- 4) The relief requested by the appellant, including any request for a variance from one or more provisions of these regulations;
- 5) The alleged grounds why such relief is believed proper under the circumstances; and
- 6) Any request for a stay of enforcement, which may be granted or denied by the Development Review Board in accordance with the Act.

### **Section 6.6 Variances**

A. The Development Review Board shall hear and decide upon requests for variances in accordance with the Act and appeal procedures under Section 6.5. **The Board may grant a variance, and render a decision in favor of the appellant, only if ALL of the following facts are found in the affirmative, and the findings are specified in its written decision:**

- 1) that there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or

conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located;

- 2) that because of such physical circumstances and 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 necessary to enable the reasonable use of the property [see definition of "Reasonable Use" under Section 7.2];
  - 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, nor be detrimental to the public welfare; and
  - 5) that the variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the zoning regulation and from the municipal plan.
- B. In accordance with the Act, on an appeal for a variance from the provisions of these regulations that is requested for a structure that is primarily a renewable energy resource structure (e.g., solar structures, wind generators, and other similar renewable energy structures), **the Board may grant such variance only if ALL of the following facts are found in the affirmative and specified in its written decision:**
- 1) it is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with these regulations;
  - 2) that the hardship was not created by the appellant;
  - 3) that the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate sue or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and
  - 4) that the variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the zoning regulation and from the municipal plan.

C. **Variances within the Flood Hazard Area.** In addition to requirements under subsection (A), variances for development within the Flood Hazard Overlay District shall be granted by the Development Review Board only:

- 1) in accordance with the Act and the criteria for granting variances found in CFR,

**Section 60.6 of the National Flood Insurance Program;**

- 2) upon determination that during the base flood discharge the variance will not result in increased flood levels; and
  - 3) upon determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- D. In granting a variance, the Development Review Board may attach such conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. In no case shall the Board grant a variance for a use which is not permitted or conditionally permitted within the zoning district, or which results in an increase in allowable density.

**Section 6.7 Waivers**

- A. The Board may grant applicants waivers to the requirements and standards of these regulations where specifically authorized. Waivers are intended to provide additional flexibility in the application of these regulations in addition to what is provided through the variance process as described in Section 6.6.
- B. In considering requests for waivers, the Board should consider all of the following criteria:
  - 1) The waiver, if approved, will not negatively impact the character of the area 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.
  - 2) The deviation from these regulations being proposed by the applicant is a reasonable request and would not result in development or use of property that would offend the sensibilities of the average person.
- C. All waivers must be issued in writing by the Board.

**Section 6.8 Violations & Enforcement**

- A. **Violations.** The commencement or continuation of any land development, subdivision or use, which is not in conformance with the provisions of these regulations, shall constitute a violation. All violations will be pursued in accordance with the Act. Each day that a violation continues shall constitute a separate offense. The Administrative Officer shall institute in the name of the Town any appropriate action, injunction or other proceeding to enforce the provisions of these regulations. All fines imposed and collected for violations shall be paid over to the Town.

- B. **Notice of Violation.** Pursuant to the Act, no action may be brought under this Section unless the alleged offender has had at least seven (7) days notice by certified mail that a violation exists. The warning notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violation within the seven (7) days and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) days. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the bylaw after the 7-day notice period and within the next succeeding 12 months.
- C. **Limitations on Enforcement.** An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with the Act [4496]. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.

### **Section 6.9 Municipal Administrative Requirements**

- A. **Appointments.** The following appointments shall be made in association with the administration and enforcement of these regulations as provided for in the Act:
- 1) **Administrative Officer.** An Administrative Officer will be nominated by the Planning Commission and appointed by the Selectboard for a three-year term to administer these regulations. In the absence of the Administrative Officer, the Selectboard in consultation with the Planning Commission may appoint an Acting Administrative Officer. The Administrative Officer shall literally administer and strictly enforce the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform other associated tasks as is necessary and appropriate.
  - 2) **Development Review Board.** The Selectboard shall appoint Development Review Board members and alternates for specified terms in accordance with the Act. The Board shall adopt rules of procedure to guide its official conduct in accordance with the requirements of the Act, Vermont's Open Meeting Law [1 V.S.A., 310-314]; and shall have all powers and duties as set forth in the Act to consider amendments to the provisions of these regulations.
  - 3) **Planning Commission.** The Selectboard shall appoint Planning Commission members for 4-year terms in accordance with the Act. The Commission shall adopt rules of procedure to guide its official conduct in accordance with the requirements of the Act, Vermont's Open Meeting Law [1 V.S.A., 310 – 314]; and shall have all powers and duties as set forth in the Act to consider

amendments to the provisions of these regulations.

- B. **Fee Schedule.** The Selectboard shall establish a schedule of fees to be charged in administering these regulations, with the intent of covering the Town's administrative costs.

C. **Recording Requirements:**

- 1) Pursuant to the Act, within 30 days after the issuance or denial of a municipal land use permit, or within 30 days of the issuance of any notice of violation, the Administrative Officer shall deliver either the original, a legible copy, or a notice of the permit, denial or violation to the Town Clerk for recording in the land records of the town as provided in 24 V.S.A. 1154.
- 2) For development within the **Flood Hazard Area Overlay District**, the Administrative Officer shall also maintain a record of:
  - a) All permits issued for development in areas of special flood hazard;
  - b) The elevation, in relation to mean sea level, of the lowest floor, including basement, or all new or substantially improved buildings;
  - c) The elevation, in relation to mean sea level, to which buildings have been flood proofed;
  - d) All elevation and flood proofing certifications required under this regulation; and
  - e) All variance actions, including the justification for their issuance.

## ARTICLE 7: DEFINITIONS

### **Section 7.1 Terms & Usage**

- A. Except where specifically defined here or in the Act, or unless otherwise clearly required by the context, all words, phrases and terms in these regulations shall have their usual, customary meanings.
- B. In the interpretation of words and terms used, defined, or further described here, the following shall apply:
  - 1) the specific controls the general;
  - 2) the present tense includes the future tense;
  - 3) the singular includes the plural;
  - 4) the word "shall" is mandatory; the word "may" is permissive;
  - 5) the word "structure" includes "building;"
  - 6) the word "road" includes "street" and "highway;"
  - 7) the word "lot" includes "parcel;"
  - 8) the word "person" includes an individual, partnership, association, corporation, company or organization; and
  - 9) the word "occupied" or "used" shall be considered as though followed by "or intended, arranged or designed to be used or occupied."
- C. For the purposes of flood hazard area regulation under Section 5.8, National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of commonly used terms are provided in Section 7.2.
- D. Any interpretation of words, phrases or terms by the Administrative Officer may be appealed to the Development Review Board under Section 6.5. In such cases, the Board shall base its decision upon the following definitions, state statute, and the need for reasonable and effective implementation of these regulations. The Board shall publish and update from time to time such written interpretation, to ensure consistent and uniform application of the provisions of these regulations.

### **Section 7.2 Definitions**

**Abutting Property:** For the purposes of these regulations, abutting property shall also include facing properties across road rights-of-way. See also Contiguous Land.

**Accepted Agricultural Practices (AAPs):** Accepted practices for agriculture, including farm structures other than dwellings, as currently defined by the Commissioner of Vermont Department of Agriculture, Food and Markets in accordance with the Act (see Section 6.2). Also see Agriculture.

**Accepted Management Practices (AMPs):** Accepted silvicultural (forestry) practices as currently defined by the Commissioner of the Vermont Department of Forests, Parks and Recreation in accordance with the Act (see Section 6.2).

**Accessory Apartment:** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family dwelling, which is retained in common ownership, is located within

or attached to the primary structure or use, and which otherwise meets applicable criteria of these regulations (see Section 4.1). This definition is limited to accessory apartments as required under the Act.

**Accessory Structure:** A structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, playhouses, and wading or swimming pools, which are incidental to the residential use of the premises and not operated for gain. See also Accessory Use.

**Accessory Use:** A use, which is, customarily incidental and subordinate to the principal use of a lot or parcel of land, is located on the same lot as the primary use, and is clearly related to the principal use.

**Act:** 24 V.S.A., Chapter 117, the Vermont Municipal and Regional Planning and Development Act as most recently amended.

**Adaptive Reuse:** The rehabilitation or renovation of an historic structure for another allowed use, as specified in these regulations (see Section 4.2).

**Adequate Capacity:** Capacity is considered to be "adequate" if the grade of service is p.05 or better for at least 50% of the days in the preceding month, prior to the date of application, as measured using direct traffic measurement of the telecommunications facility in question, where the call blocking is due to frequency contention at the antenna(e).

**Adequate Coverage:** Coverage within the area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority 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 like Addison, this would be a signal strength of at least -90 dBm at the antenna terminal of a typical receiver. 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. For the limited purpose of determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be adequate coverage within said holes. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

**Administrator:** the Federal Insurance Administrator.

**Administrative Officer:** the Addison Zoning Administrator.

**Affordable Housing:** In accordance with the Act, housing that is either:

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

**Affordable Housing Development:** In accordance with the Act, a housing development of which at least 50% of the units are affordable housing units.

**Agriculture:** The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural or orchard crops; the raising, feeding or management of livestock, poultry, equines, fish or bees; the operation of greenhouses; the production of maple syrup; the on-site storage, preparation and sale of agricultural products principally produced on the farm; or the on-site production of fuel or power from agricultural products or wastes produced on the farm. This definition shall include riding and boarding stables, and the wholesale or retail sale of agricultural products grown on the premises where it is produced. This definition specifically excludes, for the purposes of these regulations, slaughterhouses, canneries, or the raising of fur bearing animals for commercial purposes. See also Accepted Agricultural Practices, Agricultural Sales & Service, and Farm Structure in these definitions and also refer to 24 VSA §4413(d).

**Agricultural Sales & Service:** The use of land, structures or buildings for the supply of goods, materials, equipment, and services, that support agriculture as defined. These shall include, but not be limited to, such goods and services as sale and storage of seed, feed, fertilizer, and pesticides; custom spraying, tillage, planting, harvesting services, breeding and slaughtering services, and farm machinery and equipment sales and repair. Specifically excluded from this definition are agricultural manufacturing, assembly, slaughtering, processing, or warehousing facilities.

**Alteration:** Structural change, change of location, or addition to a building or structure, excluding normal maintenance and repair. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure in terms of its height, length, width, footprint, or gross floor area. See also Improvement, Substantial Improvement.

**Antenna:** A device, which is attached to a tower or other structure for transmitting and/or receiving electromagnetic waves.

**Applicant:** The owner of land or property proposed to be developed in accordance with these regulations, and/or his or her duly authorized representative. Any party with a legal interest in land development may apply in cooperation with the owner of the property.

**Approval:** A written decision issued by the Development Review Board within the statutory time limit, or in the event of the Board's failure to act within the specified time limit, a certification of such failure to act issued by the Town Clerk, as attached to the permit application and recorded in the land records of the town.

**Area of Shallow Flooding:** A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) having a one percent greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where the velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard:** Land in the floodplain, which is subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making is completed in preparation for the Flood Insurance Rate Map, Zone A is refined into Zones A, AO, AH, A1-30, AE, or A99.

**Artist Studio:** Workspace for individuals engaged in the application, teaching or performance of one of the fine arts or an applied art or craft. See also Gallery, Home Occupation, Cottage

Industry.

**Available Space:** The space on a tower or structure to which antennae of a telecommunications provider are both structurally and electromagnetically able to be attached.

**Bakery:** A place where food items such as bread, cakes and pastries are baked for distribution and/or sale, on or off the premises.

**Bar:** See Restaurant.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

**Base Station:** The primary sending and receiving site in a wireless telecommunications network. More than one base station and/or more than one variety of telecommunications provider can be located on a single tower or structure.

**Basement:** Any area of a building having its floor at subgrade (below ground level).

**Bed & Breakfast (B&B):** A single family dwelling occupied by the owner or operator, in which not more than six (6) double occupancy rooms within the dwelling and/or in an accessory structure located on the same lot, are rented out to provide overnight accommodations to transient travelers. Individual cooking and eating facilities shall not be provided; breakfasts shall be the only meals served and shall be limited to overnight guests. The bed and breakfast shall function as a private home with houseguests. See also Inn.

**Board:** The Addison Development Review Board, as established under the Act, unless otherwise specified.

**Buffer:** Any space between adjoining land uses or between a land use and a natural feature, which is intended and designed to reduce the impact of one use on the other use or feature. Buffers may include open space, woodland, landscaped areas, undisturbed vegetated areas, or other types of physical, visual or sound barriers.

**Building:** (1) A structure used for the shelter or accommodation of persons, animals, goods, chattel or equipment, which has a roof supported by columns or walls; (2) for development within the Flood Hazard Area Overlay District, this definition also includes a gas or liquid storage tank that is principally above ground. See also Structure.

**Building Line:** The line parallel to the lot line transecting that point in the principal or accessory dwelling face which is closest to the lot line, including porches, whether enclosed or unenclosed, but excluding steps. See also Lot Line, Street Line.

**Building Height:** The distance measured vertically from the average (of the highest and lowest) finished grade at the base or foundation to the highest point on top of the building (or structure).

**Building Orientation:** The location on a lot of a building or other structure in relation to roads, rights-of-way, parks, and building or street lines.

**Bulletin 65:** Published by the FCC Office of Engineering and Technology specifying radio

frequency radiation levels and methods to determine compliance.

**Business:** The occupation, work or trade in which a person is engaged.

**Camp:** See Seasonal Dwelling.

**Camper:** Any vehicle used as temporary sleeping, camping or living quarters, which is mounted on wheels, a truck or a camper body, or is towed by a motor vehicle. This definition includes recreation vehicles and travel trailers, but specifically excludes mobile homes (see Section 4.4). See also Mobile Home.

**Campground:** A parcel of land upon which campsites are located for occupancy by a tent, cabin, lean-to, or similar structure as temporary living quarters for recreation, education, or vacation purposes. "Primitive" campgrounds are further characterized as campgrounds, which are limited to substantially unimproved campsites, intended for tenting use only (see Section 4.5).

**Cemetery:** Land used or dedicated to the burial of the dead, which includes as accessory structures mausoleums, columbariums, and maintenance facilities, but specifically excludes crematoriums. An individual or family burial plot on private land, registered with the Addison Town Clerk in accordance with state law, is exempted from this definition.

**Certificate of Occupancy:** The permit issued by the Zoning Administrator to allow the use of the dwelling or structure.

**Change of Use:** Any use, which differs substantially from an established use based on the type, intensity, or magnitude of use. For example, this may include a change from one type of use to another (e.g., from a residential to commercial use), or from an accessory to a principal use, or from seasonal to year-round use (see Section 3.2).

**Channel:** The segment of electromagnetic spectrum, which comprises a distinct audio, video, or data signal. An antenna may simultaneously transmit and receive multiple channels.

**Church:** See Place of Worship.

**Clearing:** The removal of vegetation as part of site preparation, including the installation of driveways, septic systems, building sites and construction or yard areas.

**Commercial Use:** An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

**Commission:** The Addison Planning Commission, as created under the Act.

**Common Land:** Land within a development or subdivision that is not individually owned or dedicated for public use, but which is intended to be held in common, for use, enjoyment, management and maintenance by the residents of the development or subdivision. Such land may include but not be limited to open space areas, parking lots, pedestrian walkways, utility and road rights-of way.

**Communication Equipment Shelter:** A structure located at a base station designed exclusively to enclose equipment used in connection with telecommunications transmissions.

**Community Care Facility:** See Residential Care Facility.

**Community Center:** A building owned by a public or nonprofit entity, or a homeowners or similar community association, which is used for recreational and social activities and is intended primarily to serve the population of the community in which it is located.

**Community System:** Any water or wastewater disposal system other than a municipally-owned system which provides potable water to or disposes of wastewater from two or more domestic, commercial, industrial, or institutional uses. Such systems shall include related collection, distribution and treatment facilities.

**Contiguous Land:** (1) A parcel of land contained within a single, unbroken parcel boundary (a division of land by a town road right-of-way shall not render such land noncontiguous); or (2) two or more parcels which share a common parcel boundary or point.

**Continuous Road Frontage:** Uninterrupted road frontage of parcel at the street line, which could include around a corner.

**Cottage Industry:** A home-based business other than a home occupation which is conducted by the resident(s) of a single family dwelling, which is carried on within the principal dwelling and/or an accessory structure, and which meets all applicable requirements of these regulations (see Section 4.7). Home industries are conditional uses subject to conditional use review by the Development Review Board. See also Home Occupation.

**Cul-de-Sac:** A road intersecting another road at one end, and terminated at the other end by some form of vehicular turnaround.

**Cultural Facility:** A museum, theater, concert hall, botanical or zoological garden, or other establishment, which offers programs, performances or exhibits of cultural, educational, historical, or scientific interest, and is not operated as a commercial use. See also Community Facility, Recreation/Indoor.

**Curb Cut:** A defined area of vehicular ingress and/or egress between property and an abutting road right-of-way. See also Driveway.

**Day Care Facility:** All state registered or licensed day care facilities which do not meet the definition of "home child care," including nonresidential child and adult day care facilities, and home-based child care facilities that serve more than six children on a full-time basis (see Section 4.5). See also Home Child Care, Residential Care Facility.

**dBm:** Unit of measure of the power level of an electromagnetic signal at the input of a receiver, given its antenna system gain at a particular frequency, expressed as decibels (dB) above one milliwatt. Signal predictions with this measure are valid at one particular frequency and ambiguous unless all receivers and antenna combinations are identical.

**dBu:** Unit of measure of the field intensity of an electromagnetic signal, expressed in decibels (dB) above one microvolt per meter, an absolute measure for describing and comparing service areas, independent of the many variables (see dBm) introduced by different receiver configurations. This unit shall be used for coverage prediction plots.

**Degree of Noncompliance:** The extent to which the footprint, height, or total area

(volume) of a structure does not comply with the requirements of these regulations. For example, an addition, the installation of a dormer, or an increase in building height within a setback area would increase the degree of noncompliance.

**Delicatessen:** See Snack Bar.

**Density:** The number of dwelling units, principal uses or structures permitted per area of land, excluding land area within designated road rights-of-way.

**Development:** See Land Development.

**Drive-through:** A business establishment which includes a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle rather than within a building or structure.

**Driveway:** A minor, private travel way, serving up to three adjoining parcels, which provides vehicular access from an adjoining road to a parking space, garage or other structure. See also Road.

**Dwelling Unit:** One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family or individual maintaining a household. See also Family, Accessory Apartment, and Seasonal, Single Family, Two-Family, and Multi-Family Dwelling.

**Easement:** The legal authorization given by a property owner to another person or party for the use of any designated part of his or her property for a specified purpose.

**Educational Facility:** See School.

**Elderly Housing:** A multiple dwelling in one or more buildings, each unit of which is specifically designed and intended for occupancy by at least one person who is retired and 55 years of age or older. Such housing may include, as accessory structures or uses, congregate dining and recreational facilities, and assisted living services. See also Residential Care Facility.

**Electromagnetically Able:** The determination that the new signal from and to the proposed new antenna will not significantly interfere with the existing signals from and to other facilities located on the same tower or structure as determined by a qualified professional telecommunications engineer. The use of available technologies to alleviate such interference shall be considered when making this determination.

**Extraction (Excavation):** A use involving the on-site removal of surface and subsurface materials, including soil, sand, gravel, stone or organic substances other than vegetation, from land or water. Customary extraction operations include sand and gravel pits, and accessory operations such as the crushing, screening, and temporary storage of materials on-site (see Section 4.6). Specifically excluded from this definition are the grading and removal of dirt which is associated with and incidental to an approved site plan or subdivision, or an excavation associated with an accepted agricultural practice (see Agriculture). See also Quarrying.

**Family:** A group of two or more persons related by blood, adoption, marriage or civil union (as recognized by the State of Vermont), a group of not more than five (5) unrelated persons living together as a household, or a single person maintaining a household.

**Farm Structure:** In accordance with the Act, a building for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming practices, as "farming" is defined in 10.V.S.A. § 6001(22). This definition includes such farm structures as barns, silos, fences and manure pits, but specifically excludes a dwelling for human habitation. See also Accessory Dwelling, Agriculture, Agricultural Sales & Service.

**Farming:** See Agriculture.

**Federal Communications Commission (FCC):** The federal government agency responsible for regulating telecommunications in the United States.

**Financial Institution:** A bank, savings and loan, finance, mortgage or investment company that is open to the public. See also Office.

**FIA:** The Federal Flood Insurance Administration.

**Flood Hazard Area:** Those lands subject to flooding from the 100-year flood, as defined in the existing or subsequently revised "Flood Insurance Study for the Town of Addison, Vermont" and the Flood Hazard Boundary Map (FHBM) or subsequent Flood Insurance Rate Map (FIRM), published by the Flood Insurance Administration, and available at the Addison Town Office.

**Flood Hazard Boundary Map (FHMB):** An official map of Addison, issued by the Flood Insurance Administration, where the boundaries of flood and mudslide (i.e., mudflow) related erosion areas having special hazards are designated as Zone A, M, and/or E.

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

**Flood Proofing:** Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improve real property, water and sanitary facilities, structures, and their contents.

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

**Forestry:** The use and management of woodlands for purposes of timber production, harvesting, and management for commercial, wildlife and/or conservation purposes. This definition specifically excludes permanent sawmills, lumber yards and other similar facilities used for the processing and/or manufacturing of wood and wood products; but may include, as accessory uses, portable sawmills and equipment used on-site in association with timber harvesting activities (see Section 6.2). See also Accepted Management Practices, Cottage Industry, Sawmill.

**Frontage:** The width of a lot abutting a road as measured at the street line.

**Gallery:** An establishment engaged in the display, sale, or loan, of art and craft work, excluding noncommercial museums and art galleries. See also Artist Studio, Cultural Facility.

**Garden Center:** The use of land, buildings and/or structures for the purpose of selling lawn

and garden equipment, furnishings, and supplies. This definition specifically does not include nurseries and greenhouses that are defined by the state as "Agriculture" or "Accepted Agricultural Practices" and are therefore exempted from these regulations. See also Agriculture, Accepted Agricultural Practices.

**Gas Station:** An establishment principally used for the sale of automobile or motor vehicle fuels, lubricants, and related motor vehicles products, and/or which has facilities for fueling motor vehicles. This definition specifically excludes automobile and motor vehicle repair services and sales, and the sale of food and unrelated convenience or grocery items. See also Automobile Repair, Automobile Service Station, Mixed Use.

**Gigahertz (GHz):** One billion Hertz. See also Hertz.

**Grade of Service:** For telecommunications purposes, a measure of the percentage of calls which are able to connect to the base station during the busiest hour of the day. Grade of service is expressed as a number, such as p.05 -- which means that 95% of callers will connect on their first try. A lower number (e.g., p.04) indicates a better grade of service.

**Group Home:** A state licensed residential care home serving not more than 6 persons who are developmentally disabled or handicapped. 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. See also Residential Care Facility.

**Health Clinic:** A building or part thereof used for the medical, dental, surgical, or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his or her residence. See also Home Occupation.

**Hertz:** One Hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.

**Height:** The elevation of a building or structure as measured vertically from the average (of the highest and lowest) finished grade at the foundation or base to the highest point on top of the building or structure.

**Home Child Care:** In accordance with the Act, a state registered or licensed child care home serving 6 or fewer children on a full-time basis, and up to 4 additional children on a part-time basis, which is conducted within a single family dwelling by a resident of that dwelling. A childcare home as defined shall be considered a permitted use of a single-family dwelling (see Section 4.6). See also Day Care Facility, Home Occupation.

**Home Industry:** See Cottage Industry.

**Home Occupation:** An use conducted entirely within a minor portion of a single family dwelling which is conducted by resident family members, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the residential character of the neighborhood, and which meets the requirements of these regulations (see Section 4.7). See also Bed and Breakfast, Child Care Home, Cottage Industry.

**Improvement:** Any physical addition to real property, or any part of such addition, including but not limited to any building, structure, parking facility, wall, fencing, or landscaping (see also Substantial Improvement).

**Inn:** A building or group of buildings on a single parcel which house up to 12 double occupancy guest rooms that provide short-term accommodations to transient, paying guests, and which may also offer dining and meeting facilities for guests, and for the hosting special events such as small conferences and weddings. This specifically excludes restaurant facilities open to the general public, which may be allowed subject to review as a Mixed Use. See also Bed & Breakfast, Mixed Use.

**Interested Person:** See Section 6.5B for definition.

**Junk Yard:** See Salvage Yard.

**Kennel:** The boarding, breeding, raising, grooming, or training of four (4) or more dogs, cats, or other household pets of any age for a commercial use which are not owned by the owner or occupant of the premises. See also Cottage Industry, Veterinary Clinic.

**Land Development:** The subdivision of land into two or more parcels, construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation or landfill, or any changes in the use of any building or other structure or land or extension of use of land. See also Subdivision.

**Level of Service:** (1) A measure of the relationship between public service and facility capacity and the demand for public services and facilities; (2) for traffic, the operating conditions that a driver will experience while traveling on a particular street or highway, including frequency of stops, operating speed, travel time, traffic density and vehicle operating costs.

**Location:** For telecommunications purposes, reference to site location shall be the exact longitude and latitude, to the nearest 10th of a second; since the FCC uses the 1927 North American horizontal datum, this shall be employed, and bearing or orientation shall be referenced to True North. Conversion to VSCS grid north, in accordance with VGIS standards, may also be required for referencing purposes.

**Loading Space:** An off-street space which is at least twelve feet wide, fifty feet long, and fourteen feet high, not including the access driveway, and having direct access onto a road, which is used for the temporary parking of one licensed motor vehicle.

**Lot:**

1. Land occupied or to be occupied by a principal structure or use and its accessory structures and/or uses, together with required open spaces, having not less than the minimum area, width or depth required for a lot in the district in which such land is situated, and having frontage on a road, or other means of access.
2. A portion of land in a subdivision or plat that is separated from other portions by a property line (see also Contiguous Land). A separate deed description for a parcel of land does not necessarily constitute a lot for zoning and development purposes.

**Lot, Corner:** Lot at the intersection of two roads (streets) which has an interior angle of less than 135 degrees. A lot abutting a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

**Lot Area:** The total land area within the property (boundary) lines of a lot, excluding any area within the boundaries of an existing or proposed road right-of-way.

**Lot Coverage:** That portion (percentage) of a lot area which is covered by buildings, structures and other man-made improvements, such as parking and loading areas, access roads, service areas, tennis courts, and other impermeable surfaces, which prevent the infiltration of storm water. Lot coverage includes the total area (footprint), as measured horizontally at the main finished grade, of all principal and accessory structures, parking areas, and other impervious surfaces. Lawn areas, terraces and steps are specifically excluded from this definition.

**Lot Depth:** The 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:** See Frontage.

**Lot Line:** Property line bounding a lot (parcel).

**Lot Size:** See Lot Area.

**Lot Width:** The width of a lot as measured at right angles to lot depth, at the required building front line.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished floor or flood resistant enclosure, used solely for parking vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of applicable federal (Section 60.3) non-elevation design requirements.

**Major Modification:** For the regulation of telecommunication facilities, this shall mean:

- 1.any change, or proposed change in power input or output, number of antennas, change in antenna type or model, repositioning of antenna(s), or change in the number of channels per antenna above the maximum number approved under an existing conditional use permit; and/or
- 2.any change, or proposed change in the dimension of an existing and permitted tower or other structure designed to support telecommunications transmission, receiving and/or relaying antennae or equipment.

**Manufactured Home:** A single family dwelling, transportable in one or more sections, which is built on a permanent foundation and is connected to required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on the site for more than 180 consecutive days. For insurance purposes, and the other provisions of these regulations, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. See also Single Family Dwelling, Mobile Home.

**Marina:** An establishment having lake or river frontage that provides boat launching, docking and/or mooring sites, and associated services such as fueling and pumpout stations, and boat salvage, storage and/or repair services. This definition specifically excludes boat sales and rentals, the sale of food and unrelated convenience or grocery items, and restaurants or lodging facilities, which may otherwise be allowed subject to review as a mixed use. See also Marine Sales & Service, Mixed Use.

**Marine Sales & Service:** An establishment that sells, rents and/or services boats and other personal watercraft, and associated equipment and supplies.

**Mean Sea Level:** The standard datum to which base flood elevations shown on Flood Insurance Rate Maps, and typical contour elevations, are referenced.

**Megahertz (MHZ):** One million Hertz. Also see Hertz.

**Mixed Use:** A building or parcel containing two or more uses which are otherwise allowed as permitted or conditional uses within the district in which the building or parcel is located (see Section 4.11). See also Accessory Use, Principal Use.

**Mobile Home:** A prefabricated dwelling unit which is (1) designed for continuous residential occupancy; and (2) is designed to be moved on wheels, as a whole or in sections. In accordance with the Act, a mobile home shall be considered a single family dwelling, and cannot be excluded from a zoning district except on the same terms and conditions as conventional housing is excluded (see Section 3.3). See also Camper, Manufactured Home, Single Family Dwelling.

**Mobile Home Park:** A parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate three (3) or more mobile homes (see Section 4.12).

**Monitoring:** For the purposes of regulating telecommunications facilities, this shall mean the measurement, by use of instruments in the field, of non-ionizing radiation exposure at a site as a whole, or from individual telecommunications equipment, towers, antennae, or repeaters.

**Monitoring Protocol:** The testing protocol, for the purposes of monitoring telecommunications facilities, such as the Cobbs Protocol (or one substantially similar, including compliance determined in accordance with the National Council on Radiation Protection and Measurements, Reports 86 and 119), which is to be used to monitor the emissions and determine exposure risk from existing and new telecommunications facilities.

**Monopole:** A single self-supporting vertical pole with no guy wire anchors, usually consisting of a metal or wooden pole with below grade foundations.

**Motor Vehicle Sales & Service:** An enclosed establishment whose principal purpose is the servicing and/or repair of automobiles and other motor vehicles, including car washes, body shops, general vehicle and engine repair, and rebuilding and/or reconditioning shops. The limited sale of vehicles and/or auto parts may be allowed as an accessory to the principal use. Gas stations are specifically excluded from this definition. See also Gas Station.

**Multi-Family Dwelling:** A building housing three or more dwelling units, including apartments or attached town houses. See also Dwelling Unit.

**Municipal Land Use Permit:** As defined in the Act to include, as issued by the municipality:

1. final zoning, subdivision, site plan or building permits or approvals relating to subdivision and land development;
2. septic or sewage system permits;
3. final official minutes of meetings which relate to permits or approvals, which serve as the sole evidence of such permits or approvals;
4. certificates of occupancy, compliance or similar certificates; and
5. any amendments to the previously listed, permits, approvals and/or certificates.

**Noncomplying Structure:** A structure or part thereof lawfully in existence as of the effective date of these regulations, but not in compliance with the provisions of these regulations, including but not limited to building bulk, height setbacks, area, yards, density or off-street parking or loading requirements, where such structure conformed to all applicable laws, ordinances, and regulations prior to the enactment of these regulations (see Section 3.7). Also see Nonconforming Use.

**Nonconforming Use:** The use of a land or structure lawfully in existence as of the effective date of these regulations, which does not conform with these regulations, including but not limited to allowed uses within the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to the enactment of these regulations (see Section 3.7).

**Office:** A room, suite of rooms or building principally used for conducting the affairs of a business, profession, or service industry. This definition specifically excludes office space which is associated with home occupations, or is clearly accessory to another allowed principal use. It also specifically excludes the on-premise retail sale of goods and services. See also Home Occupation.

**Open Space:** Land not occupied by structures, buildings, roads, driveways, rights-of-way, recreational facilities, and parking lots. Open space may or may not be held in common.

**Parking Space:** An on- or off-street area, other than a loading or service area, which is to be used exclusively as a temporary storage space for one licensed private motor vehicle (see Section 3.8). A parking space shall be at least ten feet wide, and twenty feet long, not including associated access and maneuvering space, and shall have access onto a public or private road.

**Parking Facility:** A separate, off-street parking area, garage or similar structure that is the principal use of a lot.

**Paved:** A hard all-weather surface, to include but not limited to, gravel, stone, concrete, and asphalt.

**Person:** Any individual, partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or affiliated ownership which owns or controls land or other property to be subdivided and/or developed under the provisions of these regulations. The word "person" shall also include any municipality or other government agency.

**Personal Service:** A business which provides services of a personal nature, including but not limited to: laundry and dry cleaning, beauty and barbershops, shore repair, funeral services, and photographic studios.

**Personal Wireless Service:** Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. These services include cellular services, personal communications services, specialized mobile radio services, and paging services.

**Place of Worship:** A building used solely for purposes of assembly and worship by a legally established and recognized religious institution. This definition also includes such customary accessory structures such as parish houses and meeting facilities.

**Planned Unit Development (PUD):** An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units or commercial and industrial uses, if any; the plan for which does not correspond in lot size, bulk, or type of dwelling, commercial or industrial use, density, lot coverage, and required opens space under these regulations except as a planned unit development (see Section 5.9).

**Plot Plan or Plat:** A map or representation on paper, Mylar or other accepted material, of a piece of land subdivided into lots and roads, drawn to scale.

**Pre-existing:** A use or structure that was in existence as of the effective date of these regulations.

**Primary Resident:** Full-time, permanent resident on a property.

**Principal Structure:** A building or structure in which is conducted the main or principal use of the lot on which the building is located. See also Accessory Structure, Structure.

**Private Club:** A corporation, organization, or association or group of individuals existing for fraternal, social, recreational, or educational purposes, for cultural enrichment or to further the purposes of agriculture, which owns, occupies, or uses certain specified premises, which is not organized or operated for profit, and the benefits of which are available primarily to members only.

**Public Assembly Use:** See Cultural Facility, Public Facility.

**Public Improvement:** Any improvement which shall be owned and/or maintained by the Town of Addison or other department or branch of state or federal government..

**Public Facility/Utility:** A building, utility or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by a municipal, state or federal government, regulated utility or railroad. Such facilities include, but may not be limited to: municipal buildings and garages, water and wastewater facilities, power generation and transmission facilities, reservoirs, solid and hazardous waste management facilities, institutional facilities, and telephone, cable and electrical distribution lines. Public facilities and utilities, including distribution and service lines to individual uses, are allowed within all zoning districts unless otherwise specified, or specifically excluded, under district standards (see Section 4.12). See also Public Improvement, Public Park, School, Telecommunications Facility.

**Public Park:** An outdoor recreational, educational or resource management facility owned, leased, held, used, and/or controlled exclusively for public purposes by the Town of Addison, or any other department or branch of state or federal government.

**Public Road:** A road (street, highway) which is constructed within the boundaries of an officially deeded and municipally accepted public right-of-way (town highway), or a designated state road. See also Road.

**Quarrying:** The removal of rock by means of open excavation to supply material for construction, industrial or manufacturing purposes, and related operations such as blasting, crushing and the temporary storage of materials on site (see Section 4.7). See also Extraction.

**Radial Coverage Plot:** A graphic, mapped depiction of expected signal calculations, shown as

equally spaced lines (radials) from the point of an antenna. The relative signal strength may be indicated by varying the size or color at each point being studied along the radial; threshold plots use a mark to indicate whether that point would be strong enough to provide adequate coverage -- i.e., the points meeting the threshold of adequate coverage. See also Tiled Coverage Plot.

**Radiated-Signal Propagation Study (or Coverage Plot):** Computer-generated estimates (simulations) of the signal emanating, and prediction of coverage, from antennas or repeaters sited on a specific tower or structure. This shall be the primary tool for determining whether a site will provide adequate coverage for a proposed telecommunications facility, based on such factors as the height above ground, power input and output, frequency output, type of antennae, antenna gain, and the topography of the site and its surroundings.

**Repeater:** A small receiver/relay transmitter 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.

**Reasonable Use:** A use of real property which is allowed within the district in which the property is located, which provides some (but not necessarily all potential) benefit to the owner, and which does not lead to unreasonable interference with another's use of property, or with the natural flow of water. Reasonable use does not mean highest and best use; nor does it include accessory uses, structures, or additions which may be customary, but are not necessary, to the existing or intended principal use (e.g., a garage or swimming pool).

**Reconstruct:** To replace or rebuild a building or structure which has been substantially destroyed or demolished without regard to cause.

**Recreation/Indoor:** A building or structure designed, equipped and used for sports, leisure time, and other recreational activities, except for such facilities which are accessory to an approved educational facility or a residential use. This includes, but may not be limited to bowling alleys, movie theaters, pool halls, skating rinks, gymnasiums, and indoor swimming pools. See also Community Center, Cultural Facility.

**Recreation/Outdoor:** A facility for outdoor recreation, including but not limited to a stadium, tennis courts, golf courses, athletic fields, swimming pools, and trails for hiking, horseback riding, bicycling, snowmobiling, and cross-country skiing; except for such facilities which are accessory to an approved educational facility or a residential use. See also Public Park.

**Recreation Vehicle:** See Camper.

**Recreation Vehicle Sales and Service:** An enclosed establishment whose principle purpose is the servicing and / or repair of recreation vehicles. The limited sale of parts may be allowed as an accessory to the principal use.

**Residential Care Facility:** A facility licensed by the state which provides primarily nonmedical residential care services to seven or more individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, on a 24-hour a day basis. See also Day Care Facility, Group Home.

**Residential Use:** The use of a structure principally for dwelling purposes, and associated customary accessory uses such as a childcare home or home occupation as defined under these regulations. For the purposes of these regulations, group homes shall also be considered a residential use of a single-family dwelling.

**Restaurant:** Premises where food and drink are prepared, served, and consumed primarily within the principal building.

**Retail Store:** Premises where goods or merchandise are offered for retail sale to the general public for personal, business, or household consumption, and services incidental to the sale of such goods are provided. This definition specifically excludes types of retail sales which have been separately defined for the purposes of these regulations, including but not limited to agricultural sales and services, gasoline sales, motor vehicle sales and service, marine sales and service, restaurants, snack bars, roadside stands, and salvage yards. A "Seasonal" Retail Store is a retail establishment that is opened for no more than seven months in a calendar year and does not exceed 1200 square feet in gross floor area.

**Ridgeline:** The uppermost point of a ridge, hill, cliff, slope or face. It may coincide with the top (highest elevation) of a rock cliff or, where the bedrock is not exposed, the most obvious break in slope associated with the underlying bedrock. The term does not include intermediate terraces, steps, or elevations along the face of a slope.

**Road:** A right-of-way that provides access to four or more parcels. The word "road" shall mean the entire right-of-way, unless otherwise specified under these regulations. See also Driveway, Public Road.

**Road Grade:** Officially established grade (slope) of the road upon which a lot fronts. If there is no officially established grade, the existing grade of the road shall be taken as the road grade.

**Roadside Stand:** An occasional or periodic market, not associated with an individual farming operation, which is held in an open area or structure where groups of individual sellers offer goods for sale to the public. See also Agriculture, Farm Structure.

**Salvage Yard:** A facility or area for storing, keeping, selling, dismantling, shredding, or salvaging of discarded material or scrap metal. This definition includes, but is not limited to "junkyards" as defined by the state.

**Sawmill:** A facility where logs are temporarily stored, and sawn, split, shaved, stripped, chipped, or otherwise processed to produce lumber or other wood products. Portable chippers, sawmills, or other equipment used on a temporary basis to process wood on the site of an active logging operation are excluded from this definition. See also Forestry.

**Scenic Area (Feature):** An open area or vista, within view of one or more public vantage points, which includes natural and/or cultural features that are considered visually significant.

**School:** A public, private or parochial institution licensed by the State of Vermont to provide educational instruction to students. Such facilities may also include accessory recreational and dining facilities, and be used as officially designated, temporary emergency shelters.

**Screening:** The use of planted vegetation, fencing, walls, natural topography or earthen berms to visually shield or obscure a structure or use from neighboring structures, properties, rights-of-way, and/or designated public vantage points.

**Seasonal Dwelling:** A detached dwelling unit which is not the primary residence of the owner or occupant and/or is occupied only on a part-time or seasonal basis, such as a hunting or

summer camp. This definition shall include, but may not be limited to:

- 1.a dwelling which lacks one or more of the basic amenities, services or utilities required for year-round or all weather occupancy, including but not limited to a winterized plumbing system, insulated walls and roof, heating source, or adequate water or wastewater disposal systems,
- 2.a dwelling which is occupied no more than 180 days during any one year period;
- 3.a dwelling which is listed as a vacation dwelling (V1 or V2) on the Addison Grand List as of the effective date of these regulations; and/or
- 4.a dwelling that has been specifically permitted as a seasonal dwelling.

See also Dwelling Unit, Single Family Dwelling.

**Service Area:** An area designated on-site to accommodate customary accessory services to a principal use or structure, including but not limited to recycling and waste disposal facilities, snow storage, cart and bicycle storage, emergency service areas (e.g., fire lanes), and transit services.

**Setback:** The horizontal distance from a road, lot line, boundary or other delineated feature (e.g., a stream bank, shoreline, or wetland area), to the nearest structural element of a building, structure, or parking area on the premises. In the case of a road, the distance shall be measured from the road centerline.

**Sign:** Any structure, display, device, or representation, which is designed or used to advertise, direct to, or call attention to any thing, person, business activity or place, and is visible from any public highway or other public vantage point. This definition does not include the flag, pennant, or insignia of any nation, state, or municipality (see Section 3.11).

**Silviculture:** See Forestry.

**Single (One) Family Dwelling:** A building housing one principal dwelling unit designed and intended for year-round use. See also Accessory Dwelling, Dwelling Unit, Group Home, Mobile Home, Manufactured Home, Seasonal Dwelling.

**Snack Bar:** Premises where food and drink are prepared, served and consumed primarily outside the principal building.

**Story:** Part of a building which is between one floor level and the next higher floor level, or ceiling above it.

**Stream:** Any surface water course in the Town of Addison as depicted by the U.S. Geological Survey on topographic maps or as identified through site investigation; excluding artificially created irrigation and drainage channels (see also Stream Channel).

**Stream Channel:** A defined area that demonstrates clear evidence of the permanent or intermittent passage of water and includes, but may not be limited to bedrock channels, gravel beds, sand and silt beds, and swales. A **stream bank** may define the usual boundaries, but not the flood boundaries, of a stream channel. Artificially created water courses such as irrigation and drainage ditches are specifically excluded from this definition. See also Stream.

**Street:** See Road.

**Street Line:** The boundary of an existing or proposed road (street) right-of-way. Where the width of a public road is not established, the street line shall be considered to be twenty-five feet from the center of the road.

**Streetscape:**

- 1.An area that may either abut or be contained within a public or private road right of-way or access that may contain sidewalks, street furniture, landscaping, street trees and similar features;
- 2.the street edge, or vertical face, formed by building facades, trees, and screening walls or fences, that is aligned along a road and forms a pedestrian-scaled space.

**Storage Facility (enclosed):** One or more structures used for the storage of goods and materials, and not as a primary location or outlet for business or retail uses. Also includes shipping containers.

**Structure:** An assembly of materials on the land for occupancy or use, including but not limited to a building, mobile home or trailer, sign, wall or fence which necessitates pilings, footings, or a foundation attached to the land (see Exemptions under Section 6.2). See also Building.

**Structurally Able:** For the purposes of regulating telecommunications facilities, the determination that a tower or other structure is capable of carrying the load imposed by a proposed new antenna under all reasonably predictable conditions as determined by a professional structure engineering analysis.

**Substantial Improvement:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

- 1.before the improvement or repair is started, or
- 2.if the structure has been damaged and restored, before the damage occurred. For the purpose of administering flood hazard area regulations, this definition excludes the improvement of a structure to comply with existing municipal or state health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the state or National Register of Historic Places, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Substantially Completed:** The completion of a permitted building or structure to the extent that it may be safely occupied for its intended use.

**Telecommunications Facility:**

- 1.A support structure (e.g., a tower) which is primarily for communication or broadcast purposes and which will extend vertically 20 feet or more, in order to transmit or receive communication signals for commercial, industrial, municipal, county, state or other governmental purposes;
- 2.all equipment (including repeaters) with which a telecommunications provider broadcasts and/or receives the radio-frequency waves which carry its services and all locations of said equipment or any part thereof, which may be sited on one or more towers or structures owned and permitted by another owner or entity; and /or
- 3.the property, or any part thereof, which is owned or leased by one or more telecommunications providers and upon which principal and ancillary structures and facilities are located. See also Antenna, Base Station, Communication Equipment Shelter, Monopole, Repeater, Tower.

**Telecommunications Provider:** An entity licensed by the FCC to provide telecommunications services.

**Tiled Coverage Plot:** For the purposes of regulating telecommunications facilities, a plot resulting from calculating a signal at uniformly-spaced locations on a rectangular grid, or tile, of the area of concern. Unlike radial plots, tiled plots provide a uniform distribution of points over an area of interest; usually the same grid is used as different sites are examined, and it is not necessary that the transmitter site be within the grid or area of interest. As with radial plots, the graphic display or plot can be either signal strength or adequate threshold. This method is preferable for comparative analysis and normally shall be used for coverage prediction plots. See also Radial Coverage Plot.

**Tourist Home:** See Bed & Breakfast.

**Tower:** A lattice structure of framework, either self-supporting or guyed, or monopole, that is designed to support telecommunications antennae and/or equipment, or a wind generator.

**Town Highway:** See Public Road.

**Trailer:** A non-powered towable vehicle that is used for moving or storage of equipment, material, tools, boats, etc. Not used for human or animal occupancy.

**Two-Family Dwelling:** A building housing two principal dwelling units. See also Accessory Apartment, Dwelling Unit.

**Use:** The purpose for which a building, structure, or parcel of land is designed, intended, occupied or used.

**Variance:** Permission to depart from the literal requirements of these regulations. Such permission is limited to departures from zoning requirements relating to frontage, setback, yard, coverage and height requirements (see Section 6.6). See also Degree of Noncompliance, Noncomplying Structure, Nonconforming Use.

**Veterinary Clinic:** A building or premises used for the medical or surgical treatment and temporary boarding of domestic animals and pets. See also Kennel.

**Warehouse:** See Storage Facility (enclosed).

**Water Craft:** Includes but is not limited to rowboats, canoes, jet skis, power boats, sailboats, kayaks, paddleboats, etc.

**Wildlife Refuge:** An area set aside for the protection of wildlife.

**Yard:** The area on a lot, defined by front, side or rear setback distances, which is not occupied by a building or structure. See also Setback.

**Yard Sale:** The casual sale of personal property open to the general public and generally denoted by the terms "garage sale," "attic sale," "lawn sale," "flea market," "barn sale" or similar phrase.

# **Town of Addison**

## **Town Zoning Regulations for Personal Landing Areas**

Proposed Revision to Section 2.2 Low Density Residential / Agricultural District (LDR/A) Table 2.2, C. Conditional Uses

Add to the Conventional Use column:

### **Personal Landing Areas [See Section 4.16]**

Proposed Addition to Article 4 Specific Use Regulations

Add a new section:

### **Section 4.16 Personal Landing Areas**

- A. Personal Landing Areas are restricted to the Low Density Residential / Agricultural District, (LDR/A) and are classified as "Conditional Use" land development. They are limited to the landowner's personal aircraft with occasional use by others.
- B. Submission of a Personal Landing Area Permit Application shall comply with the requirements of Section 5.5 Application Requirements of these Zoning Regulations and the following additional requirements:
  - 1) A plan drawn to scale showing the dimensions, contours, and elevation of the lot. The size, height, and location on the site of existing and proposed structures for landing area use and the following:
    - a. The location and orientation of the proposed runway.
    - b. The location and elevation of streets and rights of way.
    - c. Existing and proposed landscaping and all other physical features.
    - d. The location of nearby landowner and neighbor structures and property lines.
  - 2) The applicant shall address the following:
    - a. Takeoff and landing patterns.
    - b. Aircraft noise levels relative to surrounding residences.
    - c. The type of aircraft using the personal landing area.

d. The frequency of aircraft take-offs and landings, per week, and per month.

3) Provide a copy of the submitted and completed FAA Form 7480-1.

C. In reviewing each application, the Development Review Board (DRB) shall consider the impact of the proposed Personal Landing Area upon the surrounding community, with special attention to surrounding residents' needs for peace, safety, and privacy. After pre-approval by the Chairman of the Select Board; final approval by the DRB shall specifically require that all regulations of the Vermont Transportation Board (VTB), Section 207, Title 5, Aeronautics and Surface Transportation , Chapter 9: General Provisions are met and that the VTB has granted a Certificate of Approval. Additionally, the District Environmental Commission, and any other agencies pertaining to the licensing, safety and insurance of aircraft and personal landing areas and their operation shall apply. Any permits from said agencies and regulations of said agencies shall be filed annually with Town officials. The landowner shall assume full responsibility for all air and ground operations at his / her personal landing area.

#### Proposed Addition to Article 7. Definitions

##### Section 7.2 Definitions

Add the following definitions:

###### **Personal Landing Area:**

A Personal Landing Area is a Restricted Landing Area which is limited to the Low Density Residential / Agricultural District for the landowner's personal aircraft and occasional use by others with landowner's permission. Heliport, Vertiport, or Seaplane Base are not permitted as a Personal Landing Area. An Ultralight flightpark is permitted as a Personal Landing Area.

###### **Restricted Landing Area:**

Restricted Landing Area means an area of land or water, or both, which is used or made available for the landing and take-off of aircraft, the use of which, except in case of emergency, shall be only as provided from time to time by the Vermont Agency of Transportation Board and Town officials.

###### **Aircraft:**

Aircraft means a contrivance used or designed for navigation of or flight in the air and specifically includes ultralight aircraft.