

ZONING BYLAW
for the
TOWN OF FRANKLIN, VERMONT

Adopted By The Voters On November 5, 2002

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ARTICLE I. GENERAL PROVISIONS

Section 100 Statutory Authorization & Enactment

A Zoning Bylaw for the Town of Franklin is hereby established in accordance with the Vermont Municipal and Regional Planning and Development Act (Title 24, Chapter 117, Subchapter 7, of Vermont Statutes Annotated) hereinafter referred to as "the Act". The regulations set forth in the text and map which follow shall be known and cited as the "Town of Franklin Zoning Regulations."

Section 110 Purpose

The purpose of this bylaw is to implement the Town of Franklin Municipal Plan (adopted October 10, 2000); to further the purposes of the Act; to promote the health, safety, and general welfare of the inhabitants of the town; to provide for orderly community growth; and to maintain and enhance the natural beauty and environment of the town.

Section 120 Applicability

No land development (see definition in Article VII) shall commence within the jurisdiction of the Town of Franklin except in compliance with the regulations and requirements of this bylaw. Any land development not authorized under this bylaw is prohibited.

Section 130 Interpretation

This bylaw shall not repeal, abrogate, or impair any other land use controls including but not limited to statutes, regulations, rules, ordinances, permits, easements, deed restrictions, and covenants. However, the provisions of this bylaw shall be minimum requirements which shall take precedence over any concurrent and less restrictive controls.

Section 140 Amendment, Adoption & Effective Date

These regulations and any amendments shall be prepared and adopted in accordance with the procedures outlined in Sections 4403 and 4404 of the Act.

Section 150 Severability

The provisions of these regulations are severable. If any provision or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity does shall not affect other provisions or applications of these regulations.

ARTICLE II. ADMINISTRATION & ENFORCEMENT

Section 200 Zoning Administrator

A) A zoning administrator to administer these regulations shall be appointed by the planning commission for a term of three (3) years, with the approval of the town's legislative body, as provided in Section 4442 of the Act. The zoning administrator shall literally enforce the provisions of these regulations and in doing so, shall inspect all development within the town, maintain appropriate records, and perform all other necessary tasks to carry out the provisions of these regulations.

B) The powers and duties of the zoning administrator shall be as set forth in Section 4442 of the Act.

Section 210 Zoning Permit

A) No land development may be commenced and no structure erected, substantially improved, changed in use, or moved without a zoning permit issued by the zoning administrator. A zoning permit shall not be required when improvements involve less than 50 square feet of new floor space or building area.

B) Along with the permit fee and all other approvals required by these regulations, an application for a zoning permit must contain the following:

1) a sketch or plan indicating

a) the shape, size, height, and location in exact relation to all property lines and to street or road lines of any structure to be erected, altered, extended or moved, and of any structure already on the lot

b) the location of any proposed new boundary line on the lot

c) the existing or intended use of all such structures and the land;

2) a list of names and most recent mailing addresses of all abutting property owners within the same or neighboring communities as derived from the grand list;

3) any other information which the zoning administrator requires to ensure that the provisions of these regulations are met.

C) Within 30 days after the submission of a completed application, fees, and other approvals, the zoning administrator shall either issue or deny the permit. If the permit is denied, the administrator shall notify the applicant in writing, stating the reasons for denial. If the zoning administrator fails to act within the 30-day period, a permit shall be deemed issued on the 31st day.

D) A zoning permit shall be effective for a period of 12 months, after which it shall become null and void. A one-year extension may be granted by the zoning administrator if substantial construction has started but has not been completed within the initial 12 month period.

E) If a public notice regarding the adoption or amendment of these bylaws has been issued, the issuance of zoning permits shall be governed by the provisions contained in Section 4443(c) of the Act.

F) Applicants may appeal a decision of the zoning administrator to the board of adjustment (see section 240 below).

Section 220 Fees

The selectboard shall establish all fees to be charged to administer these regulations with the intent of covering administrative costs.

Section 230 Board of Adjustment

There is hereby established a board of adjustment whose appointment and rules of procedure shall be as established as in Subchapters 7 and 8 of the Act. The board of adjustment shall hear appeals from decisions of the zoning administrator, appeals for a variance from these regulations, and applications for conditional use permits as established below.

Section 240 Appeals from Decisions of the Zoning Administrator

Any interested person as defined in Section 4464 of the Act may appeal a decision or act taken by the zoning administrator by filing a written notice of appeal with the secretary or the chairperson of the board of adjustment within 15 days of such decision or act. Appeals shall be filed and reviewed according to Subchapter 8, Sections 4464 - 4467 of the Act.

Section 250 Variances

A) The purposes of a variance is to address a hardship related to the physical characteristics of a particular lot which hampers the owner from enjoying the same property rights accorded to others in the same zoning district.

B) An applicant may apply for a variance from the provisions of these regulations from the board of adjustment.

C) The applicant shall submit an application prepared according to Section 260 (C).

D) The board of adjustment may render a decision in favor of the applicant only upon establishing all the following facts in its decision:

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

2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

3) That the unnecessary hardship has not been created by the applicant;

4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and

5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the town plan.

E) In rendering a decision in favor of the applicant for a variance, the board of adjustment may attach such conditions which it may deem necessary to implement the Act and/or the town plan as established in Section 270 below.

Section 260 Conditional Uses (24 V.S.A. §4407(2))

A) In any district certain uses may be permitted only by approval of the board of adjustment. The board may issue a permit after a duly warned public hearing if it determines that the proposed use conforms to general and specific standards prescribed in these regulations.

B) The purpose of a conditional use is to extend the development options of all property owners within a particular zoning district without causing undue impact upon other property owners or violating the purpose of the district as stated in these regulations.

C) The applicant shall submit four (4) sets of site plan maps and supporting data to the board of adjustment which shall include the following information presented in drawn form and accompanied by written text:

1) An accurate map of the property showing existing features including, structures, septic system(s), large trees, streets, utility easements, rights-of-way, land use, and deed restrictions and such other features as the Board considers necessary for a proper evaluation of the application.

2) Name and address of the owner of record and those of adjoining lands.

3) Name and address of the person or firm preparing the map, scale of map, north arrow, and date of map preparation;

4) Site plan showing proposed structure locations and land use areas, streets, driveways, traffic circulation, parking and loading spaces, pedestrian walks, site grading, and landscaping;

5) Construction sequence and time schedule for completion of each phase of development.

D) When determining the appropriateness of a proposed conditional use, the board of adjustment shall determine that the development or use will not adversely affect any of the following general conditional use criteria:

1) The capacity of existing or planned community facilities;

2) The character of the area affected. A conditional use may not, by its nature, scale, or conduct, adversely change the character of the area as it exists or would exist if fully developed in accordance with the Franklin Town Plan;

3) Traffic on roads and highways in the vicinity. The estimated traffic generated by the conditional use shall not exceed the estimated volume of traffic that would be generated by any use which is permitted by right in the district. When the capacity of a road to accept increased traffic is limited, the conditional use shall not exhaust or exceed the remaining capacity of the road;

4) Bylaws now in effect. A conditional use must comply with bylaws and regulations: including the Town Plan and wastewater ordinance in effect at the time of submission of the application;

5) Utilization of renewable energy resources. A conditional use shall not excessively inhibit or restrict access to or the use of resources including sun, wind, and water for energy generation.

E) The board of adjustment shall act to approve or disapprove any conditional use request within 60 days after the date of the final public hearing. Failure to act within 60 days shall be deemed approval of the application.

Section 270 Additional Conditions for Variances & Conditional Use

The board of adjustment shall have the power to impose other reasonable conditions and safeguards as it deems appropriate and necessary when approving variances and conditional use applications including but not limited to:

A) Limiting lot coverage or height of buildings because of undue obstruction to view and reduction of light and air to adjacent property;

B) Controlling the location and number of vehicular access points to development to minimize traffic hazards;

C) Requiring measures to minimize the adverse effects of land alterations on soil erosion, water quality, and scenic beauty as may be recommended by the county forester, Soil Conservation Service, district highway engineer, and other experts;

D) Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;

E) Specifying a time limit for construction of improvements to land or structures, including conditions to phase residential developments to minimize the impact on schools and other community facilities and services;

F) Requiring a performance bond from the applicant to ensure that the project is constructed and maintained

in compliance with the permit and these regulations; and

G) Any additional conditions and safeguards which the board of adjustment deems necessary to implement the purposes of the Act, the municipal plan, or these zoning regulations.

Section 280 Violations

A) Violations of this bylaw shall be regulated as prescribed in Sections 4444 and 4445 of the Act.

B) The zoning administrator shall initiate appropriate action in the name of the municipality upon violation of this zoning bylaw.

C) Any person who violates these bylaws shall be fined not more than \$100 for each offense. Each day a violation is continued shall constitute a separate offense. In the case of a subdivision, each violating lot which is part of a sale or agreement for sale or transfer shall be considered a separate offense.

D) No action may be brought unless the alleged offender has had at least 7 days' warning notice by certified mail. The notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within 7 days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the 7 days.

E) An action may be brought without the 7-day notice and opportunity to cure if the alleged offender repeats the violation within 12 months of an initial 7-day warning notice.

Section 290 Referral to State Agencies

No zoning permit for the development of certain lands described below may be issued by the zoning administrator until after the expiration of 30 days following the submission of a report to the appropriate state agency describing the proposed use, the location requested, and an evaluation of the effect of such proposed use on the plan of the municipality and the regional plan:

1) Department of Environmental Conservation - any of the following uses or activities affecting ground or surface water resources:

a) any area designated as a flood plain or wetland

b) the damming of streams so as to form an impounding area of 5 acres or more for reservoir or recreational purposes,

c) the drilling of wells deeper than 50 feet or with a potential yield greater than 25,000 gallons per day, with the exception of wells drilled by the owner of a farm or residence for personal or farm use.

2) Department of Fish & Wildlife - Game lands and stream bank areas owned or leased by the state

3) Agency of Transportation - Airports.

4) Department of Forests, Parks, & Recreation - The following recreational uses:

a) ski areas with lifts or other equipment other than tows, with total capacity of more than 500 persons per hour.

b) camps with accommodations for more than 50 persons

- c) marinas with accommodations for 20 or more boats with lengths in excess of 20 feet
- d) public beaches, or lands within 1000 feet thereof
- e) natural areas as defined in V.S.A. Title 10, Section 2010

ARTICLE III. ZONING DISTRICTS & DISTRICT REGULATIONS

Section 300 Establishment of Zoning Districts & Official Map

A) The town is hereby divided into the following four zoning districts: Village, Rural Residential/Agricultural, Shoreland/Recreation and Conservation. In addition, an overlay district is established to protect the town's flood hazard areas. The overlay district imposes an additional layer of regulations upon the affected lands.

B) Pursuant to Section 4407(6) of the Act, provision is hereby made for the future establishment of design control districts, in accordance with the prescribed procedure for preparation of a report, hearings, etc. in said section.

C) The location and boundaries of zoning districts are established as shown on the Franklin Zoning Map and the Franklin Flood Zoning Map hereby made a part of these regulations. The locations of the zoning districts on the Franklin Zoning Map located in the Town Clerk's Office shall be the final authority as to the zoning status of all land and water areas in the town.

D) The Official Zoning Map shall be identified by the signatures of the selectboard, attested by the town clerk. No changes of any nature shall be made on the Official Zoning Map except in conformance with the zoning amendment procedures and requirements set forth in the Act, Sections 4403 and 4404.

Section 310 Interpretation of Zoning District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

A) Boundaries indicated as approximately following the center lines of roads, streams, transportation and utility rights-of-way shall be construed to follow such center lines. The abandonment of roads and/or rights-of-way shall not affect the location of boundaries.

B) Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines.

C) Boundaries indicated as following shorelines shall be construed as following the shoreline at the mean (average) lake level.

D) Boundaries indicated as parallel to, or as extensions of features in A), B), and C) above shall be so construed.

E) When the zoning administrator cannot definitely determine the location of a district boundary line by the above rules or by the scale or dimensions on the Official Zoning Map, the Planning Commission shall interpret the district boundaries.

F) Where a district boundary line divides a lot in single ownership on and after the effective date of this bylaw or of amendments thereto, the board of adjustment may permit, as a conditional use, the extension of the regulations for either portion of the lot not to exceed 30 feet beyond the district line into the remaining portion of the lot.

Section 320 District Land Use Control

A) All uses and structures must hereafter conform to the district prescribed uses set forth in Section 320 and the definitions given in Article VI. Non-conforming uses shall be regulated according to Section 419 of this ordinance.

B) All uses and structures must hereafter comply with the district dimensional requirements and any other applicable provisions of this bylaw. Non-complying uses or structures shall be regulated according to Section 418 or under the PRD/PUD provisions of this bylaw.

C) The prescribed uses and structures for each district are classified as **permitted** or **conditional**, and shall be regulated as follows:

1) Permitted uses and structures may be directly approved by the zoning administrator, except where approval from other bodies is required.

2) Conditional uses may only be approved by the board of adjustment according to the process and criteria outlined in Section 260 of this ordinance.

3) Uses and structures which are not listed as either permitted or conditional in a district are absolutely prohibited.

4) Both permitted and conditional uses may be subject to further regulations contained in Article IV of this bylaw.

Section 330 District Objectives, Allowable Uses, & Dimensional Requirements

A) **VILLAGE DISTRICT.** The purpose of this district is to affirm Franklin's commitment to its existing historical centers by accommodating intensive, high-density residential and commercial development. The Villages of Franklin and East Franklin shall remain the focus of activity in the town, and are areas of first priority for municipal service development.

1) Permitted Uses: Single family dwelling; rooming/boarding house; home occupation; accessory uses & structures; agriculture

2) Conditional Uses: Two-family dwelling; multi-family dwelling unit (3 or more families); home industry; essential public services; mobile home park; planned residential development; motel; recreation facility; restaurant; retail establishment; business service; planned unit development; motor vehicle & equipment sales & service; public facility; light industry; community facility; social services; agriculture and profit/nonprofit organizations.

3) Dimensional Requirements:

VILLAGE DISTRICT					
Use	Minimum Lot Size	Minimum Frontage	Min. Setback		Min. Yard
			Road	Stream	
Single Family Dwelling On-lot water & sewer Off-lot water or sewer	40,000 sq. ft. • 20,000 sq. ft. •	100 ft.	30 ft	50 ft.	15 ft.

2-Family Dwelling On-lot water & sewer Off-lot water or sewer	40,000 sq. ft. 30,000 sq. ft.	100 ft.	30 ft.	50 ft.	15 ft.
Multi-Family Dwelling On-lot water & sewer Off-lot water or sewer	Per Family Unit 20,000 sq. ft. 15,000 sq. ft.	100 ft.	30 ft.	50 ft.	15 ft. + plus 5ft per Family Unit
All Other Uses	See Section 340				

B) RURAL RESIDENTIAL/AGRICULTURE DISTRICT: The purpose of this district is to accommodate sufficient low-density rural development to meet housing needs over the next five years. Land in this district has access by improved public highways and is currently committed to extensive rural residential development, although agriculture is still the predominant land use in much of the district.

1) Permitted Uses: Agriculture; single-family dwelling; two-family dwelling; rooming/boarding house; home occupations; essential public services; accessory uses & structures

2) Conditional Uses: recreation facilities; home industry; public facility; mobile home park; planned residential development; planned unit development; motel; campground; community facility; retail establishments; light industry; essential public services; motor vehicle and equipment sales and service and profit/nonprofit organizations.

3) Dimensional Requirements:

RURAL RESIDENTIAL/AGRICULTURE DISTRICT					
Permitted Use	Minimum Lot Size	Minimum Frontage	Min. Setback		Minimum Yard
			ROW	Stream Bank	
Single Family	40,000 sq. ft.	140 ft.	40 feet	50 feet	30 feet
Two Family Dwelling (duplex)	60,000 sq. ft.	140 ft.	40 feet	50 feet	30 feet
All Other Uses	See Section 340				

C) SHORELAND/RECREATION DISTRICT: The purpose of this district is to protect the historic character and environmental quality of Lake Carmi and its shoreline by maintaining the area primarily for seasonal, recreational use. The area includes private and rental dwellings which are used principally for summer residents, and conversion to year-round use will be discouraged. This district includes all lands within 500 feet of the mean water mark of Lake Carmi.

1) No land uses except accessory uses and accessory structures shall be permitted. Conditional uses requiring approval from the board of adjustment according to Section 260 of this ordinance.

2) Conditional Uses: Single-family seasonal dwelling; single-family year-round dwelling; two-family seasonal or year-round dwelling; planned residential development; essential public services; accessory uses & structures; recreation facility/outdoor; campground; community facility; restaurant; motel and marina. Conditional uses require approval from the board of adjustment according to Section 260 of this ordinance.

3) Dimensional Requirements:

SHORELAND/RECREATION DISTRICT							
Permitted Use	Minimum Lot Size	Minimum Frontage	Setback	Setback	Setback	Setback	Min Yard
			Public Road	Private Road	Shore	Stream	
Seasonal Single Family Dwelling On-lot water & sewer Off-lot water	20,000 sq ft 14,000 sq ft	100 ft	40 ft	15 ft	25 ft	50 ft	15 ft
Year-Round Single Family Dwelling	40,000 sq ft	140 ft	40 ft	15 ft	50 ft	50 ft	30 ft
Two-Family Dwelling Seasonal Year-round	40,000 sq ft 60,000 sq ft	140 ft	40 ft	15 ft	50 ft	50 ft	30 ft
All Other Uses	See Section 340						

H) FLOOD HAZARD AREA OVERLAY DISTRICT: The purpose of this district is to prevent land development which would increase flooding, and reduce losses as a result of damage from flooding. Designation of this district is also required for the town to be eligible for the National Flood Insurance Program.

1) Description: This district is delineated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency. A copy of this map shall be incorporated into this bylaw by reference and shall be the authority for determining the boundaries of the district. Disputes over the exact location of boundaries shall be resolved by the planning commission based upon survey and/or other evidence.

2) This district is an overlay zone and shall be superimposed on the other districts established by this bylaw. Where the provisions of the underlying district differ from those of the Flood Hazard Overlay District, the more restrictive shall govern.

3) Permitted Uses: Agriculture; single family dwelling and outdoor recreation not requiring new structures.

4) Conditional Uses: Substantial improvements to existing structures; excavation and fill.

5) Specific District Requirements: The mandatory provisions of state and federal law for continued town participation in the National Flood Insurance Program are hereby adopted by reference and shall be applied in the review of any land alterations or construction in this district. These mandatory provisions are contained in Title 24 V.S.A. 4412 and 44 C.F.R. 60.3 and 60.6.

I) CONSERVATION DISTRICT: The purpose of this district is to protect lands which, because of their location, topography and soil limitations make them unsuitable for intensive development. Included are areas of steep slopes and swamp lands. Designation of this district is intended to protect the scenic and natural resource value of lands which mostly lack direct access to public roads, are important for wildlife and wildlife habitat, and which are poorly suited for development. Thus, provision has been made only for limited development in these areas.

CONSERVATION DISTRICT				
Permitted Uses	Lot Size	Frontage	Front Setback	Size Yard Setback
Agriculture, Single Family Dwelling, Essential Public Services, Access. Uses & Structures	10 acres	140 feet	40 feet	30 feet
Other Uses	See Section 340: Outdoor Recreation Facility			

Section 340 Dimensional Requirements for Conditional Uses

The following requirements shall apply, except in cases where the district dimensional requirements are greater.

	Minimum Lot Size	Setback from road ROW	Yard	Frontage on road or water	Setback from Shore or Stream Bank
Motel	5,000 sq. ft. per unit	40 feet	30 feet	150 feet	100 feet
Restaurant	1 acre	40 feet	30 feet	150 feet	100 feet
Recreation Facility/Indoor	1 acre	40 feet	30 feet	150 feet	100 feet
Recreation Facility/Outdoor	2 acres	50 feet	50 feet	200 feet	100 feet
Community Facility	1 acre	40 feet	30 feet	150 feet	100 feet
Non-profit club, church, convent	1 acre	40 feet	30 feet	150 feet	100 feet
Retail Establishment	1 acre	40 feet	30 feet	150 feet	100 feet
Business Services	1 acre	40 feet	30 feet	150 feet	100 feet
Public Facility	1 acre	60 feet	30 feet	150 feet	100 feet
Light Industry See Section 420	2 acres	60 feet	40 feet	200 feet	100 feet
Motor Vehicle & Equipment Sales & Service Stations See Section 409	2 acres	100 feet	40 feet	200 feet	100 feet
Marina See Section 416	2 acres	40 feet	30 feet	100 feet	Not applicable
Campground See Section 403	5 acres	200 feet	50 feet	200 feet	100 feet
Planned Residential Development	See Section 421				100 feet
Planned Unit Development	See Section 421				100 feet
Mobile Home Park	See Section 417				100 feet

For all uses see also Article V regarding parking requirements and Article VI regarding signs.

ARTICLE IV. GENERAL REGULATIONS

Section 401 Abandonment of Structures

A) Within one year after any structure which has been destroyed, demolished, or abandoned, all structural materials and debris shall be removed from the site, and any remaining excavation shall be covered over or filled to the natural grade and seeded by the owner to prevent erosion.

B) Within six months after the expiration of a zoning permit all construction materials used in connection with the land development subject to the zoning permit shall be removed from the site, and any remaining excavation shall be covered over or filled to the natural grade and seeded by the owner to prevent erosion.

Section 402 Campers

A) It shall be unlawful for any person to park a camper except in an approved campground, an approved camper sales lot, or on the owner's private property.

B) The owner of a camper may park it on their own property provided it is not occupied:

- 1) parked behind the building front line of the principal structure;
- 2) not located within required setbacks for the district in which it is located;
- 3) not used as a permanent dwelling; and
- 4) not hooked up to water or sewer utilities for more than 30 days in any calendar year.

Section 403 Campgrounds

A) No person or persons shall construct or operate a new campground or expand or alter an existing campground without first obtaining conditional use approval from the board of adjustment and a permit from the zoning administrator.

B) Campgrounds shall provide lavatory, shower, and toilet facilities in compliance with the appropriate State regulations. Sewage disposal must be in compliance with Vermont Department of Environmental Conservation regulations.

C) A strip of land at least 40 feet wide shall be maintained as a landscaped area abutting all campground property lines. No camping vehicle, tent, or service building shall be located in this buffer area. In addition, a fence at least 4 feet high is required along all campground property lines except public road frontage. The board of adjustment may reduce or eliminate the landscaped area provision if such a modification will make it possible to preserve a scenic view from the campground, providing that privacy for adjacent property owners can be maintained.

D) Roads within the campground shall meet the following minimum standards:

	One Way Road	Two-Way Roads
Right of way Width	18 feet	33 feet
Gravel Depth	12 inches	12 inches
Gravel Width	10 feet	20 feet

E) A campground shall provide for individual vehicles, access driveways, and parking.

Section 404 Construction Approved Prior to Adoption of or Amendment to Regulations

A) No permit shall be required for any building upon which construction had begun prior to the adoption of these regulations, provided such construction is completed within one year from the date of such adoption.

B) The town shall not require any change in the plans for, or construction of a structure or use for which a

zoning permit has been issued and which has subsequently been made non-complying or non-conforming by an amendment to these bylaws if the activities authorized by the zoning permit are completed while the permit is valid.

Section 405 Equal Treatment of Housing (24 V.S.A. §4406(4))

A) Except as provided in 24 V.S.A. §4407(6), no zoning regulation shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded.

B) This zoning regulation shall not have the effect of excluding from the municipality housing to meet the needs of the population as determined in 24 V.S.A. §4382(c).

C) No provision of this zoning regulation shall be construed to prevent the establishment of mobile home parks pursuant to Title 10, Chapter 153 of Vermont Statutes Annotated.

D) Except as provided in 24 V.S.A. §4407(2), this zoning regulation shall not have the effect of excluding for review as a conditional use one dwelling unit constructed within or attached to a primary single family residence located in a district in which single family residences are a permitted or conditional use. These accessory units shall satisfy the following requirements:

- i) Occupancy is restricted to no more than 2 persons, one of whom is related by blood or marriage to the owner of the single family residence, is disabled as defined in 18 V.S.A. §251(2) or is at least 55 years of age;
- ii) Floor space shall not exceed 30 percent of the floor space of the existing living area of the single family residence or 400 square feet, whichever is greater; and
- iii) The primary single family residence is occupied by the owner.

Section 406 Existing Small Lots (24 V.S.A. §4406(1))

1) Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of this zoning regulation, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet.

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

- i) the lots are conveyed in their preexisting nonconforming configuration; and
- ii) on the effect dated of this zoning regulation, each lot had been developed with a water supply and wastewater disposal system; and
- iii) at the time of transfer, each water supply and wastewater system is functioning and in a safe and adequate manner; and
- iv) the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems in case a wastewater system fails, which means the system functions in a manner:
 - I) that allows wastewater to be exposed to the open air; pool on the surface of the ground, discharge directly to surface water, or backup into a building or

structure unless the approved design of the system specifically requires the system to function in such a manner;

- II) so that a potable water supply is contaminated or rendered not potable;
- III) that presents a threat to human health; or
- IV) that presents a serious threat to the environment.

B) If, subsequent to separate conveyance, as authorized under subdivision (1)(A) 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 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.

Section 407 Extraction of Soil, Sand, or Gravel

Commercial removal of topsoil, rock, sand, gravel, or similar material may be permitted by the board of adjustment as a conditional use in any district provided it finds that the plan for removal as submitted by the applicant, shall not cause any hazard to health, property, or property values. A performance bond shall be required to ensure reclamation of the land upon completion of the excavation, and topsoil, re-seeding, and re-forestation will be a requirement. In granting permission, the board of adjustment may consider and impose conditions relating to the following factors and others as they shall deem relevant:

- A) Depth of excavation, in proximity to roads or adjacent properties;
- B) Slope created by removal;
- C) Effects upon surface drainage both onsite and on adjoining properties;
- D) Hours of operation for blasting, trucking, and processing operations;
- E) Effects upon use of adjacent properties due to noise, dust, or vibration;
- F) Effects upon traffic conditions or physical damage to public highways;
- G) Creation of a nuisance;
- H) Temporary and permanent erosion control;
- I) Effect upon ground and/or surface water quality;
- J) Effect upon wildlife habitat and/or agricultural land; and
- K) Safety and general welfare of the public.

Section 408 Filling of Land

In any district a zoning permit is required for the depositing of rock, concrete, stone, gravel, sand, cinders, stumps, and soil used for the filling of land. The zoning administrator may issue a permit provided the applicant demonstrates that the activity will not significantly alter existing drainage patterns, cause soil erosion, or result in any hazard or expense to the community. State laws governing the filling of land must be adhered to.

Section 409 Gasoline or Motor Vehicle Service Stations

A) Because of the nature of the materials stored and sold by these uses and the nature of the traffic patterns

associated with them, gasoline or motor vehicle service stations shall comply with the following, regardless of the zoning district in which they are located.

B) A new gasoline or motor vehicle service station lot shall not be located within 300 feet of any lot occupied by a school, hospital, library, or religious institution.

C) Lot size shall be at least 2 acres.

D) Lot frontage shall be at least 200 feet.

E) Lot depth shall be at least 200 feet.

F) Pumps, lubricating and other service devices shall be located at least 50 feet from the street line and side and rear lot lines.

G) All fuel and oil shall be stored at least 35 feet from any property line.

H) All automobile parts and dismantled vehicles are to be stored within a building or screened from public view.

I) No signs shall extend beyond the pumps, nor exceed 15 feet in height.

J) There shall be no more than two access driveways from the street. The maximum width of each access driveway shall be forty feet.

K) A suitably curbed, landscaped area shall be maintained at least five feet in depth along all street frontage not used as driveway.

Section 410 Height Limits

A) No structure shall exceed 35 feet in height above the average ground level.

B) The board of adjustment, through conditional use review procedure may permit a structure to exceed the applicable building height maximum if the general standards of Section 260(C) are met provided that the structure does not constitute a hazard, and provided that the portion above 35 feet shall remain unoccupied except for normal maintenance.

Section 411 High Impact Residential Developments

A) The following shall be subject to conditional use approval according to Section 260 of this bylaw:

1) The subdivision of any tax parcel as it existed on the effective date of this ordinance, into 4 or more individual lots;

2) Construction of a new road, water supply, or wastewater disposal system for common use by 2 or more dwelling units;

3) Any rooming/boarding house having more than 5 rental units.

Section 412 Home Industry

A) Purpose: The purpose guiding these regulations is to allow for small, home-based business and industry within residential areas while guarding the property rights of neighboring households.

B) A home industry shall be a conditional use in designated zoning districts. In order to receive a conditional use permit, the cottage industry must comply with the requirements of Section 260 for conditional uses, as

well as the requirements below.

- C) The home industry shall be carried on within the principal dwelling unit or accessory structures, and shall occupy less than 25% of the combined area of all structures on the lot.
- D) The home industry shall be carried on by residents of the principal dwelling unit. Two on-premise employees who are not residents of the dwelling unit shall be permitted.
- E) The business shall not necessitate any change in the outside appearance of the dwelling unit other than the addition of one sign as permitted by Article VI of these bylaws.
- F) Exterior storage of materials is prohibited.
- G) No traffic shall be generated in greater volumes than would be normally expected in the neighborhood.
- H) Parking for the home industry shall be provided off-street, and shall not be located in front yards.
- I) No objectionable noise, vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the home industry.

Section 413 Home Occupations (24 V.S.A. §4406(3))

- A) No provision of this bylaw shall 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 of the area.
- B) A home occupation may be permitted as an accessory use in all districts where residential uses are permitted. A zoning permit application shall be submitted to the zoning administrator so that a determination can be made as to whether the proposed use is, in fact, a home occupation as defined by these regulations.
- C) In order to ensure that a home occupation will not change the character of the residential area, the owner must demonstrate that it will comply with all of the following standards:
 - 1) The home occupation shall be clearly incidental and secondary to the residential use of the property, and shall be conducted wholly within the principal and accessory structures, and shall occupy less than 25% of the entire floor area of such structures.
 - 2) The home occupation shall be carried on by residents of the dwelling unit. One additional employee who is not a resident of the dwelling unit is permitted.
 - 3) All business activities or transactions associated with the home occupation shall be carried on entirely within the dwelling unit, no outside storage shall be permitted.
 - 4) No traffic shall be generated which would be uncharacteristic of the neighborhood.
 - 5) Parking for the home occupation shall be provided off-street and shall not be located in front yards.
 - 6) No objectionable noise, vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the home occupation.
 - 7) Exterior displays or signs other than those normally permitted in the district shall be prohibited.

Section 414 Impoundments

A pond or impoundment for recreational, aesthetic, fire protection, or agricultural purposes which does not require a Vermont Agency of Environmental Conservation permit, and which is less than one acre in size shall be exempt from the permit requirements of this bylaw. Otherwise, impoundments shall require conditional use approval from the board of adjustment.

Section 415 Interior Lots

Any lot which does not have frontage on a public road shall have a minimum yard requirement for all yards equal to the front yard setback distance for lots in that district.

Section 416 Marinas

A) In addition to meeting the shoreland recreation district requirements, a marina shall have a continuous shoreline frontage of at least 100 feet.

B) Marinas shall provide at least one off-street parking space for each rental boat, mooring, and berth.

C) Marinas shall provide garbage facilities and public toilets.

D) Marina facilities shall be screened and located so as to protect the privacy of adjacent property owners.

Section 417 Mobile Home Parks

A) No person shall construct, expand, or alter a mobile home park without obtaining conditional use approval from the board of adjustment.

B) Application for a conditional use permit shall include a site plan and drawings prepared by a professional engineer showing the property lines and area of the park; a contour map showing the proposed grading of the park; a layout of roads, walkways, mobile home lots, parking areas, open space, water lines, sanitary sewer and storm sewer drainage facilities, garbage collection stations, and electrical distribution.

C) In granting a conditional use permit, the board of adjustment must find that the application conforms to the following standards:

1) A mobile home park shall have a contiguous area of not less than 10 acres or more than 30 acres.

2) The maximum density shall not exceed an average of one mobile home per 30,000 square feet.

3) A strip of land at least 50 feet wide shall be maintained as a landscaped area abutting all mobile home park boundary lines. No mobile home unit, office, utility, or service building may be placed in this buffer area. However, the board may reduce or eliminate this landscaped area requirement if such modification or waiver will make it possible to preserve a scenic view from the park, provided that privacy for adjacent property owners can be maintained.

4) The minimum lot size shall be 20,000 square feet unless all lots are provided with either off-site water or sewer, in which case the minimum lot size shall be 15,000 square feet.

5) Each mobile home lot shall have at least 50 feet of frontage on a mobile home park road. All park roads shall be constructed to Class Two town road standards.

6) A minimum of two parking spaces for each mobile home lot shall be provided. Each parking space shall be at least 9 feet wide by 22 feet long.

7) A non-porous pad of at least 4 inches thick shall be provided for each mobile home. A minimum yard of 15 feet and a minimum setback from the access road of 20 feet are required on each lot.

8) Sewage disposal, water supply, and garbage facilities shall comply with state regulations. All electric, telephone, and other utility lines shall be underground, unless the applicant can demonstrate that due to utility company standards or pricing procedures, an unreasonable financial hardship will be created.

9) Each mobile home park shall provide at least 1/3 of its total area for open space and recreational purposes for the use of park residents. The board of adjustment, as a condition of approval, may establish such conditions as to the ownership, use, and maintenance of such land as it deems necessary to assure the preservation of such lands for their intended purpose.

Section 418 Non-Complying Structures

A) Any non-complying structure existing on the effective date of this bylaw may be allowed to continue indefinitely, but shall be subject to the following provisions. A non-complying structure:

1) may be restored or reconstructed after damage from any cause provided that the intended use of the structure is a permitted use under the applicable zoning and that the reconstruction does not increase the degree of non-compliance which existed prior to the damage.

2) may be enlarged or expanded, upon approval of the zoning administrator, provided that the intended use of the structure is a permitted use under the applicable zoning and that the expansion does not increase the existing degree of non-compliance.

B) Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying structure provided that such action does not increase the degree of non-compliance.

C) The board of adjustment may permit, as a conditional use, the alteration or expansion of a non-complying structure for the sole purpose of compliance with mandated environmental, safety, health, or energy codes.

D) With regard to non-complying structures, the board of adjustment may hold hearings, make findings, and attach conditions as deemed necessary.

Section 419 Non-Conforming Uses

A) Any non-conforming use which exists on the effective date of this bylaw may be continued indefinitely, but shall be subject to the following provisions. A non-conforming use:

1) shall not be changed to another non-conforming use without approval by the board of adjustment, and then only to a use which, in the opinion of the board, is of the same or of a more conforming nature.

2) shall not be re-established if such use has been discontinued for a period of at least 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.

3) shall not be restored or continued for other than a conforming use after damage from any cause unless such non-conforming use is carried on uninterrupted in the undamaged part of the structure or unless

a) the non-conforming use is reinstated by the commencement of construction within one year of such damage;

b) the construction or restoration of such structure is completed within two years; and

c) approval is obtained from the board of adjustment.

Otherwise, the non-conforming use shall be deemed to have been discontinued.

4) shall not be moved, extended, or enlarged unless the board of adjustment finds that such movement, extension, or enlargement:

a) will not exceed 50% of its size as of the effective date of this bylaw and

b) does not increase the degree of non-compliance.

C) The board of adjustment may permit, as a conditional use, the alteration or expansion of a non-conforming use for the sole purpose of compliance with mandated environmental, safety, health, or energy codes.

Section 420 Performance Standards

A) No land or building in any zoning district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining properties.

B) The following standards must be met by all uses, with the exceptions of agriculture and forestry, in all districts. The burden of proof in meeting the standards shall fall upon the applicant. The use shall not:

1) Emit any intensity of odor which is considered both offensive and uncharacteristic of the area;

2) Emit any level of noise which is excessive at the property line and represents a significant increase in noise levels in the vicinity of the development so as to be incompatible with the surrounding area;

3) Emit any smoke, dust, dirt, or noxious gases which endanger the health, comfort, safety, or welfare of the public or adjoining property owners, or which causes damage to property, business, or vegetation;

4) Emit glare or reflection which impairs the vision of motor vehicle operators, constitutes a nuisance to other property owners, or which is detrimental to public health, safety, and welfare;

5) Present a risk as to fire, explosion, or safety which endangers the public or results in an increased burden upon municipal facilities;

6) Discharge sewage, septic, or other harmful wastes into any water course or into any sewage disposal system beyond its proper capacity.

Section 421 Planned Residential Development and Planned Unit Development

A) In accordance with Section 4407(3) of the Act, the Planning Commission may modify the area and dimensional requirements of these regulations to permit planned residential development (PRD) or planned unit development (PUD).

4 B) The purpose of the planning commission in allowing PRDs and PUDs shall be to encourage flexibility in design and unified treatment of the development site; to promote efficient use of land; to facilitate the efficient and economical provision of streets and utilities; and to conserve the natural resources and scenic qualities of the town.

C) Proposals submitted to the planning commission shall include

1) A site plan drawn to scale showing the location, height, and spacing of buildings, open spaces and their landscaping, utilities and/or utility easements, streets, driveways, and off-street parking spaces, water systems and sewage disposal plans, unique natural or man-made features, and topography;

2) A statement setting forth the nature of all proposed modifications of this bylaw;

3) Copies of any existing or proposed agreements or restrictive covenants; and

4) Plans for the permanent maintenance and/or management of open space areas included within the development.

D) The following general standards shall be met in order for the planning commission to approve the application:

1) The project shall be consistent with the Franklin Town Plan.

2) The minimum project size for any PUD or PRD shall be 10 acres or 10 times the minimum lot size for the applicable zoning district, whichever is greater.

3) Predominant uses of the site shall not differ substantially from those allowed within the district where the project is located.

4) In any PRD or PUD, the number of units shall not exceed the number which could be permitted, in the planning commission's judgment, if the land were subdivided into lots in conformance with the applicable district requirements of this bylaw.

5) Mixed uses shall be so arranged and buffered as to ensure visual and acoustical privacy to residents in the development.

6) The minimum setback and yard requirements for the district in which the project is located shall apply to the periphery of the development unless the planning commission finds it necessary to impose further requirements for setbacks, landscaping, and screening to protect the rights of adjoining property owners.

7) The development shall be an effective and unified treatment of the project site, and makes appropriate provision for

a. roads, culverts, and ditching in accordance with the selectboard's specifications;

b. water supply, sewage and solid waste disposal, drainage, traffic flow and parking, the efficient provision of public services; and

c. the preservation of streams and stream banks, steep slopes, wet areas, soils unsuitable for development, prime agricultural soils, and unique natural and cultural features.

8) The development shall be proposed over a reasonable period of time in order that adequate municipal facilities and services may be provided.

E) If the development results in lands available for parks, recreation, open space, or other municipal purposes, the planning commission, as a condition of approval, may establish such conditions as to the ownership, use, and maintenance of such land as it deems necessary to assure the preservation of such lands for their intended purpose.

F) Upon approval of the PRD or PUD, the necessary modifications of this bylaw shall be noted in a report and, together with the approved proposal, submitted to the board of adjustment for a public hearing under conditional use review. All other provisions of this bylaw not specifically modified shall remain in force and be applicable to the project.

Section 422 Reduction of Lot Area

No lot shall be so reduced in area that the area, yards, frontage, coverage, or other requirements of these regulations do not conform to the requirements herein prescribed for each district.

Section 423 Required Area or Yards

Space required under these regulations 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.

Section 424 Required Frontage On, or Access To Public Roads or Public Waters

A) No land development may be permitted on lots which do not have frontage on a public road, or, with the approval of the planning commission, access to such a road by a permanent easement or right-of-way at least 20 feet in width. 24 V.S.A. §4406(2)

B) Any road to serve more than ten dwelling units in the Lakeside/Recreation District, or more than four dwelling units in any other district shall be designed and constructed to the selectboard's standards for new town roads.

Section 425 Residential Buildings on Lots

There shall be no more than one residential building on a lot except for Planned Residential Developments or Planned Unit Developments.

Section 426 Storage of Flammable Liquids

A) The storage of any highly flammable liquid in tanks above ground with unit capacity greater than 550 gallons shall be prohibited, unless such tanks up to and including 10,000 gallon capacity are placed not less than 80 feet from all property lines, and unless all such tanks of more than 10,000 gallons capacity are placed not less than 200 feet from all property lines.

B) All tanks having a capacity greater than 550 gallons shall be properly retained with dikes having a capacity not less than 1 ½ times the capacity of the tanks surrounded.

Section 427 Temporary Uses and Structures

Temporary permits may be issued by the zoning administrator for non-conforming uses and non-complying structures incidental to construction projects, provided that the property owner shall remove the temporary structure or use upon the expiration of the construction project permit.

ARTICLE V. PARKING, TRAFFIC CIRCULATION, ACCESS

Section 501 Parking

A) Non-residential parking lots shall be screened or hidden from public highway view and the view of persons in residential districts.

B) No parking or motor vehicles shall be allowed in setback areas.

C) Commercial parking lots adjacent to residential uses shall be set back at least 50 feet from the nearest property or street line.

Section 502 Off-Street Parking Space Requirements

A) For every building hereafter erected, altered, extended, or changed in use, off-street parking spaces shall be provided as set forth below. A required driveway shall be at least 20 feet in width, except for one- and two-family uses.

USE	REQUIRED PARKING SPACES
Residential - including PRD & PUD	2 per dwelling unit
Lodging	1 per lodging unit
Residential health care facilities	1 per 3 beds plus 1 per employee
Clubs	1 per 4 members
Churches, Schools, Public Assembly	1 per 6 seats or per 200 sq. ft. floor space whichever is greater
Professional & Business Services	1 per 200 sq. ft. floor space
Retail Establishments	1 per 250 sq. ft. floor space
Restaurants	1 per 4 seats plus 1 per employee
Industry	2 per 3 employees on largest shift
Unspecified Uses	As required by the board of adjustment

B) 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. For purposes of rough computation, an off-street parking space with access and maneuvering room is estimated to be 300 square feet.

C) In addition to the requirements stated above, all multi-family, commercial, and industrial developments must provide handicapped parking spaces.

D) All off-street parking areas in excess of 10 parking spaces shall provide landscaped areas equal to at least 10 percent of the total parking area. Landscaped areas shall be regularly maintained, and must be integrated into the parking lot design rather than relegated to one concentrated location or to the edges of the parking lot.

Section 503 Loading and Service Areas

A) Where a proposed development will necessitate frequent or regular loading or unloading of goods, sufficient on-site service areas shall be provided. Service areas may be required for emergency vehicles, loading and unloading, waste disposal and collection, bus, taxi, or van service, and other purposes as may be necessitated by the proposed use.

B) All loading and service areas shall be located in such a manner so that parked vehicles will not block or obstruct sight visibility at intersections to or from any internal or external road or access.

Section 504 Access Permit

Any activity for which a zoning permit is required, and which involves the construction or modification of a driveway intersecting with a public right-of-way shall obtain an access permit from the Selectboard for access to town roads, or the Vermont Agency of Transportation for access on state highways, prior to the issuance of a zoning permit.

Section 505 Obstruction of Vision

On any corner lot, within the triangular area formed by the intersection of two roads and an line joining them at points twenty-five feet away from their intersection, there shall be no obstruction to vision between the height of 3 feet and 10 feet above the average grade of each street.

Section 506 Storage of Vehicles in Residential Districts

In any residential district only one unregistered and uninspected motor vehicle shall be allowed unless stored in an enclosed garage.

ARTICLE VI. SIGNS

Section 600 General Requirements

A) A building permit shall be required prior to the erection, construction, or replacement of any outdoor sign except the following which shall be exempt:

- 1) Signs erected by the Town or State on public roads
- 2) Non-advertising signs placed for directional or safety purposes

3) Temporary auction, lawn or garage sale signs not to exceed 2 in number and not to exceed 15 square feet in aggregate area. All such temporary signs shall be promptly removed when they have fulfilled their function.

B) The following shall be prohibited in all districts:

- 1) Signs which impair highway safety
- 2) Signs which are animated, flashing, or intermittently illuminated, and signs painted or placed on rock outcrops or similar natural features
- 3) Roof signs, and wall signs which extend above the roof line
- 4) Signs which project over public rights-of-way or property lines

C) On any property being sold or developed, one temporary real estate or construction sign may be permitted, not to exceed 24 square feet in area and 10 feet in height, providing such sign is promptly removed when it has fulfilled its function.

D) In any zoning district, notwithstanding the district setback requirement for structures, free-standing signs of 8 feet in height or less may be placed at the edge of the highway right-of-way. However such signs shall not be located within 25 feet of adjacent private property or an intersection.

Section 610 Off-Premise Signs

Any sign located elsewhere than upon the lot containing the subject of the sign shall conform to state statute and regulation.

Section 620 Signs in Rural Lands and Recreation District

A) A sign not exceeding 8 square feet in area and 6 feet in height may be permitted which announces the name, address, professional, or home occupation of the occupant of the premises.

B) No illuminated, flashing, or signs with moving parts are permitted.

C) No strings of lighting or pennants, or similar attention gathering media is permitted.

Section 630 Signs in Village District

A) Two signs are permitted for each premises: one free-standing, and the other attached to the building. Maximum size of any sign shall be 30 square feet or a total of 50 square feet for the two signs. Maximum height of any free-standing sign shall be 20 feet.

B) The primary purpose of all business signs shall be for identification of the business and products sold, and not for the purpose of making advertising claims.

C) Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to vehicular traffic. Illumination shall be properly focused upon (or from within) the sign itself.

D) No strings of lighting or pennants, or similar attention gathering media is permitted.

Section 640 Computation of Permissible Sign Area

When computing the total permissible sign area for any use:

A) Existing signs shall be included in the calculation of the total sign area.

B) Signs printed back-to-back shall be counted as one sign.

C) Signs consisting of freestanding letters or numerals, shall include any intervening spaces in area calculation.

D) Sign measurement shall be the area included within the extreme limits of the sign surface.

ARTICLE VII. DEFINITIONS

Section 700 Interpretation

Except where specifically defined herein, all words used in these regulations shall carry their customary meaning. The word "shall" is mandatory and the word "may" is permissive. Any interpretation by the zoning administrator may be appealed to the board of adjustment for a declaratory ruling. In such cases, the board shall base its ruling upon the following definitions, state statute, and the need for reasonable and effective implementation of this bylaw.

Section 710 Definitions

Accessory Use/Structure: A use or structure which is incidental and subordinate to the principal use or structure and located on the same lot. Examples - patios, porches, garages, tool sheds.

Acre: For the purpose of this bylaw, an acre shall mean 40,000 square feet.

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

Alteration: Structural change, rearrangement, change of location, or addition to a building.

Building: Structure not readily moveable consisting of a roof supported by columns or walls intended for the shelter or enclosure of persons, animals, or personal property.

Building Front Line: Line parallel to the traveled portion of the street line transecting that point of the building which is closest to the traveled portion of the street line. Where a lot fronts on public waters but not a public road, "mean high water line" shall replace "street line" in the definition.

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

Building Rear Line: Line parallel to the street line transecting that point of the building which is farthest

from the street line. Where a lot fronts on public waters but not a public road, "mean high water line" shall replace "street line" in the definition.

Building Side Line: Line parallel to the nearest side lot line transecting that point of the building which is nearest the side lot line.

Business Services: Establishments providing primarily services (not goods or manufacture) to individuals, institutions, farms, industries, or other businesses where such establishments do not qualify as home occupations. Includes bank, consulting firm, insurance or real estate agency, barbershop, beauty parlor, laundry, photographic studio.

Camper: Any motorized or non-motorized vehicle mounted on wheels and used as sleeping, camping, or living quarters. Includes a camper body mounted on a truck, but not a mobile home.

Campground: Any lot or property which is used for the purpose of providing temporary access to 4 or more campers, recreation vehicles, or tents for vacation or recreation purposes.

Commercial: An activity involving the provision of facilities, goods, or services (other than by municipal, state, or federal governments) to others in exchange for payment of a purchase price, fee, contribution, or other object or consideration having value.

Community Facility: Any meeting hall, place of assembly, museum, art gallery, library, school, church, or other similar type of establishment which is not operated primarily for profit, excluding government facilities.

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

Development: The division of a parcel of land into two or more parcels; new construction, substantial improvement, replacement, or relocation of any structure; enlargement of any mining, excavation, or landfill; and any change in the use of any structure or land, or extension of the use of land.

Dwelling: A building or part thereof designed or used as the seasonal or permanent living quarters for one or more families.

Dwelling/Seasonal: A dwelling unit which is not a primary residence of the owner or occupant, and is occupied only on a part-time, seasonal basis for no more than 6 consecutive months out of the year.

Dwelling/Year-round: A dwelling unit which is the primary residence of the owner or occupant, and is occupied for more than 6 consecutive months out of the year.

Essential Public Services: Erection, construction & maintenance of power poles, distribution lines, alarm systems, or other similar equipment and accessories necessary for the general public welfare.

Excavation: Any breaking of ground and extraction or movement of earth or rock, or any alteration of existing drainage patterns which substantially affects adjacent properties. Common agricultural tillage, ground care, gardening or excavations in cemeteries shall be exempt.

Family: One or more persons living as a household unit, but not including individuals or groups occupying rooming and boarding houses, clubs, motels, or hotels.

Frontage: The length of the front lot line for a single parcel of land which runs contiguous to and parallel with public right-of-way or private street or easement which it borders.

Front Yard Setback: The distance from the building front line to the edge of the traveled roadway. Where a lot fronts on public waters but not a public road, the front yard setback shall be measured from the building front line to the mean high water mark.

Home Industry: A commercial, manufacturing, or industrial use which is housed in an accessory building to a residential dwelling or on a lot adjacent to the lot containing the permanent residential dwelling unit of the business owner.

Home Occupation: An accessory business conducted within a minor portion of a dwelling by the residents thereof, such that the floor area dedicated to the business use is less than 25% of the total floor area of the dwelling unit.

Interested Person: A party who may legally appeal to the board of adjustment or Superior Court as prescribed by Section 4464b of the Act generally including any of the following: the party owning title to the subject property, or the designated agent of said party; property owners in the immediate neighborhood per the Act, Section 4464(b)(3); any 10 property owners in the town who file a petition with the board of adjustment per the Act Section 4464(b)(4); the selectboard of the town, or of any adjoining town; the town conservation commission; and certain state agencies.

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

Lot: A parcel of land under one ownership and not divided by any state or town highway to be occupied by only one principal building and its accessory building(s) or use(s). A lot shall have not less than the minimum area, width, and depth required for the district in which it is located, and shall have frontage on an improved street or road or other legally approved access as required by Section 425 of these regulations. This definition includes an existing small lot per Section 406 which may not meet minimum area, width, depth, or developable land area requirements. Land in common ownership shall constitute a lot even if acquired by separate deeds or conveyances.

Lot Area: Total area within the property lines excluding any part thereof lying within the boundaries of an existing or proposed street.

Marina: A place for docking, mooring, storing, selling, servicing, or repairing boats, including the sale of fuel and supplies, and provision of lodging, food, beverages, and entertainment as accessory uses.

Mobile Home: A prefabricated dwelling unit which is designed for long-term and continuous residential occupancy, is designed to be moved on wheels as a whole or in sections, and is ready for occupancy upon arrival at the site except for incidental unpacking, assembly, connections with utilities, and placement on supports or foundation.

Mobile Home Park: Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate two or more mobile homes.

Motel: A commercial building or group of buildings which provides overnight lodging facilities to the general public for compensation, with or without meals. Includes hotels, tourist courts, motor lodges.

Motor Vehicle & Equipment Sales & Service: An establishment providing sales and servicing of automobiles, trucks, farm, and construction equipment, and other motorized vehicles. Includes dealerships, body shops, mobile home and camping vehicle sales & service establishments.

Non-Complying Structure: Structure not complying with the zoning regulations covering bulk, dimensions,

height, area, yards, density, or off-street parking or loading requirements, where such structure complied with all applicable laws, ordinances, and regulations prior to enactment of these regulations as amended. 24 V.S.A. §4408(a)(2)

Non-Conforming Use: Use of land or structure which does not comply with all zoning regulations where such use conformed to all applicable laws ordinances, and regulations prior to enactment of these regulations as amended. 24 V.S.A. §4408(a)(2)

Parcel: See Lot.

Parking Space: Off-street area of not less than 200 square feet exclusive of loading, access, and maneuvering areas, landscaped areas, etc., to be used as a temporary storage space for one motor vehicle at a time.

Planned Residential Development (PRD): An area of land to be developed as a single entity for a number of dwelling units the plan for which does not correspond in lot size or bulk, density, lot coverage, or yard sizes to the standards set forth in these regulations.

Planned Unit Development (PUD): An area of land to be developed as a single entity for a number of dwelling units and commercial or industrial uses, the plan for which does not correspond in lot size or bulk, lot coverage, setbacks, and open space to the regulations established in the districts where such developments are allowed.

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

Public Facilities: Includes the erection, construction, and alteration in facilities or nature of use by any municipal, state, or federal government, public utility, or other quasi-public institution of public buildings, correctional institutions, power generation facilities, electric, gas, oil, and similar transmission facilities, water supply and sewage treatment facilities, facilities for police, fire, ambulance.

Recreation Facility/Indoor: Includes bowling alley, theater, table tennis and pool hall, skating rink, gymnasium, swimming pool, hobby workshop, and other public or commercial indoor recreation.

Recreation Facility/Outdoor: Includes golf course, golf driving range, shooting/archery range, swimming pool, skating rink, tennis court, riding stable, park, beach, recreation stadium, ski trails, and other places of outdoor public or commercial recreation.

Residential Use: Single-family, two-family, multi-family year-round or seasonal dwellings, rooming/boarding houses, group homes serving six or less persons.

Restaurant: Includes diner, bar, lounge, nightclub, and similar establishments.

Retail Establishment: Any enclosed business concerned primarily with the sale of produce, products, goods, equipment, or commodities. Excludes drive-in facilities, free-standing retail stands, gasoline or motor vehicle service stations, motor vehicle sales facilities, restaurants, and junk yards.

Rooming/Boarding House: A residential building where more than two persons are supplied with and charged for meals or sleeping accommodations or both.

Setback: The nearest distance between a building face and a public road or common right-of-way. For the purposes of this definition, a "building face" shall include attached porches and patios, whether enclosed or

unenclosed, but does not include steps.

Sign: Any device, structure, building, or part thereof, which is used to bring a subject to the attention of the public.

Site Plan: A drawing to scale of a proposed development and surrounding area including information required by Article II of these regulations and any other information which may be required to determine compliance with the provisions of this bylaw.

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

Structure: An assembly of materials for occupancy or use, which requires a fixed location on the ground in order to be used. Included in addition to buildings are signs, garages, carports, porches, walls, swimming pools, and any other out-buildings or building features. Not included are sidewalks, driveways, fences, and temporary docks or floats.

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

Use: Specific purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or is intended to be occupied.

Yard: Space on a lot not occupied with a building or structure.

Yard/Front: Yard between street line and building front line.

Yard/Side: Yard between side lot line and building side line.

ZONING MAP

Town of Franklin, Vermont

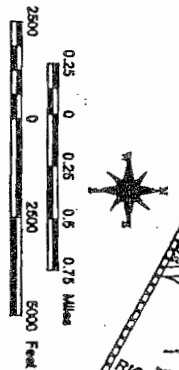
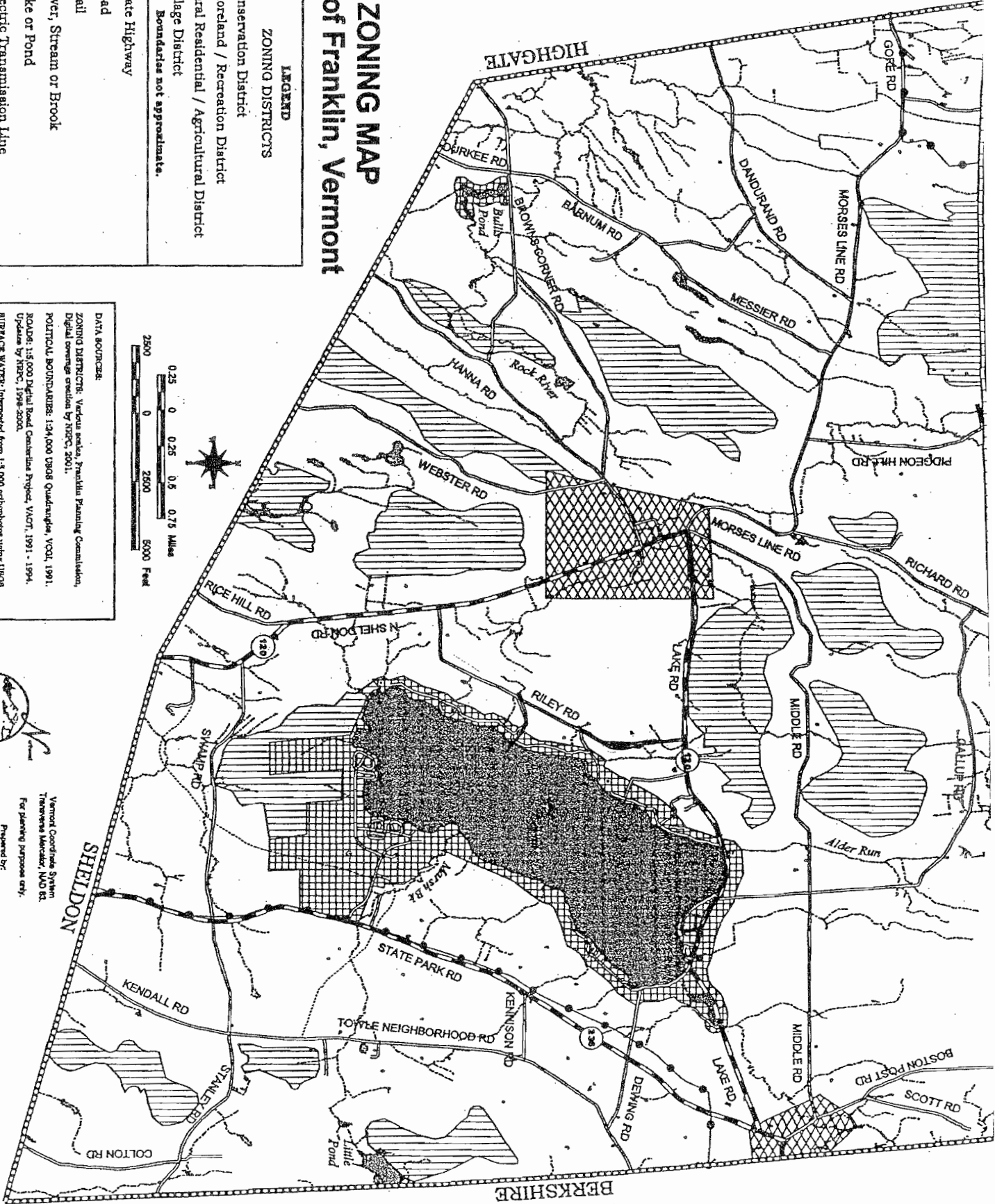
LEGEND

ZONING DISTRICTS

- Conservation District
- Shoreland / Recreation District
- Rural Residential / Agricultural District
- Village District

Boundaries not approximate.

- State Highway
- Road
- Trail
- River, Stream or Brook
- Lake or Pond
- Electric Transmission Line
- International Boundary
- Town Boundary



DATA SOURCE: Various sources, Franklin Planning Commission, Digital coverage created by NRPC, 2001.

POLITICAL BOUNDARIES: 1:24,000 USGS Quadrangle, VQDL 1991. Update by NRPC, 1998-2000.

ROADS: 1:5,000 Digital Road Centerline Project, VACT, 1991 - 1994.

SURFACE WATER: Interpreted from 1:5,000 orthophoto using USGS 1:25,000 topographic map 125,000 scale data as additional source material. Updated by NRPC, 1998.

ELECTRIC TRANSMISSION LINES AND SUB-STATIONS: VERCO, RC 1:5,000 orthophoto and paper maps, 1985 - 1990, VQDL 1992.



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For planning purposes only.
Vermont Coordinate System
Transverse Mercator, NAD 83.

Hydrological cover of the state is not a zoning map.