

TOWN OF WATERFORD, VERMONT

ZONING BYLAW

Adopted March 4, 1986

Amended March 3, 1987

Amended March 7, 1989

Amended March 7, 2000

Interim April 8, 2002

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TOWN OF WATERFORD, VERMONT

ZONING BYLAW

ARTICLE 1: ENACTMENT & INTENT

§ 101: Enactment

In accordance with the Vermont Planning and Development Act, 24 VSA, § 4401, there is hereby established a zoning bylaw for the Town of Waterford which is set forth in the text and map that constitute this bylaw. This bylaw shall be known and cited as the "Town of Waterford Zoning Bylaw".

§ 102: Intent

It is the intent of this zoning bylaw to provide for orderly community growth and to further the purposes established in 24 VSA, § 4302.

ARTICLE 2: ESTABLISHMENT OF DISTRICTS REGULATIONS

§ 201: Zoning Map and Districts

The zoning map officially entitled "Town of Waterford Zoning Map" is hereby adopted as part of this bylaw. The Zoning Map shows a division of the town into the following districts:

"IND-COM" Industrial commercial district

"RR" Rural residential district

"VIL" Village district

"RRS" Rural residential special district

§ 202: Copies of Zoning Maps

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 status of the land, and water areas, buildings, and other structures in the town.

§ 203: District Boundaries

District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the centerlines. The abandonment of roads shall not affect the location of district boundaries.

When the Administrative Officer cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the zoning map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Planning Commission shall interpret the location of the district boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of this bylaw.

§ 204: District Objectives and Land Use Control

The following tables set forth the objectives and provisions that apply respectively in each district established in this bylaw. Any use designated as a "Permitted Use" may be commenced pursuant to § 205 of this bylaw. Any use designated as a "Conditional Use" may be commenced pursuant to § 206 of this bylaw. Any use not designated by this bylaw, as a "Permitted Use" or a "Conditional Use" shall be deemed to be prohibited.

Table 204.01: "IND-COM" Industrial Commercial District

Objective: To provide for commercial or industrial development in a manner that will prevent conflicts with residential and other incompatible uses. The creation of employment opportunities and broadening of Waterford's tax base were important considerations in the creation of this district.

Permitted Uses:

- | | |
|--|---|
| <ul style="list-style-type: none"> 1. Accessory use/structure¹ 2. Agriculture² 3. Bank 4. Dwelling, multi-family 5. Dwelling, single family 6. Forestry² 7. Home occupation 8. Manufacturing 9. Membership club 10. Motel | <ul style="list-style-type: none"> 11. Office 12. Personal service 13. Public facility 14. Recreation 15. Research/testing labs 16. Restaurant 17. Retail sales 18. Trucking terminal 19. Warehouse/storage units 20. Wholesale sales |
|--|---|

Conditional Uses

- | | |
|---|--|
| <ul style="list-style-type: none"> 1. Auto sales/service 2. Auto service station 3. Campground 4. Contractor's yard 5. Correctional facility | <ul style="list-style-type: none"> 6. Earth resources extraction 7. Essential service 8. Neighborhood retail store 9. School 10. Telecommunication towers |
|---|--|

Minimum Lot Area & Dimensional Requirements

Lot area (acres) ³ :	2.0	Front yard setback (ft.):	50.0
Area / dwelling unit (acres) ³ :	2.0	Side yard setback (ft.):	35.0
Lot frontage (ft.) ⁴ :	200.0	Rear yard setback (ft.):	35.0

Footnotes

¹ Accessory uses and structures for conditional uses shall require conditional use approval.
² Agricultural and forestry uses are exempted from the permit process by 24 VSA, § 4495.
³ An acre equals 43,560 square feet.
⁴ Lots located on the turn around of a cul-de-sac shall have at least 100 feet of frontage.

Table 204.02: "VIL" Village District

Objective: To conserve the integrity of the existing village development and maintain it as the center of activities for the Town and to provide for medium density residential development, public uses, and limited central services and sales.

Permitted Uses

- | | |
|--|--|
| <ul style="list-style-type: none"> 1. Accessory use/structure¹ 2. Agriculture² 3. Dwelling, single family | <ul style="list-style-type: none"> 4. Dwelling, two family 5. Forestry² 6. Home occupation |
|--|--|

Conditional Uses

- | | |
|---|---|
| <ul style="list-style-type: none"> 1. Essential service 2. Lodging house 3. Office 4. Public assembly use 5. Public facility | <ul style="list-style-type: none"> 6. Residential business 7. Retail sales 8. School 9. Wholesale Sales |
|---|---|

Minimum Lot Area & Dimensional Requirements

Lot area (acres) ³ :	2.0	Front yard setback (ft.):	35.0
Area / dwelling unit (acres) ³ :	2.0	Side yard setback (ft.):	25.0
Lot frontage (ft.) ⁴ :	200.0	Rear yard setback (ft.):	25.0

Footnotes

- ¹ Accessory uses and structures for conditional uses shall require conditional use approval.
- ² Agricultural and forestry uses are exempted from the permit process by 24 VSA, § 4495.
- ³ An acre equals 43,560 square feet.
- ⁴ Lots located on the turn around of a cul-de-sac shall have at least 100 feet of frontage.

Table 204.03: "RR" Rural Residential District

Objective: To conserve the integrity and natural qualities of rural open space for the betterment of the community. To maintain a dispersed settlement pattern and mixed land uses of a rural nature (i.e., farming, woodlot, low-density residential, residential businesses, public uses and other scattered uses).

Permitted Uses

- | | |
|---|--|
| <ul style="list-style-type: none"> 1. Accessory use/structure¹ 2. Agriculture² 3. Church 4. Dwelling, single family | <ul style="list-style-type: none"> 5. Dwelling, two family 6. Forestry² 7. Home occupation |
|---|--|

Conditional Uses

- | | |
|--|---|
| <ul style="list-style-type: none"> 1. Auto service station 2. Cemetery 3. Dwelling, multi-family 4. Earth resources extraction 5. Essential service 6. Hospital 7. Lodging house 8. Membership club 9. Mobile home park | <ul style="list-style-type: none"> 10. Neighborhood retail store 11. Office 12. Private club 13. Public facility 14. Recreation 15. Residential business 16. School 17. Telecommunication towers 18. Warehouse/storage units |
|--|---|

Minimum Lot Area & Dimensional Requirements

Lot area (acres) ³ :	2.0	Front yard setback (ft.):	50.0
Area / dwelling unit (acres) ³ :	2.0	Side yard setback (ft.):	35.0
Lot frontage (ft.) ⁴ :	200.0	Rear yard setback (ft.):	35.0

Footnotes

- ¹ Accessory uses and structures for conditional uses shall require conditional use approval.
- ² Agricultural and forestry uses are exempted from the permit process by 24 VSA, § 4495.
- ³ An acre equals 43,560 square feet.
- ⁴ Lots located on the turn around of a cul-de-sac shall have at least 100 feet of frontage.

Table 204.04: "RRS" Rural Residential Special District

Objective: The objective of this district is essentially the same as the rural residential district with one exception. This district has been established with the objective of conditionally allowing the expansion of existing non-residential uses. New non-residential uses similar to those presently existing are prohibited; however, the expansion of these existing non-residential uses will be permitted upon issuance of a conditional use permit.

Permitted Uses

- | | |
|---|--|
| <ul style="list-style-type: none"> 1. Accessory use/structure¹ 2. Agriculture² 3. Church 4. Dwelling, single family | <ul style="list-style-type: none"> 5. Dwelling, two family 6. Forestry² 7. Home occupation |
|---|--|

Conditional Uses

- | | |
|---|---|
| <ul style="list-style-type: none"> 1. Auto service station 2. Cemetery 3. Dwelling, multi-family 4. Earth resources extraction 5. Essential service 6. Hospital 7. Lodging house 8. Membership club 9. Mobile home park 10. Neighborhood retail store | <ul style="list-style-type: none"> 11. Office 12. Private club 13. Public facility 14. Recreation 15. Research/testing labs 16. Residential business 17. School 18. Telecommunication towers 19. Warehouse/storage units |
|---|---|

Minimum Lot Area & Dimensional Requirements

Area (acres) ³ :	2.0	Front yard setback (ft.):	50.0
Area / dwelling unit (acres) ³ :	2.0	Side yard setback (ft.):	35.0
Lot frontage (ft.) ⁴ :	200.0	Rear yard setback (ft.):	35.0

Footnotes

¹ Accessory uses and structures for conditional uses shall require conditional use approval.

² Agricultural and forestry uses are exempted from the permit process by 24 VSA, § 4495.

³ An acre equals 43,560 square feet.

⁴ Lots located on the turn around of a cul-de-sac shall have at least 100 feet of frontage.

§ 205: Permitted Uses

Permitted uses are those uses that are allowed, provided the standards established by this bylaw are met. Unless a variance or other special action by the Board of Adjustment or Planning Commission is required the necessary permit may be issued by the Administrative Officer.

§ 206: Conditional Uses

- 206.01 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(2) 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 then in effect, and;
 - E. The utilization of renewable energy resources.
- 206.02 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 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 to begin for 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.
- 206.03 As a condition of approval, the Board of Adjustment may attach such additional reasonable conditions and safeguards, as it deems necessary to implement the purposes of the 24 VSA, Chapter 117, and this zoning bylaw.
- 206.04 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.

§ 207: Application of District Regulations

207.01 Any "non-conforming use" or "non-complying structure" as such terms are defined in 24 VSA, § 4408 existing on the effective date of this bylaw, may be continued indefinitely to the extent set forth in Article 4 of this bylaw. Otherwise, no building or land may hereinafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

207.02 No building shall hereafter be erected or altered:

- A. To accommodate or house a greater number of families, and/or;
- B. To have narrower or smaller front, side or rear yards than is specified herein for the district in which such building is located.

207.03 No part of a yard or other open space about any building required for the purpose of complying with the provisions of this bylaw shall be included as a yard or other open space similarly required for another building.

§ 208: Lots Abutting Two or More Public Rights-of-Ways

Lots that abut on more than one street shall provide the required frontage along every street.

ARTICLE 3: GENERAL PROVISIONS

§ 301: Existing Small Lots

301.01 Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of this bylaw, and thereafter, 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.

301.02 If such lot subsequently comes under common ownership with one or more contiguous lots, the lot shall be deemed merged with the contiguous lot for the purposes of this bylaw. However such lot shall not be deemed merged and may be separately conveyed, if:

- A. The lots are conveyed in the preexisting, nonconforming configuration; and
- B. On the effective date of any zoning regulations, each lot had been developed with a water supply and wastewater disposal system; and
- C. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and

D. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems in case a wastewater system fails which means the system functions in a manner:

1. That allows wastewater to be exposed to the open air, pool on the surface of the ground, discharge directly to surface water, or back up into a building or structure unless the approved design of the system specifically requires the system to function in such a manner;
2. So that a potable water supply is contaminated or rendered not potable;
3. That presents a threat to human health; or
4. That presents a serious threat to the environment.

301.03 If subsequent to separate conveyance, as authorized under § 301.02 of this section, a wastewater system fails, the owner shall be required to obtain from the secretary of natural resources a wastewater permit as required under the State of Vermont subdivision regulations or a certification that the wastewater system has been modified or replaced, with the result that it no longer constitutes a failed system.

§ 302: Frontage on, 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 forty feet in width.

§ 303: Protection of Home Occupations

No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof.

§ 304: 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, or approved access to a public road or waters in the less restricted district.

§ 305: Principal Buildings Including Dwellings on Lots

There shall be only one principal building on a lot.

§ 306: 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. The provisions of this section shall not apply when part of a lot is taken for a public purpose.

§ 307: Required Area or Yards

Space required under this bylaw to satisfy front, side or rear yard setback requirements in relation to one building shall not be counted as part of a required yard for any other building.

§ 308: Yards on Corner Lots

Any yard adjoining a street shall be considered a front yard for the purposes of this bylaw.

§ 309: Projections into Required Yards

All structures, other than steps, landings, less than 25 square feet, and wheel chair ramps, whether attached to the principal structure or not, and, whether open or enclosed including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front, side, or rear yard.

§ 310: Location of Driveways

All driveways are to be located at least seventy-five feet from highway rights-of-way line intersections for all uses.

§ 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 incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

§ 312: Collapsed or Burned Buildings and Structures

No owner or occupant of land in any district shall permit a demolished, collapsed or burned building to remain as such, but within one year shall remove the building or structure and clear the site to ground level, or shall repair, rebuild or replace the building or structure. The Board of Adjustment may grant an extension of one year to meet this requirement.

§ 313: Obstruction of Vision

On a corner lot regardless of the district, within the triangular area formed by the intersection of the rights-of-way line intersections 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 ten feet above the average grade of each street.

§ 314: Height Regulations

With the exception of farm structures, church steeples, and telecommunication towers, no structure shall exceed a height of 40 feet above the average ground level unless approved by the Board of Adjustment. The Board of Adjustment may authorize a greater height in any district, providing such an increase will not be disruptive to its surroundings and providing it does not constitute a hazard.

§ 315: Private Swimming Pools

All in-ground swimming pools shall be enclosed by a 5-foot high fence designed and built in a manner that will make it difficult to climb.

§ 316: Auto Service Stations

In addition to the district regulations, all auto service stations and repair facilities shall comply with the following requirements:

316.01 Lot area and dimensional requirements

- A. Lot size shall be at least two acres.
- B. Lot frontage shall be at least 200 feet. Minimum lot line setbacks - 50 feet.
- C. Lot depth shall be at least 125 feet.
- D. Pumps, lubricating and other service devices shall be located at least 50 feet from front, side and rear lot lines.
- E. All fuel and oil shall be stored at least fifty feet from any property line.

316.02 An auto service station lot shall not be located within three hundred feet of any lot occupied by a school, hospital, library, or religious institution.

316.03 All automobile parts and dismantled vehicles are to be stored within a building, and no major repair work is to be performed outside a building.

316.04 No signs shall extend more than ten feet beyond the pumps on the street side nor exceed fifteen feet in height.

316.05 There shall be no more than two access driveways from the road. The maximum width of each access driveway shall be 40 feet. The location of the driveway shall comply with § 310.

316.06 A suitably curbed and landscaped area shall be maintained at least 5 feet in depth along all road frontage not used as driveway.

§ 317: Off-Street Loading

Off-street loading, which is spaced logically, conveniently located for bulk, pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, shall be provided for all commercial and industrial uses. Required off-street loading space is not to be used as off-street parking space. Off-street loading spaces shall be at least twelve feet wide, fifty-five feet long and have an overhead clearance of fourteen feet.

§ 318: Off Street Parking

Off street parking spaces shall be provided in accordance with the specifications of this section in any district whenever any new use is established or existing use is enlarged, unless in the determination of the Planning Commission a lesser amount of parking spaces may be allowed as long as such decrease does not interfere with the convenience of the public.

Number Of Parking Spaces Required

- | | |
|-----------------------------------|-------------------------|
| A. 1 per 3 seats in assembly room | F. 1.5 per lodging unit |
| B. 1 per 75 sqft of floor area | G. 2 per dwelling unit |
| C. 1 per 200 sqft of floor area | H. 1.5 per 4 seats |
| D. 1 per 500 sqft of floor space | I. 1.5 per bed |
| E. 1 per campsite + 5 | J. None required |

<u>Land Use</u>	<u>Spaces Required</u>
Accessory use/structure	J
Agriculture	J
Auto sales/service	J
Auto service station	J
Bank	C
Campground	E
Cemetery	J
Church	A
Contractor's yard	J
Correctional facility	I
Dwelling, multi-family	G
Dwelling, single family	G
Dwelling, two family	G
Earth resources extraction	J
Essential service	J
Forestry	J
Home occupation	C
Hospital	I
Lodging house	F
Manufacturing	D

<u>Land Use</u>	<u>Spaces Required</u>
Membership club	A
Mobile home park	G
Motel	F
Neighborhood retail store	B
Office	C
Personal service	B
Private club	A
Public assembly use	A
Public facility	C
Recreation	A
Research/testing labs	C
Residential business	B
Restaurant	H
Retail sales	B
School	A
Telecommunication towers	J
Trucking terminal	D
Warehouse/storage units	D
Wholesale sales	B

When being expanded, existing non-conforming uses shall provide parking as required by the Board of Adjustment.

§ 319: Screened Service Area Requirements

In any district all areas designated, used or intended to be used as service areas for any building or land use, other than one family and two family dwelling units, shall be screened from view with either a wall, a solid fence or a fence 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 is in residential use.

§ 320: Residential Business

Residential businesses are allowed as conditional uses in the Village, Rural Residential, and Rural Residential Special districts provided they come within the definition of residential business as set forth in Article 5, § 502 and comply with the following conditions:

- 320.01 The residential business shall be carried on within an accessory structure.
- 320.02 The residential business shall be clearly secondary to use of the property as a home.
- 320.03 Exterior displays or signs other than normally permitted in the district, exterior storage of materials, production of noise, vibration, smells or pollutants which are inconsistent with the residential character may not be permitted.
- 320.04 The septic system shall be adequate for the increased demand expected.

§ 321: Signs

Signs, as defined in Article 5, are specifically prohibited except as provided herein:

- 321.01 All signs must be constructed of durable materials and shall be maintained in good condition and repair at all times.
- 321.02 In any residential district, a sign not exceeding twelve square feet of surface area is permitted which announces the name, address, profession, residential business or home occupation of the occupant of the premises on which said sign is located.
- 321.03 A bulletin board not exceeding twenty-four square feet of surface area, in connection with any church, school or similar public structure.
- 321.04 A temporary real estate or construction sign, not exceeding twenty-four square feet of surface area, on the property being sold, leased, or developed. Such sign shall be removed promptly when it has fulfilled its function.
- 321.05 A business sign in connection with any legal business or industry located on the same premises and meeting the following requirements:
 - A. Two signs are permitted for any legally established business, one free standing, the other attached to the building.
 - B. Signs shall not extend above the roof or parapet of the building. The height of a freestanding sign shall not exceed 30 feet.

- C. Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon or from within the sign itself.
- D. Signs which are animated, flashing, or with intermittent illumination are prohibited.
- E. Signs shall not project over public rights-of-way or property lines.
- F. Maximum square footage of any sign shall be 100 square feet or a total of one hundred-fifty square feet for the two signs.

§ 322: Extraction of Soil, Sand, or Gravel

In accordance with 24 VSA, § 4407(8), in any district where permitted, the removal of soil, sand or gravel for sale, except when incidental to construction of a building on the same premises, shall be permitted only upon the Planning Commission's approval of a plan, after a public hearing, for the rehabilitation of the site. In any district, the following provisions shall apply:

- 322.01 Before approval of any new sand or gravel operation, a performance bond shall be secured from the applicant sufficient to ensure that, upon completion of the extraction operations, the abandoned site will be left in a safe, attractive and useful condition in the interest of the public safety and general welfare. The owner shall submit a plan of proposed improvements to accomplish this end.
- 322.02 The removal of all material shall be conducted so as to result in the improvement of the land, giving due regard to the contours in the vicinity, such as leveling slopes and removing hills. Vegetation sufficient to prevent erosion shall be installed to the satisfaction of the Administrative Officer.
- 322.03 Stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited.
- 322.04 The Planning Commission may attach any additional conditions, as it may find necessary for the safety and general welfare of the public.

§ 323: Landscaping Requirements

Landscaping, where required under this bylaw to be installed and maintained in front, side and rear yards, shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas and ground cover.

All such landscaping shall be maintained in healthy, growing condition, with ground cover or grassed area.

Following are the minimum landscaping requirements:

- 323.01 Where any land use in non-residential districts abuts land in any residential district, a strip of land, at least twenty-five feet in width shall be maintained as a landscape and utility area in the front, side and rear yards which adjoin these other districts.

- 323.02 Where any non-residential land use in a residential district abuts any land use in a residential district, a strip of land at least fifteen feet in width shall be maintained as a landscape and utility area in the front, side and rear yards which adjoin these uses.
- 323.03 In a village district, a strip of land at least five feet in width shall be maintained as a landscape and utility area in the front, side and rear yards.
- 323.04 In an industrial district each industrial lot or use shall have a strip of land at least fifteen feet in width in the front yard and at least five feet in width in the rear and side yards, which shall be maintained as a landscape and utility area.
- 323.05 The requirements of this section may be waived by the Planning Commission.

§ 324: Grading

No grading, cut or fill shall be carried out in any district, which leaves the slope of the finished grade in excess of one on two.

§ 325: Fences to Excavations

Excavations with slopes exceeding one to two shall be protected from encroachment by a fence at least five feet in height.

§ 326: Flood Hazard Area Requirements

- 326.01 Lands to which these regulations apply. These regulations shall apply in all areas in the Town of Waterford identified as areas of special flood hazard on the National Flood Insurance Program maps which are hereby adopted by reference and declared to be part of these regulations.
- 326.02 Development permit required. A permit issued by the administrative officer is required for development in areas of special flood hazard. Conditional use approval by the Board of Adjustment is required for the construction of new buildings, the substantial improvement of existing buildings or floodway development prior to the issuance of a zoning permit by the administrative officer.
- 326.03 Procedures.
- A. Prior to issuing a permit, a copy of the application shall be submitted to the Flood Plain management section of the Vermont Department of Environmental Conservation in accordance with 24 VSA, § 409. A permit may be issued only following receipt of comments from the Department or the expiration of 30 days from the date the application was mailed to the Department, whichever comes first.
 - B. Adjacent communities and the Vermont Department of Environmental Conservation shall be notified at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.

- C. Proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal, State or Municipal law.

326.04 Base flood elevations and floodway limits.

- A. Where available (i.e., Zones A1-A30, AE, and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.
- B. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program (i.e., Zone A) base flood elevations and floodway information available from State or Federal agencies or other sources, shall be obtained and reasonably utilized to administer and enforce these regulations.

326.05 Development standards

A. Floodway areas

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

B. Fringe areas (i.e., flooded areas outside of the floodway)

- 1. All development shall be designed to:
 - a. Minimize flood damage to the proposed development and to the public facilities and utilities, and
 - b. Provide adequate drainage to reduce exposure to flood hazards.
- 2. Buildings shall be:
 - a. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the building during the occurrence of the base flood,
 - b. Constructed with materials resistant to flood damage,
 - c. Constructed by methods and practices that minimize flood damage, and
 - e. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or

located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
4. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
5. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
6. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
7. The lowest floor, including basement, of all new buildings shall be at or above the base flood elevation.
8. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of § 326.05(B)(7).
9. Existing buildings to be substantially improved for non-residential purposes shall either:
 - a. Meet the requirements of § 326.05(b)(8), or
 - b. Be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
10. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

11. Recreational vehicles placed on sites within Zones A1-A30, AH and AE shall either:
 - a. Be on the site for fewer than 180 consecutive days,
 - b. Be fully licensed and ready for highway use, or
 - c. Meet all standards or § 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured home" of § 60.3(c)(6).

326.06 Duties and responsibilities of the Administrative Officer. The Administrative Officer shall maintain a record of:

- A. All permits issued for development in areas of special flood hazard.
- B. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings.
- C. The elevation, in relation to mean sea level, to which buildings have been flood proofed.
- D. All flood proofing certifications required under this regulation.
- E. All variance actions, including justification for their issuance.

326.07 Variances to the development standards. Variances shall be granted by the Board of Adjustment only:

- A. In accordance with 24 VSA, §§ 4412(h) and 4468 and in accordance with the criteria for granting variances found in 44 CFR, § 60.6 of the National Flood Insurance Program regulations.
- B. Upon a determination that during the base flood discharge the variance will not result in increased flood levels.
- C. Upon determination that the building or other development is protected by methods that minimize flood damages during the base flood and creates no additional threats to public safety.

§ 327: Planning Commission - Site Plan Approval

No zoning permit shall be issued by the Administrative Officer for any use or structure, or any accessory use or structure, except one and two family dwellings, uses and structures accessory to one and two family dwellings and agricultural uses, until the Planning Commission grants site plan approval.

327.01 The owner shall submit two sets of site plan maps and supporting data to the Planning Commission which shall include the following information presented in drawn form and accompanied by written text:

- A. Name and address of the owner of record of the land in question and of adjoining lands. Name and address of person or firm preparing the map. Scale of map, north point and date.
- B. Survey of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights of way, and land use and deed restrictions.
- C. Site plan showing proposed structure locations and land use areas, streets, driveways, traffic circulation, parking and loading spaces, and pedestrian walks, landscaping plans, including site grading, landscape design and screening.
- D. Construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.

- 327.02 The Planning Commission shall approve or disapprove within 60 days of the date it received the plan or it shall be deemed to be approved.
- 327.03 In considering its action, the Planning Commission shall consider and may impose appropriate conditions and safe guards only with respect to the adequacy of traffic access, circulation and parking, landscaping and screening, and the protection of the utilization renewable energy resources.
- 327.04 The Planning Commission shall review the site plan map and supporting data before approval, approval with stated conditions, or disapproval, is given.

§ 328: Recreational Vehicles and Campgrounds

- 328.01 Recreational Vehicles. It shall be unlawful for any person to park a recreational vehicle on any public or private property, except in accordance with the regulations as follows:
 - A. In an approved campground.
 - B. In an approved recreational vehicle sales lot.
 - C. Any property owner may park his recreational vehicle, or that of a visitor, on his own property, provided such vehicle is parked behind the front face of the principal structure and no less than six feet from any lot line. A recreational vehicle so parked shall not be used as living quarters for more than 28 cumulative nights in any calendar year.
- 328.02 Campgrounds. It shall be unlawful for any person to construct, en- large, maintain, or operate any campground unless he or she or any firm holds a valid permit issued by the Administrative Officer. The issuance of a permit shall require conditional use approval by the Board of Adjustment. The following standards shall apply with respect to all campgrounds:
 - A. 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:

1. The location of the proposed campground.
2. The areas and dimensions of the tract of land.
3. The maximum number, location and size of all campsites.
4. The location of any existing buildings and any proposed structures.
5. The location and width of access driveways, roadways, parking areas, walkways, and turnarounds.
6. The location of electrical, water, storm drainage and sewer lines and the sewage disposal systems.
7. A contour map showing the proposed grading of the camp.

B. The Board of Adjustment may require a performance bond from the operator of the camp to assure that the camp is constructed and maintained in a satisfactory manner. The Board of Adjustment may require any other improvements deemed necessary.

C. Campground requirements.

1. Area and Dimensional Requirements.

- a. A campground shall have an area of not less than 10 acres.
 - b. Campgrounds shall provide for individual campsites, access driveways, and parking.
 - c. Each campsite shall be at least 1,800 square feet in area, at least 30 feet in width and include an area at least 10 feet wide and 20 feet long covered with a layer of compacted gravel 12 inches deep.
 - d. All access driveways within a campground shall have a right-of-way at least thirty feet in width and have a compacted gravel surface at least twenty feet in width.
 - e. No campsite or service building shall be closer to any public street right-of-way line than eighty feet or closer to any property line than fifty feet.
2. Landscaping shall be provided as required in § 323 of this bylaw.
3. Utilities
- a. An electrical source supplying at least 50 amps, 110 volts with weatherproof electrical outlets shall be provided for each campsite. The installation shall comply with all applicable laws and regulations.
 - b. An accessible, adequate, safe and potable supply of water shall be available at each campsite.
 - c. Every campground shall have a dumping station for sewage disposal meeting applicable state and local laws and regulations.
 - d. Provisions for the disposal of solid waste shall be made.
4. Each campground shall provide one or more service buildings in accordance with the following specifications:

- a. Flush-type toilets shall be placed in buildings that are not more than a maximum distance of 300 feet from any campsite nor less than 15 feet from any campsite. No service building shall be located within 80 feet of any public street or highway. Separate toilets shall be provided for males and females.
- b. Each room of the building that is accessible by the campground's guests shall be illuminated with a light intensity of 2 watts per square foot of floor area.
- c. The building shall be a permanent structure sheathed with impervious material, adequately ventilated and with all openings to the outside effectively screened, and supplied with a floor drain.
- d. Toilet rooms shall contain one lavatory with hot and cold running water for each two toilets, but in no case shall any toilet room be without one lavatory with hot and cold running water.
- e. Each service building shall have heating facilities to maintain a minimum temperature of 60 degrees F.
- f. Each service building shall have two showers with hot and cold running water for every ten campsites.

328.03 Recreational vehicles that are part of traveling circuses, fairs, carnivals, etc. may secure a temporary permit not to exceed 21 days.

§ 329: Mobile Home Parks

The following requirements shall apply with respect to mobile home parks:

329.01 Area and dimensional requirements.

- A. A mobile home park shall have an area of not less than 10 acres.
- B. A mobile home shall be located on the mobile home space so that it is at least twenty feet from the right-of-way of the access driveway and ten feet from any other lot line of the mobile home space.
- C. No mobile home office or service building shall be closer to a public street right-of-way line than eighty feet, nor closer to a property line than fifty feet.

329.02 Mobile home parks shall provide for individual mobile home spaces, access driveways, parking and recreation open space as follows:

- A. Each mobile home space shall be at least 8,000 square feet in area, and at least sixty feet wide by at least one hundred and twenty feet in depth, and shall front on an access driveway.
- B. A suitable non-porous pad shall be provided on each mobile home space.
- C. All access driveways within a mobile home park shall have a right-of-way at least fifty feet in width and have a surface of treated compacted gravel at least twenty-four feet in width and twelve inches in depth. All weather walkways shall be provided.

- D. Two parking spaces with a compacted gravel surface twelve inches in depth, each ten feet wide by twenty-two feet long, shall be provided for each mobile home space.
- E. Mobile home parks shall provide at least ten percent of the total area for recreation and other open space purposes.

329.03 Utilities

- A. Each mobile home space shall have an attachment for water supply that is adequate, safe and potable.
- B. Each mobile home space shall have an attachment for sewage disposal. The sewage disposal system shall not be located on the mobile home space unless the mobile home space is at least one acre in size.
- C. Provisions for disposal of household garbage and rubbish shall be made.
- D. An electrical source supplying at least 100 amps, 220 volts, shall be provided for each mobile home space. Such electrical outlets shall be weatherproof. The use of underground utility installation shall be required unless waived by the Planning Commission.

329.04 Landscaping shall be provided as required under § 323 of this bylaw.

§ 330: Performance Standards

In accordance with 24 VSA, § 4407(7), in all districts the following performance standards together with all applicable state standards must be met. The Board of Adjustment shall decide whether proposed uses meet the standards. No use shall:

- 330.01 Emit noise in excess of 70 decibels on a one-hour average and/or spontaneous levels of 100 decibels according to an "A" frequency weighting, at the property line.
- 330.02 Emit any noxious gases, odor, dust, liquid or substance which endangers the health, comfort, safety or welfare of any person, or which has a tendency to cause injury or damage to property, business or vegetation, or which unreasonably interferes with the use of other property.
- 330.03 Emit any smoke in excess of Ringleman Chart No. 2.
- 330.04 Cause, as a result of normal operations, a vibration that creates displacement of 0.002 of one inch.
- 330.05 Create lighting or signs that create glare, which could impair the vision of a driver of any motor vehicle.
- 330.06 Cause any condition that violates VOSHA regulations.

§ 331: Discontinuance of Use

Any use that has been discontinued for a period of 2 years or more shall not be resumed without a zoning permit. Intent to resume a discontinued use after such 2-year period shall not confer the right to do so. Residential and agricultural uses are exempt from any time period.

§ 332: Septic Systems

All lots that are not subject to state regulations shall have a system designed by a certified engineer or a state certified site technician before a building permit can be issued. The person or persons designing the system shall inspect and approve the system before it is buried or covered, and shall file a form verifying these facts with the town clerk.

§ 333: Access to Public Rights-of-Way

Prior to construction of any driveway or other private access to a public right-of-way, the landowner shall obtain the approval of the Board of Selectmen or their duly appointed agent as authorized by 19 VSA, § 1111.

§ 334: Agriculture and Forestry

- 334.01 Nothing contained herein shall restrict accepted agricultural or farming practices, or accepted silvicultural 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 1259(f) and 6 VSA, § 4810.
- 334.02 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.
- 334.03 Farm structures shall comply with setbacks approved by the Commissioner of agriculture, food and markets. The approved setbacks are those setbacks contained in § 204 of this bylaw.
- 334.04 A person proposing to construct a farm structure with setbacks less restrictive than those contained herein 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(s) showing the distance from all property lines, and;
 - D. A description of the adjoining land uses.

§ 335: Wireless Communication Facilities

- 335.01 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 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.

335.02 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.

335.03 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. Towers and tower related fixtures where permitted, shall not exceed a height of 180 feet. The height of the proposed tower may be increased subject to the approval of the Board and conformity with other criteria in this sub-section.
- 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-site 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 or facilities of another user nor shall the applicant be required to engineer the tower to accommodate another potential user. The applicant shall provide evidence in writing on how it intends to comply with this requirement and to provide copies of any such proposed agreements;
- 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.

335.04 Application Requirements. As required under this section, an application shall include as 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.

335.05 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.

335.06 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: Construction Approved Prior to Amendment of Bylaw

Permits issued under the March 7, 1989 Waterford Zoning Bylaw 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. Applications to renew expired permits issued under the March 7, 1989 Waterford Zoning Bylaw will not be approved unless the structure and/or use for which the original permit was issued complies with the requirements of this Bylaw.

§ 402: Non-conforming Uses

In accordance with Title 24 VSA 4408, the following provisions shall apply to all non-conforming uses existing on the effective date of this bylaw.

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

- 402.01 A non-conforming use may not be changed to another non-conforming use without conditional use approval being granted by the Zoning Board of Adjustment, and then only if the Zoning Board of Adjustment finds the proposed use more appropriate in the zoning district than the previous use.
- 402.02 The expansion of a non-conforming use must receive approval as a conditional use from the Zoning Board of Adjustment prior to the issuance of a zoning permit by the Zoning Officer;
- 402.03 A non-conforming use may not be resumed once it has been discontinued for a period in excess of two (2) years.

§ 403: Non-complying Structures and Lots

In accordance with Title 24 VSA, § 4408, the following provisions shall apply to all non-complying structures.

Any non-complying structure or lot, except those specified below, may be continued indefinitely but:

- 403.01 A non-complying structure may not be enlarged or changed in a manner that increases its non-compliance.

- 403.02 The use conducted within a non-complying structure or on a non-complying lot may not be changed to another use that would increase the structure's degree of non-compliance.
- 403.03 A non-complying structure damaged or destroyed by fire, collapse, explosion, normal deterioration or other peril may be repaired or completely reconstructed if such repair or reconstruction is completed within two (2) years of the date of damage, destruction or observance of deterioration.
- 403.04 A non-complying structure may not be reconstructed once it is completely or substantially removed voluntarily.
- 403.05 Nothing contained in this section regarding the use of non-complying lots shall restrict the right conferred by § 301 of this bylaw to develop and use an existing small lot.

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 firms, associations, organizations, partnerships, trusts, companies, corporations and individuals.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

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 word PLOT or PARCEL.

Definitions contained in the Vermont Planning and Development Act, 24 VSA, Chapter 117, shall be applicable throughout this bylaw unless otherwise specifically defined in this bylaw.

§ 502: Term Definitions

ACCESSORY USE OR 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.

AREA OF SPECIAL FLOOD HAZARD: Is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH,

A1-30, AE, A99, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

AUTO SALES AND SERVICE: The use of any building, land area or other premises for the display, sale and servicing of new or used automobiles, panel trucks or vans, trailers, or recreational vehicles.

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

BANK: An establishment that provides savings and checking accounts, loans, and other financial assistance to the general public.

BASE FLOOD: Means the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT: Means any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING: Means a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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

BUILDING HEIGHT: The vertical distance of a building measured from the average elevation of the finished grade within twenty feet of the structure to the highest point of the roof. In the case of church buildings with steeples, building height shall be measured to the ridgepole of the main roof and not to the top of the steeple.

BUSINESS OR PROFESSIONAL OFFICE: Place where the business of commercial, industrial, service or professional organization is transacted.

CAMP: A building without plumbing that necessitates a septic system.

CAMPGROUND: A plot of ground on which two or more recreational vehicles are located and occupied for sleeping purposes for a fee.

CEMETERY: Property used for the interring of the dead.

CHURCH: A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

CONTRACTOR'S YARD: An area of land, with or without buildings used by a contractor for the storage of raw and finished materials and tools and equipment.

CORRECTIONAL FACILITY: A building that is used for the incarceration, punishment, and/or rehabilitation of persons convicted of crimes.

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.

DWELLING, MULTI-FAMILY: A residential building designed for or occupied by three or more

families living independently of each other in individual dwelling units with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE FAMILY: A detached residential dwelling unit, including a mobile home or modular home, designed for and occupied by only one family.

DWELLING, TWO FAMILY: A residential building designed for or occupied by two families living independently of each other in individual dwelling units.

DWELLING UNIT: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. It shall include prefabricated, modular units and mobile homes, but shall not include motels, hotels, or other commercial lodging establishments.

EARTH RESOURCES EXTRACTION: Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land, on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

ESSENTIAL SERVICE: 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 municipal or other governmental agencies or for the public health, safety, or general welfare.

FAMILY: One or more persons occupying a single dwelling units, provided that, unless all members are legally related, no such family shall contain over five persons, but further provided that domestic servants and farm workers employed on the premises may be housed on the premises without being counted as a family or families.

FLOOD INSURANCE STUDY: Means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

FLOOD PROOFING: Means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures, and their contents.

FLOODWAY: Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than an designated height.

FORESTRY: The harvesting of timber and the erection of temporary structures and the construction of logging roads for the purpose of harvesting timber.

HOME: A dwelling occupied as a primary residence by one or more individuals.

HOME OCCUPATION: The use of a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof.

HOSPITAL: An institution providing primary health services and medical or surgical care to

persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

LOADING SPACE, TRUCK: Off-street space for the temporary parking of a truck for the purpose of loading and/or unloading.

LODGING HOUSE: A building in which the rooms are rented with or without meals to three (3) or more persons. A boarding house, rooming house or a furnished room shall be deemed a lodging house.

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 incidental 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; or (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 FRONTAGE: The minimum length of the front lot line as required by Tables 204.01 to 204.04 found herein.

LOT LINE, FRONT: That lot line separating a lot from a public right-of-way. In the event of a land locked parcel, that lot line that transects the private right-of-way providing access to the land locked parcel. Where the width of a public right-of-way has not been established, the front lot line shall be considered to be twenty-five feet from the center of the traveled portion of the right-of-way.

LOT LINE, REAR: That lot line most nearly parallel to and most distant from the front lot line.

LOT LINE, SIDE: Any lot line that is not a front or rear lot line.

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.

LOWEST FLOOR: Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of § 44 CFR, § 60.3.

MANUFACTURED HOME: Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle.

MANUFACTURING: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

MEAN SEA LEVEL: Means, for the purposes of the National Flood Insurance Program, the

National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a communities Flood Insurance Rate Map are referenced.

MEMBERSHIP CLUB: An organization operating on a membership basis with pre-established formal membership requirements and with the intent to promote the interests of its members. Such an organization includes trade associations, professional organizations, unions, and similar political and religious organizations.

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

MOBIL HOME PARK: A site with required improvements and utilities for the long-term parking of two or more mobile homes which may include services and facilities for the residents.

MOTEL: An establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

NEIGHBORHOOD RETAIL STORE: Any commercial facility such as a grocery, general, newspaper or drug store or retail service establishment intended principally to serve the area in which it is located.

NEW CONSTRUCTION: Means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial flood insurance rate map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NON-COMPLYING STRUCTURE: A structure or part thereof not in conformance with this zoning bylaw covering building bulk, dimensions, height, area, yards, density or off-street parking or loading requirements, where such structure conformed to all applicable laws, ordinances and regulations prior to the enactment of this zoning bylaw.

NON-CONFORMING USE: A use of land or a structure which does not comply with all zoning regulations found herein where such use conformed to all applicable laws, ordinances and regulations prior to the enactment of this zoning bylaw.

OFFICE: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

OFF-LOT WATER AND SEWER: The providing of water from a source and the disposal of sewage by a system not located on the lot on which is located the building for which these utilities are provided. Further that each of these systems shall be designed to provide service to ten or more independent users.

ON-LOT WATER AND SEWER: The provision of by such means as a drilled well, and disposal of sewage by such means as a septic tank and leach field located on the same adjacent lot as the building for which these utilities are provided.

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 room.

PERSONAL SERVICE: Includes barber, hairdresser, beauty parlor, shoe repair, shoe shine, laundry, laundromat, dry cleaner, photographic studio, and businesses providing similar services of a personal nature.

PRINCIPAL BUILDING: A building in which is conducted the principal use of the lot on which such building is located.

PRINCIPAL USE: The primary or predominant use of any lot.

PRIVATE CLUB: A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

PUBLIC ASSEMBLY USE: Usage by agencies and departments of local, county, state and federal government. Includes auditorium, theater, public hall, meeting hall, church or temple.

PUBLIC FACILITY: Any area of land, including structures thereon, used or intended to be used by agencies of local, county, state, and/or the federal government.

PUBLIC WATER, PUBLIC SEWER: Water supply and/or sewage disposal systems approved by the town for municipal operation.

RECREATION: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. This shall not include automobile or other motorized vehicle racing tracks.

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 recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

RESIDENTIAL BUSINESS: Any income generating activity, whether or not for profit, carried on within an accessory building by one or more of its inhabitants.

RETAIL SALES: 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.

ROAD: A vehicular right-of-way of class three or better with either a paved or gravel surface that is maintained by either the Town or the State.

SCHOOL: Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

SERVICES AREAS: Any outdoor area of land that is used for the erection or placement of accessory uses including but not limited to dumpsters, fuel tanks, electrical utilities and/or heating and ventilation systems.

SIGN: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

SIGNS, NUMBERS AND SURFACE AREA: For the purpose of determining numbers 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 matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

SITE TECHNICIAN: A state approved individual trained to perform percolation and other tests necessary in the design of septic systems and then use the information gathered from such tests to then design a septic system for the lot on which the tests were conducted.

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

STRUCTURE: Means an assembly of materials for occupancy or use, including, but not limited to, a building, manufactured home, billboard, and satellite dish. This definition shall exclude signs, driveways, grave markers, walls, fences, and septic systems.

SUBSTANTIAL IMPROVEMENT: Means any reconstruction, rehabilitation, addition, or other improvement of a building, the cost of which equals or exceeds 50 percent of the market value of the building before the "start of construction" of the improvement. This term includes buildings which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a building to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

TELECOMMUNICATION 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 services.

TRUCKING TERMINAL: An area and building where cargo is stored and where trucks load and unload on a regular basis.

WAREHOUSE/STORAGE UNITS: A building used primarily for the storage of goods and materials. This shall include structures containing separate storage spaces of varying sizes leased or rented on an individual basis.

WHOLESALE SALES: Establishments or places 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.

YARD: Space on a lot not occupied with a building or structure. Porches, 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 front lot line to the front line of the building.

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

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

ARTICLE 6: ADMINISTRATION & ENFORCEMENT

§ 601: Administrative Officer

The Administrative Officer shall be appointed to administer this zoning bylaw pursuant to 24 VSA, § 4442. Said officer 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 Administrative Officer shall be made as provided for in 24 VSA, Chapter 117, Subchapter 8.

§ 602: Zoning Permits

- 602.01 No land development, as defined in 24 VSA, § 4303(3), may be commenced without a permit therefore issued by the Administrative Officer. No zoning permit may be issued by the Administrative Officer except in conformance with this bylaw.
- 602.02 Applications for zoning permits shall be made to the Administrative Officer on forms provided by him for that purpose.
- 602.03 Prior to the issuance of any zoning permit the Administrative Officer 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 Administration Officer shall, within 30 days of submission of the application, data, and approvals, either issue or deny a zoning permit. If denied, the Administrative Officer shall so notify the applicant in writing, stating his reasons therefore. 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 Administrative Officer shall comply with all of the provisions of 24 VSA, § 4443.
- 602.05 The fee for a zoning permit shall be established by the Legislative Body. It may be a sliding scale depending on 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 in 24 VSA, § 4464(a) has passed, or in event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.
- 602.07 Appeals of the actions of the Administrative Officer must be submitted to the Board of Adjustment within 15 days of the Administrative Officer's action.

§ 603: Certificates of Compliance

Applications for certificates of compliance shall be made on forms supplied by the Zoning Administrator. The Zoning Administrator shall then verify that all requirements of the zoning bylaw have been fulfilled and shall issue a certificate to that effect before it is used or occupied. A copy shall be filed with the Town Clerk.

§ 604: Penalties

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

§ 605: Board of Adjustment

605.01 The Board of Selectmen shall appoint a Board of Adjustment of three (3) to nine (9) members who shall serve without remuneration and act on all matters within its jurisdiction under this bylaw in the manner prescribed in the 24 VSA, Chapter 117, provided however, that 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. The Planning Commission may serve as the Board of Adjustment.

605.02 Rules of procedure applicable to the Board of Adjustment, the nature of appeals to the Board from actions of the Administrative Officer, notice requirements, public notice, conditions for variance relief, and all other matters governing the action of said Board shall be as provided in 24 VSA, Chapter 117, Subchapter 8.

§ 606: 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 Administrative Officer without first submitting a report to the appropriate state agency, and compliance with the terms of § 4409(c).

§ 607: Public Notice

Any requirements of public notice required by this bylaw, whether or not required by any provision of 24 VSA, Chapter 117, and whether applicable to the Board of Adjustment or the Planning Commission, shall be given by the publication of the date, place and purpose of such hearing, as required by 24 VSA, § 4447, in a newspaper of general circulation in Waterford and the posting of such notice in one or more public places within the municipality 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.

ARTICLE 7: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE

§ 701: Amendments

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

§ 702: Interpretation

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.

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

§ 703: Effective Date

This regulation shall take effect in accordance with the voting and other procedures contained in 24 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

To the extent that this bylaw is inconsistent with the existing zoning bylaw and its amendments, such existing bylaw and its amendments shall be repealed upon the effective date of this bylaw. As to matters which are not inconsistent, this bylaw shall be deemed a continuation of the existing bylaw and its amendments.



Interim Zoning Bylaws
Town of Waterford

_____. Require initial technical review of proposal by an independent consultant, to be paid for by applicant. (Emphasis on RF compliance to FCC regulations 97-303)

_____. Require similar review upon addition of carriers. (Again paid for by applicant)

_____. Require bond to assure paid removal of facilities if abandoned for any reason.

_____. Authority

Pursuant to 24 VSA Section 4401 et seq. the Planning Board and Zoning Board of Adjustment of the Town of Waterford is authorized to review, approve, conditionally approve and deny applications for wireless communication facilities including sketch, preliminary and final plans and installation. Pursuant to 24 VSA Para. 4407 the Board is authorized to hire qualified persons to conduct an independent technical review of applications and to require the applicant to pay for all reasonable costs thereof. The Town shall have the power to regulate the construction, alteration, development, decommissioning or dismantling of wireless telecommunications facilities and ancillary improvements. The Town may require that a bond be posted or that other acceptable security be provided in order to finance future decommissioning or dismantling activities.

_____. Consistency with Federal Law

In addition to other findings required by this by-law, the Board shall find that its decision regarding an application is intended to be consistent with federal law, particularly the Telecommunications Act of 1996. The by-law does not:

- a. Prohibit or have the effect of prohibiting the provision of personal wireless services;
- b. Unreasonably discriminate among providers of functionally equivalent services; or
- c. Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions.

_____. Permitting Priority

Wireless communication facilities are permitted according to the following priority:

- a. Co-located with an existing Wireless Communication Facility
- b. Concealed within existing structures
- c. Camouflaged and within an existing structure
- d. Camouflaged, or camouflaged on an existing structure such as, but not limited to an existing electric transmission tower, or an existing radio antenna, a water tower, or building and of compatible design
- e. On land owned by Waterford which complies with other requirements of this section, and where visual impact can be minimized and mitigated

_____. Permitting Priority (cont)

f. If demonstrated to the Zoning Board of Adjustment that each of the above 5 types of locations is not feasible, but complies with the other requirements of this section and where visual impact can be minimized.

_____. Co-location Requirements

Towers must be designed to allow for future rearrangements of antennas on the tower and to accept antennas mounted at varying heights where overall permitted height allows. Towers shall be designed structurally, electrically and in all respects to accommodate both the applicant's antennas and additional antennas where overall permitted height allows.

An application for a new telecommunications tower shall not be approved unless the Zoning Board of Adjustment finds that the facilities planned for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:

- a. The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility as documented by a qualified engineer licensed to practice in the state of Vermont. Additionally, the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.
- b. the proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer licensed to practice in the state of Vermont and such interference cannot be prevented at a reasonable cost.
- c. The proposed antennas and equipment – either alone or together with existing facilities, equipment or antennas – would create radio frequency interference (RFI) in violation of federal standards or requirements.
- d. The proposed antennas and equipment either alone or together with existing facilities, equipment antennas would create radio frequency radiation (RFR) in violation of federal standards or requirements.
- e. Existing or approved towers and structures cannot accommodate the planned equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a qualified engineer licensed to practice in the state of Vermont.
- f. Aesthetic reasons make in unreasonable to locate the planned telecommunications equipment on an existing or approved tower or building.
- g. There is no existing or approved tower in the area in which coverage is sought.
- h. Other unforeseen specific reasons make in unreasonable to locate the planned telecommunications equipment on an existing or approved tower or building.

_____. Inspection

Adopted: April 8, 2002

Effective until April 8, 2004

