



TOWN OF WAITSFIELD

**NOTICE of WAITSFIELD SELECTBOARD PUBLIC HEARING
to Consider Proposed Amendments
to the Waitsfield Zoning Bylaws
has been rescheduled to
Monday, June 8, 2009, 7:00 p.m.
Waitsfield Town Office**

The **Waitsfield Selectboard** will convene a public hearing on Monday, June 8, 2009, 7:00 p.m., at the Waitsfield Town Office in accordance with 24 VSA §4442 to consider amendments to the Waitsfield Zoning Bylaws, which were forwarded by the Waitsfield Planning Commission. The purpose of these proposed amendments is to correct unintended changes and omissions that were erroneously included in the dimensional and setback standards adopted January 26, 2009. The proposed regulations will affect all lands within the Town of Waitsfield. Below is an abbreviated table of contents:

- Article I. Authority & Purpose
- Article II. Zoning Districts
- Article III. General Regulations
- Article IV. Specific Use Standards
- Article V. Development Review
- Article VI. Administration & Enforcement
- Article VII. Definitions

The full document, proposed amendments, and the Planning Commission's report are available for review at the Waitsfield Town Office during regular business hours and on-line at www.waitsfieldvt.us. Interested citizens are invited and encouraged to attend the hearing or submit comments in writing to the Waitsfield Selectboard, 9 Bridge Street, Waitsfield, VT 05673 or e-mail at townadmin@madriver.com.

Valerie Capels
Town Administrator

**Planning Commission Reporting Form
for Corrective Amendments to the
Waitsfield Zoning Bylaws**

Submitted by: **The Waitsfield Planning Commission**

Date: March 20, 2009

To: Central Vermont Regional Planning Commission Executive Director Susan Sinclair; Planning Commission Chairmen Kevin Wry (Fayston), Mike Ketchel (Warren), Stephen Sharp (Moretown), Catherine Gjessing (Duxbury) and Stephen Fitzhugh (Northfield); and Vermont Department of Housing and Community Affairs

This report is submitted in accordance with 24 V.S.A. §4441 and §4444.

The primary purpose of this proposed zoning bylaw amendment is to correct unintended changes to setbacks that were erroneously included in the bylaw revisions adopted January 26, 2009. The intent of the January 26, 2009 revisions was to make the setback language consistent across all districts, by referencing "the centerline of the road." The setback distances themselves were not meant to be changed, but in the course of changing the language, errors occurred that resulted in effectively changing some of the setbacks.

The amendment now proposed will correct those setback distances to what they were in the May 2005 bylaws, adjusted to reflect the ROW by adding 25 feet where the language was changed from "from the road" or "from the streetline" to "from the centerline of the road."

In addition, this amendment corrects three other errors, one in the Table of Contents, one in the sign regulations, and a formatting error.

The proposed bylaw amendment eliminates errors that appear in the bylaw revisions adopted January 26, 2009, revisions which are in compliance with the goals and policies and the proposed future land uses and densities articulated in the Waitsfield Town Plan. The proposed bylaw amendment does not implement any specific proposals for planned community facilities.

The corrective revisions proposed in this amendment are:

1. Table of Contents: Change page number for Access Management to 23.
2. Page 11, Table 2.03 Irasville Village District: Add rear yard setback of 25 feet, as per the May 2005 bylaws. It was omitted in the January 26, 2009 amendments in error.
3. Page 11, Table 2.03 Irasville Village District: Correct front setback from 35 to 40 feet. (Setback in May 2005 bylaws was 15 feet from the streetline.)

4. Page 11, Table 2.03 Irasville Village District: Correct wording for Minimum Building Height to "2 stories above grade (excluding accessory structure not greater than 600 square feet)." The words "600 square feet" disappeared during formatting.
5. Page 13, Table 2.04 Commercial Lodging District: Correct front setback for Hotels, etc. to 225 feet from Rt. 100 centerline, and for All Other Uses to 100 feet from the centerline of all roads. (Setbacks in May 2005 bylaws were 200 feet "from Rt. 100" for Hotels and 75 feet "from all roads" for All Other Uses.)
6. Page 17, Table 2.07 Agricultural-Residential District: Change front setback to 75 feet from the centerline of the road. This setback was erroneously changed to 100 feet from the centerline.
7. Page 36, Table 3.3 Exempt and Prohibited Signs: The allowed size of a flag or banner indicating a business is open or holding a sale is corrected from 8 square feet to 12 square feet, and this exemption is removed from item #16 and renamed item #17.

Copies of the bylaws with the proposed corrections marked can be examined at the Waitsfield Town Office at 9 Bridge Street.

Comments and questions may be addressed to the Planning and Zoning Administrator at 496-2218 (pza@madriver.com).

Corrective Amendments Draft approved
 by the Planning Commission on 4/21/09
 and submitted to the Selectboard for review
 on 4/22/09.

Waitsfield Zoning Bylaw

Adopted by the Selectboard January 26, 2009

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Table 2.03 (continued)
Irasville Village District

D. Dimensional Standards (unless otherwise specified by use type):

Minimum Lot Size:	1 acre
Minimum Road Frontage	100 feet
Minimum Setbacks:	
Front Yard/other roads	35 40 feet from road centerline
Side Yard	15 feet
Rear Yard	25 feet 10 feet for accessory structures
River or Stream	In accordance with section 3.12.
Maximum Building Coverage	40%
Maximum Building Height	35 feet
Minimum Building Height	2 stories above grade (excluding accessory structure not greater than 600 square feet)
Maximum Lot Coverage:	50%

**Table 2.04 (continued)
Commercial Lodging District (CL)**

D. Dimensional Standards (unless otherwise specified by use type):

	Hotels/Lodge Inn	All Other Uses
Minimum Project Size	20 acres	N/A
Minimum Lot Size	0.25 acres/unit	1 acre
Minimum Road Frontage	450 feet	200 feet
Setbacks		
Front Yard	200 225 feet from route 100 centerline	75 100 feet from centerline of all roads
Side Yard	150 feet	50 feet
Rear Yard	150 feet	25 feet
River or Stream	In accordance with Section 3.12	In accordance with Section 3.12
Maximum Building Height	35 feet	35 feet

E. **Other District Standards:** Within this district, all major subdivisions as defined in Article VII and the *Town of Waitsfield Subdivision Regulations* are subject to planned unit or planned residential development review by the Development Review Board, and associated standards, under Section 5.04. These standards may be applied to other subdivisions at the option of the subdivider.

**Table 2.07
Agricultural- Residential District (AR)**

A. Purpose. The purpose of the Agricultural-Residential District is to provide for low density residential development; to permit the continuance and expansion of agricultural operations; to encourage clustered housing units to preserve open space; to preserve the significant scenic resources of this district, including scenic roads, historic structures, and open spaces; and to protect natural resources.

B. Permitted Uses

1. Accessory Dwelling no larger than 800 sq. ft. or 30% of the gross floor area of the principal dwelling, whichever is greater
2. Accessory Structure/Use (to a permitted use)
3. Agriculture
4. Forestry
5. Home Child Care
6. Home Occupation
7. Single-family Dwelling

C. Conditional Uses:

1. Accessory Dwelling larger than 800 sq. ft or 30% of the gross floor area of the principal dwelling, whichever is greater
2. Accessory Structure/Use (to a conditional use)
3. Adaptive Reuse of Historic Barns
4. Bed & Breakfast
5. Cemetery
6. Child Care Facility
7. Commercial Water Extraction
8. Cultural Facility
9. Extraction of Earth Resources
10. Home Business
11. Mobile Home Park
12. Multi-family Dwelling (3 dwelling units or greater in PRD only)
13. Public Facility
14. Recreation Facility/Outdoor
15. Small-scale processing of farm and forest products
16. Special Events
17. Telecommunications Facility

D. Dimensional Standards (unless otherwise specified by use type):

Minimum Lot Size:	1 acre
Bed & Breakfast	0.33 acre/unit
Minimum Road Frontage	
Scenic roads	200 feet
All other roads	90 feet
Minimum Setbacks:	
Front Yard (from road centerline)	40 75 feet
Side Yard	25 feet
Rear Yard	25 feet
River or Stream	In accordance with section 3.12.
Maximum Building Coverage:	N/A
Maximum Building Height:	35 feet

**Table 3.3
Exempt and Prohibited Sign**

- (A) **Exempt Signs.** No zoning permit shall be required for the following types of signs, which are exempt from these regulations:
- (1) Signs erected by the state or town on public roads.
 - (2) Non-advertising signs placed for directional, safety or public service purposes which do not exceed 2 square feet in area.
 - (3) One sign offering real estate for sale, not to exceed 4 square feet, to be located on the premises offered for sale, placed outside of the road right-of-way and shall be removed from the premises within 5 business days of conveyance of the property.
 - (4) One residential sign per dwelling unit identifying the occupant, not to exceed 2 square feet in area; and residential flags or banners intended solely for ornamental or non-advertising purposes.
 - (5) Signs relating to trespassing and hunting, each not to exceed 2 square feet in area.
 - (6) Temporary auction, lawn, or garage sale not to exceed 4 square feet in total area, which shall be displayed for not more than 10 days per calendar year and be removed immediately following the event or sale.
 - (7) Temporary election signs to be posted and removed in accordance with state law.
 - (8) Temporary signs or banners for an event of a civic, philanthropic, service, or religious organization, fair, exposition, or similar event, which are placed no earlier than seven days prior to the event and which are removed the day after the event is completed.
 - (9) Signs or bulletin boards incidental to places of worship, schools, libraries or public facilities, not to exceed one per establishment, 16 square feet in total area, or 6 feet in height above ground level.
 - (10) Unlit signs associated with farm operations, not to exceed one per establishment or 16 square feet in area.
 - (11) Unlit wall-mounted or freestanding signs advertising a home occupation, home business or home child care facility, not to exceed one per residential dwelling or 4 square feet in area.
 - (12) On-premise historic or landmark signs, not to exceed one in number or 6 square feet in area.
 - (13) Murals intended solely for artistic, non-advertising purposes.
 - (14) Window signs which do not exceed 30 percent of the window pane area.
 - (15) Temporary "Help Wanted" signs not to exceed 4 square feet.
 - (16) One temporary construction sign, not to exceed 16 square feet in total area or 10 feet in height, located on the construction site, providing such sign is promptly removed immediately following completion of construction.
- (17) One flag or banner per separate business premises, not exceeding 8-12 square feet in area, used to indicate the business is open or is having a sale or special event. The flag or banner must only be displayed while the business is open.

- (B) **Prohibited Signs.** The following signs are prohibited in all districts:
- (1) Signs which impair highway safety.
 - (2) Signs which are internally illuminated, animated, flashing, oscillating, revolving or made of reflective material, unless necessary for public safety or welfare.
 - (3) Signs painted on or attached to rock outcrops, trees, or similar natural features.
 - (4) Wall signs which extend above the eave of the roof.
 - (5) Permanent signs which project over public rights-of-way or property lines.
 - (6) Signs identifying businesses or uses which are no longer in existence.
 - (7) Signs located on motor vehicles which are used primarily as a support or foundation.
 - (8) Off-premises signs, except for those which conform to state laws.

3. **Appendage Signs.** An appendage sign may be made to the face of or under the principal sign of a hotel, motel, lodge, or boarding house in order to notify the public as to vacancy, and to the principal sign of a restaurant to notify the public that the facility is open or to inform the public that an event is scheduled, provided that the appendage sign is:

- a. Not larger than 2 square feet.
- b. Of the same material and character as the principal sign.