

# TOWN OF LOWELL, VERMONT

## ZONING BYLAW

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# **TOWN OF LOWELL, VERMONT**

## **ZONING BYLAW**

### **ARTICLE 1: ENACTMENT AND 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 Lowell set forth in the text and map that constitutes this bylaw. This bylaw shall be known as the "Town of Lowell 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 & DISTRICT REGULATIONS**

#### **§ 201: Zoning Map and Districts**

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

"Vil"	Village District
"RR/A"	Rural Residential/Agricultural District
"C-M"	Conservation Mountain District
"IND"	Industrial 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 zoning status of 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-ways shall be deemed to follow the center lines. 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. The Planning Commission shall then 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 establish the objectives of each of the districts hereby established and the provisions of this bylaw that apply respectively within each district. Any use designated as a "Permitted Use" in the table relating to a particular district may be commenced in such district pursuant to § 205 of this bylaw. Any use designated as a "Conditional Use" in the table relating to a particular district may be commenced in such district -pursuant to § 206 of this bylaw. Regulations establishing a classification of lots in certain districts for the purpose of establishing the minimum area per family and the minimum lot area are set forth in § 207.

**Tab 204.01: "VIL' Village District**

Objective: The Village District provides for a clustering of dwellings with support facilities as is normally found in a New England village. The intensity of development is based on the availability of utilities.

Permitted Uses:

- |                             |                          |
|-----------------------------|--------------------------|
| 1. Accessory use/structure  | 5. Dwelling, two family  |
| 2. Agriculture <sup>1</sup> | 6. Forestry <sup>1</sup> |
| 3. Church <sup>1</sup>      | 7. Home occupation       |
| 4. Dwelling, one family     | 8. Minor subdivisions    |

Conditional Uses:

- |                       |                          |
|-----------------------|--------------------------|
| 1. Convenience store  | 6. Office                |
| 2. Essential service  | 7. Public assembly use   |
| 3. Hospital           | 8. Public facility       |
| 4. Lodging house      | 9. Recreational facility |
| 5. Major subdivisions | 10. Retail store         |

Minimum Area and Dimensional Requirements:

Lot classification (see § 207) <sup>2</sup> :	1	2	3
Minimum lot area (sqft):	10,000	20,000	40,000
Minimum lot area per family (sqft):	5,000	10,000	20,000
Frontage (ft):	100	100	150
Front yard (ft) <sup>3</sup> :	45	50	50
Side yards (ft):	15	20	20
Rear yard (ft):	20	30	30

Footnotes

<sup>1</sup> Exempted from the permit process by 24 VSA, § 4495.

<sup>2</sup> Class 1 lots have both off lot water and sewer. Class 2 lots have either on lot water or on lot sewer. Class 3 lots have both on lot water and on lot sewer.

<sup>3</sup> Front yard set back to be measured from the centerline of the traveled portion of the right-of-way.

**Tab 204.02: "RR/All Rural Residential/Agricultural"**

Objective: This district lends itself to a combination of low density residential development, recreation, agricultural, home occupation and small scale business and forestry uses. Other uses are secondary and should not be allowed to develop to the detriment of the primary uses.

Permitted Uses:

- |                             |                          |
|-----------------------------|--------------------------|
| 1. Accessory use/structure  | 6. Forestry <sup>1</sup> |
| 2. Agriculture <sup>1</sup> | 7. Home occupation       |
| 3. Dwelling, one family     | 8. Minor subdivisions    |
| 4. Dwelling, two family     | 9. Public facility       |
| 5. Essential service        |                          |

Conditional Uses:

- |                              |                                    |
|------------------------------|------------------------------------|
| 1. Animal hospital/kennel    | 8. Major subdivisions              |
| 2. Cemetery.                 | 9. Mobile home park                |
| 3. Church                    | 10. Motor vehicle sales and repair |
| 4. Dwelling, multi-family    | 11. Recreational facility          |
| 5. Earth resource extraction | 12. Restaurant and cafe            |
| 6. Light Industrial          | 13. Retail                         |
| 7. Lodging house             | 14. Travel trailer park            |

Minimum Lot Area and Dimensional Requirements:

Lot location <sup>4</sup>	A	B
Minimum lot area (acres) <sup>3</sup> :	1	1
Area per family (acres):	1	1
Frontage (ft):	150	150
Front yard (ft) <sup>2</sup> :	50	75
Side yards (ft):	25	25
Rear yard (ft):	25	25

Footnotes

<sup>1</sup> Exempted from the permit process by 24 VSA, § 4495.  
<sup>2</sup> Front yard set back to be measured from the centerline of the traveled portion of the right-of-way.  
<sup>3</sup> 1 acre equals 43,560 square feet.  
<sup>4</sup> "A" lots are located on class 3 or 4 roads or on Route 58 west of Route 100. "B" lots are located on State Highways and Route 58 east of Route 100.

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**Tab 204.03: "C-M" Conservation-Mountain District**

Objective: This is the district of the community that should have the least intensity of development as it is generally hilly, has poor access, and in many cases, has shallow soils.' With any intensity of development, much permanent damage will be done to the area. Generally speaking these lands are above 2,000 feet in elevation.

Permitted Uses:

- |                             |                          |
|-----------------------------|--------------------------|
| 1. Accessory use/structure  | 4. Forestry <sup>1</sup> |
| 2. Agriculture <sup>1</sup> | 5. Home occupation       |
| 3. Dwelling, one family     | 6. Minor subdivisions    |

Conditional Uses:

- |                       |                          |
|-----------------------|--------------------------|
| 1. Cemetery           | 5. Recreational facility |
| 2. Essential service  | 6. Travel trailer park   |
| 3. Major subdivisions | 7. Windmills             |
| 4. Public facility    |                          |

Minimum Area and Dimensional Requirements:

Minimum lot area (acres) <sup>3</sup> :	10
Frontage (ft):	400
Front yard (ft) <sup>2</sup> :	75
Side yards (ft):	50
Rear yard (ft):	100

Footnotes

<sup>1</sup> Exempted from the permit process by 24 VSA, § 4495.

<sup>2</sup> Front yard set back to be measured from the centerline of the traveled portion of the right-of-way.

<sup>3</sup> 1 acre equals 43,560 square feet.

**Tab 204.04: "IND" Industrial District**

Objective: This district provides for industrial development within the Town. Existing industrial uses include the Asbestos Mine and the Vermont Electric Coop., Inc.

Permitted Uses:

- |                             |                                |
|-----------------------------|--------------------------------|
| 1. Accessory use/structure  | 6. Office                      |
| 2. Agriculture <sup>1</sup> | 7. Public facility             |
| 3. Forestry <sup>1</sup>    | 8. Research/testing lab        |
| 4. Manufacturing            | 9. Warehouse/trucking terminal |
| 5. Minor subdivisions       |                                |

Conditional Uses:

- |                         |                               |
|-------------------------|-------------------------------|
| 1. Auto service station | 7. Motel                      |
| 2. Bank.                | 8. Motor vehicle sales/repair |
| 3. Contractor's yard    | 9. Newspaper & printing       |
| 4. Drive-in restaurant  | 10. Public assembly use       |
| 5. Essential service    | 11. Retail store              |
| 6. Major subdivisions   |                               |

Minimum Area and Dimensional Requirements:

Minimum lot area (acres) <sup>3</sup> :	2
Frontage (ft):	150
Front yard (ft) <sup>2</sup> :	75
Side yards (ft):	25
Rear yard (ft):	50

Footnotes

<sup>1</sup> Exempted from the permit process by 24 VSA, § 4495.  
<sup>2</sup> Front yard set back to be measured from the centerline of the traveled portion of the right-of-way.  
<sup>3</sup> 1 acre equals 43,560 square feet.

**§ 205: Permitted Uses**

Permitted uses are those uses that are allowed providing the standards established by this bylaw are met. Unless this bylaw requires approvals to be granted by the Planning Commission or Board of Adjustment prior to the issuance of a zoning permit, the Administrative Officer may issue the necessary permit.

**§ 206: Conditional Uses**

206.01 Permitted upon issuance of a conditional use permit by the Board of Adjustment after public notice and hearing are those uses specified in Tables 204.01 to 204.04 as conditional uses. In order for a permit to be granted the proposed use shall not adversely affect:

- A. The capacity of existing or planned community facilities;
- B. The character of the area affected;
- C. Traffic on roads and highways in the vicinity;
- D. Bylaws in effect, and;
- E. Utilization of renewable energy resources.

206.02 In permitting a conditional use, the Board may impose, in addition to the regulations and standards 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 area 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 and the hours and amount of the vehicular traffic permitted.
- 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 the completion of construction, alteration, or enlargement of a structure to house a conditional use.
- I. Requiring that any future enlargement or alteration of the use be reviewed by the Board of Adjustment to permit the specifying of new conditions.

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

206.04 A change of use, expansion or contraction of floor 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.

206.05 An applicant for a Conditional Use Permit must submit with their application sufficient, clear, and truthful data to allow the Board to make a determination. The following are required:

- A. Two copies of a site map to scale showing all buildings (including height), driveways, parking, traffic circulation, loading areas, pedestrian walks, fences screening, landscaping plans, site grading, position, and size of signs and all other facts relating to the site plan that may be important.
- B. An estimate of the amount of traffic to be generated. This should be broken down to specify:

- 1. Passenger cars - numbers and frequency.
- 2. Trucks - numbers, type, size, weight, and frequency.

- C. Noise level of any equipment to be used and hours of operation.
- D. Lights to be used that may be visible from the exterior.
- E. Water and sewer information.
- F. Act 250 permit.
- G. Number of employees.
- H. Projected growth.
- I. All other necessary information that pertains to your specific application.

206.06 Prior to a conditional use hearing the Board shall attempt to notify by mail adjacent landowners and other parties as the Board sees fit.

**§ 207: Lot Classification: Water Supply/Sewage Service**

207.01 Table 204.01 refers to three separate classes of lots denominated Class 1, 2, or 3. Whether a lot is classified as Class 1, 2, or 3 depends on the provision made with respect to such lot for water supply and sewage disposal. Thus, a sliding scale of minimum lot area and minimum area per family is established based on the type and location of the water supply and sewage disposal. The classification hereby established is as follows:

Classification	Provision For Water and Sewage Disposal
Class 1	Off-lot water and sewage disposal
Class 2	Off-lot water or sewage disposal
Class 3	On-lot water and sewage disposal

207.02 In any case in which it is proposed to provide a dwelling unit for only one family on a single lot, the Administrative officer shall first determine, by reference to the applicable table, the lot classification in which the lot in question -falls. The Administrative officer shall then determine whether the lot satisfies the "minimum lot area" provision for such lot as set forth in such table. In any case in which it is proposed to provide a dwelling unit for more than one family on a single lot, the Administrative officer shall first determine, by reference to the applicable table, the lot classification in which the lot in question falls. Then- the maximum number of such dwelling units that may be located on such lot shall be determined by dividing the acreage of the lot in question by the 'minimum area per family" provision applicable to a lot of such class as set forth in such table. In all cases, the result of such division shall be rounded up to the nearest whole number.

**§ 208: Application of District Regulations**

208.01 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 6 of this bylaw. Otherwise, no building or land may hereafter

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.

208.02 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 and/or rear yards than is specified herein for the district in which such building is located.

208.03 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.

**§ 209: Principal Structures**

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

**ARTICLE 3 GENERAL PROVISIONS**

The following provisions shall apply to all districts except where listed:

**§ 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 zoning bylaw may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot area 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 have frontage on either a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by permanent easement or right-of-way of record at least twenty feet in width.

**§ 303: Protection of Home Occupations**

No regulation may 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 residential 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 (one hundred feet in the Rural Residential/Agriculture and Conservation/mountain districts) into the more restricted part, providing the lot has frontage on a road in the less restricted district.

**§ 305: Principal Buildings Including Dwellings on Lots**

There shall be only one principal building on a lot unless otherwise approved under the planned unit development provisions.

**§ 306: Reduction of Lot Area**

No lot shall be so reduced in area 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 area, yard, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.

**§ 308: Corner Lots**

- 308.01 Any yard adjoining a street shall be considered a front yard for the purposes of this bylaw.
- 308.02 Lots that abut on more than one street shall provide the required frontage along every street.

**§ 309: Driveways**

- 309.01 All driveways are to be located at least fifty feet from a street line intersection for all uses except one and two family dwellings.
- 309.02 All proposed driveways that will have access to a town road shall have a driveway permit issued by the Selectboard as required by 19 VSA, § 1111(b) prior to the establishment of such driveways.

**§ 310: 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.

**§ 311: Abandonment of Structures**

- 311.01 Within 18 months after any permanent or temporary building or structure has been destroyed or demolished, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered or filled to the normal grade by the owner.
- 311.02 No owner or occupant of land in any district shall permit fire or other ruins to be left, but within 18 months shall remove or refill the same to clear ground level or shall repair, rebuild or replace the structure.

**§ 312: Off-Street Loading**

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

**§ 313: Off-Street Parking**

For every building hereafter erected, altered, extended, or changed in use, there shall be a minimum number of off street parking spaces as set forth in the tables below.

- |                               |                                |
|-------------------------------|--------------------------------|
| A. 2                          | G. 1 / 1000 sqft of floor area |
| B. 5                          | H. 1 / room                    |
| C. 10                         | I. 1 / 3 seats                 |
| D. 2 / dwelling unit          | J. 2 / travel trailer site     |
| E. 1 / 200 sqft of floor area | K. None required               |
| F. 1 / 500 sqft of floor area | L. Plan. Comm. determines      |

<u>Use</u>	<u>Parking Required</u>	<u>Use</u>	<u>Parking Required</u>
Accessory use/structure	G	Home occupation	E
Agriculture	K	Hospital	E
Animal hospital/kennel	F	Lodging house	H
Auto service station	A & E	Manufacturing	F
Bank	E	Mobile home park	D
Cemetery	K	Motel	H
Church	I	Motor vehicle sale/repair	B+E
Contractor's yard	B	Newspaper & printing	B+E
Convenience store	B	Office	E
Drive-in restaurant	C	Public assembly use	I
Dwelling, multi-family	D	Public facility	F
Dwelling, one family	D	Recreational facility	C+F
Dwelling, two family	D	Research/testing lab	E
Earth resource extraction	L	Retail store	E
Essential service	K	Travel trailer park	J
Forestry	K	Warehouse/trucking terminal	G

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated to be 300 square feet. However, off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, in a manner appropriate to the circumstances of the case, and in accordance with all bylaws and regulations of the Town.

**§ 314: 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 or evergreens at a height of at least five feet above the grade level, on all sides where the adjacent land is in a residential district or residential use.

**§ 315: Home Occupation**

Any Home Occupation as defined in Sec 303 and Sec 502 shall be permitted as an accessory use if it complies with the requirements of this section.

- 315.01 The home occupation shall be carried on by members of the family. Three on-premise employees who are not part of the family are permitted.
- 315.02 Only normally permitted exterior signs are allowed. Only visually unobtrusive exterior storage of materials and only minor exterior indication of the home occupation are allowed.
- 315.03 Objectionable circumstances such as noise, vibration, smoke, dust, electrical disturbances, odors, heat or glare as defined by performance standards in this by law or by the Town Selectboard or as determined by the Board of Adjustment shall not be produced.
- 315.04 Only a minor increase in neighborhood traffic shall be generated by a home occupation.
- 315.05 For the purposes of section 315 Dwelling includes Accessory Use/Structure when such Accessory Use/Structure is in harmony with the neighborhood.

**§ 316: Site Plan Approval**

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

- 316.01 Submission of Site Development Plan Map and Supporting Data. The owner shall submit two sets of site plan maps and supporting data to the Planning Commission which shall include the following information: 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.
- 316.02 Site Development Plan Review Procedure. The Planning Commission shall conform to the requirements of 24 VSA, § 4407(5) before acting upon any application.
- 316.03 In considering its action the Planning Commission shall consider and may impose appropriate conditions and safeguards only with respect to the adequacy of traffic access, circulation and parking, landscaping and screening.
- 316.04 And to protecting the utilization of renewable energy resources.

**§ 317: Planned Unit Development**

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

- 317.01 Proposals for planned unit development shall be submitted to the Planning Commission. The material accompanying the proposal shall contain the following: Required site plan shall show all buildings, parking areas, and landscaping at a scale sufficient to permit the study of all elements of the plan. All utilities shall also be shown and described. Typical elevations and floor plans of all buildings may also be required. In addition, the site plans shall show the adjacent building outlines and other outstanding features within 200 feet.
- 317.02 The purpose of planned unit development shall be to encourage a development that will result in:
- A. A choice in the types of environment and living units (where applicable) available to the public, and quality in land uses so that development will be a permanent and long-term asset to the town.
  - B. Open space and recreation areas if dwelling units are a part of the development.
  - C. A pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion.
  - D. An efficient use of land resulting in smaller networks of utilities and streets.
  - E. An environment in harmony with surrounding development.
  - F. A more desirable environment than would be possible through the strict application of other sections of this bylaw.
- 317.03 Density may vary within the development. However, in planned unit developments having dwelling units the total permitted number of dwelling units shall not exceed 25 percent more than the number which could be permitted in the Planning Commission's judgment if the land were subdivided into lots in conformance with the zoning regulations for the district in which the land is situated.
- 317.04 The predominant use of the land shall not differ substantially from the uses permitted in the district in which the plan is located. In a planned unit development, dwelling units may be multi-family. In a planned unit development in a residential district, commercial, educational, and public facilities may be allowed which are designed to serve the development and the area around the development.
- 317.05 Lot area, width, front yard depth, and side yard requirements may be waived; however, these will be evaluated by the Planning Commission on their individual merit.
- 317.06 A planned unit development shall comply with the following standards:
- A. Shall be at least ten contiguous acres in all districts.
  - B. At least 25 percent of the development shall remain in open space for public and/or common usage. The regulations for control and maintenance of this open space shall be approved by the Planning commission. This may be waived by the Planning Commission for commercial and industrial planned unit developments providing adequate screening and landscaping is provided.

- 317.07 The Planning Commission may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in this zoning bylaw for planned unit development, provided the rules and regulations are not inconsistent with the zoning bylaw. The Planning Commission shall hold a public hearing after public notice as required by 24 VSA, § 4447 prior to the establishment of any supplementary rules and regulations for planned unit development.
- 318.07 As a condition to the issuance of a permit for a Planned Unit Development The Planning Commission may impose appropriate and reasonable conditions and safeguards.

**§ 318: Travel Trailers**

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

- 318.01 In an approved travel trailer camp.
- 318.02 In an approved travel trailer sales lot.
- 318.03 The owner of a travel trailer may park his or a visitor's trailer on his own property.

**§ 319: Mobile Home and Travel Trailer Parks**

- 319.01 Permit Required. It shall be unlawful for any person to construct, or enlarge any mobile home park or trailer camp within the limits of Lowell unless he or she or any firm holds a valid permit. Upon approval of the Planning Commission issuance of the permit shall be contingent upon compliance with all health and sanitary laws and regulations of the State of Vermont and Lowell.
- 319.02 Permit - Methods of Application and Requirements. Applications for permits shall be made 'in writing, signed by the applicant who shall file with the application proof of ownership of the premises, a lease or written permission from the owner thereof together with a complete set of plans drawn to scale, showing the location of the proposed mobile home park or trailer camp, and which shall include:
- A. The areas and dimensions of the tract of land.
  - B. The maximum number, location, and size of all mobile home and trailer spaces.
  - C. The location of any existing buildings and any proposed structures.
  - D. The location and width of access driveways, roads, parking areas, walkways, and turn arounds.
  - E. The location of electrical, water, storm drainage and sewer lines and the sewage disposal system.
  - F. Each application shall contain a list of the fees and these fees shall be posted on the park or camp premises in a conspicuous location.
  - G. A contour map showing the proposed grading of the park or camp.

- 319.03 Construction or Enlargement of Parks and Camps. No person shall construct or enlarge a mobile home park or trailer camp without first obtaining site plan approval from the Planning Commission granted after the Planning Commission has held a properly warned public hearing. Before such a permit may be issued, there must be a favorable recommendation by a majority of the Planning Commission. Before giving site plan approval the Planning Commission may require a performance bond from the operator of the park to assure that the park or camp is constructed and maintained in a satisfactory manner. The Planning Commission may require any other improvements and facilities before approving the mobile home park or trailer camp, in the interest of public safety, health, and welfare. The Planning Commission may accept the proposed plan, accept the proposed plan with recommended changes, or reject the plan. The Commission shall submit the application and the plan to the Administrative Officer together with the Commission's action regarding the permit.
- 319.04 Mobile Home Park Standards. The following regulations shall apply with respect to mobile home parks and all mobile homes in parks:
- A. A mobile home park shall have an area of not less than 10 acres
  - B. Mobile home parks shall provide for individual mobile home spaces, access driveways, parking and recreation open space.
  - C. Each mobile home space shall be at least 7,200 square feet in area, and at least 60 feet wide by at least one hundred and twenty feet in depth, and shall front on an access driveway. If a central sewer system is not provided the minimum mobile home space shall be 30,000 square feet.
  - D. All access roads within a mobile home park shall have a right-of-way at least fifty feet in width. The traveled portion of the right-of-way shall have a compacted gravel surface at least twenty-four feet in width and twelve inches in depth. All weather walkways shall be provided.
  - E. Two parking spaces with twelve inches in depth of compacted gravel for each mobile home space shall be provided, at least ten feet wide by twenty-two feet long.
  - F. Mobile home parks shall provided at least ten percent of the total area for recreation and other open space purposes.
  - G. A suitable non-porous pad shall be provided for each mobile home.
  - H. Each mobile home space shall have an attachment for water supply that is adequate, safe and potable. The water supply source must be approved by the State Department of Health and meet all local and state regulations.
  - I. Each mobile home lot shall have an attachment for sewage disposal. The method of sewage disposal must be in compliance with the State Department of Health and local regulations.
  - J. No mobile home, office or service building shall be closer to a public street right-of-way line than eighty feet or closer to a property line than fifty feet.
  - K. A strip of land at least twenty five feet in width shall be maintained as a landscaped area abutting all mobile home park property lines except when the park boundary is adjacent to residential uses where the landscaped area shall be at least fifty feet in width.
  - L. Provisions for disposal of household garbage and rubbish shall be made.

- M. An electrical source supplying at least 100 amps, 220 volts shall be provided for each mobile home -space. The installation shall comply with all State and local electrical laws and regulations. Such electrical outlets shall be weatherproof. The use of underground utility installation shall be required unless waived by the Planning Commission.
- N. 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.

319.05 Travel Trailer Camp Standards. The following regulations shall apply with respect to all travel trailer camps:

- A. A travel trailer camp shall have an area of not less than 10 acres.
- B. Travel trailer camps shall provide for individual travel trailer spaces, access driveways and parking.
- C. Each travel trailer lot shall be at least 1,800 square feet in area, and at least thirty feet in width and have a compacted gravel surface at least ten feet in width and twenty feet in depth.
- D. All access driveways within a travel trailer camp must be at least thirty feet in width and have a compacted gravel surface at least twenty feet in width.
- E. No travel trailer space 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.
- F. A strip of land at least twenty five feet in width shall be maintained as a landscaped area abutting all travel trailer camp property lines except when the camp boundary is adjacent to residential uses when the landscaped area shall be at least fifty feet in width.

319.06 Other Provisions.

- A. Mobile homes and travel trailers that are part of traveling circuses, fairs, carnivals, etc., may secure a temporary permit not to exceed 21 days, provided that all health and sanitary laws and regulations of the State of Vermont and Lowell are met.
- B. Non-conforming uses. Any lawful travel trailer camp or mobile home park existing at the time of this bylaw or amendment thereto is adopted may continue although such use does not conform to the provisions of this bylaw. However, all travel trailer camps and mobile home parks must comply with the sanitation and health laws of the State of Vermont and Lowell. A non-conforming use that has been discontinued for a period of twelve consecutive months shall not be re-established except in conformity with this bylaw. Any additions, extensions or enlargements shall be made as provided for in this bylaw.

**§ 320: Accessory Uses or Structures**

Accessory uses or structures shall not exceed, in area, 50 percent of the principal use or structure.

**§ 321: Signs - Regulations and Restrictions**

No signs shall be permitted in the Town of Lowell except as follows:

- 321.01 All signs must be well constructed and maintained in stable and legible condition.
- 321.02 No sign shall hang so as to endanger the public.
- 321.03 Residence and professional signs shall only be erected on the premises, and located not more than 1,500 feet from the main entrance of the business. Signs may only be illuminated when the premises are open for business. These signs shall not be larger than nine square feet.
- 321.04 Business and commercial signs: Hanging or standing signs shall have a maximum area of twelve square feet. Signs painted on or permanently attached to the wall of a building shall not occupy more than 10% of the wall.
- 321.05 No flashing, intermittent or moving lights shall be permitted. Lighted signs must be shielded to prevent glare on adjoining roads. A sign must be removed if the indicated activity is discontinued.

**§ 322: Dumping, Disposal, or Storage of Solid Waste**

The dumping, disposal or storage of all types of solid waste is prohibited. With the exception of household refuse, animal manure used for soil enrichment, wood waste and sawdust, and mining waste generated immediately in the Town.

**§ 323: Light Industries**

Any Light Industry as defined in Sec 502 shall be permitted as a conditional use if it complies with the requirements of this section.

- 323.01 Any business that does not use shifts, uses 10 or fewer employees (including management) in total, will be in operation between the hours of 7 am to 8 pm only, conforms to Lowell's noise level standards and does not generate excessive traffic that would have a significant detrimental effect on the property values and/or quality of life of the neighborhood in which it is situated shall be deemed Light Industry.
- 323.02 Quiet Equipment and/or machinery, such as computer terminals are also allowed and may be in use 24 hours of the day and may be economically connected to a business with more than 10 employees.
- 323.03 Only normally permitted exterior signs are allowed. Only moderate exterior storage of materials is allowed.
- 323.04 Objectionable circumstances such as noise, vibration, smoke, dust, electrical disturbances, odors, heat or glare as defined by performance standards in this by law or by the Town Selectboard or as determined by the Board of Adjustment shall not be produced.
- 323.05 Only a moderate increase in neighborhood traffic shall be generated by a Light Industry.

**§ 324: Expansion of a Light Industry**

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An applicant for a Light Industry Conditional use permit or a current Light Industry permit holder may request an exemption to the 10 or fewer employees limit at any time. If a permit has already been granted a new hearing is required. At that time the board may impose reasonable conditions as specified in § 206.02 in addition to those conditions required when the original permit was issued.

**§ 325: Agriculture and Forestry**

- 325.01 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.
- 325.02 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.
- 325.03 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.
- 325.04 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.

**§ 326: Subdivisions**

- 326.01 Minor subdivisions, as defined in § 502 herein, may be commenced following the issuance of a zoning permit by the Zoning Officer. The permit application must include a site plan with sufficient data and a scale to allow the Zoning Officer to determine the lots compliance with this bylaw. Such site plan shall show the lots being created, their area, and frontage.
- 326.02 Major subdivisions, as defined in § 502 herein, shall require conditional use approval by the Zoning Board of Adjustment prior to the issuance of a permit by Zoning Officer. Such subdivisions shall comply with the following prior to the issuance of a permit:
  - A. The applicant shall submit with his application for a permit a site plan with sufficient detail and at a scale to allow the Zoning Board of Adjustment to determine compliance. Such site plan shall show the lots being created, their area, and frontage, as well as roads, and any utilities that are to be installed.
  - B. The Zoning Board of Adjustment shall review the application as a conditional use under the requirements of § 206 of this bylaw. Such review shall be conducted at public

following the posting and publication of a public hearing notice at least 15 days prior to the hearing.

- C. The installation of roads and utilities shall be done in compliance with any and all town standards for such utilities and facilities.
- D. The Zoning Board of Adjustment may require a bond to insure the completion of new roads and utilities in compliance with town standards.
- E. The Zoning Board of Adjustment may impose any reasonable conditions to insure the creation of a subdivision that will be an asset to the Town of Lowell.

**ARTICLE 4: NON-CONFORMING USES**

**§ 401: Permits Issued before Adoption/Amendment of Bylaw**

Permits issued under the March 6, 1990 Lowell 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. Nothing contained herein shall require any changes to the plans or construction of such 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 6, 1990 Lowell Zoning Bylaw, which have not been utilized, will not be approved unless the proposed structure and/or use for which the original permit was issued also complies with the requirements of this Bylaw.

**§ 402: Non-Conforming Uses**

The following provisions shall apply to all uses existing on the effective date of this bylaw which do not conform to the requirements set forth in this bylaw and to all uses which in the future do not conform by reason of any subsequent amendment to this bylaw. Non-conforming uses may be continued indefinitely, however, such uses:

- 402.01 Shall not be enlarged or extended by any means whatsoever unless such enlargement has been approved by the Board of Adjustment following a properly warned public hearing and a finding that such enlargement will not adversely affect the surrounding area. Such enlargements shall be reviewed under the same criteria for conditional uses.
- 402.02 Shall not be replaced with another non-conforming use without the approval of the Planning Commission, and then only to a use, which, in the opinion of the Planning Commission, is of the same or of a more restricted nature.
- 402.03 Shall not be re-established if such use has been discontinued for any reason for a period of one year, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.

**§403: Non-Complying Buildings**

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

all structures which in the future do not comply by reason of any subsequent amendment to this bylaw.

Non-complying structures may be continued indefinitely, however, such structures:

- 403.01 Shall not be moved unless such action increases the structure's degree of compliance.
- 403.02 Shall not be enlarged or extended unless such enlargement or extension complies with the requirements of this bylaw.
- 403.03 Shall not be replaced on the original foundation after the removal of such structure for any reason unless such construction is commenced within one year following the date of such removal.
- 403.04 May receive normal maintenance and repair provided that such action does not increase the degree of non-compliance.

**§ 404: Expansion**

The Board of Adjustment may, after public notice and hearing, allow expansion of any non-conforming use providing it does not adversely affect the surrounding area and provided it meets the same criteria for conditional uses.

**ARTICLE 5: DEFINITIONS**

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

**§ 501: Word Definitions**

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

The present tense includes the future tense, the singular number includes the plural, and the plural 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 words lot or parcel.

**§ 502: Term Definitions**

**Accessory Use/Structure:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**Acre:** One acre equals 43,560 square feet.

**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.

**Animal Hospital/Kennel:** A place where animals or pets are given medical or surgical treatment and/or boarded, bred or trained for commercial gain.

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

**Building:** Any structure for the shelter, support, or enclosure of persons, animals, chattel or property of any kind.

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

**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.

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

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

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

**Convenience Store:** Any area of land including structures thereon, that are used or designed to be used for the supply of gasoline, oil, or other fuel for the propulsion of motor vehicles as well as the sale of beverages, snacks, and/or other foods. A convenience store shall not include the servicing or repairing of autos, trucks, or trailers nor shall a convenience store be a major food market.

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

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

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

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

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

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

**Dwelling Unit:** One room, or rooms connected together, constituting a separate, independent

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housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. It shall include prefabricated and modular units but shall not include motels, hotels, or similar structures.

**Earth Resource Extraction:** The removal and processing of sand, gravel, or rock for use or sale off-tract.

**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. Such systems may include 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. Buildings reasonable necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare may also be included.

**Family:** One or more persons occupying a dwelling unit and living as a single household unit.

**Forestry:** Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

**Home Occupation:** Any business taking place in a persons primary homestead and/or those buildings on the same premises that are of a size and character consistent with the existing buildings of the neighborhood and which only increases to a minor degree visible activity or noise may be considered Home Occupation.

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

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

**Light Industry:** Includes businesses that manufacture on premises and/or provides services off premises and is of a size which is in proportion to the neighborhood in which it is situated, and includes light manufacturing, carpentry, construction and excavation, contractors yard and fabrication of various items.

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

**Lodging House:** A building in which the rooms are rented with or without meals to three (3) or more persons. A boarding house, a 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, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or other means of access approved by the Planning Commission and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;

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

**Lot Line, Rear:** The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

**Lot Line, Side:** Any lot line other than a front or rear lot line.

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

**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.

**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.

**Major Subdivision:** Any subdivision that involves the creation of six or more lots.

**Minor Subdivision:** Any subdivision involving one to five lots.

**Mobile Home Park:** mobile home park shall mean a plot of ground not less than ten acres on which two or more mobile homes, occupied for dwelling or sleeping purposes, are located.

**Mobile Home Space:** Mobile home space shall mean a plot of ground within a mobile home park designated for the accommodation of one mobile home.

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

**Motor Vehicle Sales and Repair:** Enclosed establishments for the display, sale, and repair of new and used motor vehicles, trailers, motor homes, and boats. This shall not include the retail sale of gasoline or oil, except as incidental to the repair facility.

**Neighborhood Commercial Facility:** 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.

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

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

**Non-Residential Use:** All uses of buildings, structures, or land except single family dwellings, two

family dwellings, and multi-family dwellings.

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

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

**On-Lot Water And Sewer:** The providing of water from a source such as a drilled well and the disposal of the sewage by such means as a septic tank and drainage field located on the same or 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 or maneuvering room.

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

**Public Assembly Use:** Includes auditorium, theatres public hall, school hall, or meeting hall.

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

**Public Water, Public Sewer:** Water supply and sewage disposal systems approved by the to or municipal operation.

**Recreational Facility:** A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

**Research/Testing Lab:** An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

**Residential Use:** Includes both site built and manufactured housing designed to shelter one or more families in individual dwelling units.

**Retail Store:** Includes enclosed restaurant, cafe, shop and store for the 'sale of retail goods, personal service shop and department store; and shall exclude any drive-in service, free standing retail stand, motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service. **SEMI-PUBLIC:** Usage by non-profit organizations such as churches, fraternities, YMCA, charitable and non-profit social organizations for non-profit purposes.

**Restaurant and Café:** Any fixed or mobile place or facility at or in which food or drink is offered or prepared for retail sale or for service with or without charge on or at the premises or elsewhere.

**Service Area:** Any area wherein is situated trash disposal receptacles, fuel tanks, electrical transformers, heating and/or air conditioning systems, and/or other similar facilities that are designed and built as accessory uses meant to serve the principal use and/or structure situated on the same lot therewith.

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

- a. Flags and insignia of any government except when displayed in connection with

- commercial promotion;
- b. Legal notices, identification, informational, or directional signs erected as required by governmental bodies;
- c. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;
- d. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

**Signs, Numbers And Surface Area:** For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

**Sign On-Site:** A sign relating in its subject matter to the premises on which it is located, or to a product, accommodations, services, or activities on the premises

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

**Street Frontage:** Lot lines that abut a public street.

**Street Line:** Right-of-way of a street as dedicated by a deed of record. Where the width of the street is not established, the street line shall be considered to be 25 feet from the centerline of the street pavement.

**Structure:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, swimming pools, mobile homes, billboards, and poster panels.

**Travel Trailer Park:** A plot of ground not less than ten acres on which two or more trailers occupied for sleeping purposes are located.

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

**Use, Conditional:** A use permitted only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in this zoning bylaw and authorized by the Board of Adjustment.

**Use, Permitted:** Use specifically allowed in the district, excluding illegal uses and non-conforming uses.

**Warehouse/Trucking Terminal:** Includes warehouse, wholesale establishment, discount house, bulk storage and bulk sales outlet.

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**Yard:** Space on a lot not occupied by 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 centerline of the traveled portion of the right-of-way 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, and extending through from the front yard to the rear yard.

**ARTICLE 6: ADMINISTRATION AND ENFORCEMENT**

**§ 601: Administrative Officer**

The Administrative officer shall be appointed to administer this zoning bylaw pursuant to 24 VSA, § 4442. Such 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. Acting Administrative officer may be appointed pursuant to 24 VSA, § 4442(b).

**§ 602: Zoning Permits**

- 602.01 No land development, as defined in 24 VSA, § 4303(3), may be commenced without a permit 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 permit the Administrative officer shall first satisfy himself that the subject of the application is in conformance with these regulations. 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 Administrative 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 therefor. If the zoning permit is approved, all activities authorized by its issuance shall be completed within two years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required.
- 602.04 In the issuance of zoning permits, the 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 the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal
- 602.07 Exemption. No zoning permit is required for accessory structures with a floor area not exceeding 81'square feet which are not intended for human occupancy. Such structures must be located behind the principal structure on the lot.

**§ 603: Penalties**

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

**§ 604: Board of Adjustment**

- 604.01 There is hereby established a Board of Adjustment whose members shall consist of the Planning Commission, until such time that the Board of Selectmen appoints a separate Zoning Board of Adjustment as provided by 24 VSA, § 4461.
- 604.02 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.

**§ 605: Referral to State Agency**

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

**§ 606: 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 in a newspaper of general circulation in Lowell and the posting of such notice in two 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 §§ 4403 and 24 VSA, § 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. However, where this bylaw imposes a greater restriction upon use of a structure or land than is required by any other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of this bylaw shall control.

**§ 703: Effective Date**

This bylaw shall take effect in accordance with the voting and other procedures contained in 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 of Former Zoning Bylaw**

The former Town of Lowell Zoning Bylaw, adopted March 6, 1990, is hereby repealed on the date this bylaw is adopted by the voters of the Town of Lowell.