

THE TOWN OF RICHFORD
ZONING REGULATIONS

*Adopted by the Voters
of the
Town of Richford*

March 1, 2005

TOWN OF RICHFORD, VERMONT

Communities exist to serve and benefit those who live in them. It is to our benefit that citizens of the Town of Richford have some say in the Town's future growth and development.

Reasonable local management of growth is needed:

- To ensure safe, healthful, attractive and compatible new development, to help protect the value of property;
- To conserve our town's natural and cultural assets;
- To try to minimize future public costs of development.

In order to maintain healthy, affordable and attractive living conditions for all of us, especially our future generations, we present this document.

2005

Prepared by the Richford Planning Commission

With assistance from the

Northwest Regional Planning Commission

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1.0 GENERAL PROVISIONS

1.0 GENERAL PROVISIONS

1.1 Title

These regulations shall be known as the Richford Zoning Regulations.

1.2 Purpose

The purpose of this bylaw is to promote the health, safety, and general welfare of the inhabitants of Richford, Vermont, to provide for orderly community growth, and to maintain and enhance the natural beauty and environment of the town.

The Zoning Regulations classify and guide the uses of land, buildings, and structures in the Town of Richford in accordance with the Town Plan and the Vermont Planning and Development Act, Title 24 V.S.A. Chapter 117, hereinafter referred as the “Act.” The regulations are designed to implement the purposes and policies set forth in the Town Plan and the Act.

1.3 Applicability

No land development as defined in Section 7.0 of these regulations may commence except in conformance with these regulations. Any land development commenced in violation of any prior Richford Zoning Regulations shall not be continued except in conformance with these regulations.

1.4 Interpretation

Except where defined in Section 7.0 of this bylaw, all words shall carry their customary meanings. Any interpretation of words or provisions in this bylaw by the Administrative Officer may be appealed to the Board of Adjustment for a declaratory ruling. The Board shall publish, and update from time to time, such rulings of interpretation to ensure consistent and uniform application of these regulations.

1.5 Amendment or Repeal

Zoning amendments will be prepared in accordance with the requirements of Section 4441 and 4442 of the Act.

1.6 Severability

In the event any provision of this bylaw is held unconstitutional or invalid by a court of competent jurisdiction, all other unaffected provisions shall remain in force.

1.7 Other Ordinances

On the date these Zoning Regulations become effective, they shall amend in their entirety the Zoning Regulations of the Town and Village of Richford. However, the approval of this ordinance does not nullify the Town Flood Hazard Ordinance, the Village Housing Code, or the Village Housing Ordinance.

2.0 ADMINISTRATION, APPEALS, ENFORCEMENT

2.0 ADMINISTRATION, APPEALS, ENFORCEMENT

2.1 Administrative Officer

An Administrative Officer shall be nominated by the Planning Commission and appointed by the legislative body for a term of three years. The Administrative Officer may be removed for cause at any time by the legislative body after consultation with the planning commission. An acting Administrative Officer shall be appointed in the absence of the appointed Administrative Officer.

The Administrative Officer shall administer and enforce this zoning bylaw literally, and shall not have the power to permit any development which is not in conformance with it. The Administrative Officer may make reasonable inspections as he or she deems necessary to determine compliance, and shall maintain a full and accurate record, available to the public, of all violations reported.

2.2 Zoning Board of Adjustment

The Zoning Board of Adjustment shall be appointed by the Selectboard and shall include members of the Planning Commission. The Board of Adjustment shall have the following functions:

1. Consider decisions of the Zoning Administrative Officer upon appeal.
2. Consider and grant or deny requests for variances upon appeal.
3. Consider and grant or deny applications for a conditional use.
4. Consider and grant or deny applications for expansions of non-conforming uses.

2.3 Planning Commission

There shall be a Planning Commission, the number of which shall be determined by the Board of Selectmen, though elected into office. The Planning Commission shall have the following functions:

1. Prepare amendments to these regulations and other regulations as permitted by 24 V.S.A. Chapter 117.
2. Prepare and update the Town Plan every five years and prepare amendments to the Plan as necessary.
3. Review and decide on site plans.
4. Consider and grant or deny requests for a planned residential or planned unit development.

2.4 Zoning Permit

2.4.1 Issuance. A zoning permit shall be issued by the Administrative Officer only in accordance with Section 4449 of the Act and the following provisions:

1. Within thirty (30) days of receipt of a complete application, including all application

2.0 ADMINISTRATION, APPEALS, ENFORCEMENT

- materials, fees, the Administrative Officer shall act to either issue or deny a zoning permit in writing, or to refer the application to the Zoning Board of Adjustment and/or state for consideration. In accordance with Sections 4448 and 4449 of the Act, if the Administrative Officer fails to act within the 30-day period, a permit shall be deemed issued on the 31st day.
2. No zoning permit shall be issued by the Administrative Officer for any use or structure which requires the approval of the Zoning Board of Adjustment or Legislative Body until such approval has been obtained. For permit applications that must be referred to a state agency for review, no zoning permit shall be issued until a response has been received from the state, or the expiration of 30 days following the submission of the application to the state.
 3. If public notice has been issued by the Legislative Body for their first public hearing on a proposed amendment to these regulations, for a period of 150 days following that notice the Administrative Officer shall review any new application filed for compliance with the proposed amendment and applicable existing bylaws. If the new bylaw or amendment has not been adopted by the conclusion of the 150 day period, or if the proposed bylaw or amendment is rejected, the permit shall be reviewed under all applicable provisions of this bylaw and Section 4449 of the Act.
 4. A zoning permit shall include a statement of the time within which appeals may be taken; and shall require posting of a notice of permit, on a form prescribed by the municipality, within view of the nearest public right-of-way until the time for appeal has expired.
 5. The Administrative Officer, within three (3) days of the date of issuance, shall deliver a copy of the zoning permit to the Listers; and shall post a copy of the permit in the municipal offices for a period of fifteen (15) days from the date of issuance.

2.4.2 Effective Date. No zoning permit shall take effect until the time for appeal under Section 2.6 has passed, or in the event that a notice of appeal is properly filed, until final adjudication of the appeal.

2.5 Public Hearings

2.5.1 Public Notice. In accordance with Section 4464 of the Act, a warned public hearing shall be required for conditional use review, appeals and variances. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:

1. Publication of the date, place and purpose of the hearing in a newspaper of general circulation in the municipality;
2. Posting of the same information in three (3) or more public places within the municipality, including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made;
3. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional

2.0 ADMINISTRATION, APPEALS, ENFORCEMENT

information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal; and

Public notice of all other types of development review hearings, including site plan review, shall be given not less than seven (7) days prior to the date of the public hearing, and shall at minimum include the following:

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

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

2.5.2 Hearings. In accordance with Section 4461 of the Act, all meetings and hearings of the Zoning Board of Adjustment, except for deliberative sessions, shall be open to the public.

For the conduct of any hearing, and the taking of any action, a quorum shall be not less than the majority of members of the Zoning Board of Adjustment.

The Zoning Board of Adjustment, in conjunction with any hearing under this bylaw, may:

1. examine or caused to be examined any property, maps, books, or records bearing upon the matters concerned in that proceeding;
2. require the attendance of any person having knowledge in the premises;
3. take testimony and require proof material for its information; and
4. administer oaths or take acknowledgement in respect of those matters.

In any public hearing there shall be an opportunity for each person wishing to achieve status as an interested person to demonstrate that the criteria set forth under Section 4465 of the Act are met. The Zoning Board of Adjustment shall keep a record of the name, address, and participation of each of these persons.

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

2.0 ADMINISTRATION, APPEALS, ENFORCEMENT

the hearing.

2.6 Appeals

2.6.1 General Procedure: Any interested person, as defined under Section 4465 of the Act, may appeal a decision or act of the Administrative Officer within 15 days of the date of the decision or act by filing a notice of appeal with the Secretary of the Board of Adjustment, or the Municipal Clerk if no Secretary has been elected, and by filing a copy of the notice with the Administrative Officer.

The Board of Adjustment shall conduct a hearing in the appeal as provided in 24 V.S.A. Section 4468, and such hearing shall be commenced within sixty days of the filing of the notice of the appeal. This provision shall apply to requests for variances under section 2.6.2 of these regulations.

This notice shall be given not less than 15 days prior to the date of the public hearing, by:

1. Publication of the date, place and purpose of the hearing in a newspaper of general publication in the municipality affected, and
2. The posting of the same information in one or more public places within the municipality.

The board shall render its decision within forty-five days after completing the hearing, which shall include findings of fact setting forth its basis. A copy of the decision and findings of fact shall be distributed as provided in section 2.6.3 of these regulations.

2.6.2 Notice of Appeals: A notice of appeal filed under this section shall be in writing and include the following information, in accordance with the Act, Section 4466:

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 provisions of these regulations;
4. the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations; and
5. the alleged grounds why such relief is believed proper under the circumstances.

2.6.3 Variances: In accordance with the provisions of Section 4469 of the Act, on an appeal wherein the relief requested by the applicant is a variance from the provisions of these regulations for a structure which is not primarily a renewable energy resource structure, the Board of Adjustment may grant such a variance after public hearing, only if all of the following facts are found in the affirmative and this finding is specified in its decision:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is

2.0 ADMINISTRATION, APPEALS, ENFORCEMENT

- located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these zoning regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 3. That the unnecessary hardship has not been created by the appellant;
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and
 5. That the variance, if authorized, will represent the least deviation possible from zoning regulation and from the plan.

On an appeal wherein the variance requested is for a structure which is primarily a renewable energy resource structure, the Board may grant the variance only if it finds that all of the facts listed in 24 V.S.A 4469(b) are found in the affirmative.

2.6.4 Decisions:

1. The Board may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the 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, in accordance with Section 4470 of the Act.
2. The Board shall prepare findings of fact upon each decision under this section setting forth its determination upon each of the criteria. Copies of the decision shall be sent, certified mail, to the appellant within forty-five days after completing the hearing. Copies shall also be mailed to every person or body having been heard at the hearing, and a copy shall be filed with the Zoning Administrative Officer and the Town Clerk as part of the public record. If a decision is not rendered within forty-five days, the Board shall have been deemed to render a decision in favor of the appellant and granted the relief requested by the applicant on the last day of such period.

2.6.5 Appeals of Planning Commission or Board of Adjustment: In accordance with the Act [§4471], an **interested person** who has participated in a regulatory proceeding of the Planning Commission or Zoning Board of Adjustment may appeal a decision rendered by the Planning Commission or Zoning Board of Adjustment, within 30 days of such decision, to the Vermont Environmental Court. Appeals to Environmental Court shall also meet the following requirements:

1. "Participation" in a Planning Commission or Zoning Board of Adjustment proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
2. The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Municipal Clerk, or the Administrative Officer if so designated,

2.0 ADMINISTRATION, APPEALS, ENFORCEMENT

who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

2.7 Violations and Enforcement

Violations of this bylaw shall be enforced in accordance with 24 V.S.A. Sections 4451 and 4452, as may be amended from time to time. Any person who violates these bylaws shall be fined not more than \$100 per lot or parcel for each offense, unless a higher fine is permitted under amendments to Section 4451 of Title 24 in which case the highest possible fine shall be imposed. Each day that a violation is continued shall constitute a separate offense. No action may be brought under this section unless the alleged offender has had at least seven days notice by certified mail that a violation exists and has failed to satisfactorily respond or correct the alleged violation. In default of payment of the fine, such person, the members of any partnership or association, or the principal officers of such corporation, shall each pay double the amount of such fine. All fines shall be paid over to the Town.

Except where provided in Section 6.7, if any structure or land is or is proposed to be subdivided, constructed, reconstructed, altered, converted, maintained, or used in violation of these regulations, the Administrative Officer shall institute in the name of the Town any appropriate action, injunction or other proceeding to prevent, restrain, correct, or abate such construction or use, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation.

The commencement or continuation of land development to which these zoning regulations are applicable, as set forth in Section 1.3, which is not in conformance with these regulations, shall constitute a violation of these regulations. These regulations shall not repeal, annul, or in any way impair any zoning permit previously issued with the exception of permits that expire as stated in Section 5.1.3.

3.0 ZONING DISTRICTS AND ZONING MAP

3.0 ZONING DISTRICTS AND ZONING MAP

3.1 Establishment of Zoning Districts

For the purposes of these regulations, the Town of Richford is divided into the following zoning districts as shown on the Official Zoning Map which shall be identified by the signature of the Planning Commission Chairperson and the Selectmen attested by the Town Clerk, and shall be located in the Town Clerk's office:

Village Residential District
Commercial
Industrial
Rural Residential
Commercial/ Industrial
Agricultural
Conservation 1
Conservation 2
Water Supply Protection District
Flood Hazard Overlay District

3.2 Overlay Districts

The Town is divided into zoning districts, which establish the use, density, and other requirements for land development. There are nine (9) traditional zoning districts and one (1) overlay district within the Town of Richford. The overlay zone is the Flood Hazard Overlay District, which adds requirements concerning flood hazard areas.

3.3 Interpretation of District Boundaries

District boundaries shown shall be deemed to follow the "edge of rights-of-ways" of roads and transportation rights-of-way, property lines, and watercourses. The abandonment of roads shall not affect the location of district boundaries. The administrative officer shall determine the location of a district boundary by rights-of-ways, property lines, water courses, and/or other land features, by scale or dimensions stated on the zoning maps.

3.4 Disputes

Any interpretation of zoning district boundaries by the Administrative Officer may be appealed to the Board of Adjustment for a declaratory ruling.

3.5 Amendments to the Zoning Map

No changes of any nature shall be made on the Official Zoning Map except in conformance with the zoning amendment procedures and requirements set forth in Sections 4441 and 4442 of the Act.

4.0 ZONING DISTRICTS

4.0 ZONING DISTRICT BYLAWS

4.1 Village Residential District

4.1.1 Purpose: The Village Residential District provides for increased densities of development suitable for the traditional village environment. Development in the district shall promote the continuation of higher density residential uses while providing a pedestrian orientated environment. The Village Residential District adds standards for permitted and conditional uses, densities of development, landscaping, fences/ hedges, parking, and performance standards. Development within this district must also conform to the Town Flood Hazard Ordinance, Village Housing Code, and Village Housing Ordinance.

4.1.2 Permitted and Conditional Uses: The intent of the Village Residential District is to permit a variety of uses within the village area of Richford.

Permitted Uses

1. Single Family Dwelling
2. Two Family Dwelling
3. Home Occupations
4. Accessory Use

Conditional Uses

1. Multi-Family dwelling
2. Residential Developments
3. PRD
4. Essential Service
5. Hospital
6. Public and semi public buildings and
7. Funeral Home
8. Club (Public or Private)

- (1) Other uses residential in nature upon the finding by the Board of Adjustment that use is of the same general character as those permitted and which will not be detrimental to the other uses within the district, the adjoining land uses, or the residential character of the district.
- (2) Other general commercial uses upon the finding by the Board of Adjustment that such use is of the same general character as those permitted and which will not be detrimental to the other uses within the district or to the adjoining land use.

4.1.3 Area Dimensions: This section contains area dimensions, which are intended to promote a higher density of development than in rural areas of the town.

Use District	Minimum Area/ unit (sq. ft) ⁽¹⁾	Minimum Lot Size (sq. ft)	Lot Width (ft)	Minimum Yard Setback (ft) ⁽³⁾		
				Front ⁽²⁾	Side	Rear
Residential	10,000	10,000	60	20	10	10

- (1) Minimum Area Per unit: Minimum area per unit applies to any lot where it is proposed to provide more than one unit. In this case the minimum lot size shall be computed by multiplying the number of units times the minimum area per unit.
- (2) Through conditional use review, the ZBA may waive front yard requirements for residential buildings provided

4.0 ZONING DISTRICTS

structure conforms to the average setback of adjacent/ neighborhood setbacks.

- (3) Permitted Garages and other outbuildings that are necessary and incidental may have a setback of 10 feet.

4.1.4 Performance Standards: In accordance with Section 4414(5) of the Act, in the Village Residential District the following performance standards together with the standards contained in Section 6.2 of this ordinance, and all applicable State standards must be met. A development must:

1. Emit noise of less than 70 decibels at the property line; and
2. Conforms with standards in Section 5.2

4.1.5 Open Storage In Residential Districts: In any residential district, open storage including vans and trucks of more than one ton carrying capacity, unregistered motor vehicles, and cars used for drag or stock car racing must be stored in an enclosed garage and shall not be parked in the front, side or rear yards. Also see the definition of Junkyard in Section 7.2 of this ordinance.

4.1.6 Off-Street Parking: Off-street parking spaces shall be provided in accordance with the specifications in this section in any district within the village whenever any new use is established or existing use is enlarged. Parking should be located to the side or rear of the property. The Planning Commission encourages the use of shared parking for adjacent compatible uses and will allow for waivers to reduce parking requirements if such options are available or proposed for development. Public on and off-street parking in lieu of on-site parking may be utilized to fulfill parking requirements when provided for this purpose within a distance appropriate to the proposed use but not exceeding 400 feet, upon approval of the Zoning Board of Adjustment in the Village Residential District.

4.1.7 Off-Street Loading: Off-Street loading, which is spaced logically, conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, shall be provided for all commercial and industrial uses. Required off-street loading space is not to be included as off-street parking space.

4.1.8 Landscaping: Landscaping required in the Village Residential District under these Regulations is to be installed and maintained in front, side and rear yards, and to take the form of shade trees, deciduous shrubs, evergreens and well kept grassed areas.

Following are the minimum landscaping requirements:

1. All such landscaping shall be maintained in neat condition;
2. In a residential district the planting of trees, shrubs and grasses shall be required to provide as pleasant an entity to the neighborhood and the trees and shrubs shall be planted no nearer than five feet to any lot line;
3. Where any land use in non-residential districts abuts land in any residential district, a strip of land, at least ten feet in width shall be maintained with landscape in the front, side and rear yards unless waived by the Planning Commission in site plan review;
4. Landscaping should take into consideration utility, sewer, and water lines;
5. In the commercial and industrial district, a strip of land at least ten feet in width shall be maintained as a landscape in the front, side and rear yards, unless waived by the Planning

4.0 ZONING DISTRICTS

Commission in site plan review.

4.1.9 Fences: The erection of fences and hedges shall have the approval of the Administrative Officer.

The erection of fences/hedges shall conform to the following guidelines:

1. No fence/hedge shall be over six feet in height;
2. Fences/hedges shall not be utilized that infringe upon the rights of adjacent property owners to light, air, and views;
3. Fences/hedges must be constructed of materials that will not cause injury to anyone coming in contact with them. At an intersection no fence adjacent to the edge of the public right-of-way shall be more than three and one-half feet high unless it is of a variety that will allow no visual obstruction to a pedestrian or driver;
4. Hedges and fences should be set back from adjacent side and rear property line to allow for maintenance.

4.0 ZONING DISTRICTS

4.2 Commercial District

4.2.1 Purpose: The Commercial District provides for increased densities of development suitable for the traditional village environment. Development in the district shall promote the continuation of higher density commercial uses while providing a pedestrian orientated environment. The Commercial District adds standards for permitted and conditional uses, densities of development, landscaping, fences/ hedges, parking, and performance standards. Development within this district must also conform to the Town Flood Hazard Ordinance.

4.2.2 Permitted and Conditional Uses: The intent of the Commercial District is to permit a variety of uses within the village area of Richford.

Permitted Uses

1. Retail Store
2. Retail Service
3. Personal/professional service office
4. Restaurant, Bar
5. Hotel/Motel
6. Indoor Recreation
7. Membership Clubhouse
8. Club: public or private
9. Funeral Home
10. Accessory Use
11. Parking
12. Newspaper & Job Printing
13. Public Building & Facilities
14. Motor Vehicle Sale & Repair facility
15. Theater-Indoor
16. Bank
17. Wholesale distribution service other than fuel

Conditional Uses

1. Single family dwelling
2. Two family dwelling
3. Multi-family dwelling
4. Dormitory Use
5. Essential Service
6. Residential Developments
7. PUD
8. Auto Service Station
9. Drive-In Restaurant
10. Drive -In Theater
11. Warehouse
12. Car Wash
13. Wholesale fuel distribution service
14. Mixed Use
15. Other general commercial uses ⁽²⁾

(1) Other uses residential in nature upon the finding by the Board of Adjustment that use is of the same general character as those permitted and which will not be detrimental to the other uses within the district, the adjoining land uses, or the residential character of the district.

(2) Other general commercial uses upon the finding by the Board of Adjustment that such use is of the same general character as those permitted and which will not be detrimental to the other uses within the district or to the adjoining land use.

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4.2.3 Area Dimensions: This section contains area dimensions, which are intended to promote a higher density of development than in rural areas of the town.

Use District	Minimum Area/ unit (sq. ft) ⁽¹⁾	Minimum Lot Size (sq. ft)	Minimum Width (ft)	Minimum Yard Setback (ft) ⁽³⁾		
				Front ⁽²⁾	Side	Rear
Commercial	10,000	10,000	100	20	10	20

- (1) Minimum Area Per unit: Minimum area per unit applies to any lot where it is proposed to provide more than one unit. In this case the minimum lot size shall be computed by multiplying the number of units times the minimum area per unit.
- (2) Through conditional use review, the ZBA may waive front yard requirements for residential buildings provided structure conforms to the average setback of adjacent/ neighborhood setbacks.
- (3) Permitted Garages and other outbuildings that are necessary and incidental may have a setback of 10 feet.

4.2.4 Performance Standards: In accordance with Section 4414(5) of the Act, in the Commercial District the following performance standards together with the standards contained in Section 6.2 of this ordinance, and all applicable State standards must be met. A development must:

1. Emit noise of less than 70 decibels at the property line; and
2. Conforms with standards in Section 5.2

4.2.5 Number of Auto Service Stations: The applicant shall show, in a manner acceptable to the Zoning Board of Adjustment, the need for any additional auto service station prior to the generating of a conditional use permit in addition to meeting any other requirements of these regulations. In lieu of this, the applicant may show that the proposed auto service station is a replacement for a presently operating auto service station and make the necessary agreement with the Zoning Board of Adjustment that the presently operating station will permanently cease its present use upon the opening of the new station and that the closed station will be remodeled for its new use. See section 6.18 for additional requirements.

4.2.6 Off-Street Parking: Off-street parking spaces shall be provided in accordance with the specifications in this section in any district within the village whenever any new use is established or existing use is enlarged. Parking should be located to the side or rear of the property. The Planning Commission encourages the use of shared parking for adjacent compatible uses and will allow for waivers to reduce parking requirements if such options are available or proposed for development. Public on and off-street parking in lieu of on-site parking may be utilized to fulfill parking requirements when provided for this purpose within a distance appropriate to the proposed use but not exceeding 400 feet, upon approval of the Zoning Board of Adjustment in the Commercial District.

4.2.7 Off-Street Loading: Off-Street loading, which is spaced logically, conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, shall be provided for all commercial

4.0 ZONING DISTRICTS

and industrial uses. Required off-street loading space is not to be included as off-street parking space. The Zoning Board of Adjustment may modify this requirement in the Commercial District.

4.2.8 Landscaping: Landscaping required in the Commercial District under these Regulations is to be installed and maintained in front, side and rear yards, and to take the form of shade trees, deciduous shrubs, evergreens and well kept grassed areas.

Following are the minimum landscaping requirements:

1. All such landscaping shall be maintained in neat condition;
2. In a residential district the planting of trees, shrubs and grasses shall be required to provide as pleasant an entity to the neighborhood and the trees and shrubs shall be planted no nearer than five feet to any lot line;
3. Where any land use in non-residential districts abuts land in any residential district, a strip of land, at least ten feet in width shall be maintained with landscape in the front, side and rear yards unless waived by the Planning Commission in site plan review;
4. Landscaping should take into consideration utility, sewer, and water lines;
5. In the commercial and industrial district, a strip of land at least ten feet in width shall be maintained as a landscape in the front, side and rear yards, unless waived by the Planning Commission in site plan review.

4.2.9 Fences: The erection of fences and hedges shall have the approval of the Administrative Officer.

The erection of fences/hedges shall conform to the following guidelines:

1. No fence/hedge shall be over six feet in height;
2. Fences/hedges shall not be utilized that infringe upon the rights of adjacent property owners to light, air, and views;
3. Fences/hedges must be constructed of materials that will not cause injury to anyone coming in contact with them. At an intersection no fence adjacent to the edge of the public right-of-way shall be more than three and one-half feet high unless it is of a variety that will allow no visual obstruction to a pedestrian or driver;
4. Hedges and fences should be set back from adjacent side and rear property line to allow for maintenance.

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4.3 Industrial District

4.3.1 Purpose: The Industrial District provides for increased densities of development suitable for the traditional village environment. Development in the district shall promote the continuation of higher density industrial uses. The Industrial District adds standards for permitted and conditional uses, densities of development, landscaping, fences/ hedges, parking, and performance standards. Development within this district must also conform to the Town Flood Hazard Ordinance.

4.3.2 Permitted and Conditional Uses: The intent of the Industrial District is to permit a variety of uses within the village area of Richford.

Permitted Uses

1. Same as Commercial plus:
2. Essential Service
3. Drive-In Restaurant
4. Drive-In Theater
5. Warehouse
6. Freight or Trucking terminal
7. Car Wash
8. Wholesale fuel distribution Service

Conditional Uses

1. Planned Unit Development
2. Mixed Use
3. Auto Service Station
4. Manufacturing, compounding, processing, treatment, or warehousing of goods and products, provided the use meets standards of performance of this By-law.
5. Research and testing laboratories
6. Truck terminals
7. Other general commercial uses ⁽¹⁾
8. Other industrial uses ⁽²⁾

(1) Other general commercial uses upon the finding by the Board of Adjustment that such use is of the same general character as those permitted and which will not be detrimental to the other uses within the district or to the adjoining land use.

(2) Other industrial uses that would require monitoring to ensure that emissions of noise, dust or odors does not become a danger to health and safety of the public based upon the findings of the Board of Adjustment providing that the use will not be detrimental to the other uses within the district or to the adjoining land uses.

4.3.3 Area Dimensions: This section contains area dimensions, which are intended to promote a higher density of development than in rural areas of the town.

Use District	Minimum Area/ unit (sq. ft) ⁽¹⁾	Minimum Size (sq. ft)	Lot Width (ft)	Minimum Yard Setback (ft) ⁽³⁾		
				Front ⁽²⁾	Side	Rear
Industrial	10,000	20,000	100	20	10	20

(1) Minimum Area Per unit: Minimum area per unit applies to any lot where it is proposed to provide more than one unit. In this case the minimum lot size shall be computed by multiplying the number of units times the minimum area per unit.

(2) Permitted Garages and other outbuildings that are necessary and incidental may have a setback of 10 feet.

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4.3.4 Performance Standards: In accordance with Section 4414(5) of the Act, in the Industrial District the following performance standards together with the standards contained in Section 6.2 of this ordinance, and all applicable State standards must be met. A development must:

1. Emit noise of less than 70 decibels at the property line; and
2. Conforms with standards in section 5.2

4.3.5 Number of Auto Service Stations: The applicant shall show, in a manner acceptable to the Zoning Board of Adjustment, the need for any additional auto service station prior to the generating of a conditional use permit in addition to meeting any other requirements of these regulations. In lieu of this, the applicant may show that the proposed auto service station is a replacement for a presently operating auto service station and make the necessary agreement with the Zoning Board of Adjustment that the presently operating station will permanently cease its present use upon the opening of the new station and that the closed station will be remodeled for its new use. See section 6.18 for additional requirements.

4.3.6 Off-Street Parking: Off-street parking spaces shall be provided in accordance with the specifications in this section in any district within the village whenever any new use is established or existing use is enlarged. Parking should be located to the side or rear of the property. The Planning Commission encourages the use of shared parking for adjacent compatible uses and will allow for waivers to reduce parking requirements if such options are available or proposed for development. Public on and off-street parking in lieu of on-site parking may be utilized to fulfill parking requirements when provided for this purpose within a distance appropriate to the proposed use but not exceeding 400 feet, upon approval of the Zoning Board of Adjustment in the Industrial District.

4.3.7 Off-Street Loading: Off-Street loading, which is spaced logically, conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, shall be provided for all commercial and industrial uses. Required off-street loading space is not to be included as off-street parking space.

4.3.8 Landscaping: Landscaping required in the Industrial District under these Regulations is to be installed and maintained in front, side and rear yards, and to take the form of shade trees, deciduous shrubs, evergreens and well kept grassed areas.

Following are the minimum landscaping requirements:

1. All such landscaping shall be maintained in neat condition;
2. In a residential district the planting of trees, shrubs and grasses shall be required to provide as pleasant an entity to the neighborhood and the trees and shrubs shall be planted no nearer than five feet to any lot line;
3. Where any land use in non-residential districts abuts land in any residential district, a strip of land, at least ten feet in width shall be maintained with landscape in the front, side and rear yards unless waived by the Planning Commission in site plan review;
4. Landscaping should take into consideration utility, sewer, and water lines;

4.0 ZONING DISTRICTS

5. In the commercial and industrial district, a strip of land at least ten feet in width shall be maintained as a landscape in the front, side and rear yards, unless waived by the Planning Commission in site plan review.

4.3.9 Fences: The erection of fences and hedges shall have the approval of the Administrative Officer.

The erection of fences/hedges shall conform to the following guidelines:

1. No fence/hedge shall be over six feet in height;
2. Fences/hedges shall not be utilized that infringe upon the rights of adjacent property owners to light, air, and views;
3. Fences/hedges must be constructed of materials that will not cause injury to anyone coming in contact with them. At an intersection no fence adjacent to the edge of the public right-of-way shall be more than three and one-half feet high unless it is of a variety that will allow no visual obstruction to a pedestrian or driver;
4. Hedges and fences should be set back from adjacent side and rear property line to allow for maintenance.

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4.4 Commercial/ Light Industrial

4.4.1 Purpose: The purpose of this district is to provide suitable sites for the development of commerce and industry. Careful review of commercial and industrial development will be used to maintain compatibility with existing uses.

4.4.2 Commercial/Light Industrial Permitted and Conditional Uses

Permitted Uses

1. Commercial
2. Light Industry
3. Agriculture
4. Essential Public Services
5. Accessory Use/Structure

Conditional Uses

1. Single family dwelling
2. Two-family Dwelling
3. Multi-family dwelling
4. Lodging Establishment
5. Indoor Recreation Facility
6. Planned Unit Development
7. Community Facility
8. Mixed use
9. Other similar uses

4.4.3 Area and Dimensions

Minimum Lot Size	Minimum Frontage (ft)	Minimum Yard Setback Dimensions (ft)		
		Front	Side	Rear
1 Acre with on-site sewer (½ acre with municipal water and sewer)	125 ft	25	25	25

NOTE: *Development in the Richford Business Park is subject to the Declaration of Restrictions (Book 59, Pages 278-282), the Amendment to the Declaration of Restrictions (Book 59, Pages 451-453 and Book 71, Page 9), and Land Use Permit #6F0380 (Book 59, Pages 470-473) and amendments.*

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4.5 Rural Residential

4.5.1 Purpose: This district is intended to accommodate rural residential and compatible uses at a density these areas can support without imposing a substantial burden upon the Town to extend public services and facilities. For residential uses, cluster housing is encouraged.

4.5.2 Rural Residential Permitted and Conditional Uses

Permitted Uses

1. Agriculture
2. Forestry
3. Single Family Dwelling
4. Two Family Dwelling
5. Seasonal Dwelling
6. Accessory Use/Structure
7. Home Occupation
8. Essential Public Service

Conditional Uses

1. Outdoor Recreation
2. Mobile Home Parks
3. Residential Developments
4. Commercial Facility
5. Excavation
6. Lodging Establishment
7. Light Industry
8. Community Facilities
9. PUD

4.5.3 Area and Dimensions

Minimum Lot Size	Minimum Frontage (ft)	Minimum Yard Setback Dimensions (ft)		
		Front	Side	Rear
1 Acre (½ acre with municipal water and sewer)	125 ft	35	25	25

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4.6 Agricultural

4.6.1 Purpose: To protect those areas which have generally severe building limitations, due to soil, wetlands, and high elevation, from inappropriate development and to protect those areas which are used for Agriculture but to allow for uses other than agriculture and forestry as a conditional use.

4.6.2 Agricultural Permitted and Conditional Uses

Permitted Uses

1. Agriculture
2. Forestry
3. Accessory Use/Structure

Conditional Uses

1. Single Family Dwelling
2. Two Family Dwelling
3. Mobile Home Parks
4. Residential Developments
5. Seasonal Dwelling
6. Excavation
7. Outdoor Recreation
8. Essential Public Service
9. Light Industry
10. Community Facilities
11. Home Occupation

4.6.3 Area and Dimensions

Minimum Lot Size	Minimum Frontage (ft)	Minimum Yard Setback Dimensions (ft)		
		Front	Side	Rear
2 Acre	200 ft	35	35	35

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4.7 Conservation 1

4.7.1 Purpose: This land has limited suitability for future community growth and development because of severe development limitations, including remote locations, extreme topography, and shallow soils. Regulation in this district is intended to protect the scenic and natural resource values of this land for forestry, wildlife habitat, wetlands, and outdoor recreation. Only limited low-density development is encouraged in this district.

4.7.2 Conservation 1 Permitted and Conditional Uses

Permitted Uses

1. Agriculture
2. Forestry
3. Accessory Use/Structure

Conditional Uses

1. Single Family Dwelling
2. Two Family Dwelling
3. Home Occupation
4. Outdoor Recreation
5. Excavation
6. Essential Public Services
7. Seasonal Dwelling

4.7.3 Area and Dimensions

Minimum Lot Size	Minimum Frontage (ft)	Minimum Yard Setback Dimensions (ft)		
		Front	Side	Rear
10 Acres	250 ft	35	35	35

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4.8 Conservation 2

4.8.1 Purpose: This district is established to provide that areas within the village setting which are fragile and subject to the acts of nature are protected and conserved. It also seeks to minimize any hardship that may arise as a result of nature's acts. This district establishes areas that offer unique environmental and recreational opportunities within the village area.

4.8.2 Conservation 2 Permitted and Conditional Uses

Permitted Uses

1. Agriculture
2. Forestry
3. Buildings and structures of a nature to support public activities

Conditional Uses

1. Outdoor Recreation
2. Essential Public Services

4.8.3 Area and Dimensions

Minimum Lot Size	Minimum Frontage (ft)	Minimum Yard Setback Dimensions (ft)		
		Front	Side	Rear
1 acre	100 ft	30	20	25

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4.9 Water Supply Protection District

4.9.1 Purpose: To protect the Stanhope Brook Watershed which supplies Richford's municipal water system as well as other water recharge areas including wetlands.

4.9.2 Water Supply Protection Overlay District

Permitted Uses

1. Agriculture
2. Maple Sugar Making
3. Agricultural Structure
4. Forestry (Selective Cutting)*

Conditional Uses

1. Single Family Dwelling
2. Camps
3. Forestry (Clear Cutting)**

4.9.3 Area and Dimensions

Minimum Lot Size	Minimum Frontage (ft)	Minimum Yard Setback Dimensions (ft)		
		Front	Side	Rear
30 Acres	300 ft	50	40	40

* Selective Cutting: The cutting and removal of timber which has reached an established, desired growth while leaving the surrounding trees relatively undisturbed.

** Clear Cutting: The cutting and removal of substantially all forest growth from a given area.

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4.10 Flood Hazard Overlay District

4.10.1 Purpose: The purpose of this district is to minimize future public and private losses due to floods by regulating future land development in hazard areas. Designation of this district is also required for continued town eligibility in the National Flood Insurance Program. Included are all areas in the 100-year flood plain as shown in the Flood Insurance Study and Maps prepared by the Federal Flood Insurance Administration, which are adopted by reference and incorporated herein (on file at the Town Clerks office). The mandatory provisions of State and Federal law for continued eligibility in the National Flood Insurance programs are also hereby adopted by reference and shall be applied in this district. Title 24 V.S.A., 4424 and 44 CRF 60.3 and 60.6. For further requirements refer to the Flood Hazard Area Zoning Bylaw for the Town of Richford, Vermont.

4.10.2 Flood Hazard Overlay District

Permitted Uses

1. Agricultural, residential and recreational open space uses excluding the erection of new structures.

Conditional Uses

1. Any new construction or placement of structures
2. Any substantial improvements or movement of existing structures
3. Excavation or fill

4.10.3 Lot Size: Lot size is determined by the zoning district that the Flood Hazard District overlay covers.

NOTE: The Flood Hazard District overlaps other districts established in this bylaw. Where the provisions of the underlying district differ with the Flood Hazard District provisions, the more restrictive shall govern.

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5.0 PERMITS AND APPROVALS

5.1 Zoning Permit

A Zoning Permit is required for any ~~to~~ land development (see definition), new construction, expansion of structure (see definition of structure), or change in use. It shall be the responsibility of any landowner (or authorized agent) to obtain the zoning permits required by this bylaw prior to the commencement of any land development. Furthermore, if the use and/or structure received conditional use approval, additions and expansion of said use/structure will require conditional use approval.

5.1.1 Application: Application for a permit shall be made by the landowner (or a duly authorized agent) to the Administrative Officer. Application forms shall be available from the Administrative Officer or at the Town Clerk's Office. The applicant shall provide all information requested on the form, including a plot plan showing land ownership and the location of existing and proposed development, and such other information as the Administrative Officer may reasonably require to determine compliance with this bylaw. An application shall not be deemed received until all applicable materials have been submitted and fees paid.

5.1.2 Hearing and Notice Requirements. All development review applications before an appropriate municipal panel under procedures set forth in this chapter shall require notice as follows.

1. A warned public hearing shall be required for conditional use review, variances, administrative officer appeals, and final plat review for subdivisions. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by:
 - a. publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected;
 - b. posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312(c)(2), which shall include posting within view from the public right-of-way most nearly adjacent to the property for which an application is made; and
 - c. written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall 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.
2. Public notice for hearings on all other types of development review, including site plan review, shall be given not less than seven days prior to the date of the public hearing, and shall include at a minimum all of the following:
 - a. Posting of the date, place, and purpose of the hearing in three or more public places within the municipality in conformance with the time and location requirements of 1 V.S.A. § 312(c)(2); and

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- b. Written notification to the applicant and to the owners of all properties adjoining the property subject to development, without regard to right-of-way. The notification shall include a description of the proposed project and shall 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.
- c. The zoning administrator is responsible for delivery to adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.
- d. No defect in the form or substance of any requirements in subdivisions (2.1.12.1.1) or (2.1.12.1.2) of this subsection shall invalidate the action of the appropriate municipal panel where reasonable efforts are made to provide adequate posting and notice. However the action shall be invalid when the defective posting or notice was materially misleading. If an action is considered invalid the appropriate municipal panel must provide new posting and notice, hold a new hearing and take a new action.

5.1.3 Issuance: Within thirty (30) days of submission of a completed application, fee, plot plan and other required information and approvals, the Administrative Officer shall either issue or deny the permit, or in a case where conditional approval is required, forward the application to the Board of Adjustment for the scheduling of a hearing. The issuance of permits is subject to the requirements of Sections 4449 of the Act. If the permit is denied the Administrative Officer shall so notify the applicant in writing, stating the reasons for denial. If the Administrative Officer fails to act within the 30-day period, whether by issuing a decision or by making a referral to the appropriate municipal panel, a permit shall be deemed issued on the 31st day.

No permit may be issued for development that requires conditional use approval until the Board of Adjustment grants such approval. No permit may be issued by the Administrative Officer for any development that does not comply with all provisions of this bylaw unless otherwise specifically ordered by the Board of Adjustment (as a result of a variance or other appeal). All permits shall run with the land, valid for, and binding upon any heir, assignee of successor who acquires an undivided, whole interest in the property.

5.1.4 Expiration of Permit: No land development may commence unless a zoning permit has been duly issued by the Administrative Officer. Zoning permits shall be effective for a twelve-month period. A twelve-month extension may be granted if active construction has continued for, but has not been completed within, the initial twelve-month period.

5.2 Wastewater Disposal

5.2.1 Permit: A wastewater disposal permit shall be required for any new use or structure which generates wastewater, or any expansion of a use or structure which generates substantially increased wastewater, shall comply with the Environmental Protection Rules, Chapter 1, Wastewater System

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and Potable Water Supply Rules, or current amendments. Structures which will be connected to municipal sewage lines, and for which written authorization from the Town Clerk is presented, shall be exempt from this requirement.

5.2.2 Liability: Notwithstanding (5.2.1), the Town of Richford makes no claim as to the serviceability of on-site wastewater disposal systems.

5.3 Certificate of Occupancy

In accordance with the Act [Section 4449], a certificate of occupancy issued by the zoning administrator shall be required prior to occupancy of any building or structure or part thereof. No Certificate of Occupancy shall be issued by the Administrative Officer unless the premises comply with requirements of the Zoning Permit, Wastewater Permit, and these regulations.

5.4 Fees

The fee for any permit or appeal shall be determined from a schedule adopted by the Board of Selectmen.

5.5 Conditional Uses

5.5.1 Applicability: A Zoning permit for any use, expansion of use, structure, or expansion of structure that requires conditional use approval shall not be issued by the Administrative Officer until the Board of Adjustment grants such approval.

5.5.2 Public Hearing: A public hearing after public notice shall be held by the Board of Adjustment to determine whether the proposed use conforms to the general and specific standards for conditional uses in these regulations.

5.5.3 Decisions: The Board of Adjustment shall act to approve or disapprove any such requested conditional uses within forty-five (45) days after the date of the final public hearing held under this section; failure to do so within such period shall be deemed approval. The Board of Adjustment shall prepare findings of fact upon each decision made under this section setting forth the reasons for approval, approval with conditions, or denial addressing each of the standards of these regulations. The Board may attach reasonable conditions and safeguards as necessary to implement the purpose of these regulations.

5.5.4 General Standards: In approving an appeal for conditional use approval, the Board of Adjustment shall conform with the general standards set forth in the Act, Section 4414 (3), which

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require that the proposed use shall not adversely affect:

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

5.6 Site Plan Approval

5.6.1 Applicability: In any district, uses other than forestry, agriculture, home occupation, accessory uses, and single and two family dwellings on single lots shall require site plan review by the Planning Commission before the Administrative Officer issues a zoning permit.

5.6.2 Application Procedures: The applicant for site plan approval shall submit a site plan application and two copies of the site plan, which shall be prepared in a professional manner and include the following information:

1. Name and address of the owner of record and adjoining land ownership. Name and address of person or firm preparing the map. Site location map, scale of map, north arrow, and date;
2. Features of the existing site including contours, vegetation and natural features, structures, access points, easements, and property and zoning boundaries, existing structures and access points to adjacent properties;
3. Proposed improvements including structures, parking areas, access points, sidewalks and other walkways, loading docks, outside storage areas, sewage disposal areas, landscaping, screening and site grading. Building information, including elevations and floor plans may also be required;
4. Detailed specifications of the planting and landscaping materials to be used;
5. Period of time in which all site improvements will be completed;
6. Cost estimate of all site improvements;
7. Estimate of daily and peak hour traffic generation; and
8. Any other information or data that the Planning Commission may reasonably require.

5.6.3 Decisions: The Planning Commission shall act to approve or disapprove a site plan within forty-five days of receiving it. The Commission shall send its decision along with findings of fact, to the applicant. If the Commission fails to render a decision within the forty-five (45) period, site plan approval shall be deemed granted.

5.6.4 Standards: In reviewing site plans the Commission may impose appropriate conditions and safeguards with respect to the adequacy of pedestrian and vehicular access and circulation, parking,

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landscaping, screening, utilization of renewable energy resources and other similar site factors. In the Planning Commission's review the following objectives shall be taken into consideration:

1. Maximum safety of vehicular and pedestrian circulation between the site and the street network; Particular attention shall be given to visibility at intersections, to traffic flow and control, to pedestrian safety and convenience, and to access in case of emergency.
 - a. The Planning Commission may require shared access to adjoining properties or may limit access to the property to a side street or secondary road.
 - b. Where traffic access is required to only a portion of the land, the Planning Commission may require sharing that access with future uses of the remainder of the parcel.
2. Adequacy of circulation, parking, and loading facilities: Particular consideration shall be given to the effect of noise, glare, or odors on adjoining properties and state and town highways. Adequacy of provisions for erosion control, runoff, refuse removal, service areas, and snow removal shall be considered.
 - a. Adequate space for maneuvering in and out of parking and loading areas shall be provided and located so as not to interfere with circulation to and within the site.
 - b. Parking areas will be required to be landscaped or screened from adjacent uses.
 - c. Parking shall be located in the side /rear of the development in the Village Residential, Commercial and Industrial Districts.
 - d. Parking will be prohibited from the front, side, and rear yard setback areas.
 - e. Relocation or redesign of parking areas may be required to limit runoff and control erosion.
 - f. A safe and attractive pedestrian environment shall be provided as appropriate to the use. In the Village Residential, Commercial and Industrial Districts pedestrian circulation on sidewalks and paths may be required.
 - g. The size and location of any paved area may be limited by the Planning Commission.
 - h. All parking areas shall be clearly defined and marked.
3. Adequacy of landscaping and screening: Particular consideration shall be given to preservation of existing vegetation and important features of the site, including large trees, views and vistas, fences, stone walls, and shrubs; visibility of unsightly or incompatible areas from the road and adjoining properties; and the adequacy of landscaping materials to meet seasonal conditions, soil conditions and erosion control, and light on the site.
 - a. Landscaping shall take the form of shade trees, deciduous shrubs, evergreens, well kept grasses, and ground cover.
 - b. Landscaping is required to be installed and maintained in front and side yards and may be required where rear yards abut residential properties or public

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- roads. Adequate setbacks and site grading may be required to insure that the plantings are not adversely affected by traffic and road salt. Street trees may be required along state and town highways particularly in the Village Residential, Commercial and Industrial Districts. Landscaping shall be installed within a time frame established by the Planning Commission.
- c. In determining the amount and type of plantings to be required, the Planning Commission shall take into account at least the following:
 - i. Existing trees, shrubs, evergreens and other vegetation to be preserved on the site;
 - ii. The visibility of incompatible or unsightly areas from public roads and/or adjacent properties;
 - iii. The landform and overall landscaping plan for the development;
 - iv. Other factors which, in the Commission's judgment, affect the safety and appearance of the development.
 - d. To control erosion, the site plan shall meet the following standards:
 - i. The development plan shall fit the topographic, soil and vegetation characteristics of the site with a minimum of clearing and grading.
 - ii. No clearing or grading shall take place within the Conservation 1 District except as provided in that District's regulations.
 - iii. Existing natural drainage patterns shall be preserved wherever possible.
 - iv. The sequence of construction activities shall be designed so that the smallest area possible is disturbed at any one time. Only areas where active construction is taking place should be exposed. All other areas should be protected by vegetation and structural control measures.
 - v. Seed and mulch shall be applied as soon as possible to disturbed soils.
 - e. Outdoor lighting may be required where deemed necessary by the Commission to illuminate areas such as streets, sidewalks, and parking areas. Outdoor lighting fixtures shall be designed to direct light downward and adjusted so as not to cast light directly on adjacent roadways or properties. The Planning Commission may prohibit fixtures that cause excessive glare within the property or on adjoining properties, and may limit the number, intensity, and location of fixtures to provide for even height treatment and to ensure limited impact on surrounding properties.

5.7 Planned Unit Development

5.7.1 Purpose: In accordance with Section 4417 of the Act, planned unit developments (PUD) are permitted to encourage clustering and other innovation in design and more efficient uses of land, to facilitate the adequate and economic provision of streets and utilities, and to preserve the natural and scenic qualities of the Town.

5.7.2 Qualification: To qualify, a PUD project shall:

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1. Be a prescribed use for the district in which it is to be located;
2. Contain at least 3 contiguous acres; and
3. Conform to the definitions herein and to the requirements of Section 4417 of the Act.

5.7.3 Provisions: Planned Unit Developments are subject to the following provisions:

1. Proposals shall be submitted to the Planning Commission and shall include a site plan showing the location and general designs of all structures, open spaces, landscaping, driveways, streets, parking areas, easements and all other physical features, together with a statement setting forth the nature of all proposed modifications of this bylaw.
2. The project shall be consistent with the Town Plan, and the predominant uses of the site shall not differ substantially from the uses allowed in the district in which the project is located.
3. Density may vary within the development, however, overall density of dwelling units shall not exceed 20% more than the prescribed district density.
4. Mixed uses shall be so arranged as to be compatible, and to insure visual and aural privacy for the residents to the development and for adjacent properties. The minimum setback requirements for the district in which the project is located shall apply to the periphery of the development.
5. The Planning Commission may require that a reasonable percentage of the land be utilized for open space, recreation areas, or necessary municipal purposes. The amount of land so designated shall be determined by the Planning Commission on the merits, purpose, and condition of the individual proposal. Further, the Planning Commission may establish conditions on the ownership, use, and maintenance of said lands as it deems necessary to assure preservation of said lands for their intended purposes.
6. Layout of lots and streets shall at least meet the Town Road standards.
7. The project shall be an efficient and unified treatment of the development possibilities of the site, and appropriate provisions shall be made for the following:
 - a. roads, culverts and ditching in accordance with the Selectman's specifications;
 - b. water supply, sewage and solid waste disposal, drainage, traffic flow and parking, and the layout of the facilities so that public services can be economically and

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- effectively provided; and
- c. preservation of streams and stream banks, steep slopes, wet areas, soils unsuitable for development, forested areas, and unique natural and cultural features.

5.7.4: Upon approval of the Planned Unit Development by the Planning Commission, the necessary modifications of this bylaw shall be noted in a report and, together with the approved proposal, submitted to the Board of Adjustment for a public hearing under conditional use review. All other provisions of this bylaw not specifically modified shall remain in force and be applicable to this project.

5.7.5: As provided in the Act, Section 4417, the Planning Commission may prescribe from time to time, supplementary rules and regulations for any Planned Unit Development. The Planning Commission shall hold public hearings prior to the establishment of any such rules and regulations.

5.8 Non-conforming Uses and Non-conforming Structures

This section shall apply to any uses and structures that existed on the effective date of this bylaw.

5.8.1 No provision of this bylaw shall prevent the normal continuation or maintenance of any preexisting use or structure. Any alteration, expansion or change in use not included in 5.8.2 shall be subject to the same zoning requirements applicable to new developments.

5.8.2 Subject to conditional use approval by the Board of Adjustment, the following may be permitted:

1. Any nonconforming use of a structure or land may be altered or expanded, not to exceed 25% of its size as it existed upon the effective date of this bylaw. However, a nonconforming use shall not be re-established after being abandoned or discontinued for a period of 18 months, or after being changed to a conforming use, regardless of evidence of intent to re-establish such use.
2. Any nonconforming structures may be altered or expanded, providing such action does not increase the degree of nonconformance. In the event a nonconforming structure is at least 75% damaged or destroyed by fire, collapse or "Act of God," it may be rebuilt only in compliance with this bylaw. The Board of Adjustment may grant a waiver from this in consideration of remaining features such as foundation, water and sewage systems, underground utilities, etc.
3. Any alteration or expansion of a nonconforming use or nonconforming structure for the sole purpose of compliance with environmental, safety, health or energy codes, laws or regulations.

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5.9 Campgrounds

New campgrounds, or any addition, or alteration to an existing campground shall be subject to the following regulations:

1. Conditional use approval is required.
2. Campgrounds shall provide for lavatory, shower, and toilet facilities and individual camping vehicle or tent spaces. All campgrounds shall comply with State regulations.
3. A strip of land at least twenty-five (25) feet wide shall be maintained as a landscaped area abutting all campground property lines. No camping vehicle, tent or service building shall be located in this buffer area. The Board of Adjustment may reduce or eliminate this landscaped area provision if such a modification or waiver will make it possible to preserve a scenic view from the campground providing that privacy for adjacent property owners can be maintained.
4. Collector roads within the campground shall meet the following minimum 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. Every campground operator shall maintain a register, available to any authorized person inspecting the facility, or to any emergency officials. Said register shall contain the names and addresses of all campground occupants and the dates of occupancy, and it shall be preserved for a period of at least one-year.

5.10 Residential Developments

In districts where they are allowed, Residential developments shall be subject to conditional use approval by the Board of Adjustment in accordance with the standards in Section 5.5 and the following specific standards:

1. Layout of lots shall be in conformance with the district requirements, and be designed:
 - a. To access onto side streets and minimize access to town highways;
 - b. To utilize common driveways for adjacent lots;
 - c. To produce the safest, most healthful and attractive building sites for the topography, drainage, soils, vegetation, and other natural features of the property; and,
 - d. To make optimum use of solar orientation and vegetation control of building energy conservation.

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2. Design of streets shall conform to the Selectmen's specifications and shall be constructed logically in relation to the topography so as to produce safe intersections, grades and alignments and adequate drainage. Wherever feasible, streets shall be laid out:
 - a. To coordinate with existing and future appropriate development of adjacent tracts;
 - b. To make driving through the development possible (IE: avoid long dead-end streets), but to discourage the streets to be used for through traffic.
3. Water supply and sewage disposal systems shall comply with all Town and State Regulations. The Planning Commission may require that the proposed development be serviced by common or public water supply and sewage disposal systems, or that systems be designed so that they may eventually be connected to municipal facilities.
4. For developments which are going to be constructed in phases, full build out plans are required specifying the amount and scheduling of development including but not limited to clearing of vegetation, grading, infrastructure improvements, and landscaping.

5.11 - Mobile Homes and Mobile Home Parks

Pursuant to the Act, Section 4412 (1), a mobile home shall be considered a single-family dwelling and shall meet the same zoning requirements applicable to single-family dwellings, except when unoccupied and displayed in a mobile home sales establishment or allowed as a temporary structure under Section 6.13 of this bylaw. In addition, mobile homes may be permitted in a mobile home park subject to the requirements of this section and State law. (Note: the State definition of a Mobile Home Park shall be applicable for this section).

1. New mobile home parks, and any addition or alteration to an existing mobile home park shall require conditional use approval by the Board of Adjustment.
2. A mobile home park shall have a contiguous area of not less than five (5) acres nor more than fifty (50) acres. The maximum density of any mobile home park shall not exceed an overall average of one mobile home per acre.
3. A strip of land at least fifty (50) feet wide shall be maintained as a landscaped area abutting all mobile home park boundary lines. No mobile home unit or office, utility or service building may be placed in this buffer area. However, the Board of Adjustment may reduce or eliminate this landscaped area requirement if such a modification or waiver will make it possible to preserve a scenic view from the mobile home park, provided that privacy for adjacent property owners can be maintained.
4. The minimum mobile home lot size shall meet the district requirement unless all lots are provided with off-site sewage disposal, in which case the minimum mobile home lot size shall be 50% less than the district minimum lot size.
5. Each mobile home lot shall have at least fifty (50) feet of frontage on mobile home park road. Said roads shall be constructed to the Selectmen's Road Standards.
6. A suitable non-porous pad at least four (4) inches thick shall be provided for each mobile home lot. A minimum yard of twenty-five (25) feet and a minimum setback from the access road of twenty-five (25) feet are required on each mobile home lot.
7. Sewage disposal, water supply and garbage facilities shall comply with State regulations.

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All electric, telephone and other utility lines shall be underground, unless the applicant can demonstrate that due to utility company standards or pricing procedures an inequitable financial hardship will be created.

Each mobile home park shall provide at least 10% of its total size, as open space, for recreational purposes. All open space is subject to the provisions of Planned Unit Developments (see Section 5.7.3 (5)).

5.12 Wireless Communication Facilities

1. Findings

Technological developments in the telecommunications and broadcast industries have resulted in demands for development of property to accommodate these land uses. Wireless communication facilities have become increasingly important to the security and economic needs of residents and businesses in the Town. This trend will continue, creating new opportunities for commerce, reducing demand for travel by conventional modes. Given the potential impacts, these facilities may have on the public good, safety and welfare of Richford citizens, it is, therefore, in the Town's interest to plan for and regulate the orderly development of such facilities.

2. Purpose

The purpose of this section shall be to regulate the placement, design, construction, and modifications of wireless communication facilities so as to promote the economic viability of the Town and to protect its historic, cultural, natural, and aesthetic resources.

3. Conditional Use Approval for Wireless Communication Facilities

No permit for the development of a wireless communication facility shall be granted by the Administrative Officer without Conditional Use Approval from the Zoning Board of Adjustment. Prior to granting such approval, the Board shall make affirmative findings for each of the following criteria in addition to the other applicable provisions set forth in these Regulations:

- A. Yard Requirements - Equipment, buildings, and other structures shall conform to the minimum front, side, and rear setbacks for the district in which they are located;
- B. Height Limitations - The height limit for towers, antenna, and tower related fixtures in all districts shall not exceed twenty (20) feet above the average height of the tree line measured within one hundred (100) feet of the highest vertical element of the wireless communication facility. Notwithstanding the above, additional height may be approved upon finding by the Board that it is necessary to provide adequate coverage to Richford, or to accomplish collocation as outlined in sub-section (8) below and does not have an undue adverse visual impact on scenic or natural beauty as outlined in sub-section (10) below.
- C. Setbacks - All wireless communications facilities shall comply with the setback provisions of the zoning districts in which facilities are located. Notwithstanding, the above, in order to

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ensure public safety, the minimum distance of any wireless communication facility to any property line, dwelling, or occupied structure shall be no less than the height of the tower, including antennas or other vertical appurtenances. This setback shall be referred to as a fall zone. In the event that an existing structure such as a barn silo, church steeple, or utility pole is proposed as a mounting for a wireless communication facility, a fall zone setback shall not be required;

- D. Lighting - Towers requiring lighting shall not be permitted unless deemed necessary by the Board as the only viable alternative to meet reasonable facility requirements of a communications service provider. The only tower lighting to be permitted by the Board shall be required by FAA regulation or by special necessity to ensure aviation safety where FAA standards apply. All tower lighting shall be shielded to minimize glare and impact on neighboring properties;
- E. Bulk, Height, and Glare - All wireless communication facilities shall be designed in such a manner as to minimize the visual impact of height, mass, guy wire supports, and disruption of existing vegetation. Materials utilized for the exterior of any structure shall be of a type, style, color and location so as to minimize glare and not result in an undue adverse visible impact on any scenic or historic viewshed, public vantage point or abutting properties;
- F. Camouflage - In cases where co-location is not feasible and new towers are required, the use of camouflaged towers shall be examined. As part of the application, the feasibility of camouflage techniques shall be documented. Such towers are designed to blend into the environment and may resemble trees or other natural structures or man-made structures typical in a rural community.
- G. Screening - Screening shall be required at the perimeter of the site unless it can be demonstrated that existing natural foliage is adequate. A planted or natural vegetative screen shall be a minimum of ten (10) feet in depth with a minimum height of six (6) feet and shall have a potential to grow to a height of at least 15 feet at maturity. Existing on-site vegetation outside the site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized, unless the disturbance is demonstrated to result in less visual impact on the wireless facility on surrounding properties and vantage points;
- H. Collocation - The principle of collocation shall be employed, where feasible, to minimize the number of towers necessary to provide competition by FCC licensed providers. This shall impose a burden upon the applicant to demonstrate that there are no existing sites within a 20 mile radius of the proposed site which are suitable to the applicants needs despite a due diligence search, and that if such facilities do exist, that they are either technically inadequate or that the owner, after a process of good faith negotiation, will not allow collocation. The duration and terms of the offer shall be disclosed to the Board. It shall be the burden of the applicant to perform an analysis of technical feasibility. The applicant shall be required by

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permit condition to allow other wireless service providers to collocate on any new or existing tower subject to reasonable terms and conditions. Notwithstanding, there shall be no affirmative obligation on the applicant to increase the height or width of a tower in order to accommodate the equipment or facilities of another user nor shall the applicant be required to engineer the tower to accommodate another potential user. The applicant shall provide evidence in writing on how it intends to comply with this requirement and to provide copies of any such proposed agreements for proposed collocation or new tower construction;

- I. Access Roads and Above Ground Utilities - Where new wireless communication facilities require construction of or improvement to access roads, to the extent practicable, roads shall follow contour of the land. Access roads, when consistent with the purposes of this section and economically feasible, shall 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 so as to minimize or prevent disruption to the scenic character or beauty of the area; and
- J. Protection of Scenic Ridges and Hillides - Where, the Board, after consultation with the Zoning Administrator and the applicant, determines that a proposed wireless communication facility will likely be visible against the skyline from at least one vantage point on a State highway or Class I or II highway, or at least two vantage points on a Class III town highway no less than 1000 feet apart, the applicant shall prepare a report identifying the duration and frequency for which the tower would be visible to a passing motorist or a boater in feet and the distance to the proposed facility from the vantage points. The Board may require the report to include the elevation of the ground level of the facility site, the average elevation of vegetation within 100 feet of the facility within the affected viewshed, the slope of the facility site, the vertical height of the facility, appropriate design measures and recommendations to minimize any impact on scenic quality.

To assist the Board in its review of a likely visual impact of proposed facility under this subsection, the Board may require the applicant to fly or raise a three foot diameter balloon at the maximum height of the proposed facility at a location within fifty (50) horizontal feet of the center of the proposed facility. The applicants shall provide at least seven (7) days written notice to the Board the date and time of the test. The applicant shall provide to the Board photographs of the balloon test taken from at least four vantage points previously designated by the Board.

Upon review of the applicant's report, supporting materials, testimony from the parties, and inspections from the designated vantage points, the Board shall find that the proposed wireless communication facility shall not have an undue adverse visual impact on the scenic or natural beauty of the land proposed to be developed as viewed from public highway or water body within the Town.

Where a tower would break or cross the skyline when viewed from the identified vantage points, the Board may designate an alternative location for the tower to be evaluated by the

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applicant. In consideration of this, the applicant may revise its application to include such a site, assuming it is available to the applicant and reasonably technically feasible to meet the applicant's broadcast objectives.

For the purposes of this sub-section, a wireless communication facility shall be presumed likely to be visible against the skyline when the facility is more than eight (8) inches wide or in diameter at the point where it intersects the treeline or forest canopy.

In determining whether or not a tower would have an undue adverse visual impact on the scenic or natural beauty of a ridge or hillside, the Board shall consider:

- a. the period of time during which the proposed tower would be viewed by the traveling public on a public highway;
- b. the frequency of the view of the proposed tower as experienced by the traveling public;
- c. the degree to which the view of the tower is screened by existing vegetation, the topography of the land, and existing structures;
- d. background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;
- e. the distance of the proposed tower from the viewing vantage point and the proportion of the facility that is visible above the skyline;
- f. the number of vehicles traveling on a public highway or water at or near the critical vantage point;
- g. the sensitivity or unique value of the particular view affected by the proposed tower;
- h. significant disruption of a viewshed that provides context to a historic or scenic resource.

The Board shall have the authority to impose conditions consistent with the purpose of this Section in approving a proposed plan for the development of a wireless communication facility. A notice of decision with conditions shall be promptly recorded or filed with the Town by the Board of Adjustment or Administrative Officer. It shall be the obligation of the permittees and subsequent assigns to remain in compliance with all conditions.

4. Application Requirements

As required under this Section, an application shall include at least the following information:

- A. Name and address of the record landowners and any duly appointed agents of the parties;
- B. Names and addresses of the record owners of all abutting property;
- C. A map or sketch of the property proposed to be developed, professionally drawn to scale, and with the area to be developed clearly indicated.
- D. A description of the proposed development;
- E. The location of the proposed structure on a USGS Topographic Map or Survey with 20' elevations or a GIS generated map compatible with VCGI standards;

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- F. A utility and access road plan located on a USGS Topographic Map;
- G. Where the wireless communication facility is located on a parcel that is forested, the approximate average height of the existing vegetation within 100 feet of the tower base;
- H. A design or plan for all structures, buildings, or facilities proposed for the site;
- I. The proposed locations of all existing and proposed wireless service facilities in Richford and within 20 miles of the proposed site for all licensed carriers seeking approval under this application;
- J. To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, an Environmental Assessment (EA) draft or final report outlining the probable impacts of the proposed facility on wildlife habitats, endangered species, historic and archeological resources, wetlands, and other resources;
- K. A cumulative radio frequency radiation study demonstrating compliance with FCC standards at the site;
- L. Existing wireless communication facility for any competitor providing functionally equivalent service to Richford and the estimated coverage area; and
- M. Construction sequence and time schedule for completion of each phase of the entire project shall be provided by the applicant to the Board.

5. Provision for Independent Consultants

As provided in Section 4440 (d) of the act, to assist the Board in its review of applications for Conditional Use Approval under this section, the Board may require the applicant to pay for reasonable costs of an independent technical review of the application. Any or all final reports or documents prepared by the consultant shall be made available to the applicant and other parties to the proceeding.

6. Amendments

An amendment to a prior approved wireless communications facility may be considered by the Board and shall require Conditional Use Approval from the Board when any of the following are proposed:

- A. change in the number of facilities permitted on the site;
- B. changes in technology used for the facility; or
- C. addition of any equipment or additional height not specified in the original application.

7. Fees

A schedule of fees for wireless communications facilities to cover project review, permitting, and monitoring costs shall be recommended by the Planning Commission and established by the Richford Select Board and may from time to time be amended.

8. Removal of Abandoned Antennas and Towers

Any wireless communications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned and hazardous to the public health and safety, unless the owner of said tower provides proof to the contrary through quarterly inspections. The owner shall

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remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the Board notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a noticed public hearing conducted by the Board with notice to the last known owner/operator and occupants of the tower. If the abandoned tower is not removed within 90 days, the Town may bring action to have the tower removed. The Board as a condition to approval, may require the applicant to provide a performance bond, or similar form of surety payable to the Town at an amount sufficient to cover the full costs of removal of a tower antenna in the event that the facility is declared abandoned.

9. Consistency with Federal Law

These regulations are intended to be consistent with Section 704 of the 1996 Telecommunications Act. Accordingly, they shall not prohibit or have the effect of prohibiting the provision of personal wireless communications services; shall not unreasonably discriminate among providers of functionally equivalent services; and shall not regulate personal wireless services based on the environmental effects of radio frequency emissions to the extent that these facilities comply of the Federal Communications Commission Regulations concerning such emissions.

10. Separability

If any part or provision of this section or the application of this section is adjudged invalid by a court of competent jurisdiction, the judgment shall be confined in its operation to this section, or application directly involved in the controversy in which the judgment has been rendered. Accordingly, it shall not affect or impair the validity of the remainder of this section or the application thereof to other service providers or circumstances.

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6.1 Access to Land Development, Required Frontage

No land development may be permitted which does not have adequate means of access, either: frontage on a maintained public road (Class I, II, III) or; with the approval of the Planning Commission, access by means of a permanent easement or right of way to such a public road, or to public waters. Access easements or right of way shall not be less than 20 feet in width. If serving more than two lots or uses, the planning commission may require a right of way up to 40 feet in width to ensure public safety and orderly development. Access on a state highway must be permitted by VAOT.

6.2 Performance Standards

The following standards of performance must be met and maintained by all uses in all districts. No use of land or structures shall not:

1. Emit noise in excess of 70 decibels at the property line.
2. Emit any odor which is considered offensive.
3. Emit dust or dirt which is considered offensive.
4. Emit any smoke, in excess of Ringlemann Chard No. 2.
5. Emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause injury or damage to property, business or vegetation.
6. Cause, as a result of normal operations, a vibration which creates displacement of 0.002 of one inch.
7. Have lighting or signs which create a glare, which could impair the vision of a driver of any motor vehicle.
8. Cause a fire, explosion or safety hazard.

6.3 Signs

6.3.1 Sign Permits: A zoning permit shall be required prior to the erection, construction or replacement of an outdoor sign except the following, which shall be exempt from this bylaw:

1. Public highway signs;
2. Non advertising signs placed for directional or safety purposes (e.g.: "rest rooms," "telephone," "office," "exit", "falling ice", "fire extinguisher", "no trespassing", etc);
3. Temporary auction, lawn sale, or real estate for sale signs, not to exceed two in number and not to exceed 15 square feet in combined area. All such temporary signs shall be promptly removed when they have fulfilled their functions.

6.3.2 Signs Prohibited: The following shall be prohibited in all districts:

1. Signs which impair highway safety;

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2. Signs which are animated, flashing or intermittently illuminated or uncharacteristic to the area;
3. Roof signs and wall signs that extend above the roof line;
4. Signs which project over public right of way or property lines.

6.3.3 Permitted Signs: On premises signs may be permitted as provided below:

Type of Premises	Max. Number	Max Sign Area		Max. Height of Free Standing Signs
		Any Sign	All Signs	
Home Occupation	One	8 sq. ft	8 sq. ft	6 ft
Business or Industry	Two	25 sq. ft	25 sq. ft	20 ft
Church, School or Other Public Uses	One	20 sq. ft	20 sq. ft	15 ft

6.3.4 Calculation of Sign Area: When computing the total permissible sign area for any use:

1. Existing signs shall be included;
2. The total area of all signs shall not exceed the requirements as set forth in these regulations;
3. Signs consisting of freestanding letters, numerals or other components shall include any entrenching space between them;
4. Only the larger face area of a double-faced or y-type sign shall be used; and
5. Back to back signs may be counted as one sign.

6.3.5 Illumination of Signs: Illuminated signs shall be lighted so as not to produce undue glare, hazard, or distraction to traffic of adjacent uses of land. Illumination shall be properly focused upon the sign itself, and shall be situated to shine onto the sign from above. Interior illuminated signs shall contain dark background and light lettering to reduce glare.

6.3.6 Placement of Signs: Notwithstanding those district setback requirements for structures, freestanding signs may be placed at the edge of the highway right of way. However, such signs shall not be located within 20 feet of adjacent private property unless combined (or on the same stand with) the sign of an adjacent business.

6.4 Parking

Adequate provision shall be made so that normal vehicular traffic to any use may be parked off the public roads and highways. Specifications shall be provided as follows whenever any new use is established or when the present use is expanded:

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Use	Parking Spaces Required
Lodging House	1 for each dwelling Unit
Residential	2 per dwelling Unit
Church and School	1 per 3 seats in principal assembly room
Private Club or Lodge.	1 per 6 members
Theater	1 per 6 seats
Hospital, Nursing & Convalescent Homes	1 per 3 beds and 1 for each employee based on the expected average employee occupancy
Professional Offices, Business Services and Medical Clinics	1 for every 250 sq. ft of gross leasable area
Retail Business and Personal Service Establishments	1 for each 300 sq. ft of gross leasable area
Eating and Drinking Establishments	1 for every 4 seats
Industrial	1 for each 1.2 employees, based on the highest expected average employee occupancy
Funeral Homes	1 for each 75 sq. ft of floor space in slumber rooms, parlors, and individual service rooms

Parking for unspecified uses to be determined by the Board of Adjustment.

The Board of Adjustment may require additional parking and loading spaces, if it is found that the above-specified standards are not sufficient. The Board of Adjustment may also grant waivers to the above standards to meet specific demonstrated factors that limit the need for parking. Shared parking for compatible uses is encouraged.

6.5 Home Occupations

6.5.1 No provision of this bylaw shall infringe upon the right of any resident to use a minor portion of a dwelling that is customary in residential areas, which does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

6.5.2 Home occupations are permitted as an accessory use in all districts where residential uses are

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permitted subject to the following provisions:

1. The home occupation shall be clearly incidental and secondary to the residential use of the property, and shall be conducted wholly within the principal or accessory structures;
2. The home occupation shall be carried on by members of the family residing in the dwelling unit. Two additional employees who are not members of the family are permitted;
3. No traffic shall be generated which would be uncharacteristic of the neighborhood;
4. Exterior displays or signs other than those normally permitted in the district, exterior storage of materials, and exterior indications of the home occupation or variation from the residential character of the principal or accessory structures shall be prohibited.

6.6 Removal of Topsoil, Rock, and Gravel

6.6.1 Any major land filing or excavation, which would cause a substantial change in the rate or direction of drainage, shall be permitted only upon approval by the Board of Adjustment, after a public hearing. In addition to performance standards in Section 6.2, the Board shall consider the existing and proposed grades and materials to be used. Appropriate conditions and safeguards may be imposed to minimize any adverse effects on other properties, such as erosion, etc.

6.6.2 Commercial or industrial extraction of earth resources shall be permitted only upon conditional use approval by the Board of Adjustment. In determining conditional use approval, performance standards in Section 6.2 shall apply. The Board shall also consider impacts to roads and other infrastructure in its decision. Before approval may be granted, the applicant shall:

1. Submit an acceptable plan showing existing and proposed finished grades of the site to demonstrate that the site will be left in a usable condition;
2. Agree to cover the finished grades, except exposed ledge rock, with at least 3 inches of topsoil and seed with a suitable crop cover upon completion of the operation; and,
3. Post bond with the Town Treasurer sufficient to guarantee such restoration of the site, if required by the Board of Adjustment (see also Section 4407 (8) of the Act).

6.6.3 Pre-existing land fill and excavation are exempt from regulation if continued at the historical rate with no substantial change.

6.7 Existing Small Lots

In accordance with the Act, Section 4412 (2) as amended, any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the date of any enactment of any

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bylaw, including an interim zoning regulation, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet.

- (A) If such an existing small lot subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot shall be deemed merged with the contiguous lot for purposes of this chapter. However, a nonconforming lot shall not be deemed merged and may be separately conveyed, if all of the following apply:
- (i) the lots are conveyed in their preexisting, nonconforming configuration; and
 - (ii) on the effective date of any zoning regulations, each lot had been developed with a water supply and wastewater disposal system; and
 - (iii) at the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and
- (iv) the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems in case a wastewater systems potable water systems, or both, in case there is a failed system or failed supply as defined in 10 V.S.A. Section 1972.

6.8 Reduction of Lot Size

No lot shall be so reduced in area that the area, yards, and lot frontage, or other requirements of these regulations shall be smaller than herein prescribed for each district. This does not apply to Planned Unit Developments.

6.9 Height

No structure (agricultural structures exempt) shall exceed 35 feet in height above the average ground level unless approved by the Board of Adjustment. The Board may permit structures in excess of 35 feet provided the structure does not constitute a hazard and provided that the portion above 35 feet shall remain unoccupied except for normal maintenance.

6.10 Lot Shape

Regular shape lots are encouraged under these regulations. Regular shape lots are defined as lots with:

1. Side lot lines generally perpendicular (90 degrees) to front lot lines for the depth of the lot.
2. Rear lot lines generally parallel to front lot lines.

Bowling alley lots, and lots that are otherwise contorted in order to get around these zoning regulations are not regular shaped lots. Lot lines may be designed to follow existing land characteristics such as land contours, fence lines, roads, and paths, as well as to protect significant natural resources or to avoid excessively steep slopes, water courses, or wetlands, and where no other form of subdivision of the property, including Planned Unit Development, is appropriate or

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possible without severe hardship to the applicant.

6.11 Accessory Apartments and Accessory Dwelling Units

6.11.1 Accessory Apartments: One accessory apartment, located within or appurtenant to a single family dwelling, shall be a permitted use. An accessory dwelling unit means an efficiency or one bedroom apartment that is clearly subordinate to a single family dwelling and has facilities and provisions for independent living, including sleeping, food preparation and sanitation, provided the unit complies with all the following:

1. The owner must occupy either the primary or accessory dwelling, and
2. All applicable setback, coverage, and parking requirements specified in the bylaws are met; and
3. The property has sufficient wastewater capacity; and
4. Floor space shall not exceed 30 percent of the floor space of the existing living area of the single family residence or 400 square feet, whichever is greater. The unit does not exceed 30 percent of the total habitable floor area of the single family dwelling; and

6.11.1.1 In addition to the provisions above, in 6.11.1, the creation of an accessory dwelling unit will require conditional use approval, when one or more of the following is involved:

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

6.11.2 Accessory Dwelling Unit to a Single Family Dwelling Unit on a Farm: One accessory dwelling unit to a single family dwelling on an operating farm is permitted for the purpose of providing housing to people working on the farm. The dwelling must meet the dimensional and other requirements, except density, of the zoning regulations and comply with the Town Health Regulations.

6.12 Agricultural Structures

Agricultural structures shall conform with Title 24, section 4413 (d) of the Vermont State Statutes.

6.13 Abandonment and Removal of Construction or Damaged Structures

Within one (1) year after work on an excavation has begun or within two (2) years after the abandonment of any structure which has been substantially damaged by fire or other cause, or if active work on an uncompleted construction project has not occurred in such period, the owner shall either remove all ruins and structural materials and restore the site to a smooth grade, or resume

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construction or repair of the structure.

6.14 Junkyards

Commercial junkyards are subject to the Zoning Board and Select Board's review and State Regulations. See 24 V.S.A. Section 2241, and as defined in Section 7.2 of this bylaw.

6.14.1 Open Storage in Residential Districts. In any residential district vans and trucks of more than one ton carrying capacity, unlicensed motor vehicles, and cars used for drag or stock car racing must be stored in an enclosed garage and shall not be parked in the front, side or rear yards.

6.15 Projection in Setbacks

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

Except for landscaping and fences, every part of a required yard shall be open from grade level to the sky, unobstructed, except for the ordinary projections of sills, cornices, pilasters, chimneys, and eaves, provided that no such projections may extend more than two feet into any required setback.

6.16 Temporary Uses and Structures

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

6.17 Public Utility Substations

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

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

6.18 Auto Service Stations

In all districts where permitted, new auto service stations shall comply with the following:

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1. A new auto service station shall not be located within three hundred feet of any lot occupied by a school, hospital, library, or religious institution.
2. Lot size shall be at least 20,000 square feet.
3. Lot frontage shall be at least 150 feet.
4. Lot depth shall be at least 125 feet.
5. Pumps, lubricating and other service devices shall be located at least thirty feet from the front lot line and side and rear lot lines.
6. All fuel and oil shall be stored at least thirty-five feet from any property line.
7. All automobile parts and dismantled vehicles are to be stored within a building, and no repair work is to be performed outside a building.
8. No signs shall extend beyond the pumps, nor exceed fifteen feet in height.
9. There shall be only a maximum of two access driveways from the street.

6.19 Childcare Facilities

1. A “family child care home or facility” as used in this subdivision means a home or facility where the owner or operator is to be licensed or registered by the state for child care.
2. A family child care home serving six or fewer children shall be considered to constitute a permitted single family residential use of property.
3. A family child care home serving no more than six full-time children and four part-time children, as defined in subdivision 4902(3)(A) of Title 33, shall be considered to constitute a permitted use of property but requires site plan approval based on local zoning requirements. A family child care facility serving more than six full-time and four part-time children may, at the discretion of the municipality, be subject to all applicable municipal bylaws.

6.20 Residential Care Homes

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

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7.1 General Definitions

Except where specifically defined herein, all words used in these regulations shall carry their customary meaning. The word "shall" is mandatory and the word "may" is permissive. Any interpretation by the Administrative Officer may be appealed to the Board of Adjustment for a declaratory ruling. In such cases, the Board shall base its ruling upon the following definitions, state Laws and the need for the reasonable and effective implementation of this bylaw. For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

7.2 Specific Definitions

Accessory use/ structure: A use or structure which is incidental and subordinate of the principal use or structure and located on the same lot, such as patios, porches, garages, toolsheds and the like. A structure used for dwelling purposes shall not be considered an accessory structure.

Agriculture: Land used primarily for cultivating soil and producing crops or raising livestock for the purpose of economic gain, including the sale of such farm crops, horticultural products, livestock or forest products raised on the property, but not including commercial slaughterhouses.

Antenna: A device attached to a tower or other structure for transmitting or receiving electromagnetic waves.

Atmospheric Pollution: Discharging from stacks, chimneys, exhausts, vents, ducts, openings, buildings, structure, premises, open fires, portable boilers, vehicles, processes, or any source, of any smoke, soot, fly ash, dust cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid or gaseous matter, or any other materials in such place, manner or concentration as to cause injury, detriment, nuisance, or annoyance to the public, or to endanger the health, comfort, repose, safety or welfare of the public, or in such a manner as to cause or have a natural tendency to cause injury or damage to business or property.

Auto Service Station: Any area of land, including structures thereon that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or servicing such motor vehicles. A service station is not a sales, or major repair agency for autos, trucks or trailers.

Base Flood: The 100-year worst flood as estimated and mapped by the Federal Insurance Administration. This area of special flood hazard is shown on the Flood Insurance Rate Maps (FIRM) and Floodway Maps (copies available at the Town Offices) as "Zones A2, A3, A4, and A6."

Building: A structure designed, built, or used as a shelter for persons, animals, or property.

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"Buildings" shall include lunch wagons, travel trailers, mobile homes, etc., when sited in such a manner that they are not readily movable.

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

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

Campgrounds: A place or business providing tenting or camping vehicle accommodations for commercial purposes, including travel trailer parks and the like.

Camping Vehicle: Travel trailer, tent trailer, motor home, camper trailer, truck camper, or any other device or conveyance so constructed as to permit its ready transport on public highways and designed as temporary living/sleeping quarters.

Camps: Any structure suited for habitation but not intended or used for year-round occupancy.

Clinic: An office building used by members of the medical profession for diagnosis and outpatient treatment of human ailments.

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

Club House, Membership: Included YMCA, YWCA, YMHA, fraternity, sorority, lodge, religious and similar clubs which may have dormitory accommodations.

Commercial Facilities: Includes the sale of goods (such as grocery, hardware, general supplies, specialty shops, vehicle and equipment sales, etc.) and also includes restaurant, business and professional offices, and other service establishments.

Community Facilities (Public): Includes the erection, construction and alteration in facilities or nature of use (by any municipal, state or federal government, public utility or other quasi-public institution) of public buildings, electric transmission lines, recreation facilities, water supply and sewage treatment facilities, educational, health care, civic, religion, fraternal and similar non-profit institutions (see also "Essential Services").

Construction: Exterior substantial improvements or new assembly or placement of a structure on a site including any related site preparations, excavation, and grading.

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

Development/ Land Development: New construction, substantial improvement, replacement or

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relocation of any structure; enlargement of any mining, excavation or landfill; grading and any change in drainage patterns; and any change in use of any structure, or land, or extension of use of land (see also definitions of "Substantial Improvement" herein).

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

Drive-In Restaurant or Refreshment Stand: Any place or premises used for sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

Dwelling, Single-Family: A detached residential dwelling unit designed for and occupied by one family only.

Dwelling, Two-Family: A residential building designed for or occupied by two families living independently of each other in individual dwelling units.

Dwelling, Multi-Family: A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Unit: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. It shall include prefabricated and modular units, but not include travel trailer, motel, hotel, or similar structures.

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

Excavation and Land Filling: Shall include any commercial or industrial extraction of earth resources. Any breaking of ground, extraction or movement of earth or rock, or any alteration of existing drainage patterns which substantially affects adjacent properties. Common agricultural tillage, ground care, gardening, and excavations in cemeteries shall be exempt from this bylaw.

Fence: A barrier intended to prevent intrusion or make a boundary.

FAA: Federal Aviation Administration

Family: One or more persons occupying a single dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a board house, lodging house, club, fraternity or hotel.

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FCC: Federal Communications Commission

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

Frontage: Length of the lot boundary measured along the public road right-of-way or mean watermark of a public waterway.

Gross Leasable Area: The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Home Occupations: An occupation, carried on within a principal or accessory residential structure, which is customarily incidental and secondary to the use of the premises for dwelling purposes, and which does not substantially alter the character thereof.

Hospital: Includes sanitation, clinic, rest home, nursing home, convalescent home, home for the aged, any other place for the diagnosis and treatment of human ailments.

Interested Person: A party who may legally appeal to the Board of Adjustment or Environmental Court, as prescribed by the Act, Section 4465 (b) generally including any of the following:

- (1) the party owning title to the subject property, or the designated agent of said party;
- (2) a person owning or occupying property in the immediate neighborhood, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.;
- (3) any ten persons who may be any combination of voters or real property owners within the Town who file a petition with the Board of Adjustment. The petition must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal;
- (4) the Board of Selectmen of the Town, or of any adjoining town;
- (5) certain State Agencies and the Agency of Commerce and Community Development.

Junk: Old or scrap copper, brass, iron, steel and other old or scrap or nonferrous material, including but not limited to rope, rags, batteries, glass, rubber debris, waste, trash or any discarded dismantled, wrecked, scrapped or ruined motor vehicles or parts thereof.

Junk Yard: Land or building used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material, or for the collecting, wrecking, dismantling, storage, salvaging and sale of machinery parts or vehicles not in running condition (see Section 2241 of the Act).

Light Industries: The processing, warehousing or fabrication of certain materials and products where no process involved will produce noise, vibration, odor, air pollution, fire hazard or noxious emissions which will disturb or endanger neighboring properties. Included are woodworking

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facilities, manufacturers of apparel, printed materials, electrical instruments or home appliances and similar "light industries."

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

Lodging Establishment: A building or buildings containing rooms which are rented (for commercial purposes) as sleeping units for transients, such sleeping unit consisting of, at the least, a bedroom and a bathroom. Included are hotels, motels, tourist courts, cabins, motor lodges, rooming and boarding houses, bed and breakfast, with more than five (5) rental units (rooms).

Lot: A lot is a parcel of land occupied or to be occupied by only one main building and the accessory buildings or uses customarily incident to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or other means of access approved by the planning commission. In no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this by-law.

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

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

Lot of Record: Any lot which individually, or as part of a subdivision, has been recorded in the office of the Town Clerk.

Mixed Use: A building or structure within which is located two or more uses which are permitted in the district where the mixed-use building is permitted. Mixed uses may include two or more different commercial uses, commercial and residential uses, and/or commercial and industrial uses.

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

Motor Vehicle Sales and Repair Facility: Enclosed establishment for the display, sale and repair of new and used motor vehicles, trailers, mobile homes and boats. No retail sale of gasoline, or retail sale of oil except as incidental to the repair facility.

Neighborhood Commercial Facility: Any commercial facility such as a grocery, general, newspaper

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or drug store or retail service establishment intended principally to serve the hamlet in which it is located.

Non-conforming Use: A use of land or of a structure which does not conform to the (district) allowable use provisions of this bylaw, where such use conformed to all applicable laws, ordinances, and regulations prior to its enactment.

Non-conforming Structure: A structure or part thereof not in compliance with minimum dimensional regulations including height, area, setback or off-street parking and similar requirements, where such structure complied with all applicable laws, ordinances, and regulations prior to the enactment of this bylaw.

Non-Residential Use: All uses of buildings, structures of land except single-family dwellings, two-family dwellings, and multi-family dwellings.

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

Off-Lot Water and Sewer: The providing of water from a source and the disposal of the sewage not located on the lot on which is located the building for which these utilities are provided. Further provided that each of these systems shall be designed so as to provide service to ten or more independent users.

On-Lot Water and Sewer: The providing of water from a source such as a drilled well and the disposal of the sewage by such means as septic and drainage field located on the same or adjacent lot as the building for which these utilities are located.

Parking Space, Off-Street: For the purposes of this by-law, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley and so that any automobile may be parked and unparked without moving another.

Personal & Professional Services: Includes: barber, hairdresser, beauty parlor, shoe repair, doctor, dentist, lawyer, planner, shoe shine, laundry, Laundromat, dry cleaner, photographic studio, and business providing similar services of a personal and professional nature.

Planned Unit Development (PUD): A proposal to the Planning Commission for a unique and innovative project to provide a different mixture, density and arrangement of residential, non-residential uses or both than otherwise possible under this bylaw (see also the Act, Section 4417 and section 4.7 herein). The project may include any combination of residential, commercial uses, industrial uses, recreational uses, education or community facilities or dwelling units in detached, semi-detached or multi-storied structures.

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Plot Plan: A development plan map showing, at an appropriate scale, all existing physical and man-made features, all property, easement and right of way lines, all proposed structure locations and land use alterations, and any other information as may be required to determine compliance with the provisions of these regulations.

Principal Structure/Use: A structure or uses directly involved with the primary purpose of ownership on a particular lot, which together with its accessory structures/uses, constitutes all structures and uses of said lot.

Public: Usage by agencies and departments of local, state and federal government.

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

Public Water, Public Sewer: Water supply and sewage disposal systems approved by the Town Board of Selectmen for municipal operation.

Recreation Facility - Indoor: Includes indoor bowling alleys, theaters, table tennis and pool halls, skating rinks, gymnasiums, swimming pools, hobby workshops, and similar places of indoor commercial recreation.

Recreation - Outdoor: Includes golf courses, golf driving ranges, trap, skeet and archery ranges, swimming pools, skating rinks, tennis courts, riding stables, recreation stadiums, skiing, campgrounds, boys and girls camps and similar places of outdoor recreation.

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

Residential Development: An area of land controlled by a landowner, which is developed for four (4) or more detached dwelling units, each having the minimum lot size and the dimensional requirements and meeting all other provisions contained in this bylaw.

Residential Use: Includes single-family dwelling, two-family dwelling, and multi-family dwelling.

Retail Store: Includes enclosed restaurant, cafe, shop and store for the sale of retail goods, personal service shop and department store; and shall exclude any drive-up service, free-standing retail stand, gasoline service and motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.

Rooming and Boarding Houses: A building, residential in character, where more than two persons, for a fixed period of time are supplied with and charged for meals or sleeping accommodations or both, and not to exceed five (5) rental units, (see also "Lodging Establishments"). Bed and Breakfasts are included.

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Semi-Public: Usage by non-profit organizations such as churches, fraternities, YMCA, charitable and non-profit social organizations for non-profit purposes.

Set back: The distance between a structure and the right of way or lot line, measured horizontally from the foundation, exterior wall or roof supports (whichever is closer) to the particular feature (lot line, road right of way, watercourse, etc.)

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however, that the following shall not be included in the application of the regulation herein:

- a. Sign not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- b. Flags and insignia of any government except when displayed in connection with commercial promotion;
- c. Legal notices, identification, informational, or directional signs erected or required by governmental bodies;
- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving posts or moving lights;
- e. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Signs, Numbers and Surface Area. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all the display area of the sign and including in computation of surface area.

Sign, On-site: A sign relating in its subject matter to the premises on which it is located, or to product, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Sign, Off-Site: A sign other than an on-site sign.

Street: Public way for vehicular traffic that affords the principal means of access to abutting properties.

Street Frontage: Lot lines that abut a public street.

Street Line: Right-of-way line of a street as dedicated by a deed of record. Where the width of the street is not established, the street line shall be considered to be thirty feet from the center of the

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street pavement.

Structure: Anything constructed, erected, or placed and which requires a fixed location on the ground in order to be used. Included in addition to buildings are signs, garages, carports, patios, walls, swimming pools any other outbuilding or building features. Not included are sidewalks, driveways, fences, planters and similar minor landscaping items.

Structure Height: The vertical distance measured from the average grade at the elevation of the proposed finished grade to the highest point of such structure.

Substantial Improvement: Exterior construction, reconstruction, addition, alterations or replacement of a structure which results in new floor space or building area in excess of:

- a. three hundred (300) square feet in the town area or
- b. one hundred (100) square feet in the village area

NOTE: This definition does not include accessory structures.

Tower: A structure more than 20 feet in height above the ground elevation built for the purpose of supporting, elevating, or placement of antennas for broadcast services or wireless services.

Travel Trailer: Trailer shall mean any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways and whether licensed or not, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons, and not provided with a toilet and bathtub or shower and cannot readily be connected to a community sewer and water service. A trailer under this local law shall also mean tent trailers, truck campers, vehicles converted to sleeping facilities other than a mobile home, and/or what normally constitutes a permanent dwelling unit. This definition included uses to which trailers might be put.

Use: The specific purpose for which land or a building is arranged, designed or intended, or for which either land or a building may be occupied or intended.

Vantage Point: A point located on a public highway or public water body in Richford from which a proposed wireless communication facility will be visible.

Warehouse: Includes warehouses wholesale establishment, discount house, bulk storage, and bulk sales outlet.

Wireless Communication Facility: A tower, pole, antenna, guy wire, or related fixtures or equipment intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic spectrum-based transmissions/reception and for which a license is sought or has been granted by the FCC; the construction; or improvement of a road, trail, building, or structure incidental to a communications facility.

Yard: An open space on a lot, unoccupied and unobstructed from the ground upward, except as

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otherwise provided in these regulations.

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

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

Yard, Side: Yard between the principal building or accessory building and a side lot line, and extending through from the front yard to the rear yard.