

TOWN OF GROTON

Vermont

ZONING BYLAW

Adopted March 2, 2004

Groton Zoning Bylaw Introduction

The Groton Planning Commission, along with the aid of the Zoning Administrator and the Listers of the Town of Groton, have made changes to the Adopted March 2, 1999 Zoning Bylaws. These changes have been made to clarify issues, simplify the process, and return some property rights back to the townspeople. The following Zoning regulations were adopted at Town Meeting on March 2, 2004.

The Groton Planning Commission, as a part of its municipal planning efforts, has prepared the Groton Zoning Bylaw as a means of implementing the Groton Town Plan. The purpose of this zoning bylaw is to insure the proper development of the lands within the Town of Groton and the protection of the public's safety and welfare. This regulation has been designed to accomplish this goal by in several ways.

First the bylaw creates several districts, each with its own list of permitted and conditional uses and minimum lot area requirements. The use lists and minimum lot area requirements have been designed in such a manner so as to result in development that is compatible with the soil conditions and existing development in each of these districts. These districts will also have the effect of segregating incompatible uses thereby reducing or eliminating potential impacts between such uses. The district regulations also set forth requirements called setbacks that require all new structures to be so many feet from the property lines of the lot on which a structure is being built. These requirements will protect the value of private property in town.

This bylaw will also protect the public safety and welfare. For example, the section on parking will protect the public safety by providing ample off street parking. Preventing or reducing on street parking on streets that are not designed for on street parking will reduce or eliminate safety hazards caused by cars parked on such streets.

The Planning Commission, along with the aid of the Zoning Administrator and Listers have made changes to the Adopted March 2, 1999 Zoning Bylaws.

If you should have any questions regarding these regulations, they can be addressed to either the Zoning Administrator or the Planning Commission.

TOWN OF GROTON, VERMONT
ZONING BYLAW

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Adopted March 2, 2004

TOWN OF GROTON, VERMONT
ZONING BYLAW

ARTICLE 1: ENACTMENT & INTENT

§101: Enactment

In accordance with the Vermont Municipal and Regional Planning and Development Act (24 VSA, Chapter 117), there is hereby established a zoning bylaw for the Town of Groton, Vt. which is set forth in the text and map that constitutes this bylaw. This bylaw shall be known and cited as the "Town of Groton" Zoning Bylaw."

§102: Intent

It is the intent of this Zoning Bylaw to provide for orderly community growth and to further the goals, objectives and purposes established in the Municipal Plan and 24 VSA, §4302.

§103: Procedure for Applicant Permit

- a. Call the Town Clerk's office for a Zoning Permit Application (802-584-3276).
- b. Return the Zoning Permit to the Town Clerk's office with the Permit fee along with any questions for the designated Zoning Administrator.
- c. Once the designated Zoning Officer has received said permit application, the designated Zoning Officer will inspect said property named on the application within fifteen (15) days.

ARTICLE 2: ESTABLISHMENT OF DISTRICTS & BOUNDARIES

§201: Establishment of Zoning Districts

The Town of Groton, Vt. is hereby divided into the following Zoning Districts as shown on the Town of Groton, Vt. Zoning Map:

"CON"	Conservation District
"C/I"	Commercial/Industrial
"RR"	Rural District
"SL"	Shoreland District
"V"	Village District

§202: Zoning District Boundaries

The general location and boundaries of zoning districts are shown on the attached reduced Zoning Map. Regardless of the existence of other printed copies of the zoning map, which from time to time may be made or published, the official zoning map, which shall be located in the office of the Town Clerk, shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the town. The large-scale Official Zoning Map dated July 21, 1998 and located in the Town Office, shows these areas in more detail and is hereby made a part of this bylaw.

§203: Interpretation of District Boundaries

- 203.01 All zoning district boundaries shown as following a road shall be deemed to follow the centerline of such road.
- 203.02 All zoning district boundaries shown as following a property line shall be deemed to follow such property line.
- 203.03 All zoning district boundaries shown as following a river, brook, or stream shall be deemed to follow the centerline of such river, brook, or stream.
- 203.04 All zoning district boundaries shown as following the shoreline of a pond or lake shall be deemed to follow the mean high water mark of such pond or lake.
- 203.05 If uncertainty exists with respect to the location of any district boundary on the official Zoning Map, dated July 21, 1998, the Planning Commission shall determine the location of such boundary.

§204: Application of Bylaw

The application of this bylaw is subject to 24 VSA, Chapter 117. Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land excavated or structure, or land part thereof shall be occupied or used unless in conformity with this bylaw as herein specified for the district in which such structure is located. Any use not permitted by this bylaw shall be deemed prohibited.

§205: District Regulations

The following subsections describe the purpose of each district and delineate the permitted and conditional uses in that district as well as other specific district standards.

§205.01: Village District (“V”)

Objective:

This is the area in the central part of the community and is designed to continue the New England character, which includes residential, commercial and religious uses. Growth should be concentrated within the village centers, leaving much of the open land less developed. It is important to preserve and promote the residential character of the village. The boundaries shall be shown on the official zoning map on file in the Town Clerk's office.

Permitted Uses:

1. Accessory use/structure
2. Agriculture
3. Bed and Breakfast
4. Community center
5. Daycare of 6 or less children
6. Dwelling, one family
7. Dwelling, two family
8. Forestry
9. Home occupations
10. Mice, private or public
11. Public buildings
12. Religious institution
13. School

Conditional Uses:

1. Auto sales/service
2. Bank
3. Bars/Clubs
4. Carwash
5. Cemetery
6. Clinic
7. Contractors yard
8. Daycare of 7 or more children
9. Dwelling, multifamily
10. Essential services
11. Fuel station/auto repair
12. Hospital
13. Light industry
14. Nursery school
15. Nursing home
16. Overnight accommodations
17. Personal services
18. Public assembly

19. Recreational facility
20. Restaurant
21. Retail business
22. Theaters
23. Wholesale use

Minimum Area and Dimensional Requirements:

Lot Area Minimum (sq. ft.)	40,000
Lot Frontage Minimum (ft.)	100
Lot Depth Minimum (ft.)	200
Front Yard Minimum (ft.) Change to 24.9 ft. from the center of any traveled highway.	
Rear Yard Minimum (ft.)	25
Side Yard Minimum (ft.)	25
Building Height Maximum (ft.)	50(1)

- (1) But not more than three (3) habitable stories.
- (2) Measured from the edge of the traveled right-of-way. The front yard setback for the development of lots not presently developed but have existing development on either side, shall be the least of the front yard setbacks on the adjoining properties.

§205.02: Rural District ("RR")

Objective:

This district is comprised of residential, agricultural and other compatible uses at densities compatible with the physical capability of the land and the availability of community facilities and services on lands outside of Village District areas. Planned unit development, open space preservation and other techniques for preserving the rural character of these areas are encouraged. The boundaries shall be shown on the official zoning map on file in the Town Clerk's office.

Permitted Uses:

1. Accessory uses/structure
2. Agriculture
3. Daycare of 6 or less children
4. Dwelling, one family
5. Dwelling, two family
6. Forestry
7. Home occupations

Conditional Uses:

1. Bed and Breakfast
2. Boarding house
3. Campground
4. Cemeteries
5. Clinic
6. Clubs
7. Commercial forestry structures

8. Contractor yard
9. Daycare of 7 or more children
10. Dwelling, multi-family
11. Essential services
12. Hospital
13. Hotel/Motel
14. Industry
15. Mobil home park
16. Nursing home
17. Office, private or public
18. Personal services
19. Public assembly
20. Public buildings
21. Recreation facility
22. Religious institution
23. Restaurant
24. School
25. Soil, sand, gravel and stone quarries
26. Veterinary clinic
27. Warehouse
28. Wireless communication facilities

Minimum Area and Dimensional Requirements:

Lot Area Minimum (sq. ft.)	40,000
Lot Frontage Minimum (ft.)	100
Lot Depth Minimum (ft.)	200
Front Yard Minimum (ft.)	24.9
Rear Yard Minimum (ft.)	25
Side Yard Minimum (ft.)	25
Building Height Maximum (ft.)	50(1)

(1) But not more than two (2) habitable stories (2) Measured from the edge of the traveled right-of-way.

§205.03: Commercial/Industrial (C/I)

Objective:

This district allows for the continuation of the New England character providing services and shopping opportunities by allowing light industrial, office and warehouse uses that will not be detrimental to surrounding residential uses. The area provided takes into consideration truck access and the availability of utilities. Within this district, multi-story structures with retail businesses on the ground floor may have (residential and/or) office uses located on any floor. Any change of a structure from commercial to a non-commercial use shall be approved by the Zoning Board of Adjustment. The boundaries shall be shown on the official zoning map on file in the Town Clerk's office.

Permitted Uses:

1. Accessory use/structure
2. Agriculture
3. Banks
4. Bed and Breakfast
5. Commercial business under 2000
6. Day care of 6 or less children
7. Dwelling, one family
8. Dwelling, two family
9. Forestry
10. Home occupation (1)
11. Light manufacturing under 2000 ft².
12. Office
13. Retail businesses

Conditional Uses:

1. Auto sales/service
2. Car wash
3. Clinics
4. Clubs
5. Commercial business over 2000 ft²
6. Day care of 7 or more children
7. Dwelling, multi-family
8. Essential services
9. Gasoline station
10. Hotels/motels
11. Industry
12. Mobil Home park
13. Personal services
14. Public buildings
15. Recreation facility
16. Religious institution
17. Restaurants
18. Theaters
19. Warehouse
20. Wholesale use
21. Commercial/Residential

Minimum Area and Dimensional Requirements:

	A(1)	B(2)
Lot Area Minimum (sq. ft.)	80,000	40,000
Lot Frontage Minimum (ft.)	150	100
Lot Depth Minimum (ft.)	200	200
Front Yard Minimum (ft.)	24.9	24.9
Rear Yard Minimum (ft.)	50	25
Side Yard Minimum (ft.)	50	25
Building Height Maximum (ft.)	50(3)	50(1)

- (1) Column (A) is for all commercial & industrial buildings as listed under permitted & conditional uses.
- (2) Column (B) is for all one and two family dwellings only.
- (3) But not more than two (2) habitable stories.
- (4) Measured from the edge of the traveled right-of-way.

§205.04: Shoreland District ("SL")

Objective:

This district preserves the attractive natural features surrounding the ponds and lakes of Groton while permitting seasonal and year round residential uses. Shoreland includes the land within 500 ft. of the mean water level of ponds and lakes designated on the zoning map. The boundaries shall be shown on the official zoning map on file in the Town Clerk's office.

Permitted Uses:

- 1. Accessory use/structure
- 2. Agriculture
- 3. Day care of 6 or less children
- 4. Dwelling, one family
- 5. Dwelling, two family
- 6. Forestry
- 7. Home occupation

Conditional Uses:

- 1. Bed and Breakfast
- 2. Campground
- 3. Day care of 7 or more children
- 4. Outdoor recreational

Minimum Area and Dimensional Requirements:

Lot Size Category	A	B
Lot Area Minimum (sq. ft.)	40,000	5,000
Lot Frontage Minimum (ft.)	100	50
Lot Depth Minimum (ft.)	200	
Front Yard Minimum (ft.)	40	40
Rear Yard Minimum (ft.)	25	25
Side Yard Minimum (ft.)	25	10
Building Height Maximum (ft.) (1)	35	35

- Any lots created after the effective date of this bylaw and all lots in excess of 40,000 square feet must comply with the Lot Size Category A requirements.
- The Lot Size-Category B requirements are for the development of existing lots that are larger than 5,000 square feet but smaller than 40,000 square feet. These lots may be developed for the purposes permitted in this district as long as such development does not put the property in further non-compliance of the Lot Size Category A requirements.

- For shorefront properties the front yards are considered the shoreline side of the lot. Front yard setbacks are to be measured from the mean high water mark of the pond or lake. Backyards are considered the side toward the primary road and will be measured from the centerline of the traveled portion of the right of way.
- No part of the sewage disposal installations shall be closer than fifty (50) feet from the mean watermark of the pond or lake.
- In order to protect the water quality, stabilize the soil, and to prevent erosion, landowners are encouraged to preserve and maintain the natural ground cover.

(1) But not more than two (2) habitable stories.

§205.05: Conservation District (CON)

Objective:

This district is designed to allow for open space and conservation uses. This district is comprised solely of State owned land. The areas that this district covers in the community are not served by adequate facilities and utilities, have certain environmental conditions that cause problems in development, or should be conserved because of their scenic values in order to obtain the community's goal of keeping this an attractive community with adequate open space. The boundaries shall be shown on the official zoning map on file in the Town Clerk's office.

Permitted Uses

1. Accessory use/structure
2. Agricultural
3. Day care of 6 or less children
4. Dwelling, single-family
5. Forestry
6. Home occupation
7. Reservoir
8. Wildlife refuge

Conditional Uses:

1. Campground
2. Cemetery
3. Day care of 7 or more children
4. Essential services
5. Recreational facility
6. Wireless communication facilities

Minimum Area and Dimensional Requirements:

Lot Area Minimum (acres)	25
Lot Frontage Minimum (ft.)	500
Lot Depth Minimum (ft.)	400

Front Yard Minimum (ft.)	100(2)
Rear Yard Minimum (ft.)	200
Side Yard Minimum (ft.)	200
Building Height (ft.)	50(1)

- (1) No more than two (2) habitable stories. No height limit for agricultural use
(2) Measured from the centerline of the traveled portion of the right-of-way.

§206: Permitted Uses

Permitted uses are those uses that may be established upon issuance of a permit by the Zoning Administrator. Such permit may be issued when and only when the applicant has shown that the proposed use and/or structure comply with the requirements set forth in this bylaw. If the proposed use and/or structure require approval of the Board of Adjustment and/or Planning Commission, the Zoning Administrator shall not issue a permit until such approvals have been granted.

§207: Conditional Uses

207.01 Permitted upon issuance of a conditional use permit are those uses that may be allowed by the Board of Adjustment as provided for in 24 VSA, §4407 after public notice and hearing. In order for the permit to be granted the proposed use shall not adversely affect:

- A. The capacity of existing or planned community facilities;
- B. The character of the area affected;
- C. Traffic on roads and highways in the vicinity;
- D. Bylaws in effect with special reference to this zoning bylaw, and;
- E. The utilization of renewable energy resources.

207.02 In permitting a conditional use, the Board of Adjustment may impose, in addition to the regulations and standards expressly specified by this bylaw, other conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the municipality as a whole. These conditions may include but are not limited to the following:

- A. Increasing the required lot size or yard dimensions in order to protect adjacent properties.
- B. Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property.
- C. Controlling the location and number of vehicular access points to the property.
- D. Increasing street width.
- E. Increasing the number of off-street parking or loading spaces required.
- F. Limiting the number, location and size of signs.
- G. Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.
- H. Specifying a specific time limit for construction, alteration, or enlargement of a structure to house a conditional use.

I. Requiring that any future enlargement or alteration of the use be reviewed by the Board of Adjustment to permit the specifying of new conditions.

J. As a condition of the grant of a conditional use, the Board of Adjustment may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of 24 VSA, Chapter 117 and this zoning bylaw.

207.03 A change in use, expansion or contraction of land, area, or alteration of structures or uses which are designated as conditional uses within the district in which they are located and are existing therein, prior to the effective date of this bylaw, shall conform to all regulations herein pertaining to conditional uses.

ARTICLE 3: GENERAL REGULATIONS

§301: Existing Small Lots

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of this bylaw 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. [24 VSA, 4406(1)] (See Article 4)

§302: Frontage or, or Access to Public Roads or Waters

No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right-of-way at least twenty feet in width. [24 VSA, §4406(2)]

§303: Protection of Home Occupations

303.01 No regulation herein is intended to infringe upon the right of any resident to use a portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof. [24 VSA, §4406(3)]

303.02 Exterior displays or signs other than those normally permitted in the district, exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.

§304: Calculation of Required Lot Area

When creating one or more lots, such lots shall be of sufficient area and dimensions to comply with the minimum lot area and dimensional requirements set forth in this bylaw for the district in which such lots are proposed. Existing or proposed rights-of-way or public sites shall not be included as part of a lot for the purpose of compliance with the minimum area and dimensional requirements.

§305: Lots in Two Zoning Districts

Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than thirty feet into the more restricted part, provided the lot has frontage on a street in the less restricted district

§306: Principal Uses on Lots

There shall be only one principal use on a lot unless otherwise permitted by §205.

§307: Reduction of Lot Area

No lot shall be so reduced in area such that the area, yards, lot width, frontage, coverage or other requirements of this bylaw shall be smaller than herein prescribed for each district. No -lot shall be made smaller than is prescribed for each district.

§308: Required Area or Yards

Space required under this bylaw to satisfy area, yard, or other open space requirements in relation to one principal use or structure shall not be counted as part of a required open space for any other principal use or structure

§309: Yards on Corner Lots

Any yard adjoining a street shall be considered a front yard for the purposes of this bylaw. However, only one front yard is required to comply with the minimum depth requirement. All other front yards shall either equal the minimum front yard setback, shall be at least twenty-five feet in depth

§310: Projections into Required Yards

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

§311: Temporary Uses and Structures

Temporary permits may be issued by the Administrative Officer for a period not exceeding one year, for non-conforming uses or structures incidental to construction projects located on the same lot, provided such permits are conditioned upon agreement by the applicant to remove the structure or use upon expiration of the permit. Such permits may not be renewed.

§312: Excavation

With the exception of rock cuts, no grading, cutting, or filling shall be carried out in any district which leaves the slope of the existing grade in excess of one foot measured vertically for every two feet measured horizontally unless an approved vegetative ground cover or other soil stabilization technique is used. Stabilized slopes shall have a maximum grade of 1 foot measured vertically for every foot measured horizontally. This section shall pertain only to excavations in excess of 1,000 square feet in area.

§313: Obstruction of Vision

In all districts on a corner lot, within the triangular area formed by the intersection of two street property lines and a third line joining them at points twenty-five feet away from their intersection, there shall be no obstruction to vision between the height of two feet and twelve feet above the average grade of each street.

§314: Height Exceptions and Restrictions

Except within 3,000 feet of an aircraft landing strip, nothing herein contained shall be interpreted to limit or restrict the height of silos, church spires, cupolas, and bell and clock towers and essential public utility structures.

§315: Signs

The purpose of this section is to promote and protect the public health, safety, and welfare by regulating existing and proposed signs in the Town of Groton. It is further intended to hereby protect the economic and scenic value of the Town, and in order to prevent hazards to users of roads in the Town.

315.01 Regulations and Restrictions

- A. Each business shall be permitted one or more signs.
- B. The maximum area of a sign shall be 32 square feet for a one sided sign and 64 square feet for a two or more sided sign.
- C. When a sign has two or more sides, the area of all sides shall be included in computing the total area of the sign.
- D. No sign shall be permitted to intrude on the sidewalk space, except at least twelve feet above the sidewalk.
- E. A freestanding sign shall not exceed 16 feet in height.
- F. No sign shall be permitted which appears to direct the movement of traffic or which interferes with, imitates, or resembles any official traffic, directional, or route sign, signal or device.
- G. No sign shall be permitted which prevents a clear and unobstructed view of official traffic signs and approaching or merging traffic.

- H. Lighting shall be so shielded that the source of light shall not be from any a hazard or annoyance and so that only the sign is directly illuminated, except for neon or fiber optic signs
- I. No flashing, intermittent or moving lights shall be permitted. Lighted signs must be shielded to prevent glare on adjoining roads. A sign must be removed if the indicated activity is discontinued.
- J. All signs must be well constructed and maintained in good repair and stable condition.
- K. No sign shall be erected, attached, or maintained on utility poles or drawn or painted on rocks or other similar natural features.
- L. No sign shall be allowed which is not on the premises served by the sign, except special directional signs as permitted by Title 10 V.S.A. Chapter 21.
- M. No sign may be attached or placed upon any property, including but not limited to, cars, trucks, trailers, fences, walls, and buildings, by anyone other than the owner, or tenant of such property or his authorized agent.

315.02 Exempt Signs. The following signs do not require permits:

- A. Single or double sided "real estate for sale" signs may be posted provided that such signs do not exceed an area of six square feet per side.
- B. Signs erected, maintained, or administered by the Town or the State of Vermont under Title 10 Chapter 21, whether maintained at private or public expense.
- C. Small signs without advertising displayed for the direction, instruction or convenience of the public, including signs, which identify rest rooms, freight entrances, posted areas or the like with an area not exceeding two square feet.
- D. Signs to be maintained for not more than four weeks announcing an auction, or a campaign drive or event of a civil, political, philanthropic service, religious organization, special sales, special rates, fairs, expositions, special entertainment or similar information, not exceeding six square feet in area.
- E. Signs located on the rolling stock of common carriers or on registered motor vehicles except those, which are determined by the Administrative Officer and/or Planning Commission to be circumventing the intent of this Ordinance.
- F. Signs identifying stops of public conveyances provided they do not exceed 2 square feet.
- G. Trespassing signs and signs indicating private ownership of roadways or other property, on the same premises therewith, provided that the total area on any one side of such sign shall not exceed two square feet and shall be spaced at intervals according to Vermont State Laws.
- H. Temporary signs of carpenters, plumbers, electricians, and other contractors may be erected only on the premises where such work is being performed, and shall be removed promptly upon completion of the work.

315.03 Non-Complying Signs

- A. Signs existing on the effective date of this ordinance, which do not comply with these regulations, may be continued.
- B. Non-complying signs, which have been damaged or destroyed by fire or other accident, may be re-established, but only within one year of such damage or destruction.
- C. Non-complying signs, which have been voluntarily removed, shall not be remounted on the supporting structure except in compliance with these regulations.

§316: Public Utility Stations

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

316.01 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.

316.02 A landscaped area at least twenty-five feet wide shall be maintained in front, rear and side yards.

316.03 The provisions of this section shall not apply to substations that are total enclosed in a secure building, cabinet or other enclosure and, therefore, do not present a health hazard.

§317: Gasoline Stations/Motor Vehicle Service Stations

In all districts where permitted, gasoline or motor vehicle service stations, which may include mini marts, shall comply with the following: Gasoline stations/motor vehicle service stations shall not be located within 500 feet of any lot occupied by a school, hospital, library or religious institution.

§318: Roadside Agricultural Stands

Temporary roadside stands for the sale of non-agricultural products may be erected provided that:

318.01 Any stand in place exceeding 6 months yearly shall be subject to zoning regulations and considered a permanent structure for tax purposes.

318.02 No stand shall be nearer the front or side lot lines than 25 feet.

318.03 Off street parking space shall be provided for at least 2 motor vehicles.

318.04 Agricultural products conforming to 24 VSA §4495 are exempt.

§319: Setback Exemptions

Notwithstanding §310, exterior steps, stairs, landing less than 25 square feet in area, bulkheads, and handicapped access ramps are exempt from the setback requirements set forth in §205 of this bylaw and may be erected without permit.

§320: Off-Street Parking Space Requirements

The minimum number of parking spaces required for both new structures and existing structures that are to be extended or changed in use, shall be determined from the table below. The driveway providing access to such parking lots shall be at least 20 feet in width, except for driveways for one and two family uses, and agricultural/forestry uses.

Number Of Parking Spaces Required

- A. 1 / 3 seats in assembly/dining room
- B. As required by Planning Commission
- C. 1 / 200 sq. ft. of floor area
- D. 1 / 300 sq. ft. of floor area
- E. 1 / employee on largest shift
- F. 1 / lodging unit plus 3 additional
- G. 2 / dwelling unit
- H. 1 / business vehicle or piece of equipment
- I. 1.5 /bed
- J. None required
- K. One / employee plus one per bay
- L. 1 / campsite

Use & Parking Requirements

Accessory use/structure	J	
Agriculture	J	
Auto sales/service	K	
Banks	C	
Bars/Club	B	
Bed and Breakfast	I	
Boathouse	J	
Campground	L	
Car wash	D	
Cemetery	J	
Clinics	C	
Clubs	C	
Community center	C	
Day care	E	
Dwelling, multi-family	G	
Dwelling, one family		G
Entertainment	C	

Essential services	H
Forestry	H
Freight/trucking terminal	H&E
Gasoline station/auto repair	K
Hotel/Motel	F
Light Manufacturing	H&E
Manufacturing	H&E
Mobile home parks	G
Nursing homes	I
Office	C
Personal services	C
Public assembly	the greater of A or C
Public buildings	B
Recreation facilities	B
Religious institution	J
Restaurants	A
Retail businesses	H, C
Soil, sand-gravel & stone quarries	H
Theaters	A
Veterinary clinic	C
Warehouse	H&E
Wholesale use	B
Wholesale business w/out storage	B
For new structures only	

320.01 With the approval of the Planning Commission, parking spaces may be provided by the applicant on other property, provided such land lies within four hundred feet of an entrance to the principle building.

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

§321: Off-Street Loading and Unloading Space Requirements

For every building hereafter erected, altered, extended or changed in use for the purpose of business, trade, or industry there shall be provided ample space that is not restrictive of traffic:

321.01 Hotels, Motels, Commercial, Business, Service and Industrial Establishments: one loading and unloading space for every 10,000 square feet of floor area or fraction thereof.

321.02 Wholesale, Warehouse, Freight and Trucking Uses: one off-street loading space for every 7,500 square feet of floor area or fraction thereof.

§322: Travel Trailers

It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up coach, or motor home on any public or private property, except in accordance with the regulations below:

322.01 In an approved travel trailer park.

322.02 In an approved sales, service, storage and repair facility.

322.03 A person may park or store his/her travel trailer on his/her property without a permit providing it is no closer than six feet to any property line and as long as it is not occupied for more than six (6) months in a calendar year.

322.04 No travel trailer or recreational vehicle shall be occupied for longer than six (6) months in any calendar year nor permanently located on a lot unless such lot and travel trailer or recreational vehicle complies with the minimum lot area and dimensional requirements for the district in which the travel trailer or recreational vehicle is or is to be located. Such travel trailer or recreational vehicle shall also comply with all other requirements, including permitting, found herein that are applicable to single family dwellings.

§323: Sewage Regulation

All new dwellings shall be served by a septic tank sewage disposal system meeting the standards set forth in: "Household Septic Systems", State of Vermont, Department of Water Resources, Agency of Environmental Conservation, 1971, or other system approved by a licensed engineer or zoning administrator

§324: Screened Service Area Requirements

In any district, any area designated, used or intended to be used as a service area for any building or land use; other than one family and two family dwellings; shall be screened from view with either a wall, a solid fence or a hedge of evergreens at a height of at least five feet above grade level on all sides where the adjacent land is in a residential district or residential use.)

§325: Burned Buildings

No owner or occupant of land in any district shall permit fire or other ruins to be left, but within eighteen (18) months shall remove or refill the same to clear ground level or shall repair, rebuild or replace the structure. This provision shall not apply when a burned structure is the subject of an arson trial and the burned structure must be maintained for evidentiary purposes.

§326: Planned Unit Development

With the approval of a site plan the Planning Commission is hereby empowered to vary certain zoning regulations under the criteria and procedures established in 24 VSA, §4407 (12).

- 326.01 Proposals for planned unit development shall be submitted to the Planning Commission. The material accompanying the proposal shall contain the following: Required site plan shall depict all buildings, parking areas, and landscaping at a scale sufficient to permit the study of all elements of the plan. All utilities shall also be shown and described. Typical elevations and floor plans may also be required. In addition, the site plans shall show the adjacent building outlines and other outstanding features within 200 feet of the proposed Planned Unit Development. Any change in grading shall be shown.
- 326.02 The purpose of planned unit development shall be to encourage a development, which will result in:
- A. A choice in the type of environment and living units available to the public, and quality in residential land uses so that development will be a permanent and long term asset to the town.
 - B. Open space and recreation areas.
 - C. A pattern of development, which preserves trees, outstanding natural topographic and geologic features and prevents soil erosion.
 - D. An efficient use of land resulting in smaller networks of utilities and streets and wherever economically feasible, underground utilities are streets and wherever economically feasible underground utilities are recommended.
 - E. An environment in harmony with surrounding development.
 - F. A more desirable environment than would be possible through strict application of other sections of this bylaw.
- 326.03 Density may vary within the development but the total permitted number of dwelling units shall not exceed 25% more than the number which could be permitted in the Planning Commission's judgment if the land were subdivided into lots in conformance with the zoning regulations for the district in which the land is situated.
- 326.04 The predominant use of the land shall not differ substantially from the uses permitted in the district in which the plan is located. In a planned unit development, development in a residential district, commercial, educational and public facilities may be allowed which are designed to serve the development and the area around the development.
- 326.05 Lot size, width, front yard depth, and side yard requirements may be waived; however, these will be evaluated by the Planning Commission on their individual merit.
- 326.06 A planned unit development shall comply with the following standards:
- A. Shall be at least ten contiguous acres except in the Conservation District, which shall be at least 50 contiguous acres.
 - B. The developer of a planned unit development with 6 or more units may be required to install common water and/or sewer systems to serve such development.
 - C. Adequate space shall be left open for common usage. This may be waived by the Planning Commission for commercial and industrial planned unit developments providing adequate screening and landscaping is provided,

326.07 The Planning Commission may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in this zoning bylaw for planned unit development, provided the rules and regulations are not inconsistent with the zoning bylaw. The Planning Commission shall hold a public hearing after public notice as required by 24 VSA, §4447, prior to the establishment of any supplementary rules and regulations for planned unit development.

§327: Campgrounds

327.01 Permit Required. It shall be unlawful for any person to construct, maintain or operate any campground within the limits of the Town of Groton unless the owner and operator hold a valid permit. Upon approval of the Planning Commission, the Zoning Administrator shall issue a permit, which shall be contingent upon compliance with this local regulation.

327.02 Permit-Method of Application and Requirements. Applications for permits shall be made in writing, signed by the applicant who shall file with the application proof of ownership of the premises or of a lease or written permission from the owner thereof together with a complete set of plans drawn to scale, showing the location of the proposed campground and which shall include:

- A. The areas and dimension of the tract of land.
- B. The maximum number, location and size of all camping spaces.
- C. The location of any existing buildings, roadways, parking areas, walkways and turn outs.
- D. The location of electrical, water, storm drainage and sewer lines and sewage disposal systems.
- E. A contour map showing the proposed grading of the campground.

327.03 Construction or Enlargement of Campgrounds. No person shall construct or enlarge a campground without first obtaining approval from the Planning Commission and conditional use approval from the Board of Adjustment, if required. Before such a permit may be issued, there must be favorable recommendation by a majority of the Planning Commission. Before granting approval, the Planning Commission may require a performance bond from the operator of the campground to assure that the campground is constructed and maintained in a satisfactory manner. The Planning Commission, in the interest of public safety, health and welfare, may require and other improvements and facilities before approving the campground. The Planning Commission may accept the proposed plan, accept the proposed plan with recommended changes or reject the plan. The Commission shall submit the application and the plan to the Zoning Administrator. together with the Commission's action regarding the permit.

327.04 Campground Standards. The following regulations shall apply in respect to all campgrounds.

- A. campground shall have an area of no less than 10 acres.
- B. Campgrounds shall provide for individual trailer spaces, access driveways and parking.

- B. Each campsite shall be at least 2,500 square feet in area and at least thirty feet in width and have a compacted gravel surface at least ten feet in width and forty-two feet in length.
- D. A strip of land at least twenty-five feet in width shall be maintained as a landscaped area abutting all campground property lines except when the campground boundary is adjacent to residential uses, then the landscaped area shall be at least fifty feet in width.

4328: Junkyards

In all districts, junkyards shall not be permitted unless permitted by the State of Vermont.

§329: Agriculture and Forestry

329.01 Nothing contained herein shall restrict accepted agricultural or fanning practices, or accepted development and care of forest practices, including the construction of farm structures, as such practices are defined by the Commissioner of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation, respectively, under 10 VSA, § 1021 (f) and 6 VSA, §4810.

329.02 Zoning permits need not be obtained for farm structures. However, any landowner proposing to erect a farm structure shall notify the Zoning Administrator of such intent prior to the erection of such structure.

329.03 Farm structures shall comply with setbacks approved by the Commissioner of Agriculture, Food and Markets.

329.04 A person proposing to construct a farm structure with setbacks less restrictive than those contained in the town bylaws shall submit in writing, a request for a variance to the Commissioner of Agriculture, Food and Markets. Such request must include the following information

:

- A. A statement of the reason or reasons less restrictive setbacks are necessary
- B. A copy of this zoning bylaw.
- C. A sketch plan of the proposed structure showing the distance from all property lines, and
- D. A description of the adjoining land uses.

§330: Setbacks from Private Rights-of-Way

When an individual's property abuts a private right-of-way not owned by said individual, any and all structures erected on said individual's property shall be setback from the private right-of-way in conformance with the applicable setback. If the property also abuts a public right-of-way, the front yard setback shall be from such public right-of-way. If the property abuts only a private right-of-way, then the front yard setback shall be from the private right-of-way.

§331: Connection of Driveways,, Private Roads, and Curb Cuts

- 331.01 In accordance with 19 VSA, §1111 any driveway or private road connecting to a public road shall require a driveway permit, whether the driveway or road is intended for permanent or temporary use. When such drive or road is associated with other new construction or change of use, application for the permit may be made concurrently using the Groton Zoning Permit Application form. This form must be used even when no other construction is involved.
- 331.02 This application must include a sketch or attached map clearly showing the location of the access point and distances to the nearest driveways and intersections. In the case of technically difficult, potentially unsafe, or anticipated high-usage connections, the Town may require professionally engineered designs or impose requirements in addition to those specified herein. Guidance for making any connection shall be based on the most recent Vermont Agency of Transportation standard sheets: B-71, Standards for Residential and Commercial Drives, and A-76, Standards for Town and Development Roads.
- 331.03 Typically only one access point shall be permitted for a single property.
- 331.04 Any connection of a driveway, private road, or other curb cut shall be made using a culvert. When in question the Zoning Administrator may require the applicant to obtain the Road Commissioner's approval of the size and location of the culvert to be installed, or waiver of this requirement.
- 331.05 All driveways and private roadways shall be constructed so as not to impair drainage within the right-of-way, alter the stability of the improved area, or change the drainage of adjacent areas. In no case shall drainage from any driveway or private road run onto the public road. The gradient of the driveway or road shall not exceed 10-percent as it approaches the point of connection. The preferred angle of approach for the intersection of a driveway and a public road is 90-degrees. However, in no case shall the angle of approach be less than 60-degrees.
- 331.06 Driveways and private roadways for lots to be newly developed should be constructed no closer than 20-feet from a property line and no closer than I 100-feet from another intersecting street.

§332: Wireless Communication Facilities

- 332.01 Legislative 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 in the Town. This trend will continue, creating new opportunities for business operations, reducing demand for travel by conventional modes. Given the potential impacts with these facilities may have on the public good, safety and welfare of Groton's citizens, it is in the Town's interest to plan for and regulate the orderly development of the facilities.
- 332.02 Purpose. The purpose of this section shall be to regulate the placement, design, construction and modifications of wireless communication facilities so as to protect the public health and safety and to promote the economic viability of the Town and to protect its historic, cultural, natural, and aesthetic resources.

332.03 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. Wireless communication facilities are permitted only within Rural Residential and Conservation Districts.
- B. 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;
- C. Height Limitations. The height limit for towers and tower related fixtures where permitted, shall not exceed ten (10) feet above the average height of the tree line on the land immediate to the proposed site owned or controlled by the applicant. Notwithstanding the above, the height of the proposed tower may be increased subject to the approval of the Selectboard and conformity with other criteria in this subsection.
- D. 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 ensure public safety, the minimum distance of any ground mounted wireless service facility to any property line, dwelling, or similar shall be no less than the height of the facility, including antennas or other appurtenances. This setback shall be referred to as a fall zone. In the event that an existing structure is proposed as a mounting for a telecommunications facility, a fall zone setback shall not be required;
- E. Lighting. No lighting shall be permitted on towers, except as may be specifically required by FAA regulations or where deemed necessary by the Board. All tower lighting incidental to the tower shall be shielded to minimize glare. To the extent reasonable, all ground lighting shall be directed downward towards the facility and not towards neighboring properties;
- F. Bulk, Height, and Glare. All towers shall be constructed in such a manner as to minimize height, mass, and guy wire supports for the intended use. Materials utilized for the exterior of any structure shall be of a type, style, and location so as to minimize glare and not result in an undue adverse impact from public vantage points and abutting properties;
- G. Screening. Screening shall be required at the perimeter of the site unless it can be demonstrated that 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-sit vegetation outside the site for the facility shall be preserved or improved. Disturbance to existing topography shall be minimized, unless in such districts it would result in less visual impact on the facility from surrounding properties and areas;
- H. Collocation. The principal of collocation shall be employed, where feasible, to minimize the number of wireless communication towers necessary to transmit or receive legally authorized signals. This shall impose a burden upon the applicant to demonstrate that there are no existing sites 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. It shall be the burden of the applicant to perform a minimal analysis of technical feasibility. The applicant shall permit other wireless service providers to collocate on the proposed tower subject to reasonable terms and conditions. Notwithstanding, there shall be no affirmative obligation on the applicant to increase the height or width of the towers in order to accommodate the equipment of 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.

- I. Access Roads and Above Ground Utilities. Where new wireless communication facilities require construction of or improvement to access roads, to the extent practical, roads shall follow the 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 ecology, scenic character or beauty of the area;
- J. Upon review of the applicant's permit application, supporting materials, testimony from the parties, and inspections from the designated vantage points, the Board shall find that the proposed tower shall not have an undue adverse visual impact on the scenic or natural beauty of the land proposed to be developed as viewed from a public highway or water body within the Town. For the purposes of the section, a tower shall be considered to break the skyline when the protrusion is more than eight (8) inches wide or in diameter;
- K. 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.

332.04 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' contours;
- F. A utility and access road plan located on a USGS Topographic Map;

- G. Where the compound or tower is located on a parcel that is forested, the approximate average height of the existing vegetation within 50 feet of the tower;
- H. A design or plan for all structures, buildings, or facilities proposed for the site;
- I. The proposed locations of all existing and future wireless service facilities in Groton for all license carriers seeking approval under this application; and
- 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 impact of the proposed facility on wildlife habitats, endangered species, historic and archeological resources, wetlands, and other resources.

332.05 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. Changes in the number of facilities or towers permitted on the site;
- B. Changes in technology used for the facility or tower;
- C. Addition of any equipment or additional height not specified in the original application.

332.06 Removal of Abandoned Antennas and Towers. Any antenna or tower 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 of quarterly inspection. The owner shall remove the abandoned structure(s) and restore the site to its original natural condition 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 of the tower. If the abandoned tower is not removed within 90 days, the Town may bring action to have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

ARTICLE 4: NON-CONFORMING USES & NON-COMPLYING STRUCTURES

§401: Permits Issued Prior to Bylaw Amendment

Permits that are valid on the effective date of this bylaw may be utilized even if such permits result in structures and/or uses considered non-complying and/or non-conforming under the requirements of this bylaw. In addition, nothing contained herein shall require any changes to the plans or construction of previously permitted structures and/or uses. However, such structures and/or uses shall be established within the permit's effective period of two years.

§402: Non-conforming Uses

The following provisions shall apply to all uses existing on the effective date of this bylaw which do not conform to the requirements set forth in this bylaw and to all uses which in the future do not conform by reason of any subsequent amendment to this bylaw.

Any non-conforming use of structures or land, except those specified below, may be continued indefinitely, but:

402.01 Shall not be moved, enlarged, or extended.

402.02 Shall not be changed to another non-conforming use without approval of the Zoning Board of Adjustment and then only to a use, which, in the opinion of the Zoning Board of Adjustment is of the same, or of a more restricted nature.

402.03 Shall not be re-established if such use has been discontinued for any reason for a period of two years, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.

§403: Non-Complying Buildings

The following provisions shall apply to all structures existing on the effective date of this bylaw which do not comply with the lot area, setback and other requirements set forth in this bylaw and all structures which in the future do not comply by reason of any subsequent amendment to this bylaw.

All non-complying structures may be continued indefinitely and shall comply with the following:

403.01 Shall not be moved unless such action complies with any and all applicable requirements of this bylaw.

403.02 May be enlarged or extended providing such enlargement or extension is in compliance with the requirements of this bylaw and such enlargement or extension does not increase the original structure's degree of non-compliance.

403.03 Shall not be replaced on the original foundation after such structure has been voluntarily razed.

403.04 Shall not be replaced on the original foundation after such structure has been razed due to fire or other natural damage unless done so within one year following the date of such damage.

403.05 May receive normal maintenance and repair provided that such action does not increase the degree of non-compliance.

ARTICLE 5: DEFINITIONS

For the purpose of this bylaw, certain terms or words used herein shall be interpreted as follows:

§501 Word Definitions

The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

§502: Term Definitions

ACCESSORY USE/STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

AGRICULTURE: The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or the raising, feeding or management of livestock, poultry, equines, fish or bees; or the operation of greenhouses; or the production of maple syrup; or the on-site storage, preparation and sale of agricultural products principally produced on the farm; or the on-site production of fuel or power from agricultural products or waste produced on the farm.

AUTO SALES/SERVICE: The use of any building, land area of other premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

BANK: Any institution engaged in providing financial services, including but not limited to checking accounts, savings accounts, money market accounts, investments, credit cards, loans and/or mortgages, to individuals and/or businesses.

BAR: A structure or part of a structure used primarily for the sale or dispensing of alcoholic beverages by the drink.

BED AND BREAKFAST: A commercial facility, often operated out of someone's home or a structure that is similar to a home, that provides overnight lodging and breakfast for transients in a home like atmosphere.

BOARDING HOUSE: A building in which the rooms are rented with or without meals to three (3) or more persons.

BUILDING: Any structure for the shelter, support or enclosure of persons, animals, chattels or property-of any kind.

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 all other types of roofs.

CAMPER: Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

CAMPGROUND: A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, educational or vacation purposes.

CAMPING UNIT: Any tent, recreational vehicle, cabin, lean-to or similar structure established or maintained in a campground as temporary living quarters for recreation, education or vacation purposes.

CAMPSITE: Any plot of ground within a campground intended for the exclusive occupancy by camping unit or units under the control of a camper.

CARWASH: Any building or premises or portions thereof operated as a business that is used for washing and/or cleaning either the exterior or interior of cars.

CEMETERY: Property used for the interring of the dead.

CLINIC: An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.

CONDITIONAL USE: A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in this zoning bylaw and authorized by the Zoning Board of Adjustment.

CONTRACTOR'S YARD: Any parcel of land or portion thereof that is used by a contractor for the parking and storage of such contractor's construction vehicles and equipment when it is not being used.

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

COMMUNITY CENTER: A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or nonprofit group or agency.

COVERAGE: That percentage of the lot area covered by those structures located on said lot.

DAYCARE, MAJOR: A facility designed and registered or licensed by the state to care for and feed seven (7) or more children, for a fee or other compensation, while the parents of such children are working or tending to such other responsibilities that require child care.

DAYCARE, MINOR: A facility designed and registered or licensed by the state to care for and feed six (6) or fewer children, for a fee or other compensation, while the parents of such children are working or tending to such other responsibilities that require child care. Such a daycare, under the provisions of 24 VSA, § 4409(f), shall be considered by right to constitute a permitted one family dwelling.

DOG HOUSE OR KENNEL: Refer to State of Vermont Statutes regarding regulations.

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, ONE FAMILY: A detached residential dwelling unit designed for and/or 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. 32
- DWELLING UNIT:** A 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 that shall meet the standards of the National Building Code. This definition shall not include hotels, motels or similar structures.
- EARTH RESOURCE REMOVAL;** An open land area where sand, gravel and rock fragments are mined or excavated for sale or off-tract use.
- ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam 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 for the public health, safety or general welfare.
- FAA:** Federal Aviation Administration.
- FAMILY:** One or more persons occupying a single dwelling unit, provided that unless all members are legally related no such family shall contain over 5 persons. However, domestic servants and farm workers employed on the premises may be housed on the premises without being counted as a family or families.
- FORESTRY:** Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.
- GASOLINE STATION:** Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories. Gasoline stations may also include convenience stores selling beverages, bread, snacks and similar food items.
- HOME OCCUPATION:** Accessory use of a service character conducted within a dwelling by the residents thereof, which is clearly secondary to the dwelling used for living purposes and does not change the character thereof
- HOSPITAL:** Includes sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged, and any other place for the diagnosis and treatment of human ailments.
- JUNK YARD:** Land or building used as a business for the collection, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collection, wrecking, dismantling, storage, salvaging, and/or sale of machinery, machinery parts or vehicles which are not in operating condition.
- LAND DEVELOPMENT:** The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.
- LIGHT INDUSTRY:** Any facility for the assembly, manufacture, compounding, processing, packing, treatment or testing of materials, goods or products. Such activities must be

conducted in such a manner so as not to generate noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the property.

LOADING SPACE: Off-street space, used for the temporary location of one licensed motor vehicle, which is at least twelve feet wide and 55 feet long and fourteen feet high, not including access driveway, and having direct access to street or alley.

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 and may consist of.

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;
- D. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this bylaw.

LOT DEPTH: Depth of a lot shall be considered to be the distance between the 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.

LOT LINE, FRONT: Any lot line separating a parcel from either a public right-of-way or public waters. Where the location of a line separating a lot from a public right-of-way has not been established, the front lot line shall be considered to be 25 feet from the center line of the traveled portion of the right-of-way. On lots abutting a lake or pond, the front yard setback shall be measured from the mean high water mark.

LOT LINE, REAR: That lot line opposite and most distant from the street line.

LOT LINE, SIDE: A lot line which is neither a street line nor a rear lot line.

LOT WIDTH: 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 shall not be less than 80% of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the 80% requirement shall not apply.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the Town Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

MOBILE HOME: A structure, transportable in 1 or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

MOBILE HOME PARK: Land on which 2 or more mobile homes are parked and occupied for living purposes.

MOTEL/HOTEL: Building, other than a bed and breakfast, 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.

MUNICIPAL FACILITY: Any municipal facility used for office space, meeting space, public safety and/or maintenance of municipal equipment.

NON-COMPLYING STRUCTURE: Structure not complying with the zoning regulations for the district in which it is located, where such structure complied with all applicable laws and regulations, prior to the enactment of this bylaw.

NON-CONFORMING USE: Use of land or structure which does not comply with the zoning regulations for the district in which it is located, where such use conformed to all applicable laws and regulations, prior to the enactment of this bylaw.

NON-RESIDENTIAL USE: All uses of buildings, structures or land not used for family dwellings.

NON-TAXABLE FENCING: Any fencing used to set boundaries or contain animals within a parcel.

NURSERY SCHOOL: Any school, public or private, which is designed and licensed for the purpose of educating preschool age children.

NURSING HOME: Any facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, infirmity or other handicap, are unable to care for themselves.

OFFICE, PUBLIC OR PRIVATE: Any place where the business of a commercial, industrial, service or professional organization is transacted. Includes a clinic.

PARKING SPACE, OFF-STREET: For the purposes of this bylaw, 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 space.

PERMITTED USE: Use specifically allowed in the district, excluding illegal uses and non-conforming uses. Providing no action by the Planning Commission or Board of Adjustment is necessary, the permit for such uses may be issued by the Zoning Administrator.

PERSONAL SERVICE: Includes barber, hairdresser, beauty parlor, shoe repair, shoe shine, laundry, Laundromat, dry cleaner, photographic studio, and businesses providing similar services.

PLANNED UNIT DEVELOPMENT: An area of minimum contiguous size, as specified by this bylaw, developed according to plan as a single entity and containing two or more structures with appurtenant common areas. Planned unit developments may contain all residential, commercial, educational, or public uses or a mixture of such uses where the commercial, educational or public uses are designed to serve the residential uses within such development.

PRINCIPAL BUILDING: Any building or structure whose use, actual or intended, is not subordinate to any other use which is located in another building on the same lot.

PUBLIC ASSEMBLY: Any facility, with or without seating, designed to accommodate groups of people for any purpose.

RECREATIONAL FACILITY: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. 34

RECREATIONAL VEHICLE: A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping and travel use and including but not limited

to travel trailers, fifth wheelers, truck campers, camping trailers and self-propelled motor homes.

RELIGIOUS INSTITUTION: A structure or place in which worship, ceremonies, rituals and/or education pertaining to a particular system of beliefs are held.

RESERVOIR: A pond, lake, tank or basin, natural or man-made, used for the storage, regulation and control of water.

RESIDENTIAL USE: Includes single family dwelling, mobile home dwelling, two family dwelling and multi-family dwelling.

RESTAURANT: An establishment where food and drink is prepared, served and consumed primarily within the principal building.

RETAIL BUSINESS: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

SCHOOL: Any building or part thereof which is designed, constructed or used for public or independent education.

SUGARHOUSE: A structure whose principal use is the production of Maple Syrup ONLY.

SERVICE AREA: An area of land used for the storage of trash receptacles or equipment.

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. Flags and insignia of any government except when displayed in connection with commercial promotion.
- B. Legal notices, identification, informational, or directional signs erected as required by governmental bodies.
- C. Integral decorative or architectural features of building, except letters, trademarks, moving parts or moving lights.
- D. 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 of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included 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 products, 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.

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

- STRUCTURE:** Anything constructed or erected with a fixed location on the ground. Among other things, structures include buildings, swimming pools, mobile homes, billboards, and poster panels,
- THEATER:** A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.
- TOWER:** A structure more than 30 feet in height above the ground elevation built for the purpose of supporting, elevating, or placement of antennas for broadcast services or wireless communication services.
- USE, CONDITIONAL:** See conditional use.
- USE, PERMITTED:** See permitted use.
- VETERINARY CLINIC:** Any structure or premises in which animals or pets are given medical or surgical treatment.
- VSA:** Vermont Statutes Annotated. Laws of the State of Vermont. These books are often found in town clerk's offices and libraries.
- WAREHOUSE:** A building used primarily for the storage of goods and materials.
- WHOLESALE USE:** Any establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
- WILDLIFE REFUGE:** Any area of land, with or without buildings, that is used for the care and propagation of one or more species of wild animals.
- WIRELESS COMMUNICATION FACILITY:** A tower, pole, antenna, guy wire, or related fixture intended for use in connection with transmission and/or receipt of radio or television signals or any other electromagnetic spectrum-based transmissions/reception; the construction or improvement of a road, trail, building, or structure incidental to a telecommunications facility.
- YARD:** Space on a lot not occupied by a building or structure. Porches or decks whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.
- 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 edge of the pavement for lots abutting a paved road and from the center line of the traveled portion of the right-of-way for lots abutting gravel roads. For lots abutting a lake or pond, the front yard shall be measured from the mean high water mark to that part of the structure that is or will be closest to the mean high water mark.
- YARD, REAR:** Yard between the rear lot line and rear line of the 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.

ARTICLE 6: ADMINISTRATION & ENFORCEMENT

§601: Zoning Administrator

The Zoning Administrator shall be appointed to administer the zoning bylaw pursuant to 24 VSA, §4442. Said Zoning Administrator shall literally enforce the provisions of this bylaw and in so doing shall inspect developments, maintain records and perform all other necessary tasks to carry out the provisions of this bylaw. Appeals from any decision or act taken by the Zoning Administrator shall be made as provided for in 24 VSA, §4464. An acting Zoning Administrator may be appointed pursuant to 24 VSA, §4442(b).

§602: Zoning Permits

- 602.01 No land development, as defined in 24 VSA, §4303(3), may be commenced without a permit therefor issued by the Zoning Administrator. No zoning permit may be issued by the Zoning Administrator except in conformance with this bylaw.
- 602.02 Applications for zoning permits shall be made to the Zoning Administrator on forms provided by him for that purpose.
- 602.03 Prior to the issuance of any zoning permit the Zoning Administrator shall first satisfy himself that the subject of the application is in conformance with this bylaw. He may request from an applicant any information he deems necessary for this purpose. No such permit shall be issued unless an application, fee, plot plan and any other approvals of the Planning Commission or the Board of Adjustment required by this bylaw have been properly obtained and are submitted in connection with the application. The Zoning Administrator shall, within 30 days of submission of the application, data and approvals, either issue or deny a zoning permit. If denied, the Zoning Administrator shall so notify the applicant in writing, stating his reasons therefor. If the zoning permit is approved, all activities authorized by its issuance shall be completed within two years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required.
- 602.04 In the issuance of zoning permits, the Zoning Administrator shall comply with all of the provisions of 24 VSA, §4443.
- 602.05 The Board of Selectmen shall establish the fee for a zoning permit. It may be a sliding scale depending upon the cost of the land development. Said fee shall accompany each application for a permit.
- 602.06 No zoning permit issued pursuant *to 24 VSA, §4443 shall take effect until the time for appeal (15 days) in 24 VSA, §4464(a) has passed. In the event that a notice of appeal is properly filed, such permit shall not take effect until the final adjudication of said appeal.
- 602.07 A copy of the permit as issued shall be posted on the construction site in a conspicuous spot prior - to the commencement of construction.

§603: Penalties

Any violation of this bylaw after the effective date thereof shall be punished as provided in 24 VSA, §§4444 and 4445.

604.02 Rules of procedure applicable to the Board of Adjustment, the nature of appeals to the Board from actions of the Zoning Administrator, public notice requirements, conditions for variance relief, and all other matters governing the action of said Board shall be as provided in 24 VSA, §§4461 to 4474.

§604: Board of Adjustment

604.01 The Board of Selectmen shall appoint a Board of Adjustment. The Board of Adjustment shall act on all matters within its jurisdiction under this bylaw in the manner prescribed in 24 VSA, Chapter 117. However, the members of the Board of Adjustment incumbent on the effective date of this bylaw shall continue in office for the duration of the terms to which they were respectively appointed.

§605: Referral to State Agency

In accordance with 24 VSA, §4409(c), no zoning permit for the development of land in certain locations specified in said section shall -be issued by the Zoning Administrator without first submitting a report to the appropriate State agency, and compliance with the terms of 24 VSA, §4409(c).

§606: Public Notice

Any public notice required by either this bylaw or 24 VSA, Chapter 117, for any meeting of either the Board of Adjustment or the Planning Commission, shall be given by the publication of the date, time, place, and purpose of such hearing in a newspaper of general circulation in Groton. Such public notice shall also be posted in one or more public places within the municipality. The publication and posting of any public notice shall occur not less than fifteen days prior to the date of the public hearing. In every case in which public notice is required, such public notice shall include a brief summary of the purpose of the hearing.

§607: Appeals

607.01 Appeals from any decision or act taken by the Zoning Administrator shall be made as provided for in 24 VSA, §4464 to the Zoning Board of Adjustment.

607.02 Appeals from any decision or act taken by the either the Planning Commission or the Zoning Board of Adjustment shall be made as provided for in 24 VSA, §4471 to the Environmental Court.

ARTICLE 7: MISCELLANEOUS PROVISIONS

§701: Amendments

This bylaw may be amended according to the requirements and procedures established in 24 VSA, §§4403 and 4404.

§702: Interpretation

702.01 In their interpretation and application, the provisions of this bylaw shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

702.02 Except for 24 VSA, §4409(b) and where, in this bylaw specifically provided to the contrary, it is not the intention of this bylaw to repeal, annul, or in any way to impair any regulations or permits previously adopted or issued. However, where this bylaw imposes a greater restriction upon the use of a structure or land than is required by any other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of this bylaw shall control.

§703: Effective Date

This bylaw shall take effect in accordance with the voting and other procedures contained in 21 VSA, §4404.

§704: Separability

The invalidity of any article or section of this bylaw shall not invalidate any other article or section thereof.

§705: Repeal of Former Zoning Bylaw

Upon the date of adoption of this bylaw, the former Town of Groton Zoning Bylaw, adopted in 1999, is hereby declared repealed and shall have no further force or effect.